



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Wednesday, 13 September 2017

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 13 September 2017

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

The PRESIDENT read the prayers.

Bills

APPRENTICESHIP AND TRAINEESHIP AMENDMENT BILL 2017

First Reading

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

The Hon. DON HARWIN: I move:

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

Motion agreed to.

The Hon. DON HARWIN: I move:

That the second reading of the bill stand an order of the day for a later hour.

Motion agreed to.

Motions

SURFING WALK OF FAME AWARD RECIPIENT PAM BURRIDGE

Mr JUSTIN FIELD (11:03): I move:

That this House notes that:

- (a) South coast resident Pam Burrige received recent international recognition for her contribution to sport by being inducted into the Surfing Walk of Fame in California on 3 August 2017;
- (b) Pam Burrige won the 1990 World Women's Championship just as the sport was turning professional, and pioneered the participation and success of women surfers on the world stage; and
- (c) Pam Burrige's lifelong service continues through her Learn to Surf school at Mollymook on the South Coast where she teaches grommets right through to the 50-plus how to surf and instils a love and respect for the ocean.

Motion agreed to.

NORTHERN BEACHES LOCAL AREA COMMAND AWARDS CEREMONY

The Hon. NATASHA MACLAREN-JONES (11:03): I move:

- (1) That this House notes that:
 - (a) the Northern Beaches Local Area Command [LAC] awards ceremony was held on Wednesday 2 August 2017 to recognise the outstanding service and dedication of police, and unsworn and civilian staff; and
 - (b) the awards were presented by:
 - (i) the Hon. Natasha Maclaren-Jones, MLC, representing the Hon. Troy Grant, MP, Minister for Police and Emergency Services;
 - (ii) Acting Assistant Commissioner John Duncan, North West Metropolitan Region; and
 - (iii) Superintendent Dave Darcy, Commander Northern Beaches LAC.
- (2) That this House acknowledges and commends the following award recipients:
 - (a) National Police Service Medal—Sergeant Samuel Bartlett, Detective Sergeant Briana Ellis, Sergeant Matthew Lehmann, Detective Sergeant Michael McGeachie, Senior Constable Sarah Batchelor, Senior Constable Lisa Berry, Senior Constable Rochelle Bird, Inspector Robert Belford (Retired), Senior Sergeant Graham Brown (Retired), Sergeant Sean Elliott (Retired), Sergeant Robert Stark (Retired), Sergeant David Bailey (Retired), Detective Sergeant Gemma Phillips (Retired);
 - (b) National Medal—Sergeant Maree Kiem;

- (c) National Medal, 35 Year Clasp (2nd)—Chief Inspector Graeme Pickering, Chief Inspector Nigel Taylor, Sergeant Alan Le Surf;
 - (d) New South Wales Police Medal—Sergeant Amanda Fletcher, Senior Constable Skye Hanson, Sergeant Sean Elliott (retired);
 - (e) National Police Medal, 35 Year Clasp (5th)—Chief Inspector Graeme Pickering, Chief inspector Nigel Taylor, Sergeant Alan Le Surf;
 - (f) New South Wales Police Medal, 20 Year Clasp (2nd)—Inspector Stephen McCormack, Sergeant Samuel Bartlett;
 - (g) New South Wales Police Medal, 15 Year Clasp (1st)—Sergeant Maree Kiem;
 - (h) New South Wales Police Medallion (15 Years)—Donna Heagney, Frances McKay, Sharon Wells;
 - (i) Commissioner's Unit Citation—Senior Constable Thomas McKinnon;
 - (j) Commissioner's Long Service Award—Donna Heagney, Frances McKay, Sharon Wells;
 - (k) Region Commander's Unit Citation—Chief Inspector Graeme Pickering, Senior Constable Janine Probst (Retired), Sergeant Stephen Spencer (Retired);
 - (l) Region Commander's Certificate of Commendation—Mr Ian Streeter;
 - (m) Region Commander's Certificate of Merit—Mr Sean Claydon;
 - (n) Region Commander's Certificate of Appreciation—Mr Damion Miller; and
 - (o) Local Area Commander's Commendation—Sergeant Nino Jelovic, Detective Senior Constable Jennifer Thom.
- (3) That this House thanks the NSW Police Force for its service to the community through its work in preventing, detecting and investigating crime, monitoring and promoting road safety, maintaining social order, and performing and coordinating emergency and rescue operations.

Motion agreed to.

WAGGA WAGGA RESCUE SQUAD

The Hon. NATASHA MACLAREN-JONES (11:04): I move:

- (1) That this House notes that:
- (a) the Wagga Wagga Rescue Squad was formed in 1950, is one of the oldest volunteer rescue organisations in Australia and was a founding member of the Volunteer Rescue Association in 1969; and
 - (b) that the Wagga Wagga Rescue Squad works with NSW Ambulance Rescue to act as primary response in the Wagga Wagga region and has been instrumental as a boat "shuttle service", rescuing many people during flood events in addition to assisting in road accident rescues, industrial rescues, missing person searches, and first aid for community events among other duties.
- (2) That this House acknowledges the service of the Wagga Wagga Rescue Squad volunteers who give up their time in order to protect their community.

Motion agreed to.

NATIONAL TREE DAY

Dr MEHREEN FARUQI (11:05): I move:

- (1) That this House notes that:
- (a) Sunday 30 July 2017 was the twenty-second annual National Tree Day, Australia's largest community tree-planting and nature care event;
 - (b) Planet Ark estimates that over 250,000 people took part at more than 3,000 planting sites run by local councils, schools, environment and community groups, planting close to one million native trees and shrubs;
 - (c) more than 23 million native trees, shrubs and grasses are planted each year and more than 23 million have been planted since National Tree Day started in 1996; and
 - (d) a healthy environment, trees and their canopies and green space are not a luxury but are essential for healthy communities, even more so because of climate change impacts, and bring significant social, health and economic benefits, reduce heat island effects and improve air quality.
- (2) That this House congratulates the organisers of National Tree Day and thanks all the volunteers who participated.

Motion agreed to.

WORLD RANGER DAY

Dr MEHREEN FARUQI (11:05): I move:

- (1) That this House notes that:

- (a) 31 July marks World Ranger Day, which is held to support and celebrate park rangers and the work they do to protect the world's natural and cultural treasures, and to commemorate and pay respect to the many rangers killed or injured in the line of duty;
 - (b) the World Ranger Day 2017 Rangers Roll of Honour records the name of rangers around the world who have lost their lives on the job protecting the environment;
 - (c) in the past 12 months, at least 105 rangers around the world have died in the line of duty including in Thailand, Democratic Republic of Congo, India, Cambodia, Spain, the United States and South Africa; and
 - (d) of those killed this year, 42 per cent were at the hands of poachers and 47 per cent in work-related accidents.
- (2) That this House:
- (a) recognises the massive contribution park rangers make to the protection of the environment and the risks they take in doing so; and
 - (b) calls for greater support for the crucial work park rangers undertake on the front line of conservation.

Motion agreed to.

ROHINGYA PEOPLE HUMAN RIGHTS

Dr MEHREEN FARUQI (11:06): I seek leave to amend Private Member's Business item No. 1578 Outside the Order of Precedence as follows:

- (1) Omit paragraph (1) (c).
- (2) Omit all words in paragraph (2) and insert instead:
 - (2) That this House calls for an end to violence and the violation of the Rohingya people's human rights.

Leave granted.

Accordingly, I move:

- (1) That this House notes that:
 - (a) the Rohingya people have been described by the United Nations as the world's most persecuted minority;
 - (b) an estimated 270,000 Rohingya have fled to Bangladesh in recent weeks as a result of attacks by the Myanmar army, which has led to the death of more than 1,000 men; women and children; and
- (2) That this House calls for an end to violence and the violation of the Rohingya people's human rights.

Motion agreed to.

Documents

UNPROCLAIMED LEGISLATION

The Hon. SCOTT FARLOW: According to Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 12 September 2017. [*During the giving of notices of motions*]

Notices

PRESENTATION

The PRESIDENT: Order! I ask members to not have discussions while I am speaking. Members should not shout across the Chamber when their colleagues are giving notice of their motions. It is bad enough that I have to sit in this chair and watch the disrespect of members towards one another, but I do not know what chance Hansard has of recording what is said. I know that some members feel that the giving of notices of motions takes too long. However, I assure members that they take a lot longer when there are continual interruptions, interjections and discussions across the Chamber. If members wish to have discussions they should do so outside the Chamber. That is the purpose of the members' room that adjoins the Chamber.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. ADAM SEARLE: I move:

That Business of the House Notice of Motion No. 1 on the *Notice Paper* for today be postponed until Wednesday 20 September 2017.

Motion agreed to.

Mr JUSTIN FIELD: I move:

That Business of the House Notice of Motion No. 2 on the *Notice Paper* for today be postponed until Tuesday 19 September 2017.

Motion agreed to.**Dr MEHREEN FARUQI:** I move:

That Business of the House Notices of Motions Nos 3 to 6 on the *Notice Paper* for today be postponed until Wednesday 20 September 2017.

Motion agreed to.*Matter of Public Importance***WATER MANAGEMENT****Mr JEREMY BUCKINGHAM (11:21):** I move:

That the following matter of public importance be discussed forthwith: The interim report of Ken Matthews entitled "Independent Investigation into NSW water management and compliance".

This is a critical and urgent matter for the people of New South Wales, for the administration of the State and for this House. I am bringing this matter forward because it is by every definition a critical matter of public importance. The dialogue and discussion in the community, the reporting, and the focus on this issue by the Opposition, The Greens and the community clearly indicates that it is imperative that we discuss this matter today in this House.

This matter is critically urgent because this Government is currently considering applications by irrigators such as Mr Peter Harris to have illegal flood diversion works retrospectively legalised. There are other processes in place for people involved in these alleged criminal activities. It is urgent because the health of the Darling River is in a critical condition. It is an absolute disgrace that—despite billions of dollars being spent and the efforts of the entire Commonwealth of this nation to restore the health of the Darling River—again we are heading into a summer where the Darling River will effectively die a thousand deaths. It is urgent because mismanagement of the river by The Nationals is likely to see the Lower Darling River run dry again in the coming year, which is an absolute disgrace. Billions of dollars have been spent.

Irrigators across Queensland, northern New South Wales, the Castlereagh catchment, the Macquarie-Bogan catchment and the Namoi catchment who did the right thing, who accepted the buybacks, who did more with less, are absolutely appalled. At AgQuip in Gunnedah I was inundated by farmers who said that they are outraged that The Nationals allowed them to be tarred with the same brush as irrigators, as if they are a collective. They are absolutely appalled that The Nationals allowed this to occur and their efforts to restore the Darling River have come to nought. I refer to people such as the McBride family—they are absolute champions of agriculture in this country and are related to Federal Ministers in Coalition governments. Rob, Kate and Katherine McBride are good people, salt of the earth people, producing food and fodder for the people of this country.

The Hon. Walt Secord: Good Nats.

Mr JEREMY BUCKINGHAM: I note the interjection of the Hon. Walt Secord. Once upon a time they would have been Nats—they may well have been Libs—but never will they be Nats again, because they are appalled at the state of the river. They have stood out there and seen the river run dry because of mismanagement. This matter is urgent because we have irrigation pumps out there without meters or with meters that do not function or have been tampered with. I note the contribution of the Minister yesterday: That it is urgent that we have irrigation enterprises with metered pumps; that we have to get out there to meter the pumps. If people do not have a meter, people should not be pumping.

Imagine a situation in a city where people have to have a meter, are pumping for their domestic needs, their use has been recorded, they are paying a rate, the user pays—that is how society works—but their neighbours do not because there is a nod and a wink from some bureaucrat or someone associated with The Nationals—"It's all right, mate; just let it rip. You don't need a meter." What an absolute travesty. The Minister knew it. Yesterday the Minister put it on the record when he acknowledged that there were irrigation enterprises without even functioning meters. What an absolute disgrace. What a farce. It is a disgrace that you are still sitting in that chair. Under our Westminster system, if you had any integrity, you would have stood up and said, "The responsibility lies with me and I am resigning."

The Hon. Ben Franklin: Point of order: The member knows that if he is going to refer to other members in this Chamber he must do so by their correct title and not by pointing directly at them.

The PRESIDENT: It was clear that assertions and imputations were being made against the Deputy Leader of the Government. When Mr Jeremy Buckingham said, "It is a disgrace that you are still sitting in that

chair", it was clear to whom those imputations referred. The member knows better. This is a matter of public importance. The member should be addressing why his matter is urgent.

Mr JEREMY BUCKINGHAM: It is an urgent matter because The Nationals want to spend \$500 million. They are rolling out that project right now; they are spending that money right now on a pipeline from Wentworth to Broken Hill so they can gift even more water to their irrigator mates in the north-west. That is a matter of public record. That is exactly what former water Ministers have said, "We will roll this pipeline out so we can have more productive water in the north." They want to keep more water being pumped into their mates' irrigation farms without the meters. It is an absolute disgrace. It is urgent because the Minister has failed to call a proper judicial inquiry into this scandal—that is, an inquiry that is truly independent and transparent. There is no inquiry that can investigate the Minister and his office, an inquiry that has the power to subpoena witnesses, protect whistleblowers and compel evidence.

Some members may say the Independent Commission Against Corruption [ICAC] is investigating. For the majority of the community, ICAC is a black box. We do not know what ICAC is investigating, how it is investigating it, when it is investigating it. We need to have a full judicial inquiry. I join with The Greens and the Opposition in calling for a judicial inquiry, so this can proceed in the light of day. It is urgent because the people of New South Wales have lost confidence in the ability of The Nationals to administer the Water portfolio for the public good, rather than being administered in favour of their irrigator mates and political donors. That is the consensus in regional and rural New South Wales. Rural New South Wales has no confidence in the National Party with regard to natural resource management such as coal seam gas—a debacle—or strategic regional land use plans.

The Hon. Scott Farlow: Point of order: I refer to the past ruling of President Willis regarding matters of public interest. He states:

When moving for the discussion of a matter of public interest members are required to establish a degree of urgency sufficient for the House to agree to a motion. Often in matters of this nature it is necessary to give some indication of the substance of the debate to follow in order to establish the degree of urgency necessary. In putting their case members should make statements that bear on the question of urgency rather than on the substantive issue.

Mr President, I direct you to this ruling and note that Mr Buckingham is not talking about the substantive issue of this debate but a range of other items and should be drawn back to the need for urgency on this matter.

The PRESIDENT: I am well aware of the ruling of then President Willis on 15 September 1993. Members are allowed to give reasons as to why this matter is important from a public interest perspective as opposed to any other urgency motion. Mr Buckingham has been doing that quite well. He has started to deviate from the issue in talking about other matters. I ask the member to return to the issue.

Mr JEREMY BUCKINGHAM: It is urgent because there are unresolved matters. Why did the secretary of the department prevent Mr Matthews from reporting on the conduct of other Department of Primary Industries [DPI] Water staff? What other separate processes are the secretary and Minister considering to investigate those staff? Who is investigating former Minister Kevin Humphries? Is it ICAC? Is it Mr Matthews? Is it anyone? Who is investigating Troy Grant and his staff? Why did the Commonwealth pull funding for compliance staff at DPI Water? What role did the restructure of WaterNSW by this Government have in undermining compliance and enforcement? Why have two audits in 2009 and 2014 into New South Wales water compliance by the NSW Ombudsman been kept secret? Despite attempts through this Parliament and freedom of information the audits have not been released.

Why is the Government refusing to support multiple calls for papers from the Parliament for the documents relating to the scandal? The Greens today asked for the 3,100 documents provided to the Matthews inquiry. This Government came to office saying it would be transparent and open, and it would change the tack of the Parliament to be better than that of the former Labor Government. It is worse, and that is a damning indictment. It is a disgrace that it has not provided the documents. This is an urgent matter and the House should support the motion.

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (11:32): In response to Mr Jeremy Buckingham's motion I remind the House that I went into detail yesterday on the interim report by Ken Matthews when I delivered my ministerial statement in this place. As members are aware, on Monday the New South Wales Government released the interim report by Ken Matthews into water administration and compliance in New South Wales. Mr Matthews' investigation was commissioned to address concerns raised on the ABC *Four Corners* program in relation to the current New South Wales compliance and enforcement arrangements for water. His preliminary findings are significant. His message is clear and the Government has acted immediately on his report.

This Government's commitment to equitable and sustainable access to and management of the State's natural resources has never wavered. This Government remains committed to the Murray-Darling Basin Plan and will do so while delivering on the triple bottom line of economic, social and environmental benefits for all New South Wales residents. The Government is five years into a complex 12-year reform process involving four States, the Australian Capital Territory and the Commonwealth Government. It understandably stirs passions. Reform and change is never easy. The forthright report of Mr Matthews made it clear that the current system of compliance and enforcement has been failing parts of regional New South Wales.

Armed with his detailed understanding of water management issues in Australia and supported by a team of dedicated experts with experience in law enforcement, Mr Matthews has delivered a comprehensive interim report for the New South Wales Government to consider. As part of the fact-finding process, in a little over one month Mr Matthews' team conducted nearly 50 interviews with State and Federal agencies, as well as stakeholders, while reviewing thousands of reports, correspondence and memos related to water management in New South Wales. In response this Government acted immediately to address critical issues in order to strengthen the system and restore public confidence.

This Government understands the significance of our natural resources. I have given in-principle support to the changes set out in Mr Matthews' Water Management Compliance Improvement Package that will form the basis of a submission I will take to Cabinet. The Government is exploring the creation of a Natural Resource Asset Division and the establishment of an independent Natural Resource Access Regulator. The new division will optimise the goals for regulated access to water via a transparent structure that separates investigation and enforcement from industry development and the distribution of water. A Natural Resource Access Regulator will sit within this division to oversee all investigation and enforcement functions for non-metropolitan water activities in New South Wales.

Mr Jeremy Buckingham: Point of order: The Minister should be addressing why this is not an urgent matter rather than running through other matters that are on the public record. As I was requested to address urgency, the Minister should address why this is not a matter of public importance and why it is not urgent. To this point the Minister has not done that.

The PRESIDENT: That is not a point of order. I make it clear to Mr Buckingham that I indicated that he is entitled and required to address why it is an urgent matter of public interest. He is, therefore, allowed to go into the aspects of the public interest. The member is not permitted to go into other topics that did not relate to the motion of independent investigation into New South Wales water management compliance. The member deviated into other matters such as coal seam gas. The Minister is giving the reasons that it is not an urgent matter of public importance. The Minister is in order and has the call.

The Hon. NIAL BLAIR: A Natural Resource Access Regulator could sit within this division to oversee all investigation and enforcement functions for non-metropolitan water activities in New South Wales. This will provide more clarity around the roles and responsibilities of the three key water management organisations in New South Wales, allowing the Department of Primary Industries to sharpen its focus on policy setting and protecting water rights while a Natural Resources Access Regulator enforces the rules. WaterNSW could then provide a one-stop shop for all customer interactions, including providing education and advice on water licensing and how rivers and dams across New South Wales are operated.

This clear structure will help restore public confidence in the efficient and impartial enforcement of water access and rules throughout New South Wales. Another top priority is the urgent installation of meters for all large-volume water users across the State within 12 months and the adoption of new monitoring and compliance technologies, such as remote sensing of crop growth and water holdings, remote meter reading and telemetry, and targeted covert operations. Some of the measures recommended in the interim report will need additional consultation with stakeholders and other jurisdictions, such as the introduction of a "no meter, no pump" policy for all large water users, a suite of transparency measures, and the publication of a detailed response to every recommendation in the interim report.

The Government will pursue all of these actions as soon as practicable. Mr Buckingham went into detail regarding the issue of metering. I remind the member that the Government has made progress with the \$31.5 million Southern Metering Project, now complete. That has involved the installation of almost 700 new meters and the installation of telemetry at 16 existing meter sites. For Mr Buckingham to assert that there is no metering in New South Wales is incorrect. The actions the Government has taken, and those it has committed to take as soon as possible, will impact on various stakeholders in different ways. The Government will continue to work closely with stakeholders to ensure their views and needs are properly represented.

The PRESIDENT: Order! I remind members that interjections are disorderly at all times.

The Hon. NIALL BLAIR: This will include the development of a new stakeholder engagement and community consultation framework for application across all departmental activities and support to empower staff to conduct their activities to the highest ethical standards. All of this will be of no surprise to the members present, as I have remarked repeatedly on the interim report by Mr Matthews over the past couple of days. That is another reason that the matter is not urgent: It is an ongoing conversation. This Government does not shy away from the tough and robust interim report.

The Hon. PENNY SHARPE: Why is Humphries just hanging out there? No-one's looking at him.

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the first time.

The Hon. NIALL BLAIR: I am committed to ensure the water management rules we have in place are not only observed but also enforced. When the interim report was released on Monday, I issued a detailed press statement in relation to it. I referred to and acknowledged the continuation of at least five other inquiries and probes into water management in New South Wales.

I have also addressed the media via a press conference at which I made further public statements about the progress of the report and answered all questions put to me. Yesterday, I addressed this Chamber on the same topic. I provided an update to members, thanked Mr Matthews for his rigorous work so far and highlighted the fact that his work continues. Yesterday in question time, and once more this morning, I addressed the same issues repeatedly and transparently. As I have said on previous occasions, the report of Mr Matthews notes that some public servants involved in water administration have not been effective in their duties and it suggests there may be a case for the secretary of the Department of Industry to commence procedures against such staff under the Government Sector Employment Act 2013.

I will make no comment on individual cases while these processes are underway so that I do not prejudice their proper conclusion. Likewise, I am conscious of the ongoing nature of the other investigations in this area and the need to allow them the space to come to their own findings without interference. The New South Wales Government takes the issue of water management seriously and it is committed to improving the management of our State's critical water resources. I have great faith in the integrity and intentions of the vast majority of our primary producers, our public service and our wider stakeholders. Together we have a huge task in ensuring the success of the ongoing Murray-Darling Basin Plan and the equitable management of our precious natural resources.

This Government has acted swiftly and decisively in response to the interim report of Mr Matthews and it will not hesitate to take further action, as appropriate, at the conclusion of his investigation. However, at this point in the process I believe we have said and discussed as much about these issues, and have used as much of this Chamber's time, as is productive. Mr Buckingham needs to read the interim report of Mr Matthews more closely to see what other investigations are being carried out by other agencies. That report specifically outlines which issues are being further investigated. Much has been said about this topic. It is ongoing, as are other investigations. Plenty of discussion has taken place. For that reason, it is not a matter of urgency for this issue to be debated ahead of other business this morning. The Government opposes the motion.

The PRESIDENT: Order! I advise members that in urgency matters of public interest only two speakers—the mover and the Minister—are permitted 10 minutes each. The question is that the motion be agreed to.

The House divided.

Ayes16
Noes20
Majority.....4

AYES

Buckingham, Mr J
Field, Mr J
Mookhey, Mr D
Searle, Mr A
Veitch, Mr M
Wong, Mr E

Donnelly, Mr G (teller)
Graham, Mr J
Pearson, Mr M
Sharpe, Ms P
Voltz, Ms L

Faruqi, Dr M (teller)
Houssos, Ms C
Primrose, Mr P
Shoebridge, Mr D
Walker, Ms D

NOES

Amato, Mr L

Blair, Mr N

Brown, Mr R

NOES

Clarke, Mr D
Fang, Mr W
Green, Mr P
MacDonald, Mr S

Colless, Mr R
Farlow, Mr S
Harwin, Mr D
Maclaren-Jones, Ms N
(teller)
Mason-Cox, Mr M
Phelps, Dr P

Cusack, Ms C
Franklin, Mr B (teller)
Khan, Mr T
Mallard, Mr S
Mitchell, Ms S

Martin, Mr T
Nile, Reverend F

PAIRS

Moselmane, Mr S
Secord, Mr W

Pearce, Mr G
Taylor, Ms B

Motion negatived.

*Bills***PARRAMATTA PARK TRUST AMENDMENT (WESTERN SYDNEY STADIUM) BILL 2017****First Reading**

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

Second Reading

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (11:53): I move:

That this bill be now read a second time.

I am pleased to introduce the Parramatta Park Trust Amendment (Western Sydney Stadium) Bill 2017. This bill proposes three simple amendments to the Parramatta Park Trust Act 2001 to facilitate the construction of the new Western Sydney Stadium and to secure a new aquatic leisure centre for the Parramatta community as soon as possible. As the Premier announced on 9 August, work has begun on the \$360 million Western Sydney Stadium. This is a world-class sports and entertainment facility that will boost the local economy. More than 2,000 jobs will be created. As part of the construction plan the Parramatta pool had to be demolished. The Government has made a public announcement to build a new aquatic leisure centre as soon as possible and it is committed to keeping this promise. We have also committed \$30 million towards building the new centre. I will now briefly outline the three amendments to the Parramatta Park Trust Act which will enable both the stadium and the new aquatic leisure centre to proceed unencumbered.

First, new section 13 (1) (b) set out in schedule 1 [2] to the bill will allow the Parramatta Park Trust to enter a lease for a maximum of 50 years specifically for a new aquatic leisure centre in the Mays Hill precinct of the parklands. The former swimming pool was built on land that was leased to Parramatta council in 1957. The Act that was passed in 2001 only allows the Parramatta Park Trust to grant a 50-year lease for the purposes of a pool at a specific site within the parklands—that is, at the site of the former swimming pool. When the lease expired in 2007 the former swimming pool lease continued as a periodic month-by-month lease. Therefore the Government is proposing an amendment to the Act to allow the Parramatta Park Trust to enter into a 50-year lease for a new aquatic leisure centre in the Mays Hill precinct. This legislation is consistent with the lease term under the existing legislation and will enable Parramatta council to deliver this important project.

Secondly, new section 9A set out in schedule 1 [1] to the bill will allow certain land to be swapped between the trust and Venues NSW for purposes associated with the Western Sydney Stadium. Venues NSW requires approximately 1.6 hectares of the trust's land around the new Western Sydney Stadium. This will give both the public and venue operators 360-degree access to the new stadium. This will also ensure that the stadium meets all current international safety standards for major venues. In return, Venues NSW will transfer approximately 1.9 hectares of land to the trust, which will improve access to Parramatta Park.

The bill enables this land swap by providing that land may only be transferred by the trust to Venues NSW if at least an equivalent amount of land is transferred from Venues NSW to the trust. There will be no reduction in open green space across the parklands. As a result of the transfer, Parramatta Park will gain around 0.3 hectares of extra open green space for Parramatta and will also improve access to the parklands. In particular, the land that is being transferred to the trust will improve public access to the Old Kings Oval Cricket Ground and

to the river's edge. The bill includes a map which gives an indication of the land that will transfer to Parramatta Park and the land that will transfer to Venues NSW for the stadium.

In order to effect the land swap, Parramatta Park Trust and Venues NSW will prepare an order for the approval of the Minister for the Environment which will identify in more precise terms the land to be transferred between Venues NSW and the trust. Once the order is made the land identified in the order will vest in the trust and Venues NSW. It is anticipated that the order will be made prior to completion of construction of the stadium. Finally, the bill will bring the Parramatta Park Trust legislation into line with other more modern legislation governing Sydney parklands by removing at schedule 1 [4] the requirement to consult with the Treasurer on 50-year leases. The current requirement creates red tape and its removal is supported by NSW Treasury. The plans for the new aquatic leisure centre will go through the ordinary planning process, including approval by the Heritage Council and the relevant planning panel. In addition, the lease is subject to the Minister's approval and the proposed provisions dictate that the lease can only be granted for the express purpose of an aquatic leisure centre at Mays Hill.

Parramatta Park will continue to be an important recreational area and public open space as Parramatta grows and changes. The Government has a long-term commitment to the parklands. That is why we have invested \$22 million into Parramatta Park since 2015—the largest investment in the park's history. This has allowed the trust to attract international events such as Tropfest, which was held in Parramatta Park on 11 February 2017—an event I remember well—and it will be held there again in 2018. There is also a large open air space called the Crescent, which hosts popular music events such as the Sydney Symphony Orchestra's "Symphony Under the Stars". That is a free event presented by the trust and the Sydney Festival every year.

We have also invested \$3.2 million on conserving important heritage items in the park, including restoration of the Mays Hills Gatehouse and The Dairy, which is one of Australia's oldest buildings. Western Sydney Parklands and Parramatta Park are also set to receive more than \$139 million in the next four years. That will create even more employment and recreational opportunities. The relocation of the new aquatic leisure centre to the Mays Hill Precinct, the construction of the Western Sydney Stadium and the land swap between the trust and Venues NSW will activate space that was previously underutilised and will secure vital recreational facilities for the community in the long term. The Government will work with Parramatta council and the community to bring this vision to fruition. I commend the bill to the House.

Debate adjourned.

APPRENTICESHIP AND TRAINEESHIP AMENDMENT BILL 2017

Second Reading

The Hon. BEN FRANKLIN (12:02): On behalf of the Hon. Niall Blair: I move:

That this bill be now read a second time.

With the consideration of the Apprenticeship and Traineeship Amendment Bill 2017 today, the New South Wales Government is continuing its efforts to ensure that now and in the future New South Wales has a strong and skilled workforce to support our flourishing economy. Apprenticeships and traineeships are the foundation on which a skilled workforce is built. The New South Wales economy is growing faster than any other State or Territory in Australia. The Apprenticeship and Traineeship Act regulates the employment and training of apprentices and trainees in New South Wales. The package of reforms contained in the Apprenticeship and Traineeship Amendment Bill 2017 will ensure that New South Wales provides a modern framework that supports the coming generations of apprentices and trainees in this State.

The bill provides a modern look at the apprenticeship-traineeship system. It will strengthen communications between all parties involved and ensure a more cohesive alignment of training and skills development that meets the needs of our current rapidly growing economy. It will strengthen regulation where employers and apprentices tell us it is needed, but it will also remove complex red tape around assessment and certificates, simplify overly complicated legislation and repeal outdated structures. The bill was shaped by many stakeholders' suggestions on the current system and what they would like to see in the future. Stakeholders, including industry and employee associations, employers, registered training organisations, individual apprentices and trainees, State and Commonwealth government agencies, Australian Apprenticeship Support Network providers and the general public were provided with a consultation paper that raised issues related to the reform of the apprenticeship and traineeship system in New South Wales.

In August and September last year a total of 25 public and targeted consultation sessions were held. Sixty written submissions were received from the public and from industry stakeholders telling us what they thought of the current system, and their visions for its future. They told us that the Act is generally operating well. They are satisfied with the flexibility inherent in the Act. It supports a variety of models of apprenticeships and traineeships,

including full-time, part-time, school-based and those higher level qualifications that readily allow participants to transition into university qualifications. But they also told us that some change is needed to update the Act and bring it into line with modern work practices, as well as strengthening the system for our apprentices and trainees. While the Act, as it stands, has served us up until now, everyone can agree that changes are needed.

The New South Wales Government has listened and heard the concerns of those involved in using and supporting the apprenticeship system. To ensure better communication between all parties, the bill will introduce the requirement for training providers to share information with the employer regarding the training plan. This transparency should strengthen the links between the training provider and the employer, serving as a deterrent for disputes and complaints. Stronger regulation of training organisations will better support competency progression of apprenticeship and traineeships—a national policy introduced in 2010 to provide consistency across borders. The bill will introduce stronger enforcement capacity for current requirements for training providers to negotiate training plans with employers at the commencement of training.

The training plan outlines, among other things, the training to be undertaken and how, when and by whom training and assessment will be delivered and undertaken. This change was in response to overwhelming feedback from employers and industry groups that they feel divorced from the institution-based training process. They are often genuinely surprised when advised that their apprentices or trainees have been deemed to have completed their training, even though they may have more time to serve on their contracts. The change represents a significant effort on behalf of New South Wales to boost the quality of training services being provided to both employers and their apprentices. It will be seen as a strong, lead-taking change among other jurisdictions.

The current legislation spells out the roles and responsibilities attributed to all stakeholders, but enforcing penalties has been difficult because the outdated maximum penalty levels make costs of enforcement uneconomic. The bill will bring the legislation in line with other New South Wales regulatory agencies. The provision of penalty notices for offences will allow penalties to be imposed without taking infringements to court. Penalties will now also be applicable to all stakeholders, including registered training organisations, Australian Apprenticeship Support Network providers and employers to ensure that they are honouring their obligations to apprentices, trainees and employers. This should deter unlawful practices and, in turn, strengthen the New South Wales apprentice and trainee system.

Under this bill the Vocational Training Review Panel [VTRP] will be abolished. This is intended to reduce the administrative burden associated with maintaining the panel while allowing the flexibility to seek industry advice in the decision-making process. Under the proposed amendments, the Commissioner for Vocational Training will assume responsibility for the duties of the Vocational Training Review Panel. The commissioner will hear unresolved complaints, importantly still informed by industry expertise as required, including trade union representation and TAFE NSW. In practice, conciliators will be trained and experienced Training Services NSW staff located in regional centres across New South Wales. They are well placed to undertake conciliation, complaints handling and dispute resolution in or around the area in which the complaint arises.

I point out to those opposite that in 2016 only 15 disputes were referred to the review panel and so far this year there have been eight. All other disputes were settled at the local level without the need for a hearing by the panel. In addition, in the past five years only two disputes were appealed to the NSW Civil and Administrative Tribunal [NCAT], both of which were resolved before the hearing. I note that the Opposition and Greens amendments on this are contrary to the publicly stated position of TAFE NSW on abolishing the Vocational Training Review Panel. In its submission to the review of apprenticeships and traineeships in New South Wales, TAFE NSW states:

TAFE NSW proposes that with the introduction of the NSW Civil and Administrative Tribunal and the abolition of certifications, the Vocational Training Review Panel is no longer required.

The trade recognition process for non-apprentice tradespersons will be simplified. Instead of the current three-step process, people seeking trades recognition will now go straight to a specially approved registered training organisation to have their skills assessed before they come to the commissioner to seek a certificate of proficiency. The commissioner will now be responsible for the trade recognition process, which helps unqualified but highly skilled New South Wales workers and people with experience outside New South Wales, including those coming from overseas.

The commissioner will continue to be advised by independent experts who will verify work experience in trades. Agents will also maintain their role of assisting employers establish apprenticeships and traineeships, but under the bill the Commissioner for Vocational Training will be able to reject applications from agents who do not follow the bill's requirements. The commissioner's role also extends to independent assessment of the competence of apprentices and trainees. The new bill will allow the commissioner to make vocational training

guidelines. This will streamline the process of developing advice to stakeholders about system requirements, enhancing administrative consistency.

This bill will ensure we have a robust and modern framework to effectively manage the new generation of apprentices and trainees both now and in the future. Supporting this group of individuals will go a long way in confirming their value and place in New South Wales' growing economy. A complementary range of non-legislative initiatives for traditional trades is being implemented to align with this bill's amendments, such as pre-apprenticeship training. These initiatives will attract prospective trainees and apprentices and make these individuals more attractive to future employers. There is a decision to be made today regarding an important part of our training system. We can continue to work with out-of-date legislation that complicates the process for all stakeholders, or we can recognise the bill as a timely piece of legislation that will guide and strengthen the delivery of apprenticeships and traineeships in the future as the world of work continues to evolve. I commend the bill to the House.

The Hon. PENNY SHARPE (12:11): On behalf of the Opposition I make a contribution to debate on the Apprenticeship and Traineeship Amendment Bill 2017. I listened very carefully to the contribution of the Parliamentary Secretary and noted particularly his emphasis on a modern training framework for New South Wales. A modern training framework for New South Wales should not mean 63,000 fewer apprentices and trainees since 2011. A modern training framework for apprentices and trainees should not mean \$1.7 billion cuts to education and training, particularly to the training of apprentices and trainees. A modern training framework should not mean a decrease in TAFE enrolments of 175,000 students and it should not mean 5,700 fewer teachers and support staff since 2012. It should not mean that there will be more sales of important TAFE facilities by this Government.

I make those points at the beginning of my contribution because we spend a lot of time in this Chamber speaking about TAFE and the important things that TAFE has done for second-chance education in particular. Fundamentally, TAFE has always been about the training of apprentices and trainees—apprentices and trainees that this State needs to build the skills base that we need to build and advance this State. However, under this current Government there are fewer of them. The Government cannot continue to say that the system is working when it continues to make the cuts that it does.

I indicate at the outset that Labor will move amendments to this bill. We have indicated previously that if the amendments are not supported we will oppose the bill. That means we will support the second reading of the bill but will make amendments at the Committee stage. The shadow Minister for Skills in the other place outlined the Opposition's position and specifically focused on the misguided decision of the Government to abolish the Vocational Training Review Panel. We believe that the attempt by the Government to abolish the Vocational Training Review Panel is a serious attack on TAFE education in this State and we do not think it is necessary to abolish the panel. I listened carefully to the Parliamentary Secretary's comments on this issue. One could argue that the number of reviews before the panel is not an impost but an important protection, and those are the protections that Labor is supporting.

I refer to the objectives and content of the bill. The bill has a variety of elements that express degrees of contempt for the vocational education sector. The bill abolishes the Vocational Training Review Panel [VTRP] and it shifts power from the panel to the Commissioner for Vocational Training. The bill provides the right to apply for an administrative review of certain decisions of the commissioner to the NSW Civil and Administrative Tribunal, and it provides a process of conciliation for complaints made and a review by the commissioner if complaints cannot be settled. The bill ensures traineeships and apprenticeships are not allowed to be established under the Act, and it provides a way for an agent on behalf of an employer to lodge applications for the establishment of apprenticeships or traineeships.

The bill enables the further creation of training contracts and training plans. It requires that apprentices and trainees undergo assessments of competence before being issued with a certificate of proficiency in their vocation, and it enables the Commissioner for Vocational Training to require an applicant for the recognition of trade training to undergo an assessment of competence and to seek expert advice in connection with the application. The bill requires the commissioner to obtain the unanimous recommendation of nominated industrial representatives before determining that applicants for recognition of qualifications or experience are adequately trained to pursue certain vocations. The bill further provides for the making of orders prohibiting employers from entering into traineeships or apprenticeships. The bill removes requirements to issue craft certificates and certificates of completion, and it requires applications under the Act to be made in the manner and form approved by the commissioner. The bill provides for the issuing of penalty notices for certain offences against the Act and increases the maximum penalty that can be imposed.

The VTRP, which is being abolished by this bill, is a panel that provides an avenue of appeal against a decision made by the Commissioner for Vocational Training with respect to traineeship applications,

apprenticeship applications and the possible dismissal of such applications. The VTRP was created by the Carr Labor Government under the Apprenticeship and Traineeship Act 2001. The panel comprises industry representatives and is chaired by the Commissioner for Vocational Training. Crucially, this panel also includes TAFE representatives. The Government wants to divorce the expertise of TAFE representatives from this process, and that is what we object to in this bill. Labor believes in the expertise of those in the TAFE sector and that the TAFE sector should always have a seat at the table. Slowly but surely the role of TAFE in this State is being undermined. This is yet another example of that.

We believe that the TAFE sector and its representatives and educators deserve a say and that that is why the VTRP included them in the first place. The abolition of the VTRP will have a tangible impact on people who rely on vocational education. The abolition of the VTRP will remove an avenue of review for agreed individuals. As I said before, Labor continues to be extremely concerned about what is happening to TAFE in this State. We have always believed that TAFE is a world-class public institution that deserves far more support than it is receiving. TAFE is one of the few truly public vocational systems in the world and it has stood us in good stead. People come from around the world to see what we have done in relation to TAFE. If we look at where we are going with TAFE under this Government we find that the numbers are very poor.

We can talk about 63,000 fewer apprentices and trainees as purely a number, but what it means is 63,000 fewer people, mostly young men and women, who do not have the opportunity to gain the important skills and training that we need to build the infrastructure that we need. We are crying out for skilled tradespeople across this nation and across this State, yet we continue to undermine the training pathways that they have into those roles and we continue to employ people from overseas to fill the gaps in skills. These are the choices that we make when we undermine TAFE, and that is what is happening. Sixty-three thousand fewer apprentices and trainees is 63,000 fewer people who do not have access to one of the best training pathways into employment for which our employers are crying out. That is an absolute scandal.

We have already referred to the cuts to TAFE but enrolments are also down. There has been a lot of toing and froing with the Minister in relation to whether the numbers are correct. But TAFE's figures show that at the end of July this year there were 175,000 fewer enrolments. I am happy to argue the toss about whether some people are undertaking three courses. If they are doing three courses, good on them—I am happy for them to be included. But these numbers are too large to be blamed on anomalies. The numbers show that fewer people are getting access to and benefiting from a TAFE education. Fewer people are finding pathways into TAFE because access is being made more difficult.

The tourism courses at Ulladulla TAFE have closed and now kids on the South Coast have to travel to Wollongong, with no access to public transport, to do those courses. Courses on the North Coast have closed and young people in regional and rural areas have to travel further to access courses. That is expensive and there is no public transport. Students are often unable to stay overnight to do the training that they need in study blocks. The Government is not delivering a modern framework for TAFE. Young people in New South Wales are not being given the opportunities they deserve. We need them to have opportunities for training so that we can provide jobs for everyone in the State. I want to speak about the cuts to teachers. The quality of teaching at TAFE has been undermined. Many TAFE teachers have lost their jobs and teaching qualifications have been downgraded. The Government has removed options for second-chance education and cut courses left, right and centre. Students are often forced to travel a long way to college. This is not a modern framework for TAFE.

What is driving this is partly the chance to sell off more TAFE campuses. Other than public schools, TAFE is one of the few institutions that has a footprint in almost every town in New South Wales. Connected classrooms and remote education cannot take the place of bricks and mortar. In regional areas TAFE campuses bring people together who care passionately about their area to carry out community projects and deliver programs that no other educational institution is able to do. The sell-off of TAFE campuses may make a few bucks but we cannot pretend that we can replace that institution with a connection to the dodgy National Broadband Network [NBN].

Communities that lose TAFE campuses lose a fundamental public asset that provides them with an opportunity to retrain the workforce, to ensure that young people get the skills training that they need or are able to continue their studies in those circumstances where high school did not work for them. Labor is against these attacks on the TAFE sector. The Apprenticeship and Traineeship Amendment Bill 2017 does a range of things in the areas of regulation and compliance but Labor opposes changes to the review panel. It is one more attack that we are not prepared to cop. That will be reflected in our amendment. We will vote for the bill at the second reading stage unless our amendment is not passed, in which case we will oppose it.

The Hon. PAUL GREEN (12:22): On behalf of the Christian Democratic Party I speak in debate on the Apprenticeship and Traineeship Amendment Bill 2017 as I firmly believe that more needs to be done to promote vocational education and training as a first-choice pathway into post-school employment.

Apprenticeships and traineeships, when done well, provide a sound knowledge base as well as on-the-job training in the required skills. The mix of theoretical and practical training produces qualified graduates and, in turn, can fuel job creation and economic growth throughout New South Wales. This bill seeks to ensure that New South Wales apprenticeships and traineeships are of the highest quality and operate within a system that is flexible, responsible, responsive to industry needs now and in the future, and streamlined in administration.

The object of the bill is to abolish the Vocational Training Review Panel. The responsibilities of the former panel in hearing and determining complaints will now come under the function of the Commissioner of Vocational Training. Complaints will be heard only by the commissioner where conciliation in the first instance is not successful. It will be the role of the commissioner to appoint a conciliator in the first instance. Should the conciliation fail initially, the commissioner will then hear the complaint and make a determination. The commissioner's decision can be appealed through the NSW Civil and Administrative Tribunal. The commissioner will also take responsibility for the trade recognition processes previously managed by the Vocational Training Review Panel. This is an important pathway for unqualified but skilled people working in a trade, or for people who qualified elsewhere or overseas who require recognition of their ability in a particular trade. The commissioner will have the ability to obtain industry input and expert independent advice as required.

Some time ago, when General Purpose Standing Committee No. 6 conducted an inquiry into vocational education and training in New South Wales, it found that there were tick-and-flick areas, in particular in hospitality. Businesses employed people who did not have the required skills and those who assessed their ability to perform made very shallow assessments. The commissioner will be able independently to check the competence of students to ensure that when they finish their courses and gain certificates they have the required skills. The bill seeks to permit New South Wales, in collaboration with employers, to better regulate these organisations' training plans. Exclusions have been made regarding the regulatory powers of the Commonwealth. These exclusions are limited and have been restricted to those provisions that impose obligations on training organisations.

The bill aims to improve communications between registered training organisations and employers of apprentices and trainees, enabling better management of on-the-job and off-the-job training. This bill will strengthen the requirements for training providers to consult with employers throughout the training process, shifting from a policy that historically has emphasised provider-based training and detracted from the importance of on-the-job training, allowing employers to have direct input into the competency-based progression of an apprentice or trainee. Apprentices and trainees will also be assured that the skills they learn in their workplace will be acknowledged by the provider. It is anticipated that an improvement in communication will increase the completion of apprenticeships and traineeships in both city and regional areas.

The bill addresses the concerns raised by employers concerning apprentices and trainees who are deemed to be competent by their training provider. When employers are not confident that adequate provider-based training has taken place, in order to guard against any training providers who are more focused on profits than on the quality of training, the commissioner will be able to engage an independent training provider to assess and report on the competence of an apprentice or trainee. This work will ensure that the integrity of the apprenticeship and traineeship system is maintained.

Finally, this bill increases the penalties for non-compliance. Previously, enforcing obligations has been difficult. However, this bill seeks to bring penalties into line with the modern legislative framework of other agencies. Penalties will now be applicable to training organisations, Australian Apprenticeship Support Network providers and employers to ensure that obligations to apprentices, trainees and employers are honoured. In the 2015 report into vocational education and training in New South Wales and Smart and Skilled reform I said that vocational education, such as apprenticeships and traineeships, plays a critical role in engaging school students who appear to be square pegs in round holes. These school-based programs will ensure that young and mature-aged people do not fall through the cracks. The Christian Democratic Party realises that university is a part of the pathway to learning, but it is not for everyone. I am a proud product of our vocational education and training system.

The Minister noted in his second reading speech that there is a shortage in supply of apprentices and trainees and that we need a stronger emphasis on the vocational education pathway to meet our current and future skill needs in this State. I wholeheartedly agree. We need to work to make apprenticeships and traineeships attractive and a viable option to our young people and their prospective employers. Therefore, we must ensure that our traineeships and apprenticeships system is strong, flexible and responsive to ensure that everyone can take advantage of the opportunities it will bring.

Transport is limited in regional areas. Quite often one of the parents will be working the farm and the other will be running chores or trying to keep up with the business side of the farm. Therefore, there is nobody to run the young person into TAFE or where they can be trained for further jobs growth. I am strongly focused on

ensuring that this Government puts more into what is called school-based apprenticeships. I have said time and again in this setting that the Government needs to invest in school-based apprenticeships in regional and rural areas because it is helpful, when parents do not need to take their children to their place of further education, that the children can hop on the bus as per usual to do their training and come home on the bus. That takes a massive load off farmers in rural areas, where parents have lots of other responsibilities and cannot run into town five times a week because of distance or the lack of an available vehicle. If a parent is unwell that takes one of those persons off the radar. How do they cope with that?

A way forward for regional and rural New South Wales is to create a system of school-based apprenticeships that are coordinated with the bus timetable. The ageing population is growing in regional and rural New South Wales. Now more than ever there are probably tens of thousands of children in New South Wales who could take up aged-care opportunities and our schools would be a good place for the required training to start. They could offer those children a traineeship or apprenticeship opportunity in aged-care areas. The children could do that within their school hours to ensure that they are able to get to and from their training place.

We appreciate what the Government is attempting to increase these opportunities. We note that last year the Deputy Premier doubled the overnight accommodation allowance for students from \$28 to \$56 per night and the travel allowance was increased from 28¢ per kilometre to 33¢ per kilometre. Most people would say, "Big deal, that is a few cents per kilometre", but it makes a difference. If we keep contributing to making a difference in every situation, there is no doubt that we are becoming a big part of the solution rather than part of the problem. We also note that students who need to travel more than 120 kilometres in a return trip to undertake off-the-job training are eligible to apply under the government support and school-based apprenticeships and traineeships scheme.

In 2015-16 some 2,215 students benefited from the vocational training assistance scheme. As I said, it is better to be part of the solution than the problem. While we support this bill, we believe that there is a long way to go for vocational education training, especially in regional and rural areas where the complication of transport to these training facilities exists. I agree with the Hon. Penny Sharpe that sometimes we look at the bricks and mortar and decide there is no purpose for that building because times have changed and we have the National Broadband Network [NBN]—not that it is reliable anywhere that I know of, but it is meant to be reliable, fast and enable open learning.

The Hon. Greg Donnelly: Transformative.

The Hon. PAUL GREEN: Transformative. Some think that people should be able to go online and do everything, but there are some things they just cannot do on the NBN. For example, people cannot be in a kitchen if they are doing their trade in the kitchen; they cannot be in a nursing home if they are doing aged care; or they cannot be welding some machine if they are doing welding. These things cannot happen online. Therefore, it is important that there be a safe, strategic place where these courses can be offered, certainly in regional areas. Of course, we know that if there are insufficient students in a regional area wanting to do a particular trade, it is not like it is in Sydney where students can just jump on a bus or a train and attend the next TAFE or training centre that offers that course.

Some critical thinking needs to happen in this area. Lots of children in regional and rural areas want to learn a trade but do not have the luxury of jumping on a train or a bus to go to a training centre where that course is offered. We need to be mindful in regional and rural issues that it is not one size fits all; we need to be creative and innovative in our thinking. I implore and encourage the Hon. John Barilaro—who has indicated to me that he is committed to school-based apprenticeships—to ensure that the Government will fund this more generously than it is at present. I think that will go a long way in addressing some of our regional and rural unemployment issues. I commend the bill to the House.

The Hon. SCOTT FARLOW (12:35): I support the Apprenticeship and Traineeship Amendment Bill 2017, which again sees the Berejiklian-Barilaro Government maintaining its commitment to reskilling New South Wales in line with best practice and the current and future needs of the economy.

The Hon. Penny Sharpe: This sounds like it is straight out of the department.

The Hon. SCOTT FARLOW: It is not actually. I also note the comments of the Hon. Paul Green. I had the great privilege of serving on the committee inquiry into vocational education and training. I note that he has a great interest in the field, certainly when it comes to school-based apprenticeships and training. That was something we heard about loud and clear during that inquiry. The Apprenticeships and Traineeships Act regulates the employment and training of apprentices and trainees in New South Wales, allowing the Government to define the qualifications and conditions for apprenticeships and traineeships. The Act provides New South Wales with a system that supports a variety of apprenticeship and traineeship models to meet a wide array of needs. In this

respect, the evolution of current employment and training practices means the Act must be updated accordingly, and that is what this bill is doing.

Importantly, this amendment bill builds upon the 2015 Apprenticeship Compact, which is a commitment between the New South Wales Government and industry to encourage and facilitate businesses to employ more apprentices and trainees. At the end of the day, that is what it is all about—getting people from education into jobs and apprenticeships. The reforms presented in this bill are vital in ensuring the New South Wales apprenticeships and traineeships system is future ready. The system must remain responsive and flexible, and the New South Wales Government is making sure that it does. Importantly, this bill facilitates job creation, specifically with young people in mind. The bill encourages businesses to take on apprentices and trainees. This bill also allows workers to upgrade their skills in order to take on the many new employment opportunities which have been enabled by the New South Wales Government. This bill will ensure apprentices are better skilled, it will ensure completion rates are improved, and it will ensure trainees have the best possible qualifications for their job.

I turn to some of the key provisions of the bill, which will include strengthening the requirements for training providers to consult with employers throughout the training process by obtaining on-the-job progress, which will allow employers to have a greater input in the qualifications of their apprentices and trainees; strengthening the requirements around training contracts and training plans; removing red tape by abolishing the Vocational Training Review Panel, moving the complaints processes and trade recognition functions to the Commissioner for Vocational Training and moving the review functions to the New South Wales Civil and Administrative Tribunal [NCAT]; and improving the trade recognition process through introducing options for the Commissioner for Vocational Training to require independent assessment or further assessment of an applicant.

The bill will increase the maximum penalty for offences, with penalties for non-compliance having not been increased since 2001. This means that the penalties will be brought into line with modern legislative frameworks. The bill enables offences to be prescribed as penalty notice offences in regulatory amendments. The penalty changes will serve to strengthen apprenticeship and traineeship system as they will introduce suitable sanctions for inappropriate behaviour. These amendments will commence in early 2018, allowing adequate time for people to get up to speed with the changes. It will ensure that New South Wales remains the best performing economy in Australia.

Apprenticeships are the way to move people from education into jobs. The New South Wales Government's record is second to none in job creation. Those on the other side of the Chamber are envious of that record. These reforms will ensure that skill providers, employers, apprentices and trainees are best placed to cater for our evolving economic needs, whether in the delivery of infrastructure, the jobs of tomorrow in technology or traditional trade apprenticeships. This bill will assist job creation in New South Wales. I support the bill.

The Hon. ERNEST WONG (12:40): I contribute to the debate on the Apprenticeship and Traineeship Amendment Bill 2017. It is a poor bill in itself, and an even poorer bill when considered in the context of how this Government is devastating our TAFE and related tertiary sectors. This bill would amend the Apprenticeship and Traineeship Act 2001 in numerous ways. Those issues have been canvassed by my colleagues. Key amongst these issues is the abolition of the Vocational Training Review Panel. This important governance body was established by the Carr Government and it has worked well for decades. The panel comprises industry representatives and is chaired by the Commissioner for Vocational Training, or his or her representative. Importantly, TAFE representatives are included on the panel.

This is a vital governance and dispute resolution body that must include a voice from the front line of TAFE. One would think that is obvious, but it is not to those opposite. Those opposite want to abolish the panel, claiming administrative efficiency. That administrative efficiency solution will install a three-stage process that concludes at the NSW Civil and Administrative Tribunal [NCAT], a body that is notoriously overworked and under resourced. How can that possibly be efficient? A clear, fast and efficient process for resolving disputes is vital to the smooth operation of the TAFE system, and yet those opposite want these matters to take a number in line behind any and every other matter that NCAT deals with, clogging it up further. It shows a bizarre definition of efficiency, and contempt for both TAFE staff and students.

Another short-sighted aspect of the Government's proposal is that it fails to understand the panel's role in trade recognition. This panel provides a pathway to a qualification for a person who is unqualified on paper, but has earned their skills on the job and can clearly demonstrate them. Are they not exactly the people we would like to include in the New South Wales economy? What about people who have qualified overseas and are seeking local recognition? Do we not want them boosting our trades and industry? Of course we do. But, at the same time, we need clear and transparent oversight to ensure standards are met, and that is what this panel is for. It is a very sensible investment for New South Wales industries. Those opposite want to replace an accountable panel with a

faceless bureaucrat. By removing the panel they also keep TAFE's expertise out of the assessment process. The very people who are best placed to understand whether or not someone seeking an alternate path to qualification in New South Wales would meet the standards are not included. For this and for many other reasons Labor opposes this excision and exclusion of TAFE.

Labor opposes these measures because they are bad ideas. Labor supports the TAFE sector. We value TAFE. We value this institution that has served our communities and industries so well for generations. Those opposite do not. They could not have made that clearer. They are wrecking the TAFE sector at a time when Australia has 130,000 fewer apprentices and trainees than it did in 2013. Since the Liberals came to office in 2011 this decline has reached 63,000. What a legacy. The Liberals and The Nationals are hell-bent on driving down enrolments, hiking up fees, sacking teachers and closing campuses. For generations, working people in New South Wales have followed the trusted path of an apprenticeship into decent work. That is why New South Wales Labor has a strong policy on direct investment in apprentices.

Labor would require all government construction projects over the value of \$500,000 to employ apprentices and trainees as 15 per cent of the workforce. This is in stark contrast to the Government, which has only employed a target on two pilot projects without a plan to roll it out. I have not yet begun to discuss the wider mismanagement of the TAFE sector that this Government has overseen. This Government has delivered a 22 per cent jump in course fees paid by students, who now face fees of up to \$4,000 for basic certificates. It botched the introduction of a \$573 million TAFE computer system. In 2014 this affected thousands of students who were unable to graduate and students who were unable to enrol for 2015 courses.

In fact, the computer software bungle has meant the auditor has been unable to verify whether TAFE received \$923 million in current or future revenue. This is the Government that speaks of improved accountability. We know that once those opposite have driven the colleges into the ground, they will sell the assets. A leaked Cabinet document shows the Government is planning a fire sale of \$63 million worth of TAFE campuses across the State. TAFE sites earmarked for full sale include Chullora, Epping, Belrose, Scone, Dapto, Vincentia, Maclean, Murwillumbah, Corowa, Narrandera and Grenfell. This debate goes beyond this bill. It goes to a fundamental difference between Labor and the Coalition concerning the value of trades and apprenticeships—Labor values them and the Government does not. As we approach 2019 that will become clear. Due to the critical and negative impact that this bill will have on the governance of our TAFE sector Labor will move amendments to retain the Vocational Training Review Panel, and those amendments will have my full support.

The Hon. TAYLOR MARTIN (12:46): I speak in support of the Apprenticeship and Traineeship Amendment Bill 2017, which makes a number of amendments to update and improve the New South Wales apprenticeship and traineeship system. Members on this side of the House have a strong record regarding training and employment. Since the 2015 election nearly 180,000 jobs have been created in New South Wales. Since 2011, when the Coalition Government entered office, the unemployment rate has reduced from 5.2 per cent, which was higher than the national average, to 4.8 per cent, which is the lowest of all the States. We cannot rest on our laurels, though. It is important that the Apprenticeship and Traineeship Act is reformed to support an expanding and dynamic economy with a highly skilled workforce.

The amendments will ensure that the Act remains relevant to students, employers and the economy of New South Wales. There are currently 85,500 apprentices and trainees in New South Wales. This includes 8,145 apprenticeships and 5,000 traineeships in the Central Coast and Hunter regions. I have previously spoken in this place about how many people in those regions need to travel significant distances from their homes to gain employment. Having a modern, high-quality and flexible apprenticeship and traineeship regime is fundamental to allowing people to work in the regions in which they live and raise a family.

One of the main goals of the bill is to remove red tape by abolishing the Vocational Training Review Panel. The bill does this by moving complaints and trade recognition functions to the Commissioner for Vocational Training and moving review functions to the NSW Civil and Administrative Tribunal. There is a significant administrative burden in maintaining a Vocational Training Review Panel that last year considered only 15 disputes. The practical result of this will be to simplify and streamline certain roles and responsibilities within the Act. Item [41] of schedule 1 of the bill to amend the Apprenticeship and Traineeship Act assigns to the Commissioner for Vocational Training some of the functions that are currently the responsibility of the Vocational Training Review Panel. This specifically includes the recognition of trade training and qualifications and the hearing of complaints about a party's failure to discharge obligations under an apprenticeship or traineeship. Item [44] mandates that complaints be referred to an approved conciliator in the first instance instead of the Commissioner for Vocational Training.

Under item [60] the right to apply for a review of decisions made by the Commissioner for Vocational Training will be moved from the Vocational Training Review Panel to the NSW Civil and Administrative Tribunal. Item [69] removes provisions that are redundant as a result of other changes made within the bill. Item

[73] abolishes the Vocational Training Review Panel. It also clarifies how proceedings currently before the Vocational Training Review Panel, the New South Wales Civil and Administrative Tribunal or a court are to be dealt with. The Hairdressers Act 2003 and the Government Information (Public Access) Regulation 2009 are amended to reflect the abolition of the Vocational Training Review Panel. In his second reading speech the Deputy Premier said:

The bill builds on the 2015 Compact that was a commitment by the Government and peak industry bodies to encourage more businesses to take on apprentices and trainees and to continue to create more job opportunities—especially for young people—in New South Wales.

The New South Wales Government has partnered with business to provide extra local jobs and apprenticeships on the Central Coast. The Gosford Hospital was neglected by those opposite for 16 years, but its \$348 million redevelopment is well underway. The New South Wales Government has partnered with Lendlease and the Darkinjung Local Aboriginal Land Council for this project, which has resulted in providing 30 apprenticeships in total, 11 of which are local Indigenous apprentices. The memorandum of understanding between these parties went further than apprenticeships. It also included provisions to connect Indigenous people to non-apprenticeship work opportunities and Indigenous businesses that supply goods and services to the project.

Last week Mr Sean Gordon, Chief Executive Officer of the Darkinjung Local Aboriginal Land Council, said that as a result of the memorandum of understanding a total of 96 jobs for Indigenous people had been created on the Central Coast. I hope that some of the students currently being trained on the Gosford Hospital redevelopment will continue to work locally well into the future. Another aspect of the bill is to strengthen the requirements for training providers to consult with employers throughout the training process. Item [29] of schedule 1 of the bill sets out the duties of registered training organisations. These include providing updates to the employer on the progress of the apprentice or trainee completing the qualification, reviewing training plans and notifying the Commissioner for Vocational Training of the failure by an apprentice or trainee to commence or participate in the relevant training.

The success of any attempts to strengthen workforce skills rests with employers having confidence in the integrity of the training system, and the bill reinforces this requirement. This is important in ensuring that employers have the desire to invest in the education of their employees. In strengthening the ability of employers to monitor the training progress of their employees, they are more likely to encourage and/or fund apprenticeships or traineeships for employees. It means that employers are able to guarantee that the investment they make in upskilling their employees is worthwhile.

Employers who are proactive in the education of their employees will receive additional benefits. Continual improvement in training programs will be enabled as a result of opening the dialogue between employers, apprentices and trainees, and the training provider. The effect is that off-the-job training will be more relevant to the role for which the apprentice or trainee is training. The bill also considers a situation where a training provider certifies an apprentice or trainee to be competent despite the employer having concerns about the adequacy of the training. Item [35] allows the Commissioner for Vocational Training to require an apprentice or trainee to undergo a competency assessment. The bill will enable the Commissioner for Vocational Training to procure an alternative training provider to advise on the competency of the apprentice or trainee before issuing a certificate of proficiency for the relevant vocation.

Vocational training is important, and my family knows first-hand the benefits derived from apprenticeships and on-the-job training. My father did not finish his Higher School Certificate because he left school early to commence an apprenticeship in carpentry. My two older brothers did the same. A few years after completing his apprenticeship, my father started his own business which has employed a large number of apprentice cabinet makers over the years. It is in the interests of an employer to have a highly skilled workforce. This amendment bill strengthens the quality and integrity of the Apprenticeship and Traineeship Act by ensuring that it remains relevant to employers and employees in the current and future economy as well as going some way to eliminating burdensome red tape that exists in the current system. I commend the bill to the House.

Ms DAWN WALKER (12:55): On behalf of the Greens I speak to the Apprenticeship and Traineeship Amendment Bill 2017. The Greens have serious concerns about the changes this legislation will introduce and we will oppose the bill unless amendments are made. Once again, this bill represents this Government's misunderstanding and mishandling of vocational education and training [VET]. We have seen time and again the effects of its agenda on our once world-class TAFE system, and we will not stand by while it attempts to shift away from the input of public providers, thereby reducing a transparent process. Let us make no bones about it—at every juncture, every restructure, every funding cut, every closure, this Government is bringing TAFE to its knees.

Only last week in a budget estimates hearing I questioned the Assistant Minister for Skills about Dapto TAFE. It was the unlucky first experiment in this Government's doomed connected learning centre farce. I visited

the shopfront that has replaced a previously thriving TAFE campus and I was shocked. When this Government says, "Where there is a TAFE today, there will be a TAFE tomorrow," I learnt that it really means that where there was once a TAFE campus with 650 students and countless hands-on courses, there will be a shopfront with space for only 22 students, no permanent teachers, no library and, shamefully, no toilets. Furthermore, the Assistant Minister had not even visited Dapto TAFE and was unaware of the conditions to which students were subjected.

He admitted in the budget estimates hearing that this was not acceptable. Unfortunately, this admission is of little help to the people of Dapto who have lost a significant educational and skills resource. Understandably, after seeing how this Government handles vocational education, I am dubious about any changes it proposes to make to the crucial complaint resolution and the trade recognition process. The abolition of the Vocational Training Review Panel represents the stripping away of a quality process that is consistent and transparent. In addition, it has the ability to exclude TAFE from the table when it comes to deliberating on apprenticeship and traineeship matters. Neither of these results are acceptable. That is why I have tabled an amendment to ensure that the Vocational Training Review Panel is retained.

The review panel plays an important role in hearing complaints from apprentices and trainees and their employers in the event that they cannot be resolved by mediation. This important panel ensures that decisions are considered and transparent and that employees, employers, registered training organisations and the commissioner all have an equal voice. It provides a clear opportunity for unions and other advocates to engage with and support its members. It ensures that there is routine, consistency and clarity in the complaint resolution and the trade recognition process. When this process is migrated to the powers of the commissioner, all this will be lost.

We now have a skills shortage in New South Wales of nearly 20 trades. The number of apprentices and traineeships being completed has nosedived since this Government introduced VET fees in 2015. I will give an example of how detrimental this Government has been to TAFE and our skilled workers. In budget estimates hearings last week, we heard that enrolment in TAFE colleges has declined by a staggering 175,000 students in the past five years. The changes by this Government have led to the loss of employment of nearly 6,000 highly qualified TAFE teachers and support staff. With a drop of 50 per cent in apprenticeship and traineeship completions in the past three years, students are not finishing their qualifications. This translates in real life to a shortage of sheet metal workers, plumbers and electricians in our workforce. It leaves the community of New South Wales and our economy vulnerable for the future. It means that fewer young people are employed in the trades that once supported whole generations. That is unacceptable.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): I will now leave chair. The House will resume at 2.30 p.m.

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

Questions Without Notice

WATER MANAGEMENT AND COMPLIANCE INTERIM REPORT

The Hon. ADAM SEARLE (14:30): My question is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister name all Department of Primary Industries—Water officers who attended the secret teleconference with Mr Gavin Hanlon and irrigation lobbyists and, if not, why will he not?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:31): Those are matters that are directly part of the terms of reference of Mr Matthews' report. He clearly makes some commentary around that. I do not know who was at those meetings and therefore I will not comment, as I said yesterday, on individual cases.

The Hon. ADAM SEARLE (14:31): I ask the Minister a supplementary question. I ask the Minister to elucidate on that answer. Given that the Matthews inquiry said that it could not name those people because of legal issues, can the Minister elucidate on that and explain what those issues are and why those people were not named in the report?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:31): I thank the Leader of the Opposition for his question. I believe that he answered the supplementary question when he said there are legal issues.

ENERGY EFFICIENCY

The Hon. SHAYNE MALLARD (14:32): My question is addressed 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 what the New South Wales Government is doing to support energy efficiency?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:32): New South Wales is the nation's clear leader in energy efficiency and we are doing more to help people save energy and money. Energy efficiency means lower costs, cleaner air and a healthier economy. For a household, it means greater control, lower bills and more peace of mind. But when family budgets get tighter, it gets hard to make the choice to pay a little more now for an appliance even if it delivers bill savings.

As I went around the State over the winter recess, I heard from a lot of families who were moderating their energy use to try to save money. Many wanted to do more but they needed some assistance. That is why just over a week ago the Premier, along with the Minister for the Environment and I, announced a series of energy efficiency measures for households and small businesses which will give them greater control. There were two aspects: programs for the general public and programs targeting vulnerable homes. The New South Wales Government will offer discounts to eligible households to replace inefficient appliances, such as televisions and fridges, with newer, more energy-efficient models. The savings could be around \$200 a year.

In addition, fixed appliances such as lighting, air conditioners and hot water heaters will attract incentives. There will be a parallel program for small businesses. This means that a cafe can upgrade its air conditioning, a butcher can upgrade its refrigeration system or a farmer can upgrade irrigation pumps. This could save a small business \$1,900 per annum. This program will begin rolling out early next year along with a training program to help small businesses improve their own energy efficiency—accessible from a one-stop portal. The second program expands on our programs for the vulnerable. That is why we are helping customers on energy hardship programs to install rooftop solar, which can save them around \$600 a year.

The Hon. Penny Sharpe: Have you told The Nationals?

The Hon. DON HARWIN: I do not need to tell The Nationals. The take-up of rooftop solar in Nationals electorates is higher than anywhere else in the State. The Nationals are well aware of the benefits of rooftop solar—ask the Parliamentary Secretary for Renewable Energy. As I was saying, we are helping out the most vulnerable by assisting social housing tenants reduce their energy usage by upgrading to energy-saving lighting and home heating, and the savings on power bills will be around \$360 a year. In his budget reply speech the Leader of the Opposition said that he would regulate prices. That is despite regulated prices in the Australian Capital Territory going up by 19 per cent, when the increase in prices in New South Wales was lower than that. Regulated prices are not subsidised. It is false hope and it is not going to fix it. We are taking action now to help people now with solutions that work. [*Time expired.*]

MENINDEE WATER CARTAGE

The Hon. WALT SECORD (14:36): My question is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given the findings of the Matthews review about the theft of billions of litres of water from the Darling River, why has the Government refused to provide financial assistance to the Menindee community to cover cartage for their households following warnings of a blue-green algae outbreak?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:36): Obviously, the matters around the Matthews inquiry—

The Hon. Walt Secord: What, their donation wasn't big enough?

The PRESIDENT: Order! The member asked the question and he should allow the Minister the opportunity to answer it without interjection.

The Hon. NIALL BLAIR: The issues around cartage of water to a community are questions that I take seriously. It is very clear from the Deputy Leader of the Opposition's interjection less than 10 seconds into the answer that he does not want the answer to the specific part of the question relating to the Menindee community.

The Hon. Walt Secord: Answer the question and stop debating it.

The Hon. NIALL BLAIR: In fact, he could not care less about water in regional communities. He thought there was a political hit associated with it.

The Hon. Walt Secord: Answer the question. Did they not give you a big enough donation?

The Hon. Trevor Khan: Point of order—

The Hon. Walt Secord: How much did they give you, Trevor?

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

The Hon. Trevor Khan: The member's interjections are quite disorderly and offensive. He should be removed from this place.

The PRESIDENT: Order! I remind all members that interjections are disorderly at all times. The Minister has the call.

The Hon. NIAL BLAIR: The New South Wales Government has a long history of providing assistance to the community of Menindee, particularly when that community was suffering from the water shortages over the past few years in Menindee Lakes. That is why the New South Wales Government funded the short-term bore water supply. The Government was looking for long-term solutions and has started the process of getting a contractor to build the Murray River to Broken Hill pipeline to look at the long-term drinking water solutions for the community of Broken Hill, as well as looking at what happens at Menindee. I am not aware of a request for water cartages. I am happy to take that part of the question on notice, particularly if there is a request from that community in relation to blue-green algae. The New South Wales Government has a history of providing assistance in such measure to local water utilities. I am happy to take the question on notice and come back to the member.

BOMADERY TO KIAMA BUS SERVICE ACCESSIBILITY

The Hon. PAUL GREEN (14:39): My question is directed to the Minister for Resources, representing the Minister for Transport and Infrastructure. A bus service has been proposed between Kiama and Bomaderry to replace train services. Locals are concerned about the utilities the bus service can provide to passengers with disabilities, cyclists and mothers with prams. What consideration can be given to the practical issues around the utilities of the bus service, given those diverse needs? Will the Minister consider making the final stop Stewart Place, Nowra, at the bus interchange and not at Bomaderry railway station?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:40): I am familiar with the train route the Hon. Paul Green is referring to, having travelled on it myself many times. It is a most scenic rail trip. I see Reverend the Hon. Fred Nile showing interest as well. No doubt he has travelled on it himself sometimes when going down to Gerringong.

Reverend the Hon. Fred Nile: Seventeen years.

The Hon. DON HARWIN: Indeed. The rail motor that still runs between Kiama and Bomaderry is a great trip. I am sorry to hear it is not operating at the moment. It is frequently full. It is very popular and a very good service. The issue that the member raises is accessibility for the disabled. The rail motor is not that easy to get onto, but I certainly concede that it would be harder for a disabled person to get onto a bus than the rail motor, so that is a very real issue. I travel on the buses in Sydney quite a bit and there are plenty of disabled-provisioned buses available on our bus routes, so I hope some of those are being made available to passengers between Kiama and Bomaderry. If that is not the case, then please give me that information.

The Hon. Paul Green: It is normally coaches.

The Hon. DON HARWIN: Coaches are something the Minister for Transport should definitely look at. The member raises the interesting issue of an extension from Bomaderry railway station to Stewart Place. I can see the sense in that, superficially, but he would be as aware as I am that a number of commercial bus routes service the railway station to the Stewart Place interchange. No doubt the Minister for Transport would need to carefully consider the impact that would have on commercial bus routes in the Shoalhaven and on those operators. That would have to be taken into consideration by the Minister as well.

It is a matter of record that the railway line stops at Bomaderry, this side of the Shoalhaven River, rather than travelling south into Nowra, although the bulk of the population of some 35,000 people in the greater Nowra-Bomaderry area now live south of the river. Bus transport from the Bomaderry railway station to the Stewart Place interchange and then to all the connecting routes to the south, east and west is through Stewart Place. No doubt the impact on the services from Stewart Place to Bomaderry railway station will be a relevant issue. I thank the Hon. Paul Green for his question. It will no doubt be a matter of great interest to a large number of disabled people in the Shoalhaven. I am sure the Minister for Transport, who for many years represented part of the southern Shoalhaven in the other place, will be aware of it as well and that he will attend to the question and provide an answer as soon as he is able to.

FINE FOOD AUSTRALIA

The Hon. WES FANG (14:44): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. How is the New South Wales Government helping our producers of fine foods reach national and global markets?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:44): I thank the member for sticking to the script and asking a fantastic question. He is indeed a very quick learner and someone I am proud to have on part of my team. New South Wales is highly regarded around the world as having a reputation for safe, clean, fresh and delicious food. We now export more than \$7 billion worth of food and agricultural produce a year and that has been increasing by an average of 6 per cent annually. Getting access to the right markets is an important issue for food processors and producers across regional and rural New South Wales, as well as for the businesses that market our fine food on the national and international stage.

It is not always easy. Many of our food producers do not have the capacity to market themselves directly to commercial buyers, distributors and exporters. That is why we are proud to continue our support of New South Wales food producers through Fine Food Australia. Fine Food Australia is the largest food industry trade event in the southern hemisphere and is being hosted at the new state-of-the-art International Convention Centre in Sydney. The event gives our producers unrivalled access to contracts from Australia and around the world, attracting almost 27,000 visitors, 4,500 buyers and more than 1,000 Australian and international exhibitors. This is the seventeenth year the Government has supported New South Wales businesses to take part. The New South Wales Government has a presence at the show with a Flavours of New South Wales pavilion featured in a prominent position.

On Monday I met our 16 stand-holders who were delighting buyers with some of the State's best food. Among the offerings are fresh trout from Tamworth, coffee from Kiama, chocolate from Orange, Bodalla's best bush tucker and one of the State's most innovative businesses, Fico Foods, which is putting seaweed on plates across the State. Fico Foods was founded by Dr Peter Weinberg and operates from the Shoalhaven on the State's South Coast. Fico infuses mineral-rich seaweed into pasta and other everyday foods to raise nutrition levels in our diets without us having to think about it and, best of all, it is delicious.

Another South Coast innovator on display is Bodalla Dairy which is blending bush tucker into cheese and marketing magnificent milk. It has firsthand experience of the benefits of being on the New South Wales pavilion, having participated two years ago. This small manufacturer said its previous participation at the event helped it pick up a number of new retailers. By enabling food producers to join forces at Fine Food Australia, the New South Wales Government is helping them get fantastic exposure for their goods and gain a direct commercial return.

This is a taste of New South Wales served up on the world stage. I am proud to support such outstanding businesses that demonstrate the amazing range of world-class food products we have in this State. There cannot be many places in the world that can lay claim to having foods that range from bush tucker and cheese to seaweed pasta. But here in New South Wales we deliver fresh, unique, safe and, quite simply, the best. When you walk around that expo, you see that the New South Wales pavilion stands out. It is fantastic and one of the best there. I am proud of the agencies involved but, more importantly, of the producers that are on that stand.

ANDREW VESEY, SALE OF AGL ENERGY SHARES

Reverend the Hon. FRED NILE (14:48): My question is directed to the Leader of the Government, the Hon. Don Harwin, as Minister for Energy. Is the Government aware of the *Daily Telegraph* report that AGL Chief Executive Officer [CEO], Andrew Vesey, who is on a 457 visa, has just sold 50,000 of his own shares for \$1.24 million? Is it a fact that Mr Vesey is also entitled to receive \$18 million of AGL shares? Given the controversy surrounding supply of energy in New South Wales, what is the Government's response to these moves and the potential impact of the closure of the AGL Liddell coal-fired power plant on electricity availability and prices?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:49): I thank Reverend the Hon. Fred Nile for that interesting question which, in large part, deals with matters to do with the Chief Executive Officer of AGL and his private affairs, which are matters between him and his board.

Reverend the Hon. Fred Nile: It may affect his decisions.

The Hon. DON HARWIN: I am not in any position to comment on whether or not they are true. I certainly have seen media reports to a similar effect. I have also seen a media report in which it was speculated that the reason he was doing that was to pay a tax bill. I do not know whether that media report was correct—maybe it is; maybe it is not. If it is to pay a tax bill, it might be understandable that he might have to do that. I have seen a number of reports in relation to the future of the Liddell power station. A number of them have suggested that New South Wales might be interested in promoting Liddell, investing in it, owning and running it. We are not; we are monitoring the situation. As the Premier said, we are looking at a broad range of options on energy

through our Energy Security Taskforce, our work with the Australian Energy Market Operator, the Council of Australian Governments Energy Council and the Finkel report.

The PRESIDENT: Order! There are far too many interjections.

The Hon. DON HARWIN: We are also watching closely AGL's plans for the Liddell power station. We are interested in how we can get more reliable energy into New South Wales, and new investment as well. AGL and the Commonwealth have a dialogue and AGL has said it will come back to the Commonwealth within three months about what it plans to do. In New South Wales we have a huge pipeline of projects ready to go with more than enough capacity to cover the net power needs of New South Wales if, for example, we reach the situation in 2022 where the Liddell power station is closed.

The pipeline includes a range of technologies such as wind, solar, gas, hydro, biomass and batteries which are all in the offing, with many proceeding already and many more planned. To get the rest of the technologies off the ground we need a sensible national plan that integrates our climate and our energy policies. I thank Reverend the Hon. Fred Nile for his question about the Liddell power station and the situation New South Wales faces. I hear what he says regarding the situation with the CEO. They are matters, however, that are outside the purview of the New South Wales Government. They are matters between Mr Vesey and the board of AGL.

MENINDEE WATER CARTAGE

The Hon. WALT SECORD (14:53): My question is directed to the Minister for Primary Industries, Minister for Regional Water and Minister for Trade and Industry. Minister, did you just mislead the House with regard to whether you knew about Menindee water cartage issues? The September edition of the *Barrier Daily Truth* reported comments by Menindee local resident Mrs Kate Page, who said:

I have previously contacted our NSW Water Minister Niall Blair to ask if this assistance with water cartage will be continued if needed, I received a reply back to tell me the government would not assist us with future cartage.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:54): I believe the member is probably referring to Karen Page, not Kate Page. As I have said—

The Hon. Walt Secord: You think it's a joke: He lied. He lied to the Parliament. You think this is a joke, and he lied to the Parliament.

The PRESIDENT: Stop the clock. I remind all members of the ruling of then President Primrose on 28 June 2007:

By tradition, the Chair tolerates interjections that are not disruptive, particularly if they facilitate the exchange of views and arguments in debate. However, the Chair will not tolerate disruptive interjections.

I have tolerated interjections, but clearly they are becoming disruptive. The member asked the Minister a question. The member did not give the Minister any real opportunity to answer that question before he began making disruptive interjections. I will call members to order if those disruptive interjections continue. The Minister has the call.

The Hon. Dr Peter Phelps: Point of order: The member called at least two members of this place liars. That is clearly disorderly and he should be asked to withdraw.

The PRESIDENT: I did not hear those comments being made, nor am I aware of which members those comments were directed to, so I am not in a position to ask the member to withdraw. I also note that those two members—I assume one of whom is not the Hon. Dr Peter Phelps—have not taken a point of order, but I remind the Hon. Walt Secord and all members that calling another member a liar is clearly unacceptable. I would demand an apology and that the comment be withdrawn. The Minister has the call.

The Hon. NIALL BLAIR: Point of order: I did stand to take a point of order, but you started your ruling as the member stood up. The Hon. Walt Secord clearly was directing that comment towards me, and he said I had lied to the House. In his question he asked me if I misled the House in answering his first question. I had only just begun my answer by clarifying who made the comments he was referring to, and I did not get a chance to address the question before the member made the further comments, which are clearly unparliamentary and should be withdrawn. The member should apologise.

The PRESIDENT: Since the Minister has clearly been offended by the comment to which he has referred I ask the Hon. Walt Secord to withdraw the comment and apologise.

The Hon. Walt Secord: To the point of order: Before the Minister stood to take his point of order, I assumed that you had concluded your ruling and that was the end of the matter. He is now reintroducing and revisiting your ruling.

The PRESIDENT: No, the Minister was taking another point of order. I had already ruled on the point of order made by the Hon. Dr Peter Phelps. Let me make this clear: If the Hon. Walt Secord used the word "liar" and directed it at the Minister, then I am directing that the Hon. Walt Secord withdraw that comment and apologise.

The Hon. Walt Secord: I withdraw the comment. However, I would like to point out—

The PRESIDENT: Order!

The Hon. Walt Secord: To suit the House I will withdraw, although in an earlier ruling the President said he did not hear the comment. But to suit the House I will withdraw the comment.

The PRESIDENT: My direction was for the Hon. Walt Secord to withdraw and apologise if the comment was made. The member has confirmed that the comment was made. I ask the member to withdraw and apologise.

The Hon. Walt Secord: I was adhering to your ruling, but to suit the House I will withdraw and apologise.

The PRESIDENT: That ends the matter. The Minister has the call.

The Hon. NIAL BLAIR: I am regularly updated by my agencies regarding algal outbreaks. The last time I received an update I was not made aware of an algal outbreak at Menindee. WaterNSW may have made a determination or issued a direction earlier this week. Menindee residents have previously received assistance from the New South Wales Government for water carting and the expenses associated with that. The member asked me about this issue. I took the question on notice because I was unaware that there had been a declaration of blue-green algae at Menindee, or an application for water carting for this event. If anyone has written to me as the Minister asking for assistance with water carting I am sure that person received a response.

I will take that question on notice and establish who responded to that correspondence. Following the recent outbreak I have no recollection of any request being made to me for assistance with water carting for the residents of Menindee. This Government has previously provided assistance for those residents requiring water carting. I will look at the time lines and the correspondence associated with the matters raised by the member, in particular, from Ms Page and bring that information back to the House. Ensuring that communities have access to clean and reliable drinking water is something that Essential Water, the local water utility, and the New South Wales Government take seriously. That is why we have provided assistance.

The PRESIDENT: Order! I call Mr Jeremy Buckingham to order for the first time. The Minister has the call.

The Hon. NIAL BLAIR: I will look into the issue and come back to the member. The last time I checked there was no declaration of a blue-green algal outbreak at Menindee. That may have happened this week. I am not aware of any request for water carting for that community due to the outbreak to which the member referred.

The Hon. WALT SECORD (15:02): I ask a supplementary question. Will the Minister elucidate his answer regarding the preparation of letters in his office? Does he read those letters before he signs them?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:02): I have already indicated that I will take the question on notice and inquire about correspondence. A member of the public may write to me but receive an answer from one of my agencies, particularly if those agencies—

The Hon. Walt Secord: Point of order: My point of order relates to relevance. The Minister is deviating from my question. I asked the Minister whether he reads the letters before he signs them.

The PRESIDENT: There is no point of order. The Minister is being generally relevant.

The Hon. NIAL BLAIR: The people involved may receive a response directly from an agency, they may receive a response from a Parliamentary Secretary, or they may receive a response from me as Minister. In this case, because we are talking about a number of different time lines, including assistance provided in 2014-15, it may be a letter from a constituent asking whether assistance would continue. We may be referring to correspondence on that time line. An outbreak of blue-green algae may have been communicated to that community this week. I will look at the correspondence associated with this matter; I will not take what the member says on face value. I will take the question on notice, get my agencies to look at the correspondence and provide the member with a detailed response.

PRESCHOOL FUNDING

The Hon. BRONNIE TAYLOR (15:04): I address my question 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 preschools in the State's Riverina?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:05): Across country New South Wales our next generation of farmers, doctors, teachers and nurses are packing their bags and heading off to preschool. Our kids deserve every opportunity to grow and prosper with the best start in life—an early childhood education. As Minister I make no apology for visiting services across the State to hear and see firsthand issues facing the sector and families. I am proud that this Government is backing our kids and investing in the future. As this Chamber is well aware, the New South Wales Liberals and Nationals are investing funds into early childhood education the likes of which this State has never seen before.

It has taken this Government to place our kids at the forefront of decision-making. Members are aware that as part of this year's budget the Government extended its Start Strong program until 2021 with the single biggest investment in this State of \$217 million. That will ensure universal access to early childhood education for children in the year before school. Last month I had the pleasure of travelling to the State's south-west to meet with preschool services, educators, directors and families.

The PRESIDENT: Order! I remind Mr Jeremy Buckingham that he is on one call to order. The member will cease interjecting.

The Hon. SARAH MITCHELL: With the help of the Start Strong program, services are delivering quality education across the Riverina. Services have been able to reduce fees and take advantage of capital works grants to increase the number of places available. I was recently in Griffith, the fastest growing regional centre in the country.

The PRESIDENT: Order! I call Mr Jeremy Buckingham to order for the second time.

The Hon. SARAH MITCHELL: Those opposite want to make jokes about early childhood education in the Griffith community, but this Government takes it seriously. Griffith is the fastest growing regional centre in the country and is a truly wonderful part of the State. As the influx of people continues in Griffith, director Michelle Fowler and her team at Griffith Central Preschool are doing wonderful work to ensure that children in the community have access to education in the year before school. They are working closely with the Sikh and Aboriginal communities to ensure that no child or family is left behind. I visited Gulpa Preschool in Deniliquin and Jerilderie Preschool. At the time I visited Gulpa Preschool it was preparing for Father's Day, and I was able to participate in the painting of rocks, as the theme was "My dad rocks".

I visited Corowa Preschool together with the member for Aplin, and Goodstart Corowa together with the Hon. Wes Fang. Those preschools have created environments in which children can learn and have provided them with a wonderful start in life. At Corowa Preschool an afternoon tea was prepared by students and we sang songs. Goodstart Corowa used the Start Strong funding to purchase an interactive smart board that it was using to retell the story *We're going on a bear hunt*. I am sure some members will know the story well as it is a favourite in many households.

The preschool recreated the storyline and discussed how characters in the book learnt to solve problems. These are real examples of services using government funding to provide the best start in life for kids. As a member who is based in the regions, I am excited that regional preschools and long day care services are able to provide these benefits for kids in the bush. Every child in the State deserves an opportunity to receive an early childhood education. In my role as Minister I love witnessing the commitment of this Government in delivering those opportunities.

WATER CONTAMINATION

The Hon. MARK PEARSON (15:09): My question is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Recently, ABC news journalist Greg Miskelly cited NSW Health findings of deadly pathogens occurring at dangerous levels in New South Wales regional drinking water supplies. The New South Wales Chief Health Officer has previously written to the Minister's department outlining her concerns. Major sources of contamination include abattoir discharge and animal waste from dairies and cattle farms seeping into the rivers and dams. I am sure the Minister will agree that this serious biosecurity risk must be addressed as a matter of urgency. What is his department doing to prevent these animal biohazards from contaminating our water catchments, such as conducting research into the contamination risk of

intensive piggeries which produce large quantities of animal effluent? If any research has been undertaken, will the Minister outline the findings.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:10): I thank the member for his detailed question and for his ability to turn almost any matter into an animal welfare issue. This week is "water week" in the New South Wales Parliament. The Hon. Mark Pearson was even able to add that to the animal husbandry practices and livestock issues in which he is interested. A number of agencies provide expertise and advice and continue to look at research and innovation to ensure that residents throughout New South Wales can rely on their drinking water. Multiple government agencies are associated with this issue, including NSW Health. Local water utilities also play a role. Some of my portfolio agencies have experts who provide advice to other agencies or local water utilities so that everyone in New South Wales can have confidence that they are receiving high-quality drinking water. It does not matter where those communities are located, where their water sources are or what industries are involved—whether they be abattoirs, feedlots or other industries—we have systems and agencies in place to ensure that they can rely on their drinking water.

As the question was detailed, contained a number of elements and requires a detailed response on how those government departments intersect, I will take it on notice. More importantly, the Hon. Mark Pearson and the people of New South Wales deserve to have confidence in these abattoirs as well as other facilities involved in livestock production as they provide a benefit to the wider community. They are not only a key part of the food chain but also a key economic driver and employer, in particular in regional communities. The systems and standards in New South Wales that underpin and intersect with those businesses ensure that we can all have confidence in our drinking water. The agencies we have in place work together to provide advice on production systems, animal welfare issues and food safety while ensuring that we continue to support the industries and communities that house them. We need to have confidence in our drinking water. The Hon. Mark Pearson will be able to read all about that in my detailed response.

WATER MANAGEMENT AND COMPLIANCE INTERIM REPORT

The Hon. MICK VEITCH (15:14): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Why did the Government put the investigation of Department of Industry staff present in the secret meetings conducted by Mr Gavin Hanlon in the hands of the secretary rather than Mr Matthews?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:15): From my recollection the issue relating to the meetings to which the question refers was part of the terms of reference for the Matthews inquiry. Mr Matthews was therefore able to look at those meetings and at the staff associated with them. The secretary may have played some role as outlined in the recommendations of the Matthews inquiry. I will take the question on notice and provide the Hon. Mick Veitch with a response.

ENERGY PRICES

The Hon. SCOTT FARLOW (15:15): My question is addressed to the Minister for Energy and Utilities. Will the Minister update the House on how the New South Wales Government is promoting competition in the energy sector? Are there any alternative policies?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:16): We all know about the pressures on the wholesale market. Supply is tighter and expensive gas generation is setting the price in the market. The way out is sensible national reform to unlock new investment from our huge pipeline of projects, but we can help people receive a better deal. Numerous reports from independent bodies, including the Independent Pricing and Regulatory Tribunal [IPART] and the Australian Energy Market Commission [AEMC] have found that competition works. We are abolishing early termination fees to ensure that people can shop around with even more ease. Our view is simple: We must make competition work better. We need a simple comparison rate and simple monthly billing and plans—like telecommunications, for example. IPART's monitoring report found that deregulation increased offers and innovations such as integrated solar photovoltaic and battery storage plans, payments to participate in demand response, subscription pricing rather than traditional price per kilowatt hour, and options to prepurchase energy. What does this mean in reality?

The PRESIDENT: Order! There are too many interjections in the Chamber.

The Hon. DON HARWIN: Queanbeyan was previously an ActewAGL town. As gas prices rose for some families by \$100, deregulation meant that new entrants to the market are offering discounts of \$100. As a result of competition prices are falling. Alternative policies exist. The Leader of the Opposition in the other place,

the member for Auburn, has outlined one of them. He said, "I will reregulate prices." He is claiming that will solve everything. If the Opposition had its way, that Queanbeyan family would have to lump the price rise. Without deregulation they would have had no alternative. Also, their regulated price would have shot up like it did only a few kilometres away in the Australian Capital Territory, where prices increased by 19 per cent this year. Nevertheless, Opposition members still want to follow Victorian Premier Daniel Andrews' playbook and their colleagues south of the Murray. Apparently they want to turn New South Wales into another form of the socialist republic of Victoria.

First the Opposition presented a copycat policy on coal seam gas for a moratorium on onshore exploration. Now it is following suit with price re-regulation. As was reported in the *Sydney Morning Herald*, calls to re-regulate in Victoria have been "met with alarm by some small retailers, who predict it will have the unintended consequences of actually helping the big three energy retailers...and crush smaller players in the market." As Ed McManus from Powershop has said, "Once you have a regulated price the likelihood of new entrants into the market falls." [*Time expired.*]

LIDDELL POWER STATION

The Hon. ROBERT BROWN (15:20): My question without notice is directed to the Minister for Energy and Utilities. Will the Minister advise the House whether the lease agreement with AGL for the Liddell power station includes any "non-competition clauses" that would prevent the State Government from facilitating, implementing or encouraging construction of a new high-efficiency, low-emissions coal-fired power station in New South Wales, in particular adjacent to the Liddell site or in the immediate vicinity?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:21): I do not think members would be terribly surprised to learn that I have not read the entire contractual agreement for the sale of Liddell power station.

The Hon. Walt Secord: You're the Minister.

The Hon. DON HARWIN: Apart from anything else, the Minister for Energy and Utilities would not be responsible for conducting the sale; the Treasurer would deal with that matter. I imagine that not even my predecessor would have seen the full contractual agreement for the sale of Liddell, although I could be wrong. I would be very happy to check that exact point and come back with an answer for the Hon. Robert Brown.

WATER MANAGEMENT AND COMPLIANCE INTERIM REPORT

The Hon. PENNY SHARPE (15:21): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Was Monica Marona, a former Coalition staffer and now director of Intergovernmental and Stakeholder Relations at the Department of Primary Industries Water Group, in attendance at any of the four secret Hanlon meetings?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:22): As I said yesterday, I will not comment on individuals or individual cases that may be part of Mr Matthews' inquiry. That is what I will continue to say if I continue to be asked.

RECREATIONAL FISHING

Mr SCOT MacDONALD (15:22): 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 State Government is doing to deliver better fishing opportunities for recreational fishers?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:23): I thank the member for his question and his interest in supporting this State's valued recreational fishers. More than one million anglers enjoy recreational fishing in New South Wales every year. Whether they are on the coast or fishing at one of our many popular inland locations, there is no doubt that New South Wales is the place to be for fishing. This year the Government is putting another \$15 million into improving resources for recreational fishers, who are part of an industry worth \$3.4 billion.

A range of major programs are being implemented again this year to support and boost the recreational fishing industry, including: Fishcare volunteers; fishing workshops for children; 30 fish aggregating devices along the coast; fish habitat restoration projects; the "Get Hooked...It's Fun to Fish" primary school education program; fish stocking in our waterways; essential research on recreational fishing; additional offshore artificial reefs and lots more. I am pleased to announce that this year the Government will also allocate additional funding of \$800,000 to 12 new projects.

This includes \$72,000 for a Saltwater Park adaptive canoe launch and a fishing pontoon at Coffs Harbour to improve public accessibility to Coffs Creek for recreational fishers, canoeists and kayakers, particularly for

community members with disabilities and mobility impairments. It also includes \$32,500 for fish cleaning facilities at Gum Bend Lake in the Lachlan shire, Lake Cargelligo and Gum Flat Reserve at Pallamallawa near Moree, and \$9,000 for the construction of three fishing platforms at the Deniliquin Recreational Fishing Park and Outdoor Centre. The Government is also funding research projects on game fishing, blue swimmer crabs, beach worms and yellowfin tuna.

I particularly draw the attention of members to a new project involving the Redfern Men's Cave that is a fantastic initiative taking a group of 10 to 15 men living in public housing on a number of fishing trips throughout the year. The trips will help the men connect with the broader community, build authentic relationships and learn new skills. Part of the new skills the Redfern Men's Cave members will learn include sustainable fishing practices. The men will be given a rare opportunity to explore their love of fishing in different areas and get out of the city as a group. They will develop a greater knowledge of marine life and their habitats as they fish in different regions.

As members are aware, I am a huge supporter of the broader benefits of fishing. The men involved in the project will experience so much more than a good catch. I know from experience that getting out on the water with my mates or family has given me the opportunity to build deeper relationships and foster a greater sense of community. That is why I am so encouraged to see Redfern Men's Cave putting up its hand to run this project. I am hopeful we will see other similar initiatives in the years to come.

These are just a handful of the exciting projects that the Government is supporting in this year's round of Recreational Fishing Trust Grants. Fishers can be confident that the fees they pay for their licences are reinvested into worthwhile recreational fishing projects for their benefit in both coastal and inland locations. I have said it before and I will say it again: The youth of today should spend more time in tackle boxes and less time on Xboxes. That is a quote of mine; I wrote it myself. They should spend more time with their family and in the outdoors. They need to go and get fishing. [*Time expired.*]

LISMORE BASE HOSPITAL STAFFING

Ms DAWN WALKER (15:27): My question is directed to the Minister for Primary Industries in his capacity as representing the Minister for Health. Is the New South Wales Government concerned that the level of care provided to patients will be compromised at Lismore Base Hospital because the new facilities are not adequately staffed? Will the Government support calls from hospital workers for 13 new positions at the hospital including security staff, wards people and X-ray operators?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:27): I thank the member for her question, particularly the part where she mentioned the new facilities at Lismore Base Hospital. She forgot to say thank you to the New South Wales Government for providing them. Plenty of work has been done at Lismore hospital. The fantastic local member Thomas George went in to bat for that community to make sure it got the new facilities that the member proudly mentioned and that the Liberal-Nationals Government has funded since 2011.

I am sure the Minister and the local member are aware of any staffing matters, particularly because they were both at Lismore hospital in the past week. I am sure those matters would have been raised not just through correspondence but also directly with the Minister or the local member during their visit. However, I do not have in front of me the information that the member is seeking. The Minister and local member were on site last week looking at the new facilities, so I have every confidence that they would have the relevant information. Because I am always forthright in getting the information that the hardworking member seeks I am happy to take the question on notice and refer it to the Minister for Health. I am sure he will look into the matter, confer with his agency and provide a detailed response for me to present. I hope the member will be satisfied with the answer.

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

Deferred Answers

LOCAL GOVERNMENT AMALGAMATIONS

In reply to **the Hon. ROBERT BORSACK** (9 August 2017).

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

I am advised:

1. There will not be any forced Council Amalgamations.

WASTE MANAGEMENT

In reply to **Dr MEHREEN FARUQI** (9 August 2017).

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

I am advised:

The Parliamentary Inquiry into "Energy from waste" technology recently expanded its terms of reference to include the following;

- the transport of all classifications of waste and recyclable materials out of New South Wales and the consequences for waste disposal, government revenue and environment programs, employment, roads and transport routes, and the environment;
- the prevalence and scale of illegal dumping across New South Wales and the actions of the NSW Environment Protection Authority to address it; and
- the sustainability and impacts of the current waste and landfill regime on human and environmental health, including drinking water, soil contamination, fire hazards and emissions.

MR LANZ PRIESTLY

In reply to **Reverend the Hon. FRED NILE** (10 August 2017).

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

I am advised:

I am unable to table the information sought by Reverend the Hon. Fred Nile as I do not have responsibility for criminal records. Information about an individual's criminal history is maintained by the NSW Police Force.

Bills

PUBLIC HEALTH AMENDMENT (REVIEW) BILL 2017

First Reading

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Don Harwin, on behalf of the Hon. Niall Blair.

The Hon. DON HARWIN: I move:

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

Motion agreed to.

The Hon. DON HARWIN: I move:

That the second reading of the bill stand an order of the day for a later hour.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 4 – LEGAL AFFAIRS

Extension of Reporting Date

The Hon. ROBERT BORSAK: I inform the House that on 29 August 2017 Portfolio Committee No. 4—Legal Affairs resolved to extend the reporting date for its inquiry into museums and galleries to 1 March 2018.

Bills

APPRENTICESHIP AND TRAINEESHIP AMENDMENT BILL 2017

Second Reading

Debate resumed from an earlier hour.

Ms DAWN WALKER (15:32): As I said earlier, when one visits some of our regional and rural TAFE campuses the Government's neglect is painfully clear. Last month I embarked on my Terminals not TAFE tour to witness what this Government is throwing away as it seeks to replace practical, vocational training with computer terminals. What I saw was shocking. Once thriving and well-equipped campuses have been left to decline, despite a desperate desire and need in those communities for the teaching they once provided. The Government is attempting to throw away one of the most important resources in our vocational system. It is trying again to cut TAFE out of what it does best—namely, equip us with the skilled workers we need for the future. This is not the

time to be excluding our best provider of vocation education from the table. Rather than passing bureaucratic legislation that treats TAFE like any registered training organisation, it is time to recognise that for decades TAFE colleges have been a leader in ensuring that we are skilled for the future.

It is time to make a commitment to restore 100 per cent vocational education and training [VET] funding to our public operator, rather than to introduce legislation that will increase the administrative burden on TAFE teachers without any resources to meet it. The Government does not seem to understand that to train students properly, to ensure a future for New South Wales where we have a skilled workforce, we must invest in training. Trades take time and hands-on practice to master. They cannot be learnt from a computer in a connected learning centre and we cannot strip out essential safeguards in this space in the name of efficiency. The Greens have always stood up for trainees and apprentices in demanding they have the best and most accessible training with 100 per cent VET funding to TAFE. Today, we will stand up for them again to ensure that they are not marginalised or excluded by this Government.

The Hon. CATHERINE CUSACK (15:35): The Apprenticeship and Traineeship Amendment Bill 2017 provides a modern look at the industry, improved connectivity between all parties involved and a more cohesive alignment of training and skills development that meets the needs of our current, rapidly developing economy. I commend the Deputy Premier for the amount of consultation that was undertaken in preparing this bill and I note the amount of positive industry feedback received on the proposed changes to the bill regarding training plans, which are a central feature of the apprenticeship and traineeship system. The purpose of a training plan is to ensure that the apprentice or trainee gains the knowledge and skills at the standard required by the industry, and that the training provided to the apprentice or trainee by the training provider and by the qualified and experienced supervisor on the job is delivered in a complementary manner.

A training plan also outlines any additional support an apprentice or trainee needs, either in the workplace or from the training provider, to successfully achieve the qualification. A training plan tracks the apprentice or trainee's acquisition of knowledge and skills for the qualification; and in the industry setting, for the employer, apprentice or trainee and the training provider. I will share with the House examples of some of the industry feedback the Government received on training plans, which led to our important amendment to the legislation. Arts, Communications, Finance Industries and Property Services said, and I quote:

What is required is the reinforcement that a Training Plan is a requirement of the Apprenticeship or Traineeship.

The Australian Hairdressing Council said:

The Act should include provision for the resolution of a complaint regarding an RTO failing to meet its obligations under the training plan.

NSW AgriFood said:

There is a role for industry in the legislation to participate in the training plans and this could potentially be legislated.

Group Training Association of New South Wales and the Australian Capital Territory said:

GTA NSW & ACT feels that more work must be done to ensure the ACT focuses on the RTO to ensure they negotiate a training plan with the employer and not dictate units to be completed. This is a growing concern amongst GTOs that needs to be reviewed and adjusted within the ACT.

Housing Industry of Australia said:

... what does seem clear is that the implementation and monitoring of the Training Plan is inconsistent across NSW.

HIA member feedback indicates that while Training Plans are entered into, they are rarely referred to, used or updated during the course of the apprenticeship. Often the Training Plan is thrust on the apprentice and the employer, signed and referred to again only when the RTO believes the apprentice may be able to complete.

... it is HIA's view that RTO's must do more to ensure the Training Plan is a 'living' document.

Lendlease said:

We believe there should be closer scrutiny on RTOs to ensure training plans are developed appropriately. Industry engagement on how to best leverage training plans is very important to ensure the plans are not diluted.

National Electrical and Communications of Australia said:

It would also benefit employers and employees if the Act compelled RTOs to provide progress updates against the Training Plan. The Training Plan is the primary mechanism to support collaboration between the employer, apprentice and the RTO.

The Act should reinforce this value by requiring the RTO to provide this information in a useful and timely manner. The Nursery and Garden Industry, NSW and ACT, said:

There needs to be a greater regulation, promotion and enforcement around training plans. Employers often are unaware of their roles and responsibilities regarding training plans. Training plans must be required to be reviewed every 6 months. Training plans are often not developed or reviewed.

The NSW Utilities and Electrotechnology Industry Training Advisory Body said:

The flagrant disregard of Training Plans causes more problems with competency based progression and completions than any other issue. If workplace evidence isn't being gathered and assessed during the course of studies naturally there are going to be issues ... there is little to no contact between RTOs and employers over the course of the training regarding the performance of students.

The non-compliance of Training Plan requirements is the major factor in issues regarding early completions of apprenticeships. If Training Plans are being utilised correctly and employers are being regularly engaged about the progress of their apprentice the 21 day letter should not come as a surprise when it arrives.

Better utilisation of Training Plans could also assist in reducing the number of non-completions as well.

TAFE NSW said:

The Act should more clearly and adequately deal with the roles, responsibilities and obligations of all parties in the development of Training Plans. All parties should be informed of their obligations when apprenticeships/traineeships are established, as well as when Training Plans are developed and signed off.

The New South Wales Government has listened. A key part of this bill is to legislate to ensure better communication between all parties by introducing the requirement for training providers to share information with the employer regarding the training plan. This transparency should strengthen the link between the training provider and the employer, serving as a deterrent to disputes and complaints. Training by the registered training organisation and the on-the-job training will effectively reinforce each other to build the competency and confidence of the apprentices and trainees. Registered training organisations need to develop the training plan within 12 weeks of the approval of the training contract, unless otherwise directed by the Commissioner for Vocational Training.

They need to collaborate with the employer on the development of the training plan and the progress of the apprentice or trainee, and they need to inform the commissioner of any problems affecting the successful completion of the qualification and upon successful completion of the qualification. I join with my colleagues on this side of the House in again congratulating the Deputy Premier, who I believe is doing an outstanding job. His obvious passion and empathy for TAFE is evident in every action that he takes. He has undertaken a major personal commitment to ensure that these issues are turned around and the wellbeing of this incredibly important cohort, particularly of young people, is best looked after. I thank the Minister again and commend the bill to the House.

The Hon. JOHN GRAHAM (15:42): I support the contributions of members who have pointed out that the Apprenticeship and Traineeship Bill 2017 arises in the context of the Government's war on TAFE. The shadow Minister has already spoken about the fall in enrolments, the leaked TAFE document that shows enrolments plummeting by 175,000 since 2012, the teachers that have been sacked, the support staff that has gone, the TAFE campuses that have closed and the fees, which are through the roof. I therefore will not labour those points. However, I will go into some of the details of the document that was discussed at budget estimates—TAFE NSW Enrolments: Preliminary Accounts 2016-2017—because the details are even more disturbing than the headline.

The document shows that this year new enrolments are down 14.6 per cent, but where they are down is even more concerning. In Western Sydney, the biggest TAFE region in New South Wales, enrolments are down 27.5 per cent, and there are devastating falls in some big categories, with diplomas and advanced diplomas down 45.8 per cent—a massive figure for those new enrolments. New enrolments for Certificate I and Certificate II are down 23 per cent. There are dramatic falls in the number of people coming through the front doors of TAFE with new enrolments.

But further details in that document are of real concern. The document reveals that the rules for counting enrolments have changed from last year. The document makes the admission that 2016 enrolments are potentially overstated as a result of limitations to systems. In other words, things are worse than we thought. The document also shows that some of the figures include some incomplete enrolments that relate to community service obligations, which will never be converted to actual enrolments. Those details all add up to the fact that the figures are falling dramatically, but that they are worse than they look. In budget estimates the Minister was upfront. To his credit, he agreed with a number of these propositions when he was asked to explain what was going on. He pointed out that enrolments in TAFE will fall this year. In relation to changes to policy by the Federal Government he said:

It appears at this point though in the calendar year that we underestimated the negative impact that would have.

He went on to say:

It is worse than we thought.

Even though the Government was projecting falls in enrolments, the Minister was upfront in budget estimates and said, "It is worse than we thought" and that it will be very difficult to hit the lower enrolment figures for TAFE by the end of this calendar year, given the catastrophic fall in enrolments. I turn to the Vocational Training Review Panel, which was established by the Carr Government under the Apprenticeship and Traineeship Act 2001. Currently, the panel comprises industry representatives and is chaired by the Commissioner for Vocational Training or his or her representative. In making his contribution, I thought the Parliamentary Secretary described the panel as working well. The fact that this body has not ended up in front of the NSW Civil and Administrative Tribunal means that we should regard it as a success, not a failure.

I would be more concerned if it had been routinely dragged in front of those sorts of tribunals. The description I heard here today was of it working well. These changes occur as part of a war on TAFE but also, in my view, as part of a move away from industry engagement towards bureaucracy. TAFE's strength has always been that real engagement with industry; I do not want to see a move towards bureaucratising it. There could be no greater symbol of the bureaucratisation of TAFE than the job descriptions in the new One TAFE organisational structure. I raised some of the following new job titles with the Minister during budget estimates. What is a new knowledge toolbox specialist? What on earth do they do? What is a manager ideation? I gave the Minister a clue when I asked him about that, when I said to the Minister:

The job description says the manager ideation is leading a team specialising in idea management in products, capability, services, processes and paradigmatic models.

I did not say to the Minister that it was a very good clue, but the Minister had no idea what those roles were. He passed the question to the head of TAFE, John Black, who was able to explain two of the three roles. But the trouble was that by the time he had finished, I had no idea—it was totally incomprehensible. I can provide the House with an update about some of the other roles: the senior adviser organisational proactivity and wellbeing, and the market and insights manager. What do they mean? They are totally incomprehensible. What would the chefs and the brickies coming out of our TAFE system think of the manager ideation? We should be very cautious about this step away from industry towards bureaucracy. I commend the Opposition amendments to be moved in the Committee stage.

The Hon. LOU AMATO (15:49): The Apprenticeship and Trainee Amendment Bill 2017 seeks to provide changes to reflect the dynamic nature of New South Wales highly skilled workforce. As our economy expands, the demand for a highly skilled workforce increases. To meet this increased demand apprenticeships and traineeships will play a vital role in providing the necessary skills to continue New South Wales' phenomenal growth. Apprenticeships and traineeships provide many exciting career opportunities in both the private and public sectors. Many of our highly respected military personnel serve our country by maintaining the state-of-the-art equipment necessary to the ongoing operation of our defence force. These much-needed skills were gained through apprenticeships.

The Apprenticeship and Trainee Amendment Bill 2017 is in response to public consultation meetings held in regional and metropolitan areas inviting stakeholders to make submissions on how apprenticeships and traineeships can be better managed to provide greater opportunities for apprentices, trainees and employers. The bill reinforces and strengthens the 2015 Apprenticeship Compact, which encourages businesses to take on new apprentices and trainees. Increased business participation in providing traineeships and apprentices will create more job opportunities, especially for people in New South Wales aged 24 and under.

The bill seeks to strengthen the current Apprenticeship and Traineeship Act 2001 by abolishing the Vocational Training Review Panel and providing for a right to apply to the NSW Civil and Administrative Tribunal [NCAT]. During 2016, due to administrative burdens, the panel was able to consider only 15 disputes. The transfer of power will provide for an administrative review of certain decisions of the Commissioner for Vocational Training. The amendment effectively replaces the right to apply to the review panel for a review of those decisions, and the right of external appeal will streamline dispute resolution. The bill will confer on the commissioner the functions of the review panel relating to the hearing and the determination of complaints under the Act. The bill further streamlines dispute resolution by providing conciliation for complaints made by a party to an apprenticeship or traineeship. The bill confers review powers to the commissioner where complaints cannot be settled.

The bill effectively transfers power to the Commissioner for Vocational Training, which will unify trade qualifications by transferring the issuance of a certificate of proficiency to the Commissioner for Vocational Training. The bill also improves the quality of trade qualifications by introducing the option for the commissioner to seek independent and/or further assessment of an applicant pursuing a trade qualification. It introduces the requirement for training providers to provide ongoing information to employers on an apprentice's or trainee's educational progress, which I think is a very good point. This will ensure that employers can be proactive in the quality and relevance of course content and that training providers provide the latest course content that reflects

current industry practice and improves the trade recognition process for technically skilled individuals who have not gained a trade qualification. This will include individuals who were unable to gain access to an apprenticeship or may have obtained qualifications outside the New South Wales system.

The bill seeks to increase penalties for non-compliance, which have not been increased in the Act since 2001. Previously the legislation had difficulties in enforcing obligations. The bill addresses these difficulties by clearly outlining the responsibilities of all parties. Increased penalties for non-compliance will ensure a fairer and more equitable system for employees and employers. If we are to continue our forward growth in New South Wales it is imperative that we provide the necessary skills for our workforce to meet the challenges of our dynamic society. There has been an emphasis on encouraging our young people to secure their vocation through university studies. Whilst university study is commended and encouraged, it is obvious that, if we do not address the increasing imbalance between technically centred and academically centred skills, our State will have difficulty in maintaining a local, self-sufficient workforce.

Youth unemployment is always a major concern and presently many shortfalls in technical skills are being met through the importation of skilled workers. Maintaining a healthy and vibrant apprenticeship and trainee model will ensure that our youth have access to a wide range of career options. Many years ago I had the wonderful opportunity to complete a technical qualification as an apprentice. My qualification made it possible for me to form my own business and provide ongoing employment and apprenticeships. Many apprentices I have known over the years have also had exciting careers in the technical trades. Some have also gone on to form their own successful businesses, providing many opportunities for employment and new apprenticeships. Apprenticeships and traineeships are an important part of our highly skilled New South Wales workforce. I commend the bill to the House.

The Hon. PETER PRIMROSE (15:54): I have a few things to add to the debate on the Apprenticeship and Traineeship Amendment Bill 2017. Something that has struck me persistently in this debate is how many Government members, like the Opposition members who have spoken, talk about the importance of apprenticeships, traineeships and TAFE, including how effective TAFE has been in turning lives around and how important it has been for individuals in achieving their career goals—and everyone commends that. Yet, at the same time, Government members totally refuse to accept that their Liberal-Nationals Government has been engaging in a war on the TAFE system in New South Wales. How can Government members speak on the importance of the TAFE system—and in some cases we have heard from members opposite that it has been of importance to them personally—while totally ignoring the facts presented in the many reports of TAFE teachers, former TAFE teachers and students? It is inconceivable that members opposite can have such a blinkered view and say, "TAFE was really important to me but I will ignore what everyone in the rest of the community is saying and I will support the bill." It is just a total dichotomy between reality and the arguments that those opposite are making.

I have had the wonderful opportunity, particularly in the past couple of years, of traveling around New South Wales to many communities. I have spoken to people particularly about the absurd policy that this Government has been pursuing in relation to forced council mergers. We all know where that has left the Government and where it may lead it if it attempts to bring on phase two of its forced council mergers in the future. When I have been talking to communities throughout New South Wales, in metropolitan, regional and rural areas, I have been stunned by how many people spontaneously raised concerns about the TAFE system. I did not ask; I was simply talking to people who knew I was a member of Parliament. They would tell me they had raised the issue—particularly in the case of those unfortunate enough to be in Liberal and The Nationals seats—with their local member and were told constantly that everything is fine, there are no problems, it is all going great. These people know the truth; that it is not going great.

I will never forget a conversation I had in Gundagai with a couple of young men. They had been happily doing a TAFE course. I will not name them or identify the course. The Government cancelled the course halfway through the year. They were told not to worry, that they could continue the course by travelling a couple of hundred kilometres away. Now, a couple of times a week, they get in the car together and drive to the next TAFE and then, because it is too late to come home and they have to go to work the next day, they stay in their car overnight. They sleep in the car outside the TAFE, wake up early and then drive to work. This is what members opposite are so proud of and that is what they have done to TAFE. There are some alternatives. Labor has committed to making TAFE affordable and accessible again for everyone in New South Wales.

Unlike the Coalition, we will not sell off TAFE campuses. We want to make TAFE a world leader. Everyone in New South Wales is proud of our TAFE system. No matter how many times The Nationals and the Liberal Party in this place and the other place keep pretending and saying, "Don't worry, it's all fine", the community knows that it is not. The people with experience of TAFE know exactly what the Government has done, and the Government will wear the blame for it. At a time when youth unemployment is skyrocketing, we

need to make TAFE affordable and accessible to young people, and we should not be locking them out with ever higher fees. Equally, regarding our ageing population, we have a responsibility to give people a chance to find a new career. We need to equip people with the skills to respond to a changing economy, and to do this we need an affordable and accessible TAFE system.

Thousands of students and potential students are impacted by the crisis our TAFE system faces because of the actions of the Liberal-Nationals Government. They are not just statistics; they are real people who want to create better lives for themselves, their families and their communities. They have been forgotten by the training system put in place by the Berejiklian-Barilaro Government. I could talk endlessly about the statistics, and I would be happy to. I notice some Government members nodding, but how many times does one have to repeat the fact that yearly enrolments in TAFE are down by 175,000 compared to 2012 before people understand that this is affecting real people and real lives? We keep saying it, young people keep saying it, TAFE teachers keep saying it and academics keep saying it—and the Government's response is, "Don't worry, we've got this wonderful system, and nobody understands the marvellous things that we have achieved."

The provision containing the proposed abolition of the Vocational Training Review Panel [VTRP] indicates the attitude this Government takes towards TAFE. That body was established by the then Carr Government under the Apprenticeship and Traineeship Act 2001. The bill before us today attempts to make the first change to that legislation since it was enacted in 2001. The panel comprises industry representatives and is chaired by the Commissioner for Vocational Training or their representative. Importantly, TAFE representatives are included in the review panel. The review panel has an obligation to attempt to reach an agreed settlement of any complaint. If it is unable to do so, it may make a determination that is binding on the relevant parties. The review panel conducts closed hearings, and information and evidence submitted to the review panel is accepted in confidence.

The review panel has wideranging powers to require people to attend a hearing, provide evidence, answer questions asked by review panel members and produce relevant documents. Those who fail to comply with these requests, who make false or misleading statements to the review panel, effectively may be regarded as having committed an offence under the Act. One of the most significant parts of the proposed legislation is the removal of this review panel, which is seen as a highlight by Government members. In the Deputy Premier's second reading speech, for example, he cited the removal of an administrative burden associated with maintaining the review panel as the primary benefit. He referred to it with the wonderful expression "red tape".

People say, "Red tape is awful. This is red tape—we have to get rid of it," regardless of the fact that it is there for a good and effective purpose. Both the complaints and the dispute resolution functions, and the review panel's responsibility for trade recognition processes under this bill, will be moved to the Commissioner for Vocational Training. The current serving Commissioner for Vocational Training is the executive director of Training Services NSW. I will not go through the relevant statistics again, because they have been mentioned by other speakers.

Perhaps the most significant role of the current VTRP is, rather than the dispute resolution mechanism that already exists, its role in trade recognition. This trade recognition provides a pathway to a trade qualification for technically unqualified but skilled people working in a particular trade—people who have qualified overseas, and generally people who have not accessed the apprenticeship system in New South Wales. The removal of the panel from this process is of significant concern to many stakeholders. In essence, it means the decision as to whether someone can proceed with an apprenticeship is left up to a Government-appointed bureaucrat who under this legislation will seek "independent expert advice wherever necessary".

Interestingly, the legislation includes a specific schedule relating to cases where a certificate of proficiency is a prerequisite for a trades licence, most commonly an electrical licence. This schedule requires the commissioner to nominate representatives of the employees and employers—at least one of each—in order to recognise the qualifications or experience of the individual. Importantly, the commissioner will only determine the individual is proficient if the review panel comes to a unanimous recommendation. It is effectively a VTRP without a TAFE representative.

At both State and Federal level, the Labor Party firmly drew a line in the sand regarding TAFE. We are its defender. We will go to the 2019 New South Wales election with a set of strong policies designed to give the electorate a key choice between a Liberal-Nationals Government hell-bent on driving down enrolments, hiking up fees, sacking teachers and closing TAFE campuses and a Labor Government that will rescue our great public vocational education provider from the Coalition's current war on TAFE. In abolishing the VTRP, this Government is deliberately divorcing TAFE from the trade recognition process for apprentices. Labor cannot support anything that does that. We believe in the expertise of TAFE, and we believe it should have a seat at the table.

The Hon. NATASHA MACLAREN-JONES (16:06): I speak in favour of the Apprenticeship and Traineeship Amendment Bill 2017, which seeks to streamline dispute resolution processes, improve the employment outcomes of apprentices and trainees, and ensure that high standards of training are maintained. I am proud of the fact that our Government is committed to investing in the skills for tomorrow's workforce, and this bill is another example of the great work that is being done in the area of vocational education and training. In this year's budget, the New South Wales Government invested \$2.2 billion in skills development and training programs to deliver the skilled workforce to meet the State's industry and jobs growth needs. This includes targeted support for the TAFE NSW modernisation program, new TAFE capital building works, training and job opportunities for unemployed young people and a continued focus on increasing apprenticeships and trainee opportunities.

TAFE NSW is the leading skills provider in our State and it is important to ensure that it remains a modern institution that provides high-quality, industry-relevant training for the jobs of tomorrow. This is why we are embarking on a landmark investment program to renew our facilities and upgrade our specialist centres to support advanced training in technology-intensive, technical and trade areas. A highlight of the modernisation program is our investment in digitally enabled, next generation learning environments known as flexible learning centres. These centres are based in convenient locations across regional and metropolitan New South Wales and also include the connected learning centres, learning hubs and access points. Importantly, these next generation learning centres will assist students in rural and regional areas to better access skills for new jobs and opportunities.

We are also establishing six new regional and three new metropolitan TAFE NSW SkillsPoints headquarters as part of a push to create the workforce of the future in collaboration with business and industry. SkillsPoints headquarters will work in close partnership with industry, business and employers to design training that looks to the future and responds to emerging trends. The first SkillsPoints headquarters—innovative manufacturing, robotics and science—will be opened in Newcastle later this month with the others to follow soon after. It is fair to say that vocational education and training is going from strength to strength under this Government.

The New South Wales Training Awards were held last week and showcased the excellence of apprentices and trainees in New South Wales. Jordan Cahill, a 22-year-old from Avalon Beach, was awarded the 2017 Apprentice of the Year for his Horticulture—Landscape Construction Certificate III. Jordan chose landscape construction because it combines a variety of trades. His award profile states he demonstrated exemplary skills in timberwork, stone masonry, brickwork and horticulture on projects ranging from multimillion-dollar developments to playground construction. After winning multiple world skills accolades, Jordan has been invited to join judging and leadership teams. In 2017 Jordan completed a work-based scholarship with English company The Outdoor Room, working at the Royal Horticultural Society Chelsea Flower Show. He plans to own his own landscaping business.

Another recipient was 21-year-old Madison Coelli from Leeton in the Riverina. Madison was awarded the 2017 Trainee of the Year for the Business Services Business Administration Certificate IV she completed at TAFE. Madison began her traineeship in weighbridge operations before quickly moving up the ranks to high-level administration and logistics. Along the way, she rose to every challenge, becoming resilient and self-reliant. Donald Dundas, a 28-year-old from New England, was awarded the New South Wales Aboriginal and Torres Strait Islander Student of the Year for his Plumbing Certificate III. Donald was employed by the Skillset Limited Group Training Organisation. He chose plumbing because he believes more Aboriginal people should be in that trade. Donald showed enthusiasm, leadership and a specialist skill set that has earned him the respect of staff and peers.

The latest report from the National Centre of Vocational Education Research shows a 2.3 per cent increase in New South Wales apprenticeship and traineeship starts in the year to March 2017 compared to the previous year. The Government will do more to support this important sector. As part of the National Skills Week the Government has invested in a range of innovative programs and projects. It is working with industry bodies to implement new approaches to promote, communicate and provide diverse career opportunities for young people. It will build the industry well into the future.

Last month, the Government launched the Door to Opportunity, a vocational education and training [VET] campaign that aims to drive apprenticeships and traineeships by changing perceptions around the industry and encouraging people to consider VET as a credible alternative to university. The State of New South Wales has the best performing VET sector with students, apprentices and trainees earning while they learn skills for the future. This is significant, as many industries are currently experiencing skill shortages due to preferences among students to attend university to receive degrees and diplomas. These campaigns have been vital. They highlight the opportunities for students who wish to earn while learning.

The latest figures are a positive sign but there is still more to be done. This bill will streamline dispute resolution processes, combining the functions of the Vocational Training Commissioner and the Vocational

Training Review Panel. This will allow expeditious settlement of complaints while preserving the role of the NSW Civil and Administrative Tribunal as a balance of power. The bill proposes to remove trainee apprenticeships but seeks to retain and make easier the process of applying for establishment of apprenticeships and traineeships. In addition, the bill will require applicants for recognition of trade training to undergo an assessment of competence, while removing the requirement that craft certificates and certificates of completion be issued. I commend the bill to the House.

Reverend the Hon. FRED NILE (16:13): I will speak briefly to the Apprenticeship and Traineeship Amendment Bill 2017. The Hon. Paul Green covered many aspects of the legislation but I place on the record the strong support of the Christian Democratic Party for TAFE and its continuation in this State. Everyone agrees we need apprentices and tradesmen. We find it difficult to get tradesmen for repairs in our own homes, let alone for larger enterprises. It is vital that TAFE has the enthusiastic support of the Government. I have heard negative feedback from parents and young people who were thinking of going to TAFE and now say, "It's so expensive that I can't afford to do it" so instead of having a trade and a future they take a short-term job in a factory where they receive no qualifications and remain unskilled. It is sad when that happens. Like other speakers, I cannot comprehend replacing a TAFE college with a learning hub. It cannot replace a properly designed and equipped TAFE college with hands-on training. I urge the Government to review that policy. In principle the Christian Democratic Party supports the bill and the improvements that it will bring, but I believe there are warning signals, such as decreased enrolments, that the Government should take note of.

The Hon. SHAYNE MALLARD (16:16): I speak in support of the Apprenticeship and Traineeship Amendment Bill 2017. I do so as a lad from Western Sydney.

The Hon. Greg Donnelly: Where do you live now?

The Hon. SHAYNE MALLARD: Katoomba. There is a robust TAFE in Katoomba. I grew up in the 1980s aware of the role of such TAFE and horticulture apprenticeships as the Hon. Natasha Maclaren-Jones spoke of. My father was a mechanic and I am aware of the role of apprenticeships within those industries. This bill speaks of the evolution and modernisation of TAFE. It is long overdue. The Apprenticeship and Traineeship Amendment Bill 2017 regulates the employment and training of apprentices and trainees in New South Wales. It allows the Government to define which qualifications are recognised as apprenticeships or traineeships and under what conditions those qualifications are delivered. It brings apprenticeships and traineeships into the new employment century.

The Government continues to implement its plan to reskill New South Wales through the redevelopment of a highly skilled workforce to support our growing economy. That embarrasses those opposite. The bill provides a safety net for employers, apprentices and trainees through a training contract. It provides New South Wales with a system that supports a variety of apprenticeship and traineeship models. That scares those opposite. It is designed to meet the collective and individual needs of employers in industry, apprentices and trainees. However, progress in the way businesses operate and changes in the way training is delivered means that the Apprenticeship and Traineeship Act must be brought into line with current employment and training practices if it is to continue to be effective in supporting the skills base of this State.

The reforms introduced in this bill will ensure that the New South Wales apprenticeship and traineeship system is fit for the current and future economy. The changes will reinforce a system built on integrity, which is high quality, flexible in its approach, responsive to industry needs and streamlined in administration. The bill builds on the 2015 compact—a commitment by this Government and peak industry bodies to encourage more businesses to take on apprentices and trainees and create more job opportunities for young people in New South Wales. The bill will create new career pathways for those who want to upgrade their skills to make the most of the employment opportunities this Government has provided by creating a strong economy. The important package of measures contained in this bill will update New South Wales apprenticeships and bring them up to date for the modern economy.

This bill was shaped by stakeholder input regarding the current system and what they would like to see in the future. The Government listened and took into account industry, community, student and employer concerns and has worked to ensure that the apprenticeship and traineeship system in New South Wales has sufficient flexibility to meet the current and emerging needs of industry. The bill will strengthen the requirements for training providers to consult with employers throughout the training process; strengthen the requirements for training contracts and training plans; remove red tape by abolishing the Vocational Training Review Panel [VTRP]; move the complaints processes and trade recognition functions to the Commissioner for Vocational Training; move the review functions to the NSW Civil and Administrative Tribunal; improve the trade recognition process by introducing options for the Commissioner for Vocational Training to require independent assessment of further assessment of an applicant; increase maximum penalties for offences to align with modern legislative frameworks; and enable offences to be prescribed as penalty notice offences in future regulation amendments.

These changes will ensure that the Act remains current and flexible in a dynamic and evolving economy to support business growth and sustainability now and in the future. It will also ensure that the Act will apply to employers, apprentices and trainees, trainer providers, and apprenticeship network providers in the New South Wales apprenticeship and traineeship system. As of 11 June 2017, there were 85,597 apprentices and trainees across New South Wales. I am sure all members will agree that is a significant number. New South Wales is in the middle of an economic boom. I know it embarrasses those opposite, but members on this side are proud of the economic boom we have been able to create. The record investment in infrastructure by the New South Wales Government must be supported by a strong supply of skilled workers.

I know those opposite do not often travel past Glebe or Newtown—Newtown will get its fair share of infrastructure soon—but if they go further west they will see the M4 widening; the WestConnex; the NorthConnex; the M5 widening; rail line upgrades, including in the Blue Mountains; and new trains. Everywhere we go in New South Wales we see the results of investment—fluoro jackets and subcontractors' trucks. Apprentices and trainees support that investment. Our huge investment in infrastructure is driving skills and jobs for young people in New South Wales, which Labor failed to do in its 16 miserable years in office. The way students learn is changing. They want to access convenient and accessible training. I know those opposite do not understand that either. These Government reforms will see TAFE NSW and industry collaborate to provide the best possible outcomes to students and the economy.

The Hon. Greg Donnelly: You don't believe any of this.

The Hon. SHAYNE MALLARD: Take a point of order. Despite what is being spun by Labor, enrolments are growing and demand for TAFE qualifications is strong. We are ensuring that TAFE is modernised and can meet growing demand. In 2016, final enrolments in TAFE NSW exceeded all forecasts and enrolments were more than 100,000 higher when compared with 2015. That is an increase of 25 per cent. Enrolments in TAFE NSW and courses funded under the New South Wales Smart and Skilled program are forecast to increase in 2017, as are enrolments by students from key equity groups, including Aboriginals and Torres Strait Islanders.

Labor is the biggest threat to TAFE in this State with its deliberate and calculated scare campaigns undermining the confidence in TAFE. Labor claims that enrolments are declining. That is wrong. Labor claims that thousands of teachers are being sacked. That is wrong. Labor claims that TAFE is packing up and leaving towns, which is also wrong. Every Labor lie that is spread about TAFE damages its reputation, which then impacts its ability to attract new students and quality teachers. What is not a lie is that Labor left TAFE in a mess with spiralling operation costs, duplications across the State and teachers grappling with crippling overheads. Claims that enrolments are declining are a fabrication. Labor's campaign is one of lies and misinformation. Let us take a look at the real story behind the TAFE campaign of Labor and The Greens. We need to dig around in the background of TAFE. The campaign is about union bosses, which should not be denied. It is about The Greens taking over the Public Service Association.

The Hon. Penny Sharpe: Wrong union, you idiot.

The Hon. SHAYNE MALLARD: Tell me which union it is. I took a look at the enterprise agreement for 2017.

The PRESIDENT: Order! The Hon. Shayne Mallard will resume his seat. I remind members of the ruling of the then President Johnson that it is not in the interests of members to interject. But, equally as importantly, it is not in the interest of the member speaking to encourage such interjections. The Hon. Shayne Mallard has the call and will complete his speech with silence in the Chamber. Members on both sides of the Chamber will cease interjecting.

The Hon. SHAYNE MALLARD: I looked at the enterprise agreement and chapter 5 focuses on union fees.

The Hon. Dr Peter Phelps: No!

The Hon. SHAYNE MALLARD: Yes. The collection of union fees and their allocation to the unions.

The Hon. Penny Sharpe: Which union?

The Hon. SHAYNE MALLARD: The Hon. Penny Sharpe can ask which union. So many unions are involved with the enterprise agreement that I cannot work out which one it is. There is the Australian Education Union, United Voices, the Public Service Association, the NSW Teachers Federation and the Community and Public Sector Union. The list goes on. Afterwards, it consulted the Australian Manufacturing Workers' Union, the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union, and the Construction, Forestry, Mining and Energy Union, which is a donor to The Greens.

There are so many unions involved. The scare campaign by Labor and The Greens is about money, power and control by a nest of union hacks. It is not about reform, which is why Labor is fighting it. Labor members do not like hearing it. Reforming TAFE to attract better quality teachers means fewer union hacks would be involved in the TAFE system. Labor left TAFE in a mess with operating costs 40 per cent to 60 per cent higher than in other States. I also noted that only left-wing Labor members spoke to this bill. The right-wing members nicked off because the left wing controls the TAFE unions. Our reforms continue to reshape TAFE into a nimble, modern training provider, not a warehouse for tick-a-box training or a playground for the union representatives of Labor and The Greens. I commend the bill to the House.

The Hon. BEN FRANKLIN (16:27): On behalf of the Hon. Niall Blair: In reply: I thank all members for their contributions and for their interest on the debate on the Apprenticeship and Traineeship Amendment Bill 2017. The bill introduces a package of significant reforms to the Apprenticeship and Traineeship Act. The bill provides a modern look at the industry, improved connectivity between all parties involved and a more cohesive alignment of training and skills development that meet the needs of our rapidly developing economy. The changes will reinforce a system that is built on integrity, which is high quality, flexible in approach, responsive to industry needs and streamlined in administration.

Importantly, this bill was shaped by the feedback on the current system from many stakeholders and their views on what they would like changed and improved for the future. The Government listened to community, student, industry and employer concerns and has worked to ensure that the apprenticeship and traineeship system in New South Wales has sufficient flexibility to meet the current and emerging needs of the sector. The overwhelming message we received through the consultations and submissions was support for the New South Wales apprenticeship and traineeship system and for the Government to simplify, modernise and strengthen the system and to reduce unnecessary administration and duplication.

I refer to the Opposition and Greens amendments to maintain the Vocational Training Review Panel [VTRP], which was the fundamental thrust of most of their members' speeches. Abolishing the VTRP will simplify the regulation of the trade recognition system and the investigation of complaints made under the Act. This will effectively remove an unnecessary administrative burden and place greater emphasis on conciliation in resolving complaints. Under the proposed amendments, the Commissioner for Vocational Training will resume responsibility for the duties of the VTRP, so that will not disappear. The commissioner will hear unresolved complaints, informed by industry expertise as required, including trade union representation and TAFE NSW. In practice, conciliators will be trained, and experienced Training Services NSW staff will be located in regional centres across New South Wales. They are well placed to undertake conciliation, complaints handling and dispute resolution in or around the area to which the complaint relates.

I again note that in 2016 only 15 disputes were referred to the review panel and so far this year there have been only eight. All other disputes were settled at the local level without the need for a hearing by the panel. In addition, in the past five years only two disputes have been appealed to the NSW Civil and Administrative Tribunal and both were resolved before the hearing. Most importantly, while the Opposition and The Greens profess their support for TAFE their amendments are contrary to the publicly stated position of TAFE NSW on abolishing the VTRP. In its submission to the review of apprenticeships and traineeships in New South Wales TAFE NSW said the following:

TAFE NSW proposes that with the introduction of the NSW Civil and Administrative Tribunal and the abolition of certifications, the Vocational Training Review Panel is no longer required.

The premise of the Opposition's argument against the removal of the VTRP is the result of a perceived lack of input from TAFE; however, TAFE NSW supports the abolition of the panel. Hypocrisy, thy name is Labor. But it gets worse. The Opposition is moving amendments to keep the VTRP, yet Labor's policy contradicts this. On 7 August 2017 Labor released a policy statement stating that it would:

Ensure disputes and other issues regarding apprenticeships and vocational training which are regulated by State law can be heard in the Industrial Relations Commission.

Ironically, this would take dispute resolution out of the New South Wales training system. It is a shame that the Opposition and The Greens throughout this debate have tried to score political points about TAFE rather than genuinely understanding the bill. In their contributions to debate some members opposite mentioned TAFE enrolments. Let us look at enrolments. The Government relies on independently verified National Centre for Vocational Education Research [NCVER] data to analyse enrolments. The NCVER is telling us that we have growth in New South Wales. Victoria and Queensland are looking to New South Wales because of the TAFE reforms we have in place. If we compare the 2015-16 financial year with the 2016-17 financial year we see that TAFE enrolments have gone up by 100,000 students. That is an increase of 25 per cent.

The One TAFE model was created to stop duplication in back offices and to provide more resources, more teachers and more frontline staff for our students. As the Deputy Premier remarked in the Legislative Assembly, those opposite talked about TAFE but they misunderstood what this bill is about—namely, apprenticeships and traineeships. It is not just about TAFE or its funding. This bill is about making sure that we underpin quality in the training system, and we make no apology for that. We are putting the student first. This bill will ensure that we have a robust and modern framework to effectively manage the new generation of apprentices and trainees both now and in the future. Supporting this group of individuals will go a long way towards confirming their value and place in the growing economy of New South Wales.

A complementary range of non-legislative initiatives for traditional trades is also being implemented to align with the amendments in the bill, such as pre-apprenticeship training. These initiatives will attract prospective trainees and apprentices and make these individuals more attractive to future employers. The pre-apprenticeship program that this Government brought in has increased completion rates from approximately 50 per cent for non-participants to approximately 80 per cent for participants. The mentoring and pastoral care framework that supports young people in their career choices, especially at the start of an apprenticeship, is delivering dividends. As has been said before here and in the Legislative Assembly, we can continue to work with out-of-date legislation that complicates the process for all stakeholders. Alternatively, we can recognise that change is needed and support the bill as a timely piece of legislation that will guide the delivery of apprenticeships and traineeships in the future as the world of work continues to evolve. I commend the bill to the House.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The TEMPORARY CHAIR (The Hon. Shayne Mallard): There being no objection, the Committee will deal with the bill as a whole. I have two sets of 23 amendments that are identical. They appear on sheet C2017-069 in the name of The Greens and on sheet C2017-068 in the name of the Opposition. I will call on Ms Dawn Walker.

Ms DAWN WALKER (16:36): By leave: I move The Greens amendments Nos 1 to 23 on sheet C2017-069 in globo:

- No. 1 **Review Panel**
Page 5, Schedule 1 [15] and [16], lines 25–28. Omit all words on those lines.
- No. 2 **Review Panel**
Page 5, Schedule 1 [18], lines 31 and 32. Omit all words on those lines.
- No. 3 **Review Panel**
Page 6, Schedule 1 [21], lines 3 and 4. Omit all words on those lines.
- No. 4 **Review Panel**
Page 8, Schedule 1 [31] and [32], lines 7–10. Omit all words on those lines.
- No. 5 **Review Panel**
Page 9, Schedule 1 [41], lines 24–26. Omit all words on those lines.
- No. 6 **Review Panel**
Pages 9–11, Schedule 1 [43], proposed sections 36 and 37, line 32 on page 9 to line 13 on page 11. Omit "Commissioner" wherever occurring. Insert instead "Review Panel".
- No. 7 **Review Panel**
Page 11, Schedule 1 [44], lines 35–46. Omit all words on those lines.
- No. 8 **Review Panel**
Page 12, Schedule 1 [46]–[49], lines 4–19. Omit all words on those lines.
- No. 9 **Review Panel**
Page 12, Schedule 1 [51]–[52], lines 22–25. Omit all words on those lines.
- No. 10 **Review Panel**
Page 12, Schedule 1 [54], lines 30 and 31. Omit all words on those lines.
- No. 11 **Review Panel**

- Page 13, Schedule 1 [57], lines 1 and 2. Omit all words on those lines.
- No. 12 **Review Panel**
Page 13, Schedule 1 [58], proposed section 53 (2A), line 5. Omit "Commissioner". Insert instead "Review Panel".
- No. 13 **Review Panel**
Page 13, Schedule 1 [60], lines 12–36. Omit all words on those lines.
- No. 14 **Review Panel**
Page 14, Schedule 1 [62]–[64], lines 4–9. Omit all words on those lines.
- No. 15 **Review Panel**
Page 14, Schedule 1 [67] and [68], lines 35–38. Omit all words on those lines.
- No. 16 **Review Panel**
Page 15, Schedule 1 [72], lines 11 and 12. Omit all words on those lines.
- No. 17 **Review Panel**
Page 15, Schedule 1 [73], proposed clause 28 (1) of Part 5 of Schedule 4, line 20. Omit all words on that line.
- No. 18 **Review Panel**
Pages 15–17, Schedule 1 [73], proposed clauses 28–32 of Part 5 of Schedule 4, line 23 on page 15 to line 19 on page 17. Omit all words on those lines.
- No. 19 **Review Panel**
Page 18, Schedule 1 [73], proposed clause 36 of Part 5 of Schedule 4, lines 15–17. Omit "However, on and from the repeal day, any reference in those sections to the Review Panel is to be read as a reference to the Commissioner".
- No. 20 **Review Panel**
Page 18, Schedule 1 [74], lines 29–30. Omit ", *public servant* and *Review Panel*". Insert instead "and *public servant*".
- No. 21 **Review Panel**
Page 18, Schedule 1 [77], lines 41 and 42. Omit all words on those lines.
- No. 22 **Review Panel**
Page 20, Schedule 2.1 [3], line 7. Omit "Clauses 5, 6, 9, 10 and 13". Insert instead "Clauses 5 and 6".
- No. 23 **Review Panel**
Page 20, Schedule 2.2–2.4, lines 12–23. Omit all words on those lines.

These amendments go to the heart of what is wrong with this bill. This Government is again seeking to remove an invaluable part of the vocational training and skills system under the guise of removing red tape. I have spoken to Government representatives. Administrative efficiency was the only reason they could give for once again ripping resources out of our skilled industries. I have been to regional areas and spoken to industry, training providers and, most importantly, students. They want a vocational sector; not more cuts. That is why I am moving to retain the Vocational Training Review Panel with all its powers and responsibilities. We will not support this bill unless this amendment is made.

The Vocational Training Review Panel has played an important role since it was established under the Apprenticeship and Traineeship Act 2001. To abolish it and all its inherent value in the name of cutting red tape speaks to this Government's fundamental devaluing, misunderstanding and continued mishandling of our essential vocational training sector. The Vocational Training Review Panel reflects what is at the heart of successful traineeships and apprenticeships—that is, partnership. The panel is made up of representatives of employees, employers and training providers and is chaired by the commissioner.

We must retain the Vocational Training Review Panel first to stop this culture of divestment in the vocational sector by this Liberal-Nationals Government; secondly, to maintain balance and transparency in decision-making; and, thirdly, to ensure that our public vocational education training provider, TAFE, continues to have a seat at the table. I have made my position clear in the past. TAFE is a critical and valuable education and training asset. Excluding it from decision-making would be a blow to our skills future. Successful and holistic training of apprentices works best when there are strong lines of communication and cooperation between the trainer, the industry and the student. It allows for training to be tailored to the needs of the industry, for practical experience to complement theory and for the apprentice or trainee to have their learning needs met.

More than that it, it ensures that both training and industry can continue to develop and evolve together, to ensure that the students of today are equipped to deal with the challenges of tomorrow. It is important that this

partnership is reflected in our decision-making bodies to ensure that complaint resolution and trade recognition practice accurately reflects the different and equally important voices of industry, trainers and employees. That is why The Greens are seeking to amend this bill to retain the Vocational Training Review Panel. Without it, there is a significant risk that important voices will be left out of the conversation.

Shifting the powers of the Vocational Training Review Panel from an open and accountable process to behind the closed doors of bureaucracy will undermine public trust. That is especially true when it comes to one of the main responsibilities of the panel—namely, to resolve complaints. It takes courage for an employee, and even more for an apprentice or trainee, to make a complaint against his or her employer. In order to feel comfortable doing that, and that industry remains accountable, there must be transparency and trust in the system. There must also be equality. Placing individuals within the complexity of the bureaucratic process is not a way to empower them. That is what this Government is willing to toss out for the sake of cutting red tape. It is not good enough.

The Hon. BEN FRANKLIN (16:40): The Government notes that The Greens and Opposition amendments are identical and will address them together. It will come as no surprise that the Government opposes all the amendments. I propose to deal with them in groups, starting with amendments Nos 1 to 4. They relate to the decision-making functions of the commissioner. These are decisions which the commissioner may refer to the review panel on a case-by-case basis but need not do so under the current Act. These functions relate to determining applications for new apprenticeships, transfers of apprenticeships to new employers, and variation of training contracts and training plans. This is everyday business for the commissioner and his delegates in Training Services NSW. They are therefore not appropriate. Indeed, they will undo the Government's proposal to simplify and streamline the apprenticeship and traineeship framework by abolishing the Vocational Training Review Panel [VTRP]. In many cases the panel is an unnecessary, additional layer of administration that causes delay and uncertainty. It is not necessary for the panel to be involved in processing applications to establish apprenticeships and traineeships, for example, or to transfer them from one employer to another.

The Government also opposes amendments Nos 5 and 6. These amendments are about the trade recognition process, including recognition of Defence Force trade training. They are not appropriate and would bog down the process in red tape. The amendments insist on maintaining a review panel that is no longer required and would undo the Government's improvements to trade recognition that it has introduced in this bill. We are introducing improvements to this process to streamline trade recognition to ensure a rigorous and quality process that results in high quality tradespeople. Our process enables independent competency assessment of an applicant's skills, including work experience and formal training; advice from up-to-date training and industry experts; and any further testing or assessment that may be appropriate.

In cases of trade recognition applications for high-risk trades such as electricians, which require a certificate of competency under the Apprenticeship and Traineeship Act before a licence can be issued by Fair Trading to carry out work, this bill will require an additional step—namely, before granting trade recognition in these cases there will need to be agreement from an employer and employee representative. The Greens and Opposition amendments will result in unnecessary duplication that will clog the system. The amendments will require the review panel to determine trade recognition applications, as well as adopt the Government's new processes. These amendments will not improve outcomes for applicants or the general public and are too administratively burdensome. I note that The Greens and Opposition amendments on this are contrary to the position of TAFE NSW on abolishing the Vocational Training Review Panel. As I have mentioned before, it has made it clear that the panel is "no longer required".

The Government also opposes The Greens and Opposition amendments Nos 7 to 12. They relate to the parts of the Act relating to resolving complaints. These amendments would retain the current framework, using the review panel to determine complaints between employers and employees. This bill will place greater emphasis on conciliation to resolve complaints between employers and employees. The commissioner and his delegates are well placed to undertake conciliation, dispute resolution and complaints handling, with many staff in Training Services NSW experienced in these areas. If the matter cannot be settled—I note that very few went to the panel in 2016 or so far this year—the Commissioner for Vocational Training will hear the complaint before making a final decision. Importantly, the commissioner will still be informed by industry expertise as required, including trade union representation and TAFE NSW, but without the formality of convening a panel. However, just like now, the decision can then be appealed to the NSW Civil and Administrative Tribunal [NCAT] and, if the applicant is still not satisfied, it can then potentially be appealed to the Supreme Court. The safeguards are still there.

The Government opposes The Greens and Opposition amendments Nos 13 to 23. They are about decisions of the commissioner being reviewed by the review panel and decisions of the review panel being appealed to NCAT. These amendments would retain the review panel. Decisions of the commissioner that can be

reviewed include decisions to dismiss an application to establish an apprenticeship; decisions to suspend or cancel an apprenticeship or traineeship; decisions relating to registration of a group training organisation; decisions relating to trade recognition; and decisions on a complaint between an employer and employee. The Government opposes these amendments as they are not appropriate. They would undo one of the key reforms of the bill—to remove red tape by moving the functions of the review panel to the commissioner. As I have said, the Government's amendments will still allow a robust review process. A person unhappy with a decision of the commissioner can request an internal review of the decision within Training Services NSW or the Department of Industry, and if still dissatisfied, he or she can request administrative review by NCAT. The Greens and the Opposition amendments are not necessary or required and the Government opposes them.

The Hon. PENNY SHARPE (16:46): The Opposition supports The Greens amendments. These amendments were previously moved in the lower House so it comes as no surprise that the Government is not supporting them. The Opposition's amendments in this place are the same as those proposed by The Greens. The shadow Minister for Skills in the other place moved the amendments to retain the Vocational Training Review Panel [VTRP]. That debate was lengthy but my contribution will not be. Labor's amendments to the bill seek to retain the VTRP and to ensure that TAFE retains a seat at the table. They will also ensure that the Labor-created VTRP will retain its role in trade recognitions, conducting hearings, reaching agreed settlements, making binding determinations in the appeals process for decisions, and making the Commissioner for Vocational Education and Training responsible with respect to traineeship and apprenticeship applications, including the dismissal of applications.

These amendments signal Labor's support for TAFE. The Parliamentary Secretary went into great detail about how all the protections are still there but the Government fails to accept that it has stripped TAFE bare in this State. When it came to office TAFE was part of the education department—vocational education was part of the provision of public education. We now have this strange scenario where part of the policy is with the Deputy Premier and another part is with an Assistant Minister; it is not in the education department. Every decision that has been made has been to devalue and undermine TAFE and to seek not to recognise it as the top of the expertise pile—to look after vocational education in this State. This is yet another insult to the expertise of TAFE and those in the TAFE sector who bring that expertise to the table in things like this panel. That is why we support these amendments.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): I will put the amendments in globo as they were moved. The question is that The Greens amendments Nos 1 to 23 on sheet C2017-069 be agreed to.

The Committee divided.

Ayes 15
 Noes 20
 Majority..... 5

AYES

Buckingham, Mr J
 Field, Mr J (teller)
 Mookhey, Mr D
 Sharpe, Ms P
 Voltz, Ms L

Donnelly, Mr G (teller)
 Graham, Mr J
 Primrose, Mr P
 Shoebridge, Mr D
 Walker, Ms D

Faruqi, Dr M
 Houssos, Ms C
 Searle, Mr A
 Veitch, Mr M
 Wong, Mr E

NOES

Ajaka, Mr J
 Colless, Mr R
 Farlow, Mr S
 Harwin, Mr D
 Maclaren-Jones, Ms N
 (teller)
 Nile, Reverend F
 Phelps, Dr P

Amato, Mr L
 Cusack, Ms C
 Franklin, Mr B (teller)
 Khan, Mr T
 Martin, Mr T
 Pearce, Mr G
 Taylor, Ms B

Clarke, Mr D
 Fang, Mr W
 Green, Mr P
 MacDonald, Mr S
 Mitchell, Ms S
 Pearson, Mr M

PAIRS

Moselmane, Mr S

Blair, Mr N

PAIRS

Secord, Mr W

Mason-Cox, Mr M

Amendments negatived.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): The Opposition amendments on sheet C2017-068 will now lapse. The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. BEN FRANKLIN: I move:

That the Chair do now leave the chair and report the bill to the House without amendment.

Motion agreed to.**Adoption of Report**

The Hon. BEN FRANKLIN: On behalf of the Hon. Niall Blair: I move:

That the report be adopted.

Motion agreed to.**Third Reading**

The Hon. BEN FRANKLIN: On behalf of the Hon. Niall Blair: I move:

That this bill be now read a third time.

The Hon. PENNY SHARPE (16:58): I have made Labor's position on this bill very clear. We supported the retention of the Vocational Training Review Panel. Our amendment has not been agreed to, therefore we oppose the third reading of the bill.

The DEPUTY PRESIDENT (The Hon. Paul Green): The question is that this bill be now read a third time.

The House divided.

Ayes21
 Noes15
 Majority.....6

AYES

Amato, Mr L
 Cusack, Ms C
 Franklin, Mr B (teller)
 Khan, Mr T

Clarke, Mr D
 Fang, Mr W
 Green, Mr P
 MacDonald, Mr S

Colless, Mr R
 Farlow, Mr S
 Harwin, Mr D
 Maclaren-Jones, Ms N
 (teller)
 Mason-Cox, Mr M
 Pearce, Mr G
 Taylor, Ms B

Mallard, Mr S
 Mitchell, Ms S
 Pearson, Mr M

Martin, Mr T
 Nile, Reverend F
 Phelps, Dr P

NOES

Buckingham, Mr J
 Field, Mr J
 Mookhey, Mr D
 Sharpe, Ms P
 Voltz, Ms L (teller)

Donnelly, Mr G (teller)
 Graham, Mr J
 Primrose, Mr P
 Shoebridge, Mr D
 Walker, Ms D

Faruqi, Dr M
 Houssos, Ms C
 Searle, Mr A
 Veitch, Mr M
 Wong, Mr E

PAIRS

Blair, Mr N

Secord, Mr W

Motion agreed to.*Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS****Mr JEREMY BUCKINGHAM (17:03):** I move:

That standing and sessional orders be suspended to allow Private Members' Business Item No. 1579 outside the order of precedence relating to documents provided to the Ken Matthews investigation into New South Wales Water Management and Compliance to be called on forthwith.

This is an urgent matter. This morning I attempted to have it pass during formal business because it is a matter of public importance and of interest to the community. We know that 3,000 documents were provided to the Matthews investigation. His interim report is a damning indictment on water management in New South Wales and on the administration of the State. Those documents are of great public interest right now. The matter is urgent. The entire nation is interested in water management in this State and we have sought to have the documents revealed through this parliamentary procedure, Standing Order 52, but the Government is refusing.

There is a parallel in the Grygiel matter of the alleged under-dosing of chemotherapy and the approach taken by the then health Minister, Jillian Skinner. There was an interim inquiry, the report was released and the documents were released. Then the Government chose full transparency, but today it is trying to avoid scrutiny. This is an urgent matter because the community is very concerned about the health of the Darling River and people want to know what happened to the tens of billions of dollars that was spent on the health of the Murray-Darling Basin system and whether or not it was wasted through maladministration and corruption. The Standing Order 52 process is a way of getting to the bottom of the matter and it is something that should be done today. I would urge the Government to reset. This is not going to go away. Today, tomorrow—

The Hon. Walt Secord: Come clean.**Mr JEREMY BUCKINGHAM:** Come clean, go to full transparency. Government members might think this is water torture—**The Hon. Walt Secord:** Waterboarding.**Mr JEREMY BUCKINGHAM:** You might think it is waterboarding but it is torture for the people of the lower Darling and for those who give a damn about water in this State.**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I ask that the level of conversation in the Chamber and in the President's gallery be reduced. I bring to the attention of the Deputy Leader of the Opposition that I am in the chair. He and others should be concerned about interjections.**Mr JEREMY BUCKINGHAM:** Today I have had correspondence from people who are watching the process. They are alarmed that we have a Minister arguing against full transparency, saying that he would not give a running commentary. The people who have contacted me do not want a commentary from the Minister; they want the documents revealed now. They want to see what Mr Matthews saw and they want to see it today. We will not give up. We understand that there are five investigations going on. Some are off in the never-never; some are a black box where we may never see the documents. Like the Independent Commission Against Corruption [ICAC], they may never become a matter for public record. But through the Standing Order 52 process we can get to the bottom of it.

There are many unanswered questions. Why did the secretary of the department prevent Mr Matthews from reporting on the conduct of other Department of Primary Industries [DPI] water staff? We have heard from the Minister today that these are legal issues. Under our Westminster system it is completely oblique and utterly unacceptable for a Minister to simply say that there are legal issues. Does the Minister think that will pass muster? It will not pass muster in Broken Hill; it will not pass muster in Sydney; it does not pass muster with The Greens; and I hope it does not pass muster with other members in this Chamber.

So much remains unanswered. This is an opportunity for the Minister to save the reputation of the Government, to save the administration of this State, and to save his own skin. It is a massive mistake for the Hon. Niall Blair to put the matter on the never-never and say, "I am not providing a running commentary". Not to go to full transparency and accountability is a big mistake. It is the sort of mistake one sees when governments become arrogant and removed from the community; they think they can bluff and bluster their way through. This is the opportunity for the Government to agree to bring this debate on under Standing Order 5 to reveal the documents, so that we can see what the Government did, when and why.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (17:09): The Government opposes bringing on this matter as an urgent matter.

Many of the issues have been discussed at great length. Mr Jeremy Buckingham, who moved the motion to suspend standing orders, said quite clearly in his contribution that matters that are being investigated by other agencies such as the Independent Commission Against Corruption [ICAC] and are still under investigation. That is why it would be premature to bring on the call for papers today. The member said clearly that he has been contacted by people who want to see those documents. If the member had access to them it would be absolutely premature to provide them to the wider public while the matters surrounding the allegations that came out of the *Four Corners* report are still being investigated.

The Matthews' report is not a whitewash. The Government, and I on behalf of the Government, have committed to addressing the issues that Mr Matthews exposed in his investigation. We have committed to the urgency required for the communities in New South Wales that rely upon the systems that underpin the access, the use and the compliance of that use to that natural resource. As Minister I have committed the Government to take this issue seriously. All members and the media have acknowledged that Mr Matthews uncovered things that are below par, but clearly from the language in Mr Matthews' report and his recommendations, and from the fact that other agencies are looking into these matters, it would be premature for the House to decide today to provide those documents to members so that the member opposite could then circulate them.

If Mr Jeremy Buckingham is committed to resolving these issues, he would allow those that are investigating them—the agencies that have said they are taking an interest in these matters—to get on with and do their jobs. He would put those investigations in jeopardy if he circulated the documents. If he is serious about resolving these issues, if he wants those communities to have confidence in the system, he will allow agencies such as the ICAC to get on with their job and to not play political games with those investigations. That is why we should do the other work of this House this afternoon. There are important matters on health and vaccinations that must be debated and put through this House tonight. This is an issue the Government has returned to over and over again in many forums this week. The Matthews' report has shed more light on water compliance than we have seen in decades.

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

The Hon. NIAL BLAIR: We know that this has been an issue. The member referred to former Auditor-General's or Ombudsman's reports. Let us allow the agencies to complete their investigations. Let us make sure that Mr Matthews' recommendations, to which the Government is committed, are implemented as quickly as possible. That is why this matter is not urgent now. That is why we have other agencies looking at these matters. That is why the suspension of standing orders to allow this matter to be debated as an urgency motion should be defeated and is opposed by the Government.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that the motion be agreed to.

The House divided.

Ayes 16
Noes 19
Majority..... 3

AYES

Buckingham, Mr J
Field, Mr J
Mookhey, Mr D
Searle, Mr A
Veitch, Mr M
Wong, Mr E

Donnelly, Mr G (teller)
Graham, Mr J
Pearson, Mr M
Sharpe, Ms P
Voltz, Ms L (teller)

Faruqi, Dr M
Houssos, Ms C
Primrose, Mr P
Shoebridge, Mr D
Walker, Ms D

NOES

Amato, Mr L
Colless, Mr R
Farlow, Mr S
Khan, Mr T

Blair, Mr N
Cusack, Ms C
Franklin, Mr B (teller)
MacDonald, Mr S

Clarke, Mr D
Fang, Mr W
Green, Mr P
Maclaren-Jones, Ms N
(teller)
Mitchell, Ms S
Phelps, Dr P

Mallard, Mr S
Nile, Reverend F
Taylor, Ms B

Martin, Mr T
Pearce, Mr G

PAIRS

Moselmane, Mr S
Secord, Mr W

Mason-Cox, Mr M
Harwin, Mr D

Motion negatived.

*Bills***PUBLIC HEALTH AMENDMENT (REVIEW) BILL 2017****Second Reading**

The Hon. SCOTT FARLOW (17:21): On behalf of the Hon. Niall Blair: I move:

That this bill now be read a second time.

I am pleased to bring before the House the Public Health Amendment (Review) Bill 2017, which seeks to amend the Public Health Act 2010 following a statutory review of that Act and subsequent developments in public health since that review. The Public Health Act passed Parliament in 2010 and aims to protect and promote public health, and control the risks to public health. The Act deals with a range of public health matters such as powers during a public health emergency, notification of diseases and conditions to the health secretary, vaccination enrolment requirements in childcare facilities and primary schools, and the regulation of a number of areas that have the potential to affect public health, such as drinking water, skin penetration and public swimming pools. In 2016, a statutory review of the Public Health Act was undertaken by the Ministry of Health to determine whether the objectives of the Act remain valid and whether the provisions of the Act are appropriate for securing those objectives.

As part of the review, the ministry released a public discussion paper to seek submissions from stakeholders and members of the public. More than 200 submissions on the discussion paper were received from members of the public and from stakeholder organisations. I thank members of the public and those organisations for their thoughtful contributions to the review of the Public Health Act, which were considered in preparing the final report on the review. The report on the review was tabled in Parliament in November 2016. The report found that, overall, the objectives of the Act remain valid, but recommended a new objective be added relating to the monitoring of diseases and conditions. In addition, the report recommended a range of amendments to ensure that the Act can best protect public health. The bill follows on from the review of the Act and subsequent developments in relation to public health.

I turn first to the area of vaccination, which is one of the cornerstones of public health. It is a safe, cost-effective means of effectively preventing individuals from catching and suffering from the once common and fatal illnesses that wreaked havoc and misery on the community. Measles, tetanus, polio and diphtheria are just some of the diseases that once caused fear, pain, suffering and death but which are now, thankfully, largely controlled in Australia due to the success of vaccination. However, not everyone can be safely vaccinated, and vaccines are not always fully effective. Young babies cannot be fully protected by vaccination and some children and adults cannot be vaccinated for medical reasons. That is why it is the responsibility of all of us who do not have a medical contraindication to be vaccinated and to ensure our children are vaccinated. If people who can be safely vaccinated are, we provide a greater level of protection to those who cannot. The higher the rates of vaccination amongst those who can be vaccinated the lower the risk of infection to those who cannot be safely vaccinated.

Thankfully, most members of the community fully support vaccination, as evidenced by more than 93 per cent of New South Wales children registered as being fully vaccinated. However, the success of vaccination can result in some people becoming complacent about vaccination. More disturbingly, there are small pockets in the community that not only do not support vaccination but also peddle lies and misinformation about the safety and effectiveness of vaccination. We cannot allow the community to become complacent and we must fight back against the untruths about vaccination. To properly protect and promote public health we must maintain the highest level of immunisation possible within the community, and an important place to start is vaccination of children in childcare facilities. I note the Minister for Early Childhood Education is present in the Chamber. Childcare facilities can offer a breeding ground for the spread of disease due to the close proximity of children in a confined space. Herd immunity is especially important in that environment. Increasing the proportion of children in child care who are vaccinated will help to protect those who cannot be safely vaccinated or are not yet fully vaccinated.

As such, this bill will amend the Public Health Act to require a principal of a childcare facility to prevent a child who is not vaccinated solely due to the objections of their parents from being enrolled in child care. Under the changes contained in section 87, a childcare facility will be able to enrol a child only if the facility is provided with evidence that the child is age appropriately vaccinated, is on an approved catch-up schedule, or has a medical contraindication to vaccination. It will be an offence for a principal not to comply. The report on the statutory review of the Act recommended strengthening existing childcare vaccination requirements, although exclusion of unvaccinated children from child care was not included in the recommendations.

However, the New South Wales Government has considered the issues and has heard community calls, and indeed calls from the Prime Minister, to increase vaccination rates in child care. This Government supports the need to increase the rates of vaccination, and the need to protect and to promote public health is the basis for these changes. Some may argue this change is unfair because it disadvantages children as a result of the decisions of their parents. The Government does recognise the importance of early childhood education. However, what is unfair is parents choosing to place their own child, as well as other children and other members of the community, at risk of serious harm or even death by not vaccinating their children.

Parents who have chosen not to vaccinate their child or children will have a decision to make—to listen to all credible medical and public health experts and to protect their own child or children and others by vaccinating the child or children or ignoring the experts and science, leaving their child or children unvaccinated at the risk of life-threatening infections and not being able to enrol their child or children at child care. I urge parents not to make the latter choice. Vaccination is a success story of the modern era. We live in an age when some diseases can be prevented before they begin. All children should have the advantages of vaccination and those who can be vaccinated should be to protect themselves and others.

While it will no longer be acceptable for parents who choose not to vaccinate to enrol their child in child care and to place others at risk, the Government does recognise that there may be some groups in the community that have difficulties producing vaccination records at enrolment. These groups include children in emergency out-of-home care or a child who has been evacuated during a state of emergency. The changes are not intended to affect these classes of children. However, the bill amends the public health regulation to exempt two additional groups from the initial vaccination enrolment requirements. Those groups are Aboriginal and Torres Strait Islander children, and children in out-of-home care.

The groups in the public health regulation that will be exempted from the vaccination enrolment requirements are not groups the ministry expects to be unvaccinated. In fact, some, such as Aboriginal and Torres Strait Islander children, have higher rates of vaccination than non-Aboriginal and Torres Strait Islander children. However, parents and guardians of these children may find it more difficult to produce records on enrolment and therefore their children may be disproportionately negatively affected by the changes. The regulation will require the vaccination records for these groups of children to be provided within 12 weeks of enrolment.

This important change will be supported by additional amendments to the provisions of the Public Health Act relating to vaccinations as recommended by the report on the statutory review. Currently under the Act, principals of primary schools and childcare facilities must collect information about a child's vaccination status. When a child at primary school or child care has a vaccine-preventable disease, a public health officer can issue an exclusion order. An exclusion order excludes a child with a disease or any unvaccinated child from attending a primary school or childcare centre during the outbreak period.

The bill extends these provisions to high schools and allows an exclusion order to be issued when an unvaccinated child has come into contact with a person with a vaccine-preventable disease anywhere, regardless of whether there is an outbreak at the particular school or childcare facility that the child attends. Despite the success of vaccinations, outbreaks of vaccine-preventable disease occur from time to time. However, the changes in the bill will assist in the better management of such outbreaks by preventing unvaccinated children who have no medical contraindication to vaccinations from being enrolled in child care, which will assist in protecting and promoting public health.

I turn now to the other changes in the bill, which mostly follow on from the recommendations contained in the "Report on the Statutory Review of the Public Health Act". The bill amends section 3 of the Act, which is the objects clause of the legislation. The objects recognise the importance of protecting and promoting public health, controlling the risks to public health, and the important role that local government plays in public health. As found by the report, these objectives are appropriate but there is no express objective relating to the monitoring of diseases and conditions. This is despite the fact that the Public Health Act requires a range of conditions and diseases to be notified to the Secretary of Health by medical practitioners, hospitals and laboratories.

Notification allows NSW Health to monitor the incidence and impact of diseases and conditions and to take appropriate public health action, if required. Accordingly, and in line with the report's recommendations, the

bill amends section 3 to include monitoring the diseases and conditions affecting public health as an objective of the Act. In respect of notification of diseases and conditions, the bill amends section 54, section 55 and section 83 to allow the Secretary of Health to obtain further information about a person with a scheduled medical condition or notifiable disease from the patient's treating medical practitioner. These changes will ensure that when the treating medical practitioner is not the person who made the notification, relevant information about the patient's medical condition and risk factors can be obtained by the Secretary of Health.

The Public Health Amendment (Review) Bill includes a new section 130A. The new section will ensure that information about notifications of diseases and conditions received by the Secretary of Health cannot be disclosed under subpoena or given in evidence except in relation to proceedings under the Public Health Act. The new provision is intended to ensure that the public can trust that the sensitive information obtained and held by the Secretary of Health will not be unduly disclosed. The change will help to facilitate the public and clinicians in providing accurate and complete information to the Secretary of Health.

I turn now to the amendments in sections 62, 63, 64 and 68 relating to public health orders. Currently under the Act, if a person with a high-risk disease such as Ebola, Middle East respiratory syndrome [MERS], severe acute respiratory syndrome [SARS], avian influenza in humans, or typhoid, is acting in a way that places the public at risk, a public health order can be made. A public health order can require a person to refrain from certain conduct, be detained and/or treated. However, a public health order cannot be made in respect of a person who has come into contact with a person with a high-risk disease but has not yet developed the disease. A contact may be infected and then can be infectious prior to developing symptoms of the disease. This means that if a contact who may not be displaying any symptoms refuses to undertake appropriate risk mitigation measures, such as not entering public places, they may place other members of the public at risk of infection.

Management of contacts of persons with high-risk diseases can be central to the effective management of an outbreak of a disease and prevent ongoing transmission, as demonstrated in the 2003 SARS outbreak overseas. Generally, a contact would agree to risk mitigation measures. However, the report found that the public health order provisions should be extended to contacts with high-risk diseases who are potentially placing the public at risk. The recommendation was accepted by the Government and the bill amends division 4 of part 4 of the Act to allow a public health order to be made with respect to the contact of a person with a relevant condition, being viral haemorrhagic fever, MERS, SARS, avian influenza in humans, or typhoid. An order can only be made if the authorised medical practitioner is satisfied that the person has been exposed to the relevant condition and is at risk of developing the condition and that the person is behaving in a way that may be a risk to public health.

While public health orders for contacts are a necessary tool to protect public health in rare cases, they pose restrictions on a person's liberty. Therefore, a number of safeguards have been built into the bill. A public health order in respect of a contact with a person with a relevant disease must be revoked, at the latest, at the end of the incubation period for the relevant disease. For example, a public health order relating to a contact of a person with SARS can last a maximum period of 10 days, while the maximum duration of an order relating to a contact of a person with a viral haemorrhagic fever such as Ebola is 21 days. Further, if the authorised medical practitioner makes an order, the order will have to be reviewed and confirmed by the NSW Civil and Administrative Tribunal. Public health often involves balancing the rights of the individual and the public health needs of the community.

The provisions in the bill strike an appropriate balance between a person who has been exposed to a serious infectious disease and the safety of the public. Further, following amendments in the Legislative Assembly, the amendments to section 62 relating to the new public health orders will be reviewed 24 months after the commencement of the section. The bill amends section 106, which relates to public health inquiries conducted by the Health secretary. The bill will allow the secretary, following a public health inquiry, to order the person that has caused or contributed to a risk to public health to notify persons placed at risk. This amendment will assist in ensuring members of the public are aware of a public health risk and the measures to take to mitigate the risk. The bill also amends section 106 to ensure that a search warrant can be applied for the purpose of a public health inquiry.

I turn now to the changes in the bill relating to section 56. Section 56 provides for additional privacy protections for a person with a category 5 condition. There are only two category 5 conditions—human immunodeficiency virus [HIV] and acquired immune deficiency syndrome [AIDS]. Section 56 requires HIV notifications by medical practitioners or pathology laboratories to be given to the secretary in a de-identified format. This is different from all other diseases where notifications are given in an identified format. This prohibits a person's name from being included on an HIV pathology test request form outside of a hospital except with consent and it creates an offence for disclosing a person's HIV status, except in limited circumstances, including when the disclosure is made to a person involved in the provision of care, treatment or counselling to the person concerned so long as the information is relevant to the provision of such care, treatment or counselling.

Section 56 is based on section 17 of the old Public Health Act 1991 and reflects the historic circumstances of HIV. Historically, there was considerable and regrettable discrimination against homosexual men and people with HIV, which was a death sentence. As a result, additional confidentiality protections were included in the former Public Health Act 1991 and these were carried over to the 2010 Act. Thankfully, times have changed. HIV is now a manageable condition. However, section 56 can create a barrier to testing a person for HIV and the management of patients with HIV. Therefore, the bill seeks to update and modernise section 56. The bill removes the requirement that a patient consents to their name being included in a test request form. This will reduce a barrier to testing and bring HIV testing in line with testing for other conditions.

In addition, the bill amends section 56 to make clear that an exemption to the non-disclosure requirement is when HIV information is disclosed for the purpose of care, treatment or counselling, regardless of whether the care is being provided specifically for HIV. As HIV is a chronic illness, clinicians must be aware of a person's HIV status when treating a patient for a condition even if it appears completely unrelated to their HIV infection. However, the use and disclosure of a person's HIV status, as with any other health information, will be limited by the privacy principles set out in the Health Records and Information Privacy Act.

No changes are being made to the requirement that HIV notifications are to be in a de-identified format. The report noted that the ministry supported, in principle, named notifications as it would likely lead to improved epidemiological information and better capacity to support people with HIV. However, many stakeholders were not yet comfortable with moving to named notifications due to the unfortunate stigma that persons with HIV can still experience and concerns that named notifications may deter people from being tested for HIV. The report did not recommend any changes in respect of HIV notifications but noted that the Ministry of Health would continue to work with stakeholders on this issue.

The bill also updates and modernises section 79. The bill removes the current requirement on persons with a sexually transmitted infection [STI] to notify their sexual partners of their STI status and replaces it with a requirement for persons with an STI to take reasonable precautions against the spread of the STI. The report found that there is no evidence that section 79 is effective at preventing the spread of STIs. It also found that section 79 is inconsistent with public health messages, which focus on safe sex and the need for persons with STIs such as HIV to be on treatment and can discourage people from getting tested for STIs.

Section 79 is also out of alignment with other States and Territories, which do not have a requirement that a person with an STI notify their sexual partner. The bill therefore removes the notice requirement in section 79 and replaces it with a provision requiring a person with an STI to take reasonable precautions against the spread of the infection. Reasonable precautions would generally include the use of a condom. In addition, in respect of HIV, recent evidence shows that having an undetectable viral load as a result of being on treatment can prevent the risk of transmission of HIV. The new section 79 will better align the public health messages about safe sex and the importance of people being tested and treated for STIs. Following amendments in the other place, the new section 79 will be reviewed two years after commencement, with a report tabled in Parliament 12 months after that.

I turn now to the provisions of the bill relating to environmental health premises. Environmental health premises contain a public swimming pool or spa pool, or premises containing a "regulated system", which is a system such as a water-cooling system that is at risk of spreading *Legionella* bacteria, or premises where skin penetration is conducted. Environmental health premises all carry a risk of spreading serious infectious diseases. Therefore, the Act requires occupiers to comply with appropriate standards to reduce the risks of infection. These standards are set out in the Public Health Regulation.

The bill makes a number of minor amendments to these provisions. It clarifies that public swimming pools include pools on private residential premises that are used for a commercial purpose such as commercial backyard learn-to-swim pools, splash parks, and interactive fountains; it clarifies that where certain regulated systems are installed in a multi-tenanted building the owners' corporation is the occupier; and it brings procedures that penetrate a mucous membrane, such as a tongue, within the definition of a skin penetration procedure.

The bill also includes a new section 39A, which will make it an offence for a person other than a medical practitioner, or other person prescribed by the regulations, to perform eyeball tattooing. While the report on the review did not recommend prohibiting eyeball tattooing, it is an extreme form of skin penetration that carries risks over and above those of infection control. Eyeball tattooing can lead to serious damage of the eye and even blindness. Thankfully, eyeball tattooing has not become common in New South Wales. I cannot understand why anybody in their right mind would want their eyeball tattooed. While I have been advised of a small number of legitimate medical reasons that such tattooing may be carried out, the Government is preventing unqualified persons from performing eyeball tattooing.

The bill also makes changes in relation to suppliers of drinking water. Currently, section 25 of the Act requires suppliers of drinking water to establish and adhere to a quality assurance program. However, there is no penalty for non-compliance. The report found that a lack of penalty can impede compliance with suppliers establishing a quality assurance program. As such, the bill amends section 25 to include a penalty for non-compliance. In addition, and in line with the recommendations of the review, the bill also amends section 4 to recognise that local governments have a responsibility to regulate private water suppliers in line with their role in regulating environmental health premises.

I turn to the amendments in the bill relating to registers under the Act. Minor changes are also made to sections 97 and 98 in respect of public health and disease registers. The bill clarifies that the requirements in these sections apply only to a public health and disease register established under sections 97 and 98 and not to any other registers that may be created under the Act. In addition, regulations will be able to be made setting out additional purposes for which a public health and disease register can be created.

The bill also removes the provisions in the Act relating to the Pap test register. The Pap test register has been an important register maintained by the Cancer Institute on behalf of the Health secretary and has assisted thousands of women in remembering to undergo a Pap test, which can detect early signs of cervical cancer. Each State and Territory runs a similar register. However, the Commonwealth has moved to establish a national cancer screening register, which will replace the State and Territory Pap test registers. A national register has benefits as it will apply to cancers other than cervical cancer and can assist in ensuring that women who move interstate are not lost to follow-up appointments. Therefore, and in line with the recommendations in the report, the bill removes the provisions in the Act relating to the Pap test register.

I am pleased that many stakeholder groups and members of the public contributed to the review of the Public Health Act. Many of the submissions received related to nursing homes. Under the Act, certain nursing homes must have a registered nurse on duty at all times. However, the definition of "nursing homes" is problematic as it refers to facilities that provide care under the Commonwealth Aged Care Act in relation to an allocated place that requires a high level of residential care within the meaning of the Commonwealth Act. The Commonwealth has since removed the distinction between high levels and low levels of care.

Regulations are in place to grandparent existing nursing homes in New South Wales that previously had a requirement to have a registered nurse on site at all times. The issue of aged care is the responsibility of the Commonwealth. However, the New South Wales Government referred the issue of staffing in nursing homes to the Council of Australian Governments Health Council. I am pleased that the Commonwealth has subsequently undertaken public consultation on a proposed new set of quality standards for all aged care services. The draft standards include a requirement that facilities provide a sufficient skilled and qualified workforce to provide safe and quality care and services. I look forward to the development of these standards. The Public Health Act is the primary health legislation in New South Wales. The amendments in the bill will ensure that the Act remains effective and up to date in protecting public health and controlling the risks to public health. I commend the bill to the House.

The Hon. WALT SECORD (17:45): As the Deputy Leader of the Opposition and shadow Minister for Health I speak for Labor in debate on the Public Health Amendment (Review) Bill 2017. As Labor's representative on health matters in the Legislative Assembly member for Port Stephens Kate Washington said, Labor is supporting the bill and will be monitoring its implementation. I note that the member for Port Stephens made a lengthy contribution to the second reading debate in the other place, so I will not repeat most of her observations. I will stress that we have concerns about what some sections of the community initially saw as overreach by the Berejiklian Government. That was why on 12 September Labor lodged several amendments to improve the bill and create some safeguards.

In the spirit of bipartisanship the Opposition urged the Government to consider the amendments, as they would strengthen the bill, provide some protections and respond to concerns raised. First, I thank my colleague the Hon. Penny Sharpe for her assistance. She has provided intelligent and considered insights and been a strong and principled advocate for people's rights in this area of public policy. Furthermore, while I often vehemently disagreed with the tin-ear approach taken by previous Minister for Health Jillian Skinner, I acknowledge she was a supporter of the lesbian, gay, bisexual, transgender, queer, intersex and asexual community, particularly in tackling HIV and hepatitis. In the past Mrs Skinner would have secretly accepted the amendments and given them to a friendly crossbench member to present as their own, and in fact that occurred in the Legislative Assembly earlier today. I foreshadow that I will still move a small amendment.

On that point I refer to amendments that member for Sydney Alex Greenwich moved in the other place. I am rather startled that he has assumed the role of Christian Democratic Party leader Reverend the Hon. Fred Nile in putting forward amendments that the Opposition had originally advocated for a long time as his own. I will put that matter aside in the pursuit of the common good and better health policies, but I hope his supporters read

Hansard and realise that he is very close to the Government on many matters. In fact, the voting record shows that the member for Sydney votes overwhelmingly with the conservatives on many occasions.

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

The Hon. WALT SECORD: I digress. I was just putting this in context and giving the community an insight into how amendments come to life.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! The member will return to the leave of the bill.

The Hon. Dr Peter Phelps: The great parliamentary educationalist Walt Secord.

The Hon. WALT SECORD: I will do something on the Constitution next, if you wish. There have been some preliminary discussions about referring this bill to a committee. I will not be supporting that proposal by Reverend the Hon. Fred Nile. A lot of work has been put into this bill and there has been much consultation. This bill will make a number of changes to the Public Health Act as part of the statutory review of that Act. In a practical sense, this is an omnibus bill or a statute miscellaneous bill with some controversial aspects. Broadly, it covers vaccinations in childcare centres; protections for the supply of drinking water; eyeball tattooing; skin penetration procedures; measures to curb legionella; safeguards on disclosure on HIV-AIDS; measures on persons engaging in sexual activity when they are aware they are infected with sexually transmitted infection [STI]; and public health orders in relation to some diseases and conditions such as SARS, Middle East respiratory syndrome [MERS], Ebola and HIV-AIDS.

Unfortunately, the bill breaks a major promise by the Baird and Berejiklian governments. Both administrations gave an indication to the community that they would move to having a registered nurse on duty 24/7 in aged care. The Parliamentary Secretary made an attempt to place that at the feet of the Federal Government. Aged care is a Federal responsibility but New South Wales was the only jurisdiction in Australia to require a registered nurse on duty 24/7 in aged care. This Government removed that requirement and there was hope in the community that it would be restored in this bill.

By way of background, on 10 August the health Minister introduced this bill. In his second reading speech he said it was part of the 2016 statutory review of the bill and had been the subject of more than 200 submissions. However, he skated over a number of issues. Notably, this bill incorporates three Labor initiatives—the main items being a ban on eyeball tattooing and vaccinations in childcare facilities. Those measures were previously opposed by former health Minister Jillian Skinner, and I welcome the decision of the Berejiklian Government to include them in this legislation. It also picks up Labor's longstanding concerns about the inadequate inquiries carried out by NSW Health.

It is a small step but cautiously welcomed. Hopefully, this amendment will prevent the repeat of other health and hospital whitewashes—namely, I refer to Professor David Currow's inquiry into the chemotherapy off-protocol under dosing carried out as a section 122 inquiry under the Public Health Act. The bill will allow a search warrant to be applied for when the secretary is conducting a public health inquiry. We all remember that several St Vincent's doctors refused to cooperate with the inquiry and nothing happened to them. They were not compelled to participate and they did not cooperate. I do not know how Professor Currow can stand by that investigation. This amendment would have been useful in getting to the bottom of the disgraceful chemotherapy off-protocol scandal at St Vincent's Hospital and the clinics in the Central West. The bill also extends safeguards and privacy protections for people with HIV-AIDS and disclosure of their status.

The bill amends section 3, which provides for the monitoring of diseases and conditions affecting public health and it involves control orders. Section 3 will be amended to give stronger powers to monitor major communicable diseases and conditions affecting public health. This is limited to the incubation period of a disease. That is a sensible control. This bill covers a range of topics and I particularly welcome the provisions on vaccination in childcare facilities. I congratulate the Government on taking this on board but I note that in April 2017 the Minister for Early Childhood Education, the Deputy Leader of the Government and the Hon. Duncan Gay attacked it. Lo and behold it is now in this bill, and I welcome it.

The Hon. Dr Peter Phelps: That is very magnanimous of you.

The Hon. WALT SECORD: I am in a very generous mood today. Currently, 93 per cent of children in New South Wales are vaccinated. Those rates need to be up to 95 per cent to protect those who cannot be vaccinated. The bill adopts Labor's plan on vaccinations in childcare facilities, whereby children who are not vaccinated are refused enrolment. It carries sensible exemptions such as for children who are undergoing treatment such as chemotherapy or those in need of emergency out-of-home care. It also allows Aboriginal and Torres Strait Islanders and guardians of children extra time to provide vaccination records. That was not included in my bill

and it is an improvement. Indeed, it is a sensible and welcomed measure. The bill also removes the ability of a childcare facility to enrol a child who is unvaccinated due to the so-called and inaccurately described "conscientious objections" of their parents.

The use of the phrase "conscientious objector" is a misrepresentation. I note the tiny ragtag rally held yesterday in Martin Place. I also note the handful of emails I received from the anti-vaccination movement when I first proposed these measures. Anyone who gives comfort to those nutters deserves to be condemned. I do not acknowledge or respect their views. As I have often said, no-one has the right to subject their child to an infectious disease or to preventable diseases. The bill only affects parents who, due to their personal beliefs and opinions, deny a proven medical treatment that protects both their children and other children from preventable serious illnesses. As we speak about individual choices and parents' rights, let us keep that specific factual context in mind. This bill is necessary because of a loophole in the existing legislation, created by the previous Minister for Health. It has become necessary to ban the setting up of specialist anti-vaccination centres in New South Wales—there was a proposal to set one up on the northern beaches and another on the far North Coast.

In June 2013 I originally expressed my concerns about the so-called "conscientious exemption" in the legislation introduced by former health Minister Skinner. As it turns out, my concerns were well founded as this loophole was set to be exploited. To give context, in this country and this State we have a vaccination crisis—preventable diseases such as measles, whooping cough, tetanus and tuberculosis are appearing. Only this week NSW Health reported another measles case, where an infected person visited a number of sites in south-eastern Sydney. Between 5 September and 11 September that person visited Miranda Fair and a number of other sites in the shire. Measles is one of the most contagious diseases known—anyone who enters a room half an hour after an infected person has been there can still catch the infection.

The March edition of the *Medical Journal of Australia* reported that approximately 37,000 conscientious objectors are registered nationally. In New South Wales there are about 13,000 people who claim they do not have to vaccinate their children. In recent months patients have been presenting to New South Wales hospitals with vaccine-preventable diseases in increasing numbers. I grew up in a community with people who had polio. It was ridiculous to see people suffering from a preventable disease. The statistical linkage between low-vaccination rate areas of Australia and the incidence of vaccine-preventable infections is well established. Children are getting serious illnesses that are entirely preventable as a result of parents failing to properly vaccinate. That alone should justify action. Added to the argument is a rational, objective view about what the loophole truly supports.

This is not conscientious objection. The term "conscientious objection" comes from the anti-conscription movements of the early twentieth century. The anti-vaccination movement has stolen the term in an attempt to lend moral credibility to vaccine refusal. That comparison is not valid, nor does it deserve any credibility. Vaccine refusal supports personal opinion—not the opinion of the child, but that of the parent who is not an expert. There is no scientific or medical debate on this. The jury is in—namely, vaccinations work and they save lives. The greatest improvements to world public health are from sterilisation of equipment, washing hands, the provision of clean water and immunisations. Vaccine refusal is not a scientific, moral or ethical resistance; it is an egregious elevation of personal choice.

The fact that children are getting ill—unnecessarily ill, seriously ill and sometimes fatally ill—is due to deference to so-called personal choice. That is wrong. I am a big defender of personal choice but my defence cannot run as far as the right to refuse to vaccinate your child. Personal choices that needlessly deny medical treatment to children have a name: child neglect. I repeat, to refuse to vaccinate your child or to subject someone's child to your unvaccinated child is child neglect. We do not give parents personal choices to not educate their children because that would be neglect. We do not give parents personal choices to not adequately feed and nourish their children because that would be neglect. The anti-vaccination loophole deeply privileges personal opinion in the face of all medical, scientific and policy evidence. It never should have been opened by the previous health Minister. It certainly needs to be closed, and I welcome it. It is in everyone's interest to increase vaccination rates.

I do not want to revisit the evidence for that statement in detail, because I do not wish to add to the perception that there is any debate about it from any evidence-based framework. That is settled. Vaccinations have saved millions, probably billions, of lives in the developed and developing world. That is settled. That is why mothers in Africa and on the Indian subcontinent line up for hours to vaccinate their children. Yet on the northern beaches of Sydney and on some parts of the North Coast of New South Wales, they are resisting. Vaccination rates in northern New South Wales, in some parts of the State's east and on the northern beaches have slipped to unacceptably dangerous levels. In 2014-15 the Byron shire rate was 61 per cent, the Mullumbimby rate was 46.7 per cent and the Murwillumbah rate was 76 per cent. These are at dangerous levels. Across the Northern NSW Local Health District the vaccination rates for children under the age of two are just 84.9 per cent. That is the worst local health district vaccination rate in the State.

In April I read and spoke about a measles outbreak in Romania, where the national vaccination rate is at 86 per cent. The World Health Organization has reported that Romania has seen nearly 2,000 cases of measles, which included 17 children who have died since February 2016. The decline in vaccinations in Romania has been attributed to the anti-vaccination movement there. Romania now has Europe's highest measles infection rates. In contrast, there is some good news in New South Wales. Parts of Wollongong have the highest vaccination rates in New South Wales. Woonona, Woonona East and Russell Vale have the second-highest vaccination rates in Australia, second only to the Goulburn Valley in Victoria.

In Australia we need to have a herd immunity rate of about 95 per cent so that we can provide a form of indirect protection from infectious disease that occurs when a large percentage of a population has become immune. Sadly, as these vaccination rates drop, we are seeing these diseases in New South Wales again. It is startling that New South Wales vaccination rates are lower than those in developing countries such as Rwanda, Eritrea and Bangladesh, which have vaccination rates of between 93 and 99 per cent. We cannot continue to accept that parents in an affluent and fortunate country such as Australia would choose not to vaccinate their children. We have to find ways to increase vaccination rates. The results of the anti-vaccination movement now show us that it is not only open to us but also incumbent on this Parliament to plug vaccination loopholes and to find ways to increase vaccination rates.

Vaccinations are the only way to protect against serious diseases such as polio, mumps, whooping cough, meningococcal, diphtheria and tetanus. No-one has the right to infect someone else's child, as has been proposed in a number of invitations on social media forums to set up so-called "pox parties". To fail to vaccinate one's child is simply irresponsible—it is neglect. That is why the New South Wales Labor Party has supported the Federal Government's "No jab, no pay" and the stand of the Prime Minister and Federal Leader of the Opposition Bill Shorten to drive up vaccination rates. I am 100 per cent on board and I am in total agreement with the Prime Minister and Bill Shorten. In fact, I would go further. If the Government wants to bring in tougher measures on vaccinations I am willing to consider them.

As I have said on many occasions, I am all for listening to other views, but public health policy is not a matter of opinion, philosophy or religion. Public health policy is a matter of evidence. There is no other way to do it. The evidence is in and the jury has reached its conclusion. It is clear. It is settled. Despite endless revisiting, re-publication and promotion of that evidence, a fringe just refuses to accept it. It is time to treat vaccination not as a choice of parents but as the right of children. This bill takes a small but significant step in upholding that right. Under the bill, a childcare facility will only be able to enrol a child who is fully vaccinated, on an approved catch-up schedule or if they have a medical contraindication to vaccination, such as chemotherapy, organ donation and recognised major illnesses.

It will be an offence for a director of a childcare facility to not comply. Certain categories of vulnerable children, such as Aboriginal and Torres Strait Islander children and children in out-of-home care, will still be able to enrol, but the legislation will require that they have to provide their vaccination documentation within 12 weeks of enrolment, which I believe is reasonable. The maximum penalty for non-compliance is \$5,500. The legislation also makes it an offence for a person to forge or falsify a vaccination certificate which is provided to a childcare facility to enable the enrolment of a child. Furthermore, it extends the existing provisions that apply to primary schools to high schools.

These measures would directly target individuals like Melbourne's Dr John Piesse, who has helped parents avoid compulsory vaccinations. He should be railroaded out of the medical fraternity—he should be disbarred. Currently, he and two other doctors are the subject of investigations in Victoria. He also holds controversial views on autism and heart disease. I am disappointed that a campaign by the anti-vaxxer movement has raised \$117,251 in Dr Piesse's defence fund. I would not give a cent to this charlatan or to his defence. The bill also requires principals of high schools to obtain information about a child's vaccination status at enrolment. It allows a public health officer to exclude a child with a vaccine-preventable disease, or an unvaccinated child, from high school during the outbreak of a vaccine-preventable disease. The bill allows a public health officer to take action to exclude a child from a childcare facility or a school if the officer believes that an unvaccinated child has come into contact with a person with a vaccine-preventable disease, even if there is not an outbreak at the childcare facility or school. This will assist in better preventing outbreaks from occurring.

As for anti-vaccination groups arguing that some children will miss out on child care and early childhood education because their parents refuse to get them vaccinated, that is absolute rubbish. The number is so minute that it would amount to a small handful of children in the entire State. Labor's position on vaccination is very clear: there is no such thing as a so-called conscientious objector; a parent who refuses to have his or her child vaccinated is an anti-vaxxer. Three to 4 per cent of children cannot be vaccinated, which is why we need high levels of vaccination rates in children in order to protect those who are not vaccinated.

I now turn to section 79, which relates to sexually transmitted infections. This is the area that was the subject of amendments in the Legislative Assembly, to which I referred earlier. The bill removes the requirement for persons with sexually transmitted infections [STIs] to notify their sexual partners before having sex. This is replaced with a provision which makes it an offence for a person with an STI to fail to take "reasonable precautions" against the spread of the STI. I note that in his second reading speech the Parliamentary Secretary referred to a condom as a reasonable precaution. The penalty for contravention is an \$11,000 fine and/or six months jail. Some sectors have raised concerns about the imposition of this high fine and a possible jail term.

The bill also extends responsibility to the owner or occupier of a building—it could be a brothel owner—who knowingly permits an infected person to engage in sexual activity at the premises. The Berejiklian Government's amendment has an unintended consequence by providing a maximum six-month prison penalty: it could be argued by some that it could be a weakening of the current laws. In November 2013 there was a high-profile case of a then 44-year-old man who knowingly infected his girlfriend with HIV, which she then unwittingly passed on to another man. He knew for 10 years that he had HIV, but he had unprotected sex with her on five separate occasions in a nine-month period. He received a three-year prison term for "inflicting grievous bodily harm".

The bill also addresses the notification of certain diseases and conditions. The bill amends sections 54, 55 and 83 to allow the secretary to obtain further information about a person with a scheduled medical condition or notifiable disease who has been notified to the secretary by the patient's treating medical practitioner. These changes will ensure that when the treating medical practitioner is not the person who made the notification, relevant information about the patient's medical condition and risk factors can be obtained by the secretary. In relation to public health orders, the bill amends the provisions of the Act relating to public health orders, requiring a person with certain serious conditions, such as Ebola, Avian influenza in humans, typhoid, MERS, SARS or HIV, and who is posing a risk to public health, to be detained and/or treated, or to comply with certain other directions.

Some safeguards are in place, such as the public health order must be revoked at the latest at the end of the incubation period for the disease; for example, for SARS that could be 10 days or for Ebola it could be 21 days. These orders can be reviewed by the NSW Civil and Administrative Tribunal [NCAT]. The bill allows a public health order to be made by an authorised medical practitioner in respect of a person who has been exposed to a "contact order condition" and who poses a risk to public health. Contact order conditions are set out in new schedule 1A and include serious and highly infectious diseases such as MERS, SARS, typhoid or viral haemorrhagic fever—Ebola. Appropriate safeguards have been included in the bill, such as the maximum period of a contact public health order is the incubation period for the relevant condition, and an application must be made to NCAT to review the order within three working days of the order being made.

The bill allows a public health order to require people who are the subject of the order to provide details about other persons with whom they have come into contact. The bill allows a public health order to provide for the detention of the person with a disease, or who has been exposed to a contact order condition, regardless of whether or not treatment can be given to the person.

The secretary can direct a person to undergo a medical examination under section 61. This will require the ministry to detail in its annual report how many public health orders are made each year under section 62. Given that the member for Sydney moved many of my amendments, I will ask the Government to consider publishing a list of the orders made relating to public health orders. While a number of measures involve control orders, there are also privacy protections for HIV-AIDS. The bill amends section 56, which provides for additional privacy protections for persons with a category 5 condition, being HIV or AIDS.

This will prohibit, outside a hospital, a person's name being included on an HIV pathology test request form except with consent and creates an offence for disclosing a person's HIV status, except in limited circumstances such as to a person who is involved in the provision of care, treatment or counselling of someone as long as it is related to the provision of care, treatment or counselling. It removes the requirement that an HIV test request form contain a patient's identifying information only with the consent of the person. This will ensure that HIV tests are treated no differently from other pathology test requests and remove barriers to HIV testing. It expands the current exemption to the non-disclosure provision relating to a person's HIV status to allow HIV information to be disclosed for the purpose of providing care, treatment or counselling to the patient. Currently, the relevant exemption can be narrowly read to allow disclosure in a healthcare setting only when the information is needed to treat a person for HIV. General privacy protections will continue to apply to the use or disclosure of a person's HIV information. The penalty is a maximum of \$5,500.

In regard to Pap Test Register changes, the bill removes the provisions in the Act relating to the Pap Test Register. This is because the Commonwealth is establishing a National Cancer Screening Register, which will take over State and Territory based pap test registers. The purpose of this change is to increase the number of

women on the register and to ensure that women who move interstate or interterritory are included. In regard to drinking water supply protections, the bill amends section 25 to make it an offence for a supplier of drinking water—unless exempted by the Chief Health Officer—to fail to establish or adhere to a quality assurance program. Suppliers of drinking water will be required to provide a copy of the quality assurance program to the secretary. It also amends section 24 to provide that local government authorities have responsibility over the regulation of private water suppliers and water carters.

I turn now to environmental health. The bill makes minor changes to the environmental health premises provisions to clarify that a public swimming pool includes a pool on a residential premises that is used for commercial purposes as well as splash parks and interactive fountains in order to reduce the spread of legionella bacteria. The bill provides that the occupier of multi-tenanted premises containing water cooling systems or air-handling units is deemed to be the owners' corporation. Unfortunately the Berejiklian and Baird governments have presided over a number of legionnaire's disease outbreaks in recent years. This year there have been 79 cases in New South Wales, including one this month, seven in August and six in July. This compares to 136 in 2016—the worst year on record. It is apparent that the Berejiklian Government is not properly overseeing the monitoring of cooling towers in New South Wales.

I refer to the bizarre and abhorrent practice of eyeball tattooing. The bill includes new section 39A to make it an offence for a person, other than a medical practitioner or a person prescribed by the regulations, to carry out eyeball tattooing. We note that there are rare cases when this practice is needed if the eye is stained due to disease such as hepatitis, but this will be permitted only if it is conducted by a qualified medical practitioner, thus banning amateur eyeball tattooing. We all remember the bizarre arguments mounted by the former Minister who refused to legislate in this area. I also recall the speech of the Hon. Dr Peter Phelps in which he defended the right to be stupid.

The Hon. Dr Peter Phelps: A right I have exercised on many occasions.

The Hon. WALT SECORD: I am pleased that the current health Minister has seen sense and has banned that practice. The bill also amends sections 97 and 98 which relate to the establishment of public health and disease registers to make it clear that these provisions do not limit other registers that can be created under the Act and to allow for regulations to set out additional purposes for which a public health and disease register can be created. I commend the bill to the House.

The Hon. PAUL GREEN (18:14): My colleague Reverend the Hon. Fred Nile will deal with the substantial part of the Public Health Amendment (Review) Bill 2017, but I wish to contribute to debate because of my history as a general practice nurse. I immunised a few children in my time and I wrote my major paper on the immunisation gap theory at Wollongong University. Many of the recommendations in that paper were implemented.

The Hon. Walt Secord: Wollongong has the second-highest vaccination rate in Australia.

The Hon. PAUL GREEN: It does. I have had experience as a nurse which enables me to speak today with some experience. One of the aims of the bill is to lift the vaccination rate. The bill aims to prohibit the enrolment of children into childcare facilities if they have not been vaccinated or are on a catch-up course of vaccination. As members are aware, the Christian Democratic Party fundamentally is pro-life. We care about the intrinsic value of human life and we support modern medicine when human dignity and life are its primary focus. Vaccination programs have worked towards that end. Childhood deaths have been minimised through vaccination programs. We have seen the eradication of some diseases such as smallpox. Diseases such as polio, diphtheria and other debilitating childhood diseases have been greatly reduced.

If one walks through old cemeteries one often sees many headstones of children and babies who passed away before vaccination programs were widespread. As responsible parliamentarians we should always act in the best interests of the family. Over the past two decades we have seen the introduction of new vaccines for diseases such as chickenpox, cervical cancer and meningococcal disease. That terrible disease can result in people dying within 24 hours. People are admitted to the intensive care unit—often they are young people—and within 24 hours they are dead. There is nothing worse than hearing parents screaming, asking their children to hang on and try to beat the disease. No-one can argue that vaccination programs have not been successful. Unfortunately, this success has led to a complacency in some people who, unfamiliar with the consequences, question the need for vaccination. This has been compounded by "Dr Google".

There is a trove of information on the internet—some accurate, some misleading and some just plain wrong. Unfortunately not everyone in the community has the skills to scientifically scrutinise the accuracy or validity of what is on the internet. In some cases this has led to a culture of suspicion and opposition against all forms of vaccine. The problem is that parents who do not vaccinate their children not only place them at risk of

illness and death but also place at risk others who are too young or unwell to be vaccinated. We have heard tragic cases of babies who have died of whooping cough simply because they were too young to be vaccinated or because they caught whooping cough from other children or adults.

Adults who have compromised immune systems due to cancer, chemotherapy or AIDS are also at risk. This is why herd immunity is an important concept; it recognises that infants and people with immune problems cannot always be directly protected by vaccines. It is why people suffering from measles are told not to visit maternity wards because it could cause damage to unborn and newborn babies. This bill aims to encourage people to get their children vaccinated before placing them in childcare facilities. Previously they would either get their children vaccinated or, if they had a conscientious objection to vaccination, discuss it with their doctor who would correct any misinformation or possible contraindications. Some of those have been mentioned already such as anaphylactic shock, which we cannot rule out. Following an independent discussion with a doctor, if people still had an objection to vaccination the doctor would have been able to issue them with a certificate that admitted their children into childcare facilities. This bill will force people to act against their conscience, or not admit their children into childcare centres.

The Christian Democratic Party recognises that some individuals have genuine religious objections to some kinds of vaccines. It may not be well known but, according to Dr Kerry Chant, a number of vaccines are derived from embryonic stem cells or aborted fetal cells. For example, Merck & Co and GlaxoSmithKline Australia both produce a chickenpox vaccine derived from WI-38 and MRC-5—fetal lung cell lines. The Christian Democratic Party supports the rights of Christians and other people to object to vaccines derived from aborted fetal cells being used on their children. This objection is extended to parents as the primary caregivers of children. However, it does not mean that the Christian Democratic Party opposes vaccines per se. To our knowledge, for every vaccine derived from fetal cells an alternative vaccine is derived from either animal or yeast sources.

The Christian Democratic Party supports vaccination on the proviso that the contents of the vaccine are ethically sourced and do not harm recipients. Good medicines should not harm people. As required by the bill, consultation with a general practitioner would clarify the sources of the vaccines in question and allay many other myths and concerns. My colleague Reverend the Hon. Fred Nile will refer to that in detail. There is no one-size-fits-all solution and there is always the danger of anaphylactic shock.

Parents should discuss with their doctors the impact of immunisation. Children can develop temperatures and headaches and all sorts of other symptoms about which they need to be aware—symptoms that often are apparent only 10 days after vaccination. There may be temperatures and the wound may become infected. Parents should speak to doctors and be fully informed when vaccinating their children. I am informed by the Hon. Dr Peter Phelps that Voltaire did not say, "I may not like what you say but I will respect your right to say it." That saying is attributed to Voltaire's biographer.

The Hon. Bronnie Taylor: The Hon. Dr Peter Phelps is an historian.

The Hon. PAUL GREEN: He is an historian. That is the scenario with which I am faced today. I might not like what some people say but I defend their right to say it. Vaccines are necessary but, unfortunately, good hygiene, sanitation, clean water and nutrition do not always prevent infectious diseases. Most reactions to vaccines are minor and temporary, such as a sore arm or mild fever, but those side effects are reported and immediately investigated. Polio causes paralysis and measles can cause encephalitis and blindness. I nursed a young patient aged nine who contracted measles and then encephalitis and who suffered mental and physical problems until she was 15 or 16. Throughout her ordeal her parents were unbelievably faithful and loving.

Some vaccine-preventable diseases can result in death. Vaccines play a very important part in preventing those outcomes. For example, we have just had an influenza season that has been very deadly for many people in nursing homes. Vaccines can save lives in those circumstances, although the seasonal influenza vaccines offer immunity to only three of the most prevalent strains. Most people do not realise there are thousands of strains.

The Hon. Walt Secord: They picked the wrong ones this year.

The Hon. PAUL GREEN: That is right. Not much can be done if people are immunised against the wrong strains. However, it is the best way to lower the chances of contracting a severe flu and spreading it to others. Avoiding the flu means avoiding extra medical care costs and lost income as a result of missing days from work. I note the World Health Organization's comment on the controversial issue of vaccines and autism. A 1998 study which raised concerns about a possible link between the measles, mumps, rubella vaccine and autism was later found to be seriously flawed and fraudulent. The paper was subsequently retracted by the journal that published it, but unfortunately its publication had set off a panic that led to a drop in immunisation rates. That is the World Health Organization's explanation. People across the world are continuing to test and research the

findings and assertions in the article. Some are still unresolved as to the World Health Organization's statement on this matter.

While this amendment bill deals principally with vaccination, I want to draw attention to another part of the bill. My colleague will give a full appraisal of the bill. Proposed section 79 talks about the bill removing the requirements on a person with a sexually transmitted infection [STI] to notify their sexual partners before having sex. Instead, a provision has been included making it an offence for a person with STI to fail to take reasonable precautions against the spread of their STI. There has been comment on the definition of "reasonable" as opposed to "unreasonable". There are many expressions of sexual behaviours and while it is understood that condoms do protect against STIs, there are other sexual expressions, such as oral sex and other sexual behaviours, where a condom does not apply. The Christian Democratic Party is concerned that we needed more time to consider the implications of what are "reasonable" or "unreasonable" precautions under proposed section 79. I will conclude and allow my colleague to speak further to the bill at a later time.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I will now leave the chair and the House will resume at 8.00 p.m.

Reverend the Hon. FRED NILE (19:59): On behalf of the Christian Democratic Party I speak in debate on the Public Health Amendment (Review) Bill 2017. My colleague the Hon. Paul Green, who is a qualified nurse, has given a very good speech and outlined the issues confronting us regarding the issue of vaccines. I am the practical guy. I deal with facts and not theories. The purpose of the bill is to amend the Public Health Act 2010 as a result of the statutory review of that Act; to amend the Public Health Regulation 2012 in relation to childcare vaccination; and for other purposes. Statutory reviews have become a widespread practice of the New South Wales Government. When dealing with legislation, we often include reviews occurring at two or five years. Because nothing is fixed, there is a need to review legislation and hopefully to improve it.

The Christian Democratic Party has two concerns with the bill. The first is that it creates a burden on parents who may have a conscientious objection to the use of vaccines. The second is that it removes the right of individuals, especially women, with respect to sexually transmitted diseases. As a minor party, groups often meet with us hoping to convince us to use our balance of power to assist them. I have had a number of meetings with groups who are totally opposed to vaccination. They have told me some horrendous stories, although I have not had the time or ability to verify them. Many individuals are strongly opposed to vaccinations. Some of the deputations comprised qualified doctors.

I believe that vaccinations have a positive value in combating diseases that in the past took the lives of thousands of children. These fatalities no longer happen as a result of vaccinations. I am not against vaccinations per se. However, there are situations where a person's view should be respected whether or not we agree with them. In the previous Australian childhood immunisation register there was an option for religious exemption. That exemption has been removed. In 2016 the Medicare policy became "No Jab, No Pay". The two exemptions in the bill are where prior immunity can be proven or where the child has an allergic reaction to the vaccine.

There is no provision in the legislation for conscientious or religious objection. I will propose that Portfolio Committee No. 1 conduct an inquiry so that those who object to vaccination will be able to give evidence before a committee that comprises representatives of all the political parties except the Shooters, Fishers and Farmers Party—that is, The Greens, Liberal, Nationals, Labor, The Greens and the Christian Democrats. It is a good cross-balance of the Parliament. I am the chairman of the committee and I endeavour to ensure that inquiries are balanced and open, and that we arrive at recommendations that are acceptable to all committee members. Given that, I move:

That the question be amended by omitting "be now read a second time" and inserting instead "be referred to Portfolio Committee No. 1 – Premier and Finance for inquiry and report by the last sitting day in November 2017", and in particular:

- (a) conflicts of interest involving government and the vaccine industry;
- (b) the effectiveness of vaccine adverse event reporting;
- (c) impacts on the Aboriginal community;
- (d) annual review of the Commonwealth "no jab no pay" policy, its outcomes and its implications for legislation in New South Wales;
- (e) legal advice against "no jab no pay";
- (f) the status of vaccine safety testing;
- (g) rates of infectious disease deaths before and after the introduction of vaccines;
- (h) the availability of medical and religious exemptions from vaccination;
- (i) precedents from other jurisdictions that have preserved choice in vaccination policy;

- (j) the availability of vaccines for the treatment of meningitis;
- (k) the impact of the bill on the rights of women and disadvantaged persons;
- (l) the use of human derived genetic material in the manufacture of pharmaceuticals, such as but not limited to: human albumin; foetal cells, and foetal derived cells; human cell culture (MRCs); human diploid cells (WI 38), and any other matter; and
- (m) any other matter."

That is a comprehensive list. I do not think any committee has ever had such all-encompassing terms of reference. I have tried to incorporate the issues that members of the public have raised with me. It is in an attempt to keep faith with them that I have moved this amendment to direct Portfolio Committee No. 1 to conduct an inquiry. The purpose of the terms of reference is obvious, but members might be puzzled by term of reference (a), which relates to conflicts of interest involving the Government and the vaccine industry. There are often pressures behind the scenes when we deal with lobbyists. In this case, those pressures are coming from the vaccine industry. What influence is that industry having on government policy through lobbyists? Obviously the industry wants to maximise the use of vaccines to increase profits. That type of pressure is often an issue when Parliament deals with these types of issues.

Term of reference (c) relates to the impact of vaccination regulations in Aboriginal communities. Often vaccination records are not kept in those communities or they cannot be found, and that can result in people having repeated vaccinations. Term of reference (h) relates to medical and religious exemptions from vaccination. That addresses the right of an individual—in this case the parent—to decide how they will fulfil their responsibility to their child.

Term of reference (j) is a recent one. Members may have seen the ABC report on the spread of meningococcus, the problems with treating it and the controversy around the available vaccination to treat the disease and its cost. Some parents cannot afford it. I was moved by the recent ABC report that showed a little boy who had contracted meningococcus. The doctors had no option but to amputate both his arms and his legs. He was lying there, a trunk, with a head. We must ensure that vaccines are available for meningococcus at no cost or little cost and that we do all we can to prevent the spread of the disease.

Term of reference (k) is the impact of the bill on the rights of women. This bill removes section 79, which covers the duty of a person carrying a sexually transmitted disease, HIV and other infections. We are including the requirement for a male to tell his female partner before he has sex with her that he is carrying that virus. Every woman has a right to know and should not be taken advantage of by someone who is carrying an infection, regardless of the length of their acquaintance. Term of reference (l) deals with the controversial issue of the amount of material in the vaccination that is derived from human cells. This concerns people who are totally opposed to abortion as well as to the use of the aborted baby, often described as a fetus, to produce a vaccine.

I remember a case in the United States from some years ago. A large refrigerated trailer was found in a car park. The owner had gone bankrupt and the contents of the trailer were decaying. The police eventually opened up the trailer and were surprised to find racks of aborted babies stacked in rows. It was estimated there were approximately 50,000 fetuses that had come from one of the major abortion clinics in New York. The trailer was on its way to Paris. It was believed that the human cells from those aborted babies were to be used in women's cosmetics, perfumes and other items. Nobody could prove that theory, which I believe is probably correct, because the owner of the trailer was no longer available. Those fetuses were being carefully stored for future use. The trailer was loaded to go somewhere; it had not been dumped in a garbage tip.

I have consulted with the Government through the Minister for Health, the Hon. Brad Hazzard. He has indicated that the Government could not support the inquiry tonight, but perhaps it will at some future date. He provided me with a letter in which he requested that Dr Kerry Chant, the Chief Health Officer and Deputy Secretary for Population and Public Health, deal with the use of human embryos in vaccines, which is one aspect of the terms of reference. He says that is no longer occurring. The letter from Dr Kerry Chant to the Minister states:

Dear Minister

Use of fetal cells in vaccine manufacturing

I provide information regarding the use of fetal cells in the manufacturing of vaccines provided free to children in NSW under the National Immunisation program (NIP).

Vaccines provided free under the National Immunisation Program in NSW do not contain fetal cells.

During the manufacturing process, some viruses need cells to reproduce and can only be grown in a laboratory. A 'cell line' is a set of cells that have an unlimited lifespan and are an ideal system to grow viruses that are used in the production of vaccines. Cell lines from aborted fetal tissue from three abortions (due to medical reasons) have been growing in the laboratory for over 40 years.

No further tissues from aborted fetuses have been used and no abortions have been performed for the purpose of obtaining fetal cell tissue to harvest cell lines.

The only vaccines offered routinely to children in NSW that have been grown in the media using these 40 year old fetal cell lines are measles-mumps-rubella (MMR) vaccine offered at 12 months of age, and MMR-varicella (MMRV) vaccine offered at 18 months of age.

Yours sincerely

Dr Kerry Chant PSM
Chief Health Officer and Deputy Secretary
Population and Public Health

That statement from Dr Kerry Chant is somewhat reassuring. My colleague and I have also had a face-to-face discussion with her and other representatives from the health department. We thank them for the time they took to discuss these issues with us and for their cooperation. It remains to be seen whether the letter satisfies people who are worried about aborted fetuses being used in vaccines. I hope it will. It contains factual information from Dr Kerry Chant which she obviously believes to be accurate. Whether there are exceptions or other things happening in other States or nations I suppose no-one really knows, but that is the advice that NSW Health has given to the Minister and he has given to us about this serious issue. If there was any thought that aborted fetuses were being used it could lead to parents blacklisting some vaccines. We do not want that to happen either.

Questions could still be asked about what other medical substances are used in vaccines and whether any of them contain human genetic material harvested from embryos. As I have said, because there are no exemptions for religious beliefs or conscientious objections the present vaccination scheme puts people with sincere beliefs and objections in an impossible position. They will either have to participate in a scheme that puts them in conflict with their conscience or be effectively penalised. As members would say, that is neither fair nor equitable. It is one among an increasing number of examples in which the views and interests of people with religious beliefs are being discarded. Their views are often rejected with taunts of "bigot" and other things.

The Minister has told me that this bill must be go through tonight and not be delayed because the Federal Government has in place some restriction which means the section relating to Pap smears must be passed in September. I acknowledged that with the Minister, and I tried to see whether it was physically possible to refer the bill to the committee and allow that section dealing with the Pap smears to proceed as an amended bill. I think it is probably not possible to do that, but that was one of my suggestions to the Minister. I did not want to get New South Wales into conflict with the Federal Government's policy dealing with the vaccinations. I have already mentioned the removal of the requirement for a male—I am probably using sexist terms—who is infected with an STD to tell his female partner. I urge members to give serious consideration to the establishment of this committee. *[Time expired.]*

The Hon. MARK PEARSON (20:20): I speak on behalf of the Animal Justice Party in relation to the Public Health Amendment (Review) Bill 2017. The Animal Justice Party supports all aspects of the bill except one—compulsory vaccination. We do not support the compulsory vaccination of children as a qualification for access to child care. In question time today, the Hon. Sarah Mitchell, Minister for Early Childhood Education stated that "all children should have access to quality child care". I agree. As a result of this bill there will be children who will miss out on this very important early education due to the genuine, heartfelt—not delusional—concerns of their parents. This bill is a blunt instrument to bully those parents, and it has no place in a free, democratic society.

I do not take this stance lightly. I do not want any child to suffer from any avoidable illness that has the potential for serious side effects or, indeed, lethal consequences. I believe that the best option is for the vast majority of children to be vaccinated in order to reduce the risk of these consequences. However, I place a very strong caveat on this statement. This is my personal opinion, arrived at through the exercise of my conscience and my understanding of the medical science. There is nothing more important in a free, democratic society than affirming that people must have the right to act according to their own consciences, particularly when it involves their or their children's bodily autonomy and integrity.

I cannot accept that the State should be given the power to ride roughshod over the right of parents to determine what is in the best interests of their children. Only in the most immediate, unambiguous circumstances should the State intervene—for example, where a child is in immediate need of a blood transfusion and parental religious objections place the child at risk of imminent death. It should not, in my opinion, include vaccination for childhood diseases that in my 1960s childhood resulted in the vast majority of children experiencing no more than a passing illness and no ongoing debility. Of course, some children became seriously ill and some died. That is a serious matter, but the numbers were very low.

I have read the World Health Organization position on herd immunity, and I accept that parents of good conscience are entitled to make a decision when objecting to vaccinations; they are not placing their children at

risk of imminent, serious harm. Herd immunity works on the basis that, by increasing the proportion of children vaccinated in relation to the total number of children, immunity failure rates will decrease in an exponential fashion. However, this notion is heavily dependent on the efficacy of the vaccine and the testing regime for immunity success. Due to the exponential nature of its effectiveness, full immunity would never be achieved simply by mandating complete vaccination of all children.

Proportionality in the response of the State should be the foremost consideration, especially when mandating the invasion of bodily integrity. Education programs are the proper response of a progressive, freedom-embracing society, not the heavy hand of State power to restrict or exclude children from important, foundational building blocks of civil life. The State has the responsibility to convince citizens rather than compel them, except in the most extreme situations—this is not one of them. The Animal Justice Party will be opposing the bill and supporting the very welcome amendment to refer the bill to the appropriate committee for further important reflective consideration.

Ms DAWN WALKER (20:24): On behalf of The Greens I speak to the Public Health Amendment (Review) Bill 2017. The bill contains changes to the Public Health Act that require consideration in their own right as well as within the wider context of public health. These changes flow from the 2016 statutory review of the Act. The Greens support the bill in principle and understand that its amendments seek to meet the main objective of this bill—namely, creating a safer public health environment for all. However, some elements of the bill seem at best contradictory—namely, the threat of criminal sanctions without any clarity of the concept of "reasonable precautions". The bill contains a vast array of amendments, the majority related to the tightening of vaccination requirements for childcare centres and schools and the creation of certain exemptions from vaccination enrolment requirements. My colleague, Justin Field, will speak to those proposed changes.

The amendments also include the provision and access to information by the secretary, changes to public health orders and the prohibition of eyeball tattooing, as well as amendments relating to environmental health premises and the supply of water. I will speak to the changes to notification requirements for patients with sexually transmitted infections [STIs], the increased penalties and a shift to "reasonable precautions" in preventing the spread of STIs and changes to procedure regarding HIV testing protocols. The Greens welcome the changes in the bill that will contribute to breaking down the historical stigma surrounding sexually transmitted diseases. But whilst there have been some significant improvements towards the normalisation and regulation of STIs, there are some areas of real concern. In some ways, the bill seems at odds with itself—seeking to not only break down stigma but also introduce harsher penalties and criminalisation to people's private lives.

The bill contains a number of positive changes, including the removal of the need for de-identification on an HIV request form. This will allow clinicians to know whether an HIV test has been ordered. It will also allow for better continuity of care and for better care and communication when multiple clinicians are involved in a patient's care. It will ensure that multiple tests are not unnecessarily ordered or, even worse, not ordered at all. This is part of creating a better public health system that has the capacity to take care of all its patients to the best of its ability. It will also aid in the normalisation of a condition which was historically so stigmatised. The world we live in now is one where there has been significant medical advances in and effective treatment for the ongoing management of HIV. In addition, there is progress in the removal of the requirement of notification. It is my understanding from speaking to stakeholders, particularly at the AIDS Council of NSW [ACON], that this will remove a significant barrier to testing.

There will no longer be a requirement for someone with an STI to inform their sexual partner, as long as they take reasonable precautions. This will bring New South Wales into line with other public health policy across Australia and start the shift towards a mindset of shared responsibility in sexual health. But the decision to increase penalties and criminalise in section 79 is certainly not a positive. Threatening those with an STI with penalties of up to \$11,000 or six months in prison is a massive step backwards in our public health approach to sexual health. It also leaves the public with very little clarity about what steps they need to be taking to keep themselves healthy. The threat of criminal sanctions carries a real risk of undoing the good work of removing the notification requirement.

With so little clarity around what "reasonable precautions" means for different STIs, there may be a reluctance to get tested. Further, there may be a reluctance to tell previous sexual partners about an STI diagnosis for fear of criminal charges. There is no need to introduce criminality into the sphere of public health, not when there are already provisions within the Crimes Act that deal with those who knowingly or recklessly put others at risk. It creates an atmosphere of fear and secrecy when we should be moving towards normalisation and openness in our understanding and treatment of sexual health.

This Government has created a contradictory message with these amendments, which may, in fact, threaten public health. Further, despite "reasonable precautions" being included in the Act since it was introduced as a defence, it has not been defined nor is there any clarity as to what it means. In his second reading speech the

Minister for Health seemed to equate it with the use of a condom. The combination of the requirement to take reasonable precautions with the increased penalties creates a real issue with this bill. People will be at risk of prosecution because these changes are being rushed through together.

The Government has failed to contemplate how the public health policy and the legal system will interact, and it has left significant gaps when it comes to education. For this change to be successful, the community at large would be required to have a comprehensive understanding of how different STIs can be spread and what precautions can be reasonably taken. While we support this bill in principle, we have some serious concerns. The Government should, as rapidly as possible, seek to address the vulnerabilities exposed by this bill and resolve the gap in education and awareness that it has created.

The Hon. PENNY SHARPE (20:31): I make a contribution to the debate on the Public Health Amendment (Review) Bill 2017. I note that the bill makes a number of changes to the Public Health Act as part of the statutory review of that Act. The bill is an omnibus bill and it covers a range of different issues including vaccination in childcare centres, the supply of drinking water, eyeball tattooing, skin penetration procedures, measures to curb legionella, safeguards on the disclosure of HIV-AIDS, measures on persons engaging in sexual activity when they are aware they are infected with sexually transmitted infections, and public health orders in relation to some diseases and conditions such as severe acute respiratory syndrome [SARS], Middle East respiratory syndrome [MERS], Ebola and HIV-AIDS.

I will confine my remarks to the part of the bill relating to HIV. I start by congratulating the Government on the work it has done to try to end HIV in this State. I will talk briefly about the release put out by NSW Health on 23 August, which spoke about the recent testing regimes showing that HIV is a step closer to becoming eliminated in New South Wales following a rapid fall in diagnosis to record low levels, according to the latest NSW HIV Data Report. I note, however, how long it has taken New South Wales to be in this position. New South Wales is now the world leader in stopping the transmission of HIV-AIDS.

When the epidemic started and the disease came to light, New South Wales was prepared to take difficult, bipartisan decisions—decisions that ultimately saved thousands and thousands of lives. We did that not only because we had to, but also because we had a level of maturity in our politics where, even though we did not understand what was going on at the time, we decided to go with the best scientific evidence that we had. We should be congratulated on that because we have saved literally thousands of lives. I always take an interest in what is going on with HIV and the way that we deal with it in this State. The change to section 79 in relation to some of the disclosure laws is welcome. That is a really big step forward and it is long overdue.

Again, it follows the evidence of where we are at in relation to this disease and the way we are dealing with it in this State. I place on record my concern about the increased sanctions in new section 79—the \$11,000 fine and the possible jail sentence. This is a major departure from the way in which we have dealt with HIV in the past. Yes, there have been previous criminal sanctions, which are in the bill, but they were targeted very specifically at sexual activity in public places. This bill introduces jail time for people in private settings, which is quite a change. I am glad that the Government took up the suggestion in the review, but it is important to note that this is a departure from the way we have dealt with this issue before.

I bring to the attention of the House the concerns that groups such as the AIDS Council of New South Wales, NSW Users and AIDS Association, Positive Life, Hepatitis NSW, Sex Workers Outreach Project, and the HIV/AIDS Legal Centre have raised in relation to this bill. Those organisations did not do this because they are trying to be tricky; they did this because they have been at the forefront of dealing with the transmission of HIV in this State since day dot. In the past we listened to them very closely and backed them—and they were right. They were big contributors to why we have achieved such a fantastic outcome in heading towards the virtual elimination of HIV transmission in this State. We need to stop and think about that: We are literally on track to stop the transmission of HIV in New South Wales. Nowhere else in the world is even close to that.

I cannot let this bill pass without commenting on the serious concerns that have been raised about this change. We have been successful because we have made long-term investments in educating communities, we have been prepared to be open about the way in which HIV is transmitted, and we have been willing to work with affected communities. We have worked hard to get the message across to people that it is okay to be tested and that we want them to be tested. At the moment in this State there is testing in nightclubs and in the streets. There were 33,000 new tests in the last quarter. That is what will stop the transmission of HIV/AIDS. Putting people in jail will not stop it; it will be stopped by people getting tested early and often so they know their status and can take reasonable precautions to make sure that no-one else contracts it.

We need to understand the way in which this disease operates and its changing nature. Some provisions in legislation were introduced in 1991, at the height of the epidemic. Back then I was fighting on campus to get sharps bins installed so that cleaners did not get needle-prick injuries. That is a long time ago, and things have

changed. There have been some positive steps forward, but we need to keep a close eye on this development because putting people in jail is not going to help. We need to be very serious about that. In November 2016 a group of HIV/AIDS doctors and specialists who are some of the heroes of this epidemic—and who know more about this subject than we could ever pretend to want to know—put out a consensus statement. The group made two recommendations. It said:

Scientific evidence shows that the risk of HIV transmission during sex between partners of different HIV serostatus can be low, negligible or too low to quantify, even when the HIV-positive partner is not taking effective antiretroviral therapy, depending on the nature of the sexual act, the viral load of the partner with HIV, and whether a condom or pre-exposure prophylaxis is employed to reduce risk.

Given the limited risk of HIV transmission per sexual act and the limited long term harms experienced by most people recently diagnosed with HIV, appropriate care should be taken before HIV prosecutions are pursued. Careful attention should be paid to the best scientific evidence on HIV risk and harms, with consideration given to alternatives to prosecution, including public health management.

This is one of the things we can all claim as a really important win, and the bill takes us a little further forward. It contains lots of other great stuff, which other members have talked about. But we should be very wary. If I am here in two years time when the review is completed, we will look at it closely. The change is unnecessary. We should learn from history and what we have won already. We must keep moving forwards, rather than taking steps backwards.

Mr JUSTIN FIELD (20:39): I speak for The Greens in debate on the Public Health Amendment (Review) Bill 2017. I thank my colleague Ms Dawn Walker for leading on this bill as The Greens health spokesperson. I will speak specifically to the provisions relating to vaccine-preventable diseases. I do this as The Greens early education spokesperson and with a view to ensuring that, while we work to improve public health outcomes, we ensure we retain access to quality early learning opportunities for young people across the State. The provision in the bill is known as a "No Jab, No Play" policy. Explicitly, children who are not up to date with vaccinations will not be allowed to attend childcare facilities or participate in preschool. The Greens have always supported measures to improve public health outcomes and to promote greater public investment in medical research to that effect. Vaccinations have been a major advance in public health, saving the lives of countless millions of children and adults.

I will restate in large part my contribution to debate on the Public Health Amendment (Vaccination of Children Attending Child Care Facilities) Bill 2017, which addresses many of the issues that arise in this bill. In that speech I acknowledged the record of The Greens in advocating for a science-based approach to public health and vaccinations. I acknowledged, in particular, the contribution of the late Dr John Kaye in debate on the 2013 bill of the same title. I encourage members and those who may be reading this debate in *Hansard* to seek out Dr Kaye's 2013 speech, which lays out the scientific case for vaccinations. His nuanced contribution recognised that there were gaps at that time in the proposed legislation and he sought to improve the legislation around the question of conscientious objectors and to limit the grounds on which that objection could be made. That was opposed at the time by both the Government and the Labor Party. I will return to those issues later.

Among other things, the bill will require that, before children are enrolled in childcare, parents will have to provide evidence that their child is either up-to-date with vaccinations, on a catch-up schedule or has medical contraindications to vaccinations. This excludes the former provision of conscientious objections as an exception to the legislation. It will be an offence for the principal of a facility not to comply with the bill. This means that only children with a medical contraindication certificate will be able to enrol in a childcare facility. This includes long day care centres, family day care, and community-based private and government preschools. The bill introduces a penalty for principals of up to \$5,500 if a child attends who does not have a valid certificate.

I welcome the special provisions for children in out-of-home care for protection as well as Aboriginal and Torres Strait Islander children whose parents or carers may have challenges in obtaining the documentation and will be provided with additional time to comply with the law. This will go some way to addressing the concerns that have been expressed to me for children who are in these circumstances. The Greens recognise the immense health benefits of vaccinations, both to individuals and to the wider community. We support in principle what this bill is seeking to achieve, which is to reduce the incidence of vaccine-preventable diseases within our community. The Greens believe in evidence-based policy. In the context of this bill, we expect the Government to be able to provide evidence of the public health benefits of new legislation or policy.

Since the Federal Government's "No Jab, No Play" policy was introduced, evidence suggests that there has been a small increase in vaccination rates. However, a thorough analysis has not yet been completed of the program and its effects. It seems hasty to take another even more punitive approach without fully understanding the consequences of the Federal regime. At this point I will take a moment to address the amendment to the question moved by the Christian Democratic Party. I understand the reason the amendment has been put. I think there are benefits in our examining some of the questions that have been raised in the proposed terms of reference.

However, as this bill deals with a range of amendments to the Act, The Greens will not support this amendment because we do not think it is appropriate. I am on the portfolio committee, and should a proposal for an inquiry be passed, committee members will look at the terms of reference at that point.

Let us be clear—the Government and this Parliament in passing this legislation will take a position that will probably result in a number of children being removed from early education and care. There is a risk that by removing the conscientious objector provision in full, those parents who, for whatever reason but overwhelmingly with the best intention about the care of the children, choose to not vaccinate may make the choice to withdraw their children from care and early childhood education opportunities, instead of putting their children on a catch-up schedule and getting them vaccinated in full. This is not an argument to reject the bill, but it is something we should be conscious of when considering how best to improve outcomes for public health and social outcomes more generally.

There is also the possibility of illegal care arrangements and informal care arrangements being set up as a result of this bill. Those people who are conscientious objectors and have chosen to opt out of care because they believe their views have not been respected in this perceived punitive approach may join others and become even more isolated in their communities and more insulated from mainstream and science-based views about health care and child care. There are some risks and potential consequences from passing this legislation. Only a few contributors to the debate on this legislation have been prepared to acknowledge those risks—largely contributions from those who sit on the crossbenches. But parents who have already chosen to forgo childcare subsidies because of being behind on the vaccination schedules are seen as vaccination hesitant or anti-vax. What evidence is there that they will change their position because there is a move from "No Jab, No Pay" to "No Jab, No Play"?

This is a critical question because if this legislation does not further increase vaccination take-up, all that will result is that a small group of children—I recognise that it is a small group—will now miss out on early education and care. I have asked the Government what analysis has been done in regard to likely improvement rates that will result from this next round of punitive measures, but it could not tell me. In contrast, no end of studies show both the educational and long-term health and wellbeing outcomes of access to high-quality early education and care. It is reasonable for this Parliament to ask whether or not these types of powers will have the intended effect, and that the benefits are not outweighed by unintended consequences.

This bill creates a precedent; we should be clear about that. A section of the community will be unable to access public education because this bill will stop unvaccinated children from attending public preschools. I am not sure whether that has happened in this State before now. I acknowledge the contribution of the Hon. Mark Pearson of the Animal Justice Party. He recognised the challenges of this approach to bodily autonomy. That has not been adequately considered in the contributions to this debate so far, and I congratulate the member on his very good contribution. The case has been made that we do not give parents personal choices to educate their children, so why give them the choice not to vaccinate? There is a risk that people will remove their kids from some of the most valuable education experiences—that is, early childhood educational opportunities.

These are the sorts of consequences that were foreseen by Dr John Kaye and contained within amendments that he moved in 2013. He made the case that the conscientious objector provisions should remain and that we should recognise that some people legitimately have concerns about vaccinating their children. He said that these provisions should not be about personal, philosophical, religious or medical beliefs but available only to those concerned about whether there is sufficient scientific evidence to justify vaccination, and there is scientific evidence that could cite that vaccination constitutes an unacceptable health risk for the child.

It seems counterintuitive, but the point of the amendment was that it makes no sense for a medical practitioner to engage with the person presenting with a personal, philosophical or religious belief and that those reasons should not qualify a person to be identified as a conscientious objector. How can a medical officer consider those types of beliefs? The flip side is that if a person has concerns about efficacy or risk when it comes to vaccination the provision acts as a point at which a medical practitioner can engage with that person, a potential intervention point to demonstrate to that parent the value of vaccination and allay some of their concerns.

We will potentially lose that opportunity—that essential educative opportunity for a person with genuine concerns to engage with a medical practitioner and hear that advice firsthand. I see that as a missed opportunity with the changes to this bill. It was a smart amendment and an approach that sought to create maximum opportunity to engage with conscientious objectors or vaccination-hesitant parents. This bill will make that provision redundant, which poses the risk that those people will withdraw further away from the system of public health and education. That is something we should consider to ensure it does not occur. One way we can do that is to increase and target vaccination education programs. My challenge to the Government, and to all in this place is to find and fund ways to improve public communication about individual and public health benefits across the board—not only vaccinations. In many areas of public health we do not adequately provide information and

education at the right points to parents, families and the community to improve public health outcomes and social outcomes.

In my speech on the Labor bill I noted a couple of articles that showed why education on the benefits of vaccinations is so important. I can reiterate some of arguments as they are still relevant. An article in April in the *Sydney Morning Herald* entitled "Address vaccination concerns to keep immunisation rates up" referred to a recent research paper published by the Royal Australian College of General Practitioners that found that more than half of the parents who immunised their children reported some unease. Margie Danchin, Senior Research Fellow and general paediatrician at the Murdoch Children's Research Institute, who co-authored the paper, said that doctors needed resources and support in addressing concerns. She also said:

Even though there is strong support for vaccination, we found that just over half, had some degree of concern, from mild concerns all the way up to those who were refusing vaccines.

She warned:

If we don't start looking at interventions and ways to address parents' concerns along that spectrum, then how are we going to maintain confidence in the national immunisation program and make sure those rates don't drop and, in fact, that they go up.

There are not just people who are pro-vaccination and those who are against vaccination. This study shows that despite Australia's high rates of childhood immunisation there is significant hesitancy in the general community. Demonising people who have mild concerns does not lead to improvements, and solely punitive and coercive measures will do little to address that latent hesitancy and potentially make it even worse. The report showed that the Australian experience is consistent with international findings and the focus has to be on an education program and supporting doctors and health professionals to get out a positive message. Some of that hesitancy results from significant changes to the vaccination schedule over time.

When I was born a dozen or so—almost 20 doses in 10 or more injections—were routinely given to children three months of age or older. Today around 50 doses are given. I do not think parents, families or the community understand why those changes have been made. The public health system has failed to make that clear. I do not think this bill does anything to improve our understanding of why those changes have been made or why they are important. These changes and new vaccinations are a measure of medical advances, but such a rapid rate of change requires the public to fully understand how and why a vaccination regime is important. While we are having this debate, it is important to put into context broader vaccination issues in Australia. In March an article in the *Sydney Morning Herald* entitled "Intense targeting of anti-vaxxers misguided: most under-vaccinated Australians are adults, experts say" rightly points out:

The babies and preschoolers of parents opposed to vaccinations are the unrivalled targets of government and media focus surrounding immunisation rates, the children of anti-vaxxers and vaccine-hesitant people form a tiny subset of Australia's under-vaccinated population.

In fact, the majority of undervaccinated Australians are adults. The article quotes Dr Menzies, a communicable disease expert at the University of New South Wales School of Public Health and Community Medicine as saying:

People love talking about vaccine-hesitant parents. The media and politicians love targeting them, but at the end of the day the numbers are not going to make much difference ... "Australia has high childhood immunisation rates by international standards", Dr Menzies said, with more than 90 per cent coverage for all recommended vaccinations by the age milestones of one, two and five years... Evidence-based strategies to improve childhood vaccination rates were admirable, "but the main game has to be adults", Dr Menzies said. It is the case that over 65s have the lowest rate of vaccinations—our parents and grandparents, who continually come in contact with our children. These are some of the statistics worth considering in comparison to the 90 per cent childhood vaccination rates. The diphtheria, tetanus and whooping cough vaccine requires a booster at 50 years of age; pneumococcal is recommended for those over 65; in 2015, 47 per cent of people over 65 were vaccinated against pneumococcal; in 2015, 71 per cent were vaccinated against influenza. One of the significant risks from vaccine-preventable diseases to children comes from contact with adult friends and family who are not fully vaccinated. I raise these issues because the public is not well served when we have black-and-white arguments in this Parliament. We ignore some statistics while amplifying others. There should be nuance in this debate because there is complexity in this issue.

No-one goes out of their way to put children at unnecessary risk of harm from disease, not even parents who have been persuaded by what they have read on the internet or heard from their friends and have chosen not to vaccinate their children. And certainly not those—around half of the population—who have some degree of hesitancy. They want to do the best by their children. Our job is to make the better case, build confidence in public health programs and, yes, to nudge and coerce where we need. A purely punitive approach seems like the wrong one. The Greens will support this bill. We support improvements in public health and acknowledge the importance of the vaccination regime in Australia. I ask the Government to critically look at the outcome of these measures

once they are in place. If they are not delivering better outcomes or have perverse outcomes, let us come back together to look at other measures, particularly around greater education and awareness.

The Hon. Dr PETER PHELPS (20:56): I speak in debate on one very narrow section of what is otherwise an unobjectionable bill and in many respects an excellent bill which goes a long way towards the health of individuals in this State. I speak on the proposed amendments to section 79 of the Public Health Amendment (Review) Bill 2017. For those members who have not read it, section 79 of the current Public Health Act states:

- (1) A person who knows that he or she suffers from a sexually transmitted infection is guilty of an offence if he or she has sexual intercourse with another person unless, before the intercourse takes place the other person:
 - (a) has been informed of the risk of contracting a sexually transmitted infection from the person with whom the intercourse is proposed, and
 - (b) has voluntarily agreed to accept the risk.

Maximum penalty: 50 penalty units.

That is 50 penalty units or \$5,500. The Parliamentary Secretary was not accurate in his second reading speech in relation to what the proposed amendment does. It does not propose to add a new requirement that a person take reasonable precautions against spreading the disease or the condition. That was a subsequent amendment to the original strict liability offence of not telling someone that you had a sexually transmitted disease before intercourse. Subsequent to the original Act, subsection (3) was passed, and it states:

- (3) It is a defence to any proceedings for an offence under this section if the court is satisfied that the defendant took reasonable precautions to prevent the transmission of the sexually transmitted infection. The new amendment proposes to remove the requirement for notification but retain in place not so much a defence but a new offence based on not taking reasonable precautions. In other words, by reversing it the defence becomes a prosecutorial action. I have to ask, Why was that the case? I thank the Minister for Health who arranged to meet with me with a number of his officials and discuss why this was put in place, because on the current reading of the Act and indeed on the new proposed section 79 it could relate to anything. It could relate to any of the sexually transmitted diseases such as gonorrhoea, syphilis, genital warts or HIV.

The Hon. Trevor Khan: Chlamydia.

The Hon. Dr PETER PHELPS: Chlamydia, and arguably the hepatitis strains. Essentially I was told by the officials that it was raised because of HIV. The reasoning they used for the change was their belief at the time that the requirement to inform a person that you have a sexually transmitted infection acted as a barrier to people seeking out knowledge as to whether they were HIV positive. In other words, if I am ignorant then I do not have to tell anyone. I thought that was an unconvincing argument. I thought it was even more unconvincing when the New South Wales Chief Health Officer, Dr Kerry Chant, in the week immediately following our meeting with health officials stated: "We have seen new diagnoses among gay and bisexual men falling steadily for 12 months now, despite an increase in HIV testing".

In a statement given the week following the briefing, the Chief Health Officer disproved the argument that in some way the current law acts as a detriment to HIV testing. By any standard, rates of HIV testing amongst gay men in Australia, in New South Wales in particular, are amongst the highest in the world. The argument that it is ostensibly a detriment to testing is fatuous. What is the real reason? There are a number of clinical studies which indicate why this might be the case and why health officials might be wanting to amend the legislation. There is one particular study in Australia, and is mirrored in United States studies, which shows why pre-sexual notification of partners does not take place. They are entirely reasonable and rational reasons. The first is embarrassment and fear of rejection. Lord knows it is hard enough to find love, but having to tell someone before sex that you have a sexually transmitted infection would be terrible.

The second most important reason given by gay men as to non-disclosure is fear of outing, gossip, murmurings in the community and it being known you are HIV positive. I do not discount those reasons. They are reasonable, logical and fundamentally human reasons as to why you would not tell someone. What we have here is a conflict between rights. The key point is: Does a person's fear of rejection override the physical security of another individual? That is what is at stake here. The option for someone to say: "I am sorry, I really like you but I cannot have sex with you" is the essence of what so many people talk about these days, that is, informed consent. Are you fully informed of the consequences of your sexual activity?

Unfortunately, what we have here is a situation where informed consent can be wilfully withheld. It is true that people have to take all reasonable precautions against spreading the disease or condition. But the Minister has proposed only one thing this evening, that is, put on a condom. What happens if the condom breaks? Is that reasonable? What happens if a person uses a cheap, low-quality condom? Is that reasonable? What is the reasonableness test? As The Greens pointed out—they stole my thunder slightly—when the monetary penalty is doubled and a six-month imprisonment potentiality added, what is reasonable in those circumstances?

What is reasonable in those circumstances? It is not as if there is a host of black-letter law against which we can adjudge the reasonableness of two people fumbling around in the dark in the heat of passion, probably having had a few drinks. I am not sure that "sorry about that" is an effective policy prescription. I am sure that giving people the ability not to partake in sex—that is, to apply the ultimate prophylactic of abstinence—is a good thing. At least if someone were told beforehand they could say, "Fine." Someone could be asked, "Do you have an undetectable viral load?" In response they could then say, "Fine, we will use a better quality of condom," "Fine, we will do something else," or, "I am sorry, I like you, but I do not want to have sex with you in those circumstances." That is the basis of informed consent.

The other thing that worried me in my meeting with the NSW Health officials was that they talked about the public message about safe sex. They believed that one useful public policy message was that every gay man should assume that every other gay man is HIV positive, even if they can adduce evidence to the contrary, and even if they have their latest viral load report. Can members imagine what would happen if a conservative political figure were to say that everyone should assume that a gay man is HIV positive? Yet, that is the inherent thinking behind that proposal. I can see from a public health point of view why they would agree to that. They would say that it would be great; if we assume that everyone is HIV positive there will be a 100 per cent take-up of prophylactic measures. I am not sure whether that has any grounding in reality or whether the message implicit behind it is necessarily good. However, it is not merely this, and it is not about HIV. I raised a problem that came up recently, that is, the new strains of untreatable gonorrhoea. I was told there was nothing to worry about. However, a *Sydney Morning Herald* article states:

The early warning system for the potentially dangerous spread of the critically antimicrobial resistant bugs (CARs) found a strain of a gonorrhoea-causing bacterium—*Neisseria gonorrhoeae*—was the most frequently reported and most stubborn superbug between December and March, according to program's first publicly available report, to be released on Wednesday.

The rise of the resilient bacterium, combined with a rise in gonorrhoea cases nationally, leaves patients with no effective treatment options and aids the spread of the sexually transmitted infection ...

The antibiotic azithromycin had become close to useless against the strain, which accounted for almost two thirds of all superbugs detected in February and March and the number of reports had increased threefold in NSW and Western Australia, the Commission found.

Again, I am not sure how NSW Health officials can tell me that we do not have to worry about untreatable strains of gonorrhoea. The first reports, which have now been released, indicate that that is not the case. However, I am not sure many people would say, "I would like to remain ignorant about whether my sexual partner has untreatable gonorrhoea." I am also not sure that many people believe the power of rubber is so great that it can withstand anything likely to occur during sexual activity. It is true that no-one has ever been prosecuted under existing section 79 because there is the existing defence that if they took "reasonable precautions" they could not be charged. Where they had not taken reasonable precautions, they would find their way into the Crimes Act and be prosecuted for assault occasioning one of the various bodily harms.

There has been no prosecution. There has also been no prosecution under section 20 of the Racial Discrimination Act in New South Wales, but nobody is suggesting we should abolish that section. Why? Because in this instance they both present a standard of behaviour that is expected of people in the community. It is a standard of behaviour that the Parliament says we think is reasonable. I have no dog in this fight. I will vote for the bill, but I thought it was important to raise this point. I am not a gay man and I do not purport to have any understanding of that community.

We know from the study in Michigan in the United States that those who were aware of a comparable law were more likely to disclose. Not everyone did, for the reasons that were given, but where the law existed and people knew about it, gay men were more likely to disclose their status than those in jurisdictions where there was no requirement. The other thing we know not only from that study but also from an earlier study in Arizona is that gay men actually prefer that disclosure takes place. In spite of all the difficulties that can come from pre-sex disclosure, the overwhelming majority in both instances preferred disclosure to take place.

As the Hon. Penny Sharpe said, it is great that we face a situation where effectively the disease will be eliminated by 2020. A pre-exposure prophylaxis in chemical form or, alternatively, widespread use of barrier methods combined with antiretroviral drugs will push down viral loads, particularly in the latter case, to undetectable levels to the point that, in many cases, a prophylaxis will not be needed from a clinical perspective. That is not to say that it should not happen, but the point is that the current nature of the successful antiretroviral drugs, combined with PrEP medicines means we may have extinguished the disease by 2020.

That still does not get over the fundamental point, which is: If a person believes in informed consent prior to sex, it should be a standard that is applied for sexually transmitted diseases as well. If a person does not accept that disclosure is necessary, they are effectively saying that a person can con their way into sex. I do not think that is appropriate. I recognise the problems of individual fear of rejection and exposure, but from my point

of view as a classical liberal I do not see how they possibly can or should override the physical security of another individual.

The Hon. SCOTT FARLOW (21:13): On behalf of the Hon. Niall Blair: In reply: I thank members for their contribution to debate on the Public Health Amendment Review Bill 2017. In particular, I thank the Hon. Walt Secord, the Hon. Paul Green, Reverend the Hon. Fred Nile, the Hon. Mark Pearson, Ms Dawn Walker, the Hon. Penny Sharpe, Mr Justin Field and the Hon. Dr Peter Phelps for their contributions. I will address some issues that were raised in debate, in particular, why this legislation is needed and the time constraints around it. It was noted by Reverend the Hon. Fred Nile that there was an imperative time constraint. The national cancer register is due to commence in November or December 2017. New South Wales needs time to notify stakeholders and so it is important that this bill passes as soon as possible. There has been some commentary with respect to new section 79. The bill amends section 79 of the Public Health Act to remove the requirement on persons with a sexually transmitted infection [STI] to notify their partners before they have sex. Section 79 (3) of the Act provides:

It is a defence to any proceedings for an offence under this section if the court is satisfied that the defendant took reasonable precautions to prevent the transmission of the sexually transmitted infection.

The bill requires that a person with an STI that is a scheduled medical condition or notifiable disease take reasonable precautions against the spread of the infection. STIs that are scheduled medical conditions or notifiable diseases include chlamydia, gonorrhoea, syphilis, HIV and hepatitis B. New South Wales is the only jurisdiction that requires persons with an STI to notify their partners before they have sex. The review of the Public Health Act found that section 79 is not aligned to public health messages that focus on safe sex. Further, the review found that there was no evidence that the requirement for disclosure is effective in preventing the spread of STIs. The disclosure requirement can also create a false sense of security in that people may think if a person does not tell them they have an STI there is no risk. There was also concern that section 79 contributed to stigma and discrimination against persons with an STI, particularly HIV, and may in fact deter people from testing.

The bill requires that a person with an STI take reasonable precautions against its spread. It is not unreasonable to expect that if a person knows they have an STI such as HIV or syphilis they take reasonable precautions against its spread, which is vitally important. Public health messages telling people to use condoms to prevent the spread of STIs have been in place for decades. It is a basic and well-known public health message that people need to use a condom if they have an STI. In addition, recent evidence relating to HIV shows that having an undetectable viral load as a result of being on treatment can virtually eliminate the risk of transmission of HIV. The ministry can work to ensure that the community is aware of what are reasonable precautions.

The penalty contained in new section 79 is in line with the current penalty in section 52 of the Act. That section makes it an offence for a person with a scheduled medical condition to fail to take reasonable precautions against its spread in a public place. The penalty in section 52 is 100 penalty units and/or six months imprisonment. It is therefore appropriate to align the penalty in new section 79 with the current penalty in section 52 of the Act. The Public Health Act is the primary public health legislation in New South Wales. It is vital that it remains up to date and relevant to ensure that it can properly prevent the spread of disease and protect the public from serious public health risks. The recent review of the Public Health Act found that it was working well but a range of changes could be made to better protect public health. This bill seeks to implement the recommendations and ensure that the Act can operate in the most effective way to protect public health. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that this bill be now read a second time, to which Reverend the Hon. Fred Nile has moved an amendment. The question is that the amendment be agreed to.

The House divided.

Ayes3
Noes33
Majority.....30

AYES

Green, Mr P

Nile, Reverend F (teller)

Pearson, Mr M (teller)

NOES

Amato, Mr L

Blair, Mr N

Buckingham, Mr J

Clarke, Mr D

Colless, Mr R

Cusack, Ms C

Donnelly, Mr G

Fang, Mr W

Farlow, Mr S

NOES

Faruqi, Dr M
Graham, Mr J
MacDonald, Mr S

Martin, Mr T
Pearce, Mr G
Searle, Mr A
Shoebridge, Mr D
Voltz, Ms L

Field, Mr J
Harwin, Mr D
Maclaren-Jones, Ms N
(teller)
Mitchell, Ms S
Phelps, Dr P
Secord, Mr W
Taylor, Ms B
Walker, Ms D

Franklin, Mr B (teller)
Khan, Mr T
Mallard, Mr S
Mookhey, Mr D
Primrose, Mr P
Sharpe, Ms P
Veitch, Mr M
Wong, Mr E

Amendment negatived.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole.

The Hon. WALT SECORD (21:29): I move Opposition amendment No. 1 on sheet C2017-067A:

No. 1 **Annual reporting of public health orders made**

Page 10. Schedule 1 [56], proposed section 131A, line 39. Insert "(including specifying the conditions to which those orders related and the number of orders made in relation to each of those conditions)" after "section 62".

I move this amendment as the shadow Minister for Health. As the other amendments I wished to move were moved by the member for Sydney in the other House, I will be brief. This amendment is about openness and transparency and I am pleased that the Government has indicated it will support it. The legislation proposes that the Health secretary will publish the number of public health orders issued. Labor suggests that the secretary publish a list of the individual public health orders by disease or condition and spell out the number of orders made in relation to those conditions.

The Hon. SCOTT FARLOW (21:30): The Opposition proposes an amendment to section 131A in relation to information to be provided in the Ministry's annual report regarding public health orders. The Opposition amendment will require the annual report to include details not just on the number of public health orders made each year but also information about the conditions to which the orders relate. It would be expected that the Ministry's annual report would include such details. Details of the number of orders and the conditions to which the order applies would provide appropriate oversight of the making of public health orders. The Government supports the amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. Walt Secord has moved Opposition amendment No. 1 on sheet 2017-067A. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. SCOTT FARLOW: I move:

That the Chair do now leave the chair and report the bill to the House with an amendment.

Motion agreed to.

Adoption of Report

The Hon. SCOTT FARLOW: On behalf of the Hon. Niall Blair: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. SCOTT FARLOW: On behalf of the Hon. Niall Blair: I move:

That this bill be now read a third time.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. SARAH MITCHELL: I move:

That this House do now adjourn.

ROHINGYA PEOPLE GENOCIDE

Dr MEHREEN FARUQI (21:33): In a matter of just two weeks, more than 300,000 Rohingya people have fled over the border from Myanmar to Bangladesh. Many of them have lost their entire families to attacks by the Myanmar army. That is nearly one-third of the 1.1 million Rohingya Muslims who have lived under systemic abuse, targeted violence and constant persecution. While many of us have seen some coverage in the media of the recent violence, it is the massacre in the village of Tula Toli that really breaks one's heart. It is a Rohingya village that is surrounded on all three sides by a vast expansive river, a river that the Rohingya have relied on for sustenance.

The PRESIDENT: Order! Members who wish to have private conversations will do so outside the Chamber.

Dr MEHREEN FARUQI: Ironically, it is this very topography that allowed the Myanmar army to corner and hold the village inhabitants on the river's sandy banks with nowhere to escape. Some people were shot point-blank. The smaller ones—babies, children and women—were just tossed into the water and left to drown. All of this comes from witness accounts recorded by various human rights agencies and journalists. Rakhine State, which is where the persecuted ethnic and religious minority lives, has been completely closed off to the outside world by the Government. An entire village was wiped out, with few survivors. Those who were nimble enough hid in trees and bushes, only to watch their families being killed. Those who got away escaped to the hills to make the three-day trek to Myanmar's border with Bangladesh. Villagers said the rest were buried in a mass grave.

The plight of the Rohingyas and the violence, abuse and murders they have suffered demand a strong response from us. A *Guardian* article recounted the story of one Rohingya man in a refugee camp in Bangladesh who had hidden in the trees and watched his entire family being massacred by the army in Tula Toli. The article said the man, with bloodshot eyes, meticulously named and counted his now dead family members on his fingers until he ran out of fingers to count on. Not all of those who attempted to escape made it to Bangladesh. A Bangladeshi border guard told CNN that they had been retrieving bodies from the river since the day this violence began, and that most were the bodies of women and children. Amnesty International tells us that Myanmar's military has planted landmines in the path of fleeing Rohingyas.

Such is the mass tragedy unfolding before us that anti-apartheid activist Archbishop Desmond Tutu has broken his vow to remain silent on public affairs. He has spoken out of profound sadness for the unfolding horror in the Rakhine State of Myanmar with the ethnic cleansing of the Rohingya people. He has written a heart-wrenching letter to Aung San Suu Kyi, imploring her to stop this genocide. The letter states: "If the political price of your ascension to the highest office in Myanmar is your silence, the price is surely too steep." Satellites have recorded that entire villages have been burned to the ground. Human Rights Watch has called the atrocities a final campaign of cleansing to rid Myanmar of the ethnic and religious minority. Human rights agencies have repeatedly asked the Myanmar Government to allow access to independent observers, to no avail.

Meanwhile, there has been a deafening silence from most in our chambers of Parliament, all the way from State to Federal government. The United Nations [UN] has described the Rohingya as the world's most persecuted minority, yet we are silent. We watch these massacres unfold, and we continue to support the Myanmar military. Australia must immediately end all its support for Myanmar's military. We must offer refuge to those fleeing this abuse, brutality and murder. The world has looked away from the Rohingyas' plight for far too long. It is time to look and it is time to act.

LIDDELL POWER STATION

The Hon. ADAM SEARLE (21:37): I wish to address the cant and hypocrisy being engaged in by the Coalition parties on the issue of whether the coal-fired Liddell Power Station in the Hunter Valley should be kept open for a time beyond its closure date of 2022, whether by its current owner-operator AGL or by another company. The efforts by the current Prime Minister of our country to publicly bully a major energy company on this issue is both disturbing and demeaning to his office. The real issue is how we can keep a reliable, affordable and sustainable supply of electricity available to the community, not the fate of any particular power station. Even

if Liddell is kept open for longer, its generating capacity will still need to be replaced in the near future—particularly as it is now operating at only 20 per cent efficiency, which is likely to decline as it continues to age. It was built to last 30 years and is now 47 years old.

Prolonging the decision about what our future sources of energy will be is contrary to the interests of the community. We need now to focus on meeting the challenge of ensuring a steady supply of new electricity generation capacity coming online to more than replace what is lost as the old power stations come to the end of their lives. The current Prime Minister and his Government, like the Berejiklian Government here in New South Wales, are failing to address this. Worse, they are trying to use the Liddell issue to distract the community from the fact that they have no plan to get Australia, or even just New South Wales, out of the energy mess they have got us into.

After seven budgets, four Treasurers, three Premiers and three energy Ministers, the Berejiklian Government still has no energy policy. In case anyone has forgotten, it was the New South Wales Liberal-Nationals Government, sitting around the Cabinet table together with the current Premier, that literally gave Liddell away to AGL. It privatised it but did not sell it. It gave it away, free of additional charge, when it sold Macquarie Generation to AGL in 2013-14. The sale was opposed by the Australian Competition and Consumer Commission [ACCC] because it would reduce competition and drive the price of electricity higher. The ACCC was concerned that AGL may have an incentive to prematurely retire Liddell in order to withhold supply and drive up prices. Nevertheless, this Government, with Gladys Berejiklian's support, put its own commercial interests ahead of the community interest, made the sale and gave away a valuable electricity generating asset.

The same issue was in play when the New South Wales Government sold Wallerawang Power Station to Energy Australia at the same time. Energy Australia then immediately closed that station, costing New South Wales 1,000 megawatts of electricity and putting further upward pressure on prices. If the New South Wales community still owned Liddell we would know firsthand whether it can be kept open beyond 2022 reliably, how much that would cost and whether that investment is the best way to secure supply or whether there is a better way to make electricity available to the community beyond 2022. It is not a secret that Liddell is scheduled to close in 2022. The closure dates of other coal-fired power stations are also no secret. One of the causes of escalating energy prices is the uncertainty about what will replace coal-fired power when it goes.

In the past when governments built power stations—and in New South Wales it was Labor governments—the community did not pay the full price of that in their electricity bills. The State bore a significant share of that cost, not just individual households and businesses. Now that we live with a privatised power system—privatised by Liberal-Nationals governments across the country, including here in New South Wales—we are at the mercy of private actors to invest in new generating capacity. Those investors need to get back the cost of their investment in a reasonable time and make a reasonable profit. All of this cost will now be paid entirely by individual households and businesses in their electricity bills. It does not matter whether you are in love with coal or only want renewables, we must be guided by what is the quickest, cheapest and most sustainable available sources of new electricity generating capacity. In factoring in cost, we must also be mindful of the cost of rehabilitating land and decommissioning sites in that cost estimate. At present and for the foreseeable future this rules out even the best coal-fired technology now in existence.

The fact is the wind blows enough and the sun shines enough to create the energy we need. We just have to be able to store it so that it can be dispatched when we need it. Storage technology exists and is improving day by day. At the 2015 election the Liberal-Nationals Government, with Gladys Berejiklian sitting in the Cabinet, promised that privatisation of electricity would bring electricity prices down. Since then, prices have continued to grow out of control. The evidence is clear: Privatisation and deregulation—also brought to you by the current New South Wales Government—have resulted in record-high power prices in New South Wales and this is a direct result of the actions of the present Government and its Ministers.

TRIBUTE TO NED MANNOUN

The Hon. SHAYNE MALLARD (21:42): Three years ago this week Ned Mannoun, a young father, woke up in hospital after undergoing the successful transplant of one of his kidneys to his gravely ill son. His generous and loving gift saved his son's life, and changed the incredibly stressful world of his wife and family for the better. I would like to think we would all be as generous in order to save a life. At the same time, Ned, as the Mayor of Liverpool, pushed through the naming of an urban waterway as "Doujon Lake" in honour of a young local man who had been tragically killed during a holiday overseas five years earlier. Doujon's family, in an act of great generosity at a time of unbearable grief, donated his organs for transplant. Ned, as an ambassador for organ donation, was aware that donation rates were too low in the migrant communities of Western Sydney. This honour for the family was also designed to promote organ donation.

I was present when the then health Minister, the Hon. Jillian Skinner, dedicated the lake in front of a large and emotional crowd of family and friends. We would later find out that the man who received Doujon's heart was present, having travelled from Greece to be at the dedication. This is the nature of Ned Mannoun, the former Mayor of Liverpool. What has motivated me to speak about Ned tonight was the award this week by the Western Sydney University of an honorary fellowship to Ned, alongside other honorary awards for Lucy Turnbull, AO, Dr Tim Williams and Professor Janusz Nowotny. In awarding Ned his honorary fellowship, the Vice Chancellor of the University of Western Sydney, Professor Barney Glover, said the recipients had a desire to bring positive change to their community, particularly to the development of Greater Western Sydney.

This significant honour ends a difficult two years for Ned, his family and his supporters. Members will recall the attack on Ned's honesty in this Chamber in an adjournment speech on 10 September 2015. This was only weeks after the Prime Minister had singled out Ned at an election eve National Press Club address as a community leader and worthy candidate for Federal Parliament in his candidacy for the seat of Werriwa. It is not my intention to canvas the motives or actions of a fellow parliamentarian, but only to note that Ned vehemently denied the allegations and welcomed a subsequent Independent Commission Against Corruption [ICAC] investigation. I had no doubt, having worked with Ned in the past and having come to appreciate his integrity and character, that the allegations were without foundation. However, I note that it is regrettable that Ned's father was dragged into the controversy and, as a result, has left Australia. It is regretful that he saw the darker side of politics in Australia.

Allegations against individuals made under parliamentary privilege should be carefully considered. I say that as I was subject to two such attacks by a former Greens member of this House that caused significant disruption and anxiety for me and my family. After one year and three inquiries I was also fully cleared. In June 2017, a long 21 months later, the ICAC announced that it had found no evidence to support the allegations against Ned Mannoun and ended its investigation, clearing Ned. I also note that News Limited, which repeated the allegations in the *Daily Telegraph*, has also recently settled a defamation in Ned's favour.

Ned Mannoun did not recontest his position of mayor after considering the difficulties he was dealing with. Instead, he decided to spend more time with his young family and a new career, which is flourishing. When reflecting on his legacy as mayor of Liverpool, he told the *Liverpool Leader* that his ambition had always been to "create a positive vision of Liverpool". He said, "We tried to seize the day and seize the term, and I think we did." I note his colleagues on that journey at the time were councillors Tony Hadchiti, Mazhar Hadid and Gus Balloot, all of whom are his loyal friends. As to the future for Ned and a potential return to politics, he said:

I've checked out of the lunatic asylum and I'm not keen on checking back in.

I am hoping that was tongue in cheek because the Liberal Party, Western Sydney, this State and the country need community leaders of Ned Mannoun's ability and integrity. I conclude by congratulating Ned Mannoun on his honorary fellowship from the University of Western Sydney. I wish Ned, his wife, Tina, and their boys, Solomon and Jacob, all the best for many good years ahead.

HOMELESSNESS

The Hon. ERNEST WONG (21:47): Since 2011, rough sleeping in Sydney has increased by 28 per cent. The February 2017 City of Sydney street count found that 433 people were sleeping rough. At the same time, inner-city homelessness services were more than 90 per cent full. Communities of rough sleepers have been growing in areas of the city including Martin Place, Belmore Park and Wentworth Park, as we saw recently with the erection and subsequent dismantling of "tent city, the unauthorised campsite" in Martin Place. What was and continues to be a serious problem in New South Wales was used as a political pointscoring tool to settle a long-running feud between this Government and the Lord Mayor of the City of Sydney.

This most recent incident was a critical call to action. Homelessness and rough sleeping in New South Wales has increased significantly and teeters on the brink of crisis. Relocation from one area to another is further evidence of this Government's contempt for the underprivileged and disadvantaged members of our community. The Government's response to the "tent city" situation in Martin Place was grossly inadequate, unacceptable, undignified and completely unsafe, and it certainly did nothing to address the underlying issues.

As complex and intricate as homelessness is, a strong and competent government would set about addressing, as a matter of priority, the inadequacies that have long been present in the housing affordability imbalance. Since the Liberal-Nationals Government was elected in 2011, there has been a net reduction of some 3,000 social housing units in New South Wales. In the past two years alone, more than \$650 million worth of social housing has been sold off. More than half of lower income households with a mortgage are in housing stress and rental affordability is extremely low, especially for low- to moderate-income earners.

This Government has been reckless at best in the distribution of funds to key areas that concern most of the people of New South Wales. Recently the Opposition exposed the Government's massive budget blowouts with consultancy fees, WestConnex and the light rail project, to name a few. The hundreds of millions of dollars wasted in budget blowouts could have made a real difference to the lives of this State's lowest income earners and alleviated some of the pressure on those services that are buckling through being over utilised, underfunded and under-resourced.

Between 30 November and 2 December 2015, 516 homeless people participated in a survey across inner Sydney. Every person surveyed was living below the poverty line, and over 60 per cent had health and disability support needs. This current predicament is a stain on this Government, which has yet to leap into action with a serious and effective policy aimed at combating this critical issue. The Government needs to engage collaboratively with other levels of government, service providers, and community and corporate stakeholders or organisations to implement a long-term plan. Katherine McKernan, chief executive officer, Homelessness NSW said:

Data clearly shows that a lack of affordable housing is a major driver of homelessness as all the people we surveyed are struggling to live on less than \$400 a week—this places them all below the poverty line.

We also know that we need to stop people becoming homeless in the first place and the fact that we have so many new people on the street shows the failure of the broader government service system that has been unable to turn off the tap.

The trickle-down effect of unaffordable housing has the greatest impact on the nation's most vulnerable, namely, low- or no-income individuals who are unable to access government or community-subsidised housing. When families cannot afford to own or rent a home, their choice is limited to living in overcrowded homes, emergency accommodation or on the streets. Homelessness has long been associated with men, however we are now seeing women aged in their fifties and sixties, with sound work histories and no previous serious episodes of economic struggle, finding they have no choice but to seek refuge at Sydney's shelters for the homeless. Rising late-life divorce rates, rocketing rents and the gender pay gap are coming together to drive older women from their homes, putting Australia on the cusp of a new homeless epidemic.

EARLY CHILDHOOD EDUCATION

Mr JUSTIN FIELD (21:51): I often hear the Minister for Early Childhood, the Hon. Sarah Mitchell, say, "We know the success of a child's education on their last day of school is determined by their very first day of school." I agree with this sentiment. It is absolutely clear that having access to high-quality education from the earliest age is a critical foundation for future learning, for personal and social development and for giving our children the best chance of living successful, happy, healthy and rewarding lives. This is especially the case for children who come from disadvantaged backgrounds.

The Minister's acknowledgement of the importance of early learning lies in stark contrast to the current early learning outcomes in New South Wales. This week's release of the State of Early Learning in Australia report by Early Childhood Australia does not paint a great picture. New South Wales trails the country in participation of four-year-olds in preschool programs at 81 per cent compared to 89 per cent nationally. New South Wales trails in terms of the national target of 600 hours of preschool in the year before full-time schooling. The 2015 statistics in the report show New South Wales at 77 per cent compared to 91 per cent nationally and for Indigenous children it is 77 per cent compared to 92 per cent nationally.

As a percentage of State expenditure, despite increased investment, we have the lowest proportion of spending in the country at 0.4 per cent. We spend the lowest amount per child and parents have to pay more than any other State to access services. While the funding for early childhood education and child care is complex, the bottom line is that New South Wales has the most expensive preschool structure in Australia and reaches the least number of its four-year-olds and five-year-olds when it comes to the agreed national targets.

In further contrast, other Organisation for Economic Co-operation and Development [OECD] countries are providing free or almost free universal education for three-year-olds and four-year-olds. The Nordic countries have been doing it for decades. England and New Zealand are well on track to meeting that target. Why do they make the investment when we do not? Research shows three-year-olds and four-year-olds are very receptive to quality early childhood education. The extensive research of Dr Edward Melhuish informed the United Kingdom Government in setting its policy. It showed that the children who benefit most are those from disadvantaged backgrounds. These children, unfortunately, are often on track to a lesser life, one of lesser physical and mental health, lagging behind in finishing school, in attaining tertiary education, in employment and in general wellbeing. The research shows that these children benefit from two years of quality education, especially when it is coupled with access to good quality public health. The advantages are not just social. As the doctor writes:

In reality, the aims of equality and future productivity merge. Policies that recognise that learning capabilities are primarily formed during the first years of childhood, and which act to improve life chances, serve both of those goals.

In other words, it serves to reduce inequality and boost the productive capacity of all in a society. It is hard to look at the New South Wales figures without drawing a connection with the model of care and education we have compared to other States. We are disproportionately weighted towards private, for-profit long day care centres and have relatively low levels of government and community run preschools. There is no doubt that government subsidies, in part, drive preferences for long day care, as does the needs of families. I would suggest that redirecting investment into government-run preschools and community non-profit centres and away from profit-making ones would go some way to correcting the New South Wales statistics. At a minimum I call on the Government to ensure all new public schools have an attached preschool to strengthen availability and accessibility to this critical service.

Last week childcare workers across the country walked off the job, demanding fairer pay in the sector. There is a good reason for this. Early childhood educators earn around \$30,000 less than the average annual wage and far less than primary school teachers in this State. This is totally inequitable, it puts immense challenges on the sector in being able to attract highly skilled educators, and, as 97 per cent of workers in the sector are women, it is contributing to the gender pay gap nationally. I acknowledge this Minister's efforts to address the shortfalls in New South Wales, but six years into the Coalition Government and the numbers are still the worst in the country. The system is not delivering as it should for our kids at a crucial time in their development. The focus seems unfairly skewed to the private for-profit sector. The Greens share this Minister's passion for improving the outcomes for children across the State through ensuring access to high-quality and affordable early learning opportunities, but it is time we aimed much higher

SAME-SEX MARRIAGE

The Hon. SCOTT FARLOW (21:56): I speak on a topic that I did not expect to talk to in this House—in fact, bite my tongue—that is, the upcoming same-sex marriage plebiscite. I was inspired to speak on it because of the stance taken by Israel Folau today. He tweeted:

I love and respect all people for who they are and their opinions. But personally I will not support gay marriage.

This was described as a contentious gay marriage tweet when, in fact, Israel Folau is indicating love and respect for all his fellow people. He is indicating something that is the law of the land and has been from time immemorial. Likewise, Michael Hooper, another Wallaby, tweeted:

In the words of one of my heroes, "my humanity is bound up in yours, for we can only be human together." #Vote Yes. #Marriage Equality.

I believe both of them should have the right to be able to say what they feel on this topic, as should all Australians. The Australian Rugby Union [ARU] has decided that it is supportive of marriage equality. The Australian captain no less, Michael Hooper, has said:

We're all very supportive of the "yes" campaign and this is the approach we've taken.

There are reports that Israel Folau has been counselled by the ARU for his tweets and his comments. Earlier this year I raised in this Chamber with respect to the Bible Society how much I believe that we should all be able to have an opinion on these topics. That speech concerned the case of the Coopers Brewery and the Lachlan Macquarie Institute and people being hounded down and out of their jobs. I will admit in this Chamber I am someone who is sitting on the fence in this debate. I came into this House saying that I am a Christian. I have Christian beliefs, but I do not believe that I should legislate them. I also have concerns for religious liberty and I have concerns about how this campaign is affecting anyone who supports traditional marriage. I refer to the case of Dr Pansy Lai who was in the "no" campaign advertisement and the petition that was launched by GetUp and others to have her deregistered as a doctor for standing up on this issue and sharing her views on it.

We have seen dreadful acts such as tyres slashed outside a play in Lane Cove that dealt with homosexual issues. That is deplorable; it should not be happening. Our country should be grounded in free speech. The countries that have adopted same-sex marriage are largely those that are grounded in Judeo-Christian values. That has been the foundation of their society and Judeo-Christian values teach tolerance and respect and allow for people to have respectful debate. It is of concern to me that those who have a Christian faith and respect for institutions are being hounded down in this debate.

There are many on the "yes" side who are respectful in their debate and their only wish is to strive for equality. There are concerns about religious liberty in this debate. I note what has happened in the United Kingdom where the Speaker of the House, Mr Bercow, has said there will be no equality until there can be gay marriage in churches. I would like to see protections for religious liberty. I continue to sit on the fence. I am concerned this is a little like the *Seinfeld* episode when Kramer is participating in the AIDS walk. Kramer says:

I tell ya, there's some people, they just wear a ribbon and they think they're doin' something? Not me. I talk the talk, and I walk the walk, baby.

At the end of the episode Kramer is confronted by Bob:

BOB: Who? Who does not want to wear the ribbon? So! What's it going to be? Are you going to wear the ribbon?

KRAMER: No! Never.

BOB: But I am wearing the ribbon. He is wearing the ribbon. We are all wearing the ribbon! So why aren't you going to wear the ribbon?

KRAMER: This is America! I don't have to wear anything I don't want to wear!

CEDRIC: What are we gonna do with him?

BOB: I guess we are just going to have to teach him to wear the ribbon!

I am concerned that the ribbon is in this debate. I still sit on the fence. I hope we will see a respectful debate in the weeks to come.

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

Motion agreed to.

The House adjourned at 20:01 until Thursday 14 September 2017 at 10:00.