



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
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Thursday, 14 September 2017

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LEGISLATIVE COUNCIL

Thursday, 14 September 2017

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

The PRESIDENT read the prayers.

Motions

RAYMOND TERRACE SOCCER CLUB SIXTIETH ANNIVERSARY

The Hon. NATASHA MACLAREN-JONES (10:02): I move:

- (1) That this House acknowledges the sixtieth anniversary of the Raymond Terrace Soccer Club; formed in August of 1957, and notes the celebratory event held on 5 August 2017.
- (2) That this House notes that the Raymond Terrace Soccer Club was home to Marshall Soper and Clayton Zane, former Socceroos players Alison Forman and Cheryl Salisbury, a highly decorated international player and former captain of the Matildas.
- (3) That this House congratulates the Raymond Terrace Soccer Club on a successful 60 years and the club committee on organising the anniversary celebrations.

Motion agreed to.

Committees

SELECT COMMITTEE ON HUMAN TRAFFICKING IN NEW SOUTH WALES

Extension of Reporting Date

The Hon. PAUL GREEN: I move:

That the reporting date of the Select Committee on Human Trafficking in New South Wales be extended to 19 October 2017.

Motion agreed to.

Motions

THREATENED SPECIES CHILDREN'S ART COMPETITION

The Hon. MARK PEARSON (10:03): I move:

- (1) That this House commends Forestmedia Network Incorporated for facilitating the 2017 Threatened Species Children's Art Competition, which helps children unleash their artistic creativity while learning about the extinction crisis facing our native plants and animals; and which aims to encourage the next generation of environmental leaders.
- (2) That this House acknowledges that with more than 1,000 species now threatened in New South Wales alone, environmental leaders have never been more needed.
- (3) That this House congratulates the organisers of the event held on Threatened Species Day at Parliament House: Lorraine Bower, Susie Russell, Lindie Ward, Penny Walton, Stephanie Knox, Jenny Ellyard, Jenny Symons and Brigid Dowsett.
- (4) That this House thanks the Hon. Gabrielle Upton, MP, Minister for the Environment, Minister for Heritage, and Minister for Local Government, and Dr Mehreen Faruqi, MLC, for their attendance and contributions to the discussion.
- (5) That this House notes:
 - (a) entries to the 2017 competition have grown by 250 per cent, with more than 1,600 children entering, involving 68 schools and 14 other programs;
 - (b) the quality of the artistic work was inspiring and it is a testament to the future environmental leaders' concerns for the future of our unique threatened species of flora and fauna—a future where they may never be able to see their chosen species in the wild, or see it at all;
 - (c) two exhibitions are being held—one at Surry Hills from 9 to 23 September 2017 and one in the open space at the Botanic Garden from 15 to 29 September 2017; and
 - (d) that the following schools and children's programs participated in the competition: Alma Public, Beecroft Public, Ben Venue Public, Blue Mountains Steiner, Booligal Public, Broadwater Public, Brighton Le Sands Public, Burraneer Bay Public, Canley Vale Public, Capa Marks Point Public, Castle Cove Public, Cessnock West Public, Cornedale Public, Jerrabomberra Public, John Colet School Belrose, Lawson Public, Lane Cove West Public, Largs Public, Larnook Public, Maribyrnong Primary, Middle Dural Public, Molong Central, Mother Teresa School, Mount Keira Demonstration School, Mullion Creek Public, Murray Farm Public, Murwillumbah public, Neville Bonner Primary, North Wagga Public, Ocean Shores Public, Oxley Park Public, Parramatta North Public, Paxton Public, Peterborough School [SSP], Plunkett Street School, Point Clare Public, Quakers Hill Public, REDinc—In school support, Roseville College, Sherwood Grange Public,

St Clair Public, St Mark's Catholic Primary, St Joseph's Catholic Primary, St Patrick's Primary, Sydney Children's Hospital School, Sylvania Heights Public, Tamworth Public, Telopea Park Public, Tambelin Independent School, The Channon Public, Thomas Acres Public, Waitara Public, Weethalle Public, Westdale Public, West Ryde Public, Young Public, Ultimo children's program, King George V children's program The Rocks, Pyrmont children's program, Crown Street children's program, Redfern children's program, Woolloomooloo children's program, Girls and Boys Brigade holiday program Surry Hills, Girls and Boys Brigade after school program Surry Hills, Naidoc Festival, Art Box Workshops, Class Artz at Woollahra, Clovelly, Paddington, Kensington, Waverley and Randwick schools, Young Artists, and Art Zone-Lake Macquarie City Art Gallery.

- (6) That the House thanks the following supporting organisations and individuals for their considerable contribution to the event and subsequent exhibitions: the Animal Justice Party; the City of Sydney Matching Grants program; Sophie Daniel, Team Leader, Community and Education Programs—Botanic Garden, and Mary Bell, Education Coordinator, School Programs—Botanic Garden; Bren Weatherstone and the ACT Chapter of the Australian Association of Environmental Educators; Victoria Johnstone, Creative Director, Surry Hills Festival; Cassie Tilbrook, Gillian Elliott and the Surry Hills Neighbourhood Centre; Trish, Robyn, Georgia and the Byles Creek Valley Association; Donna Upton and the Capertee Valley Association; Jill; Helen and STEP Inc; Taronga Zoo; Featherdale Wildlife Park; Hoyts; the National Parks Association NSW; the Wilderness Society Sydney; Nature Conservation Trust; WIRES; Humane Society International; Nature Conservation Council NSW; Australian Forests and Climate Alliance; Animals Australia; North Coast Environment Council; South East Coast Regional Council; Nambucca Valley Conservation Association; and Caldera Environment Centre.
- (7) That this House congratulates all the entrants in the competition and makes special note of the 2017 award winners:
- (a) Kevin Yeh, six—first place in the category of five- to seven-year-olds;
 - (b) Emily Nees, six—second place in the category of five- to seven-year-olds;
 - (c) Amelia Gutwenger, six—highly commended in the category of five- to seven-year-olds;
 - (d) Jasper Hartmann, eight—first place in the category of eight- to 10-year-olds;
 - (e) Anneliese Gutwenger, 10—second place in the category of eight- to 10-year-olds;
 - (f) Jaccob Trevisan, 10—highly commended in the category of eight- to 10-year-olds;
 - (g) Natalie Barclay, nine—highly commended in the category of eight- to 10-year-olds;
 - (h) Claire Camilleri, 11—first place in the category of 11- to 12-year-olds;
 - (i) Sarah Chen, 11—second place in the category of 11- to 12-year-olds;
 - (j) Sonia Pillai, 11—highly commended in the category of 11- to 12-year-olds;
 - (k) Michelle Ciu, nine—first place in the category of Most Unusual Entry;
 - (l) Mahli Barnes, nine—second place in the category of Most Unusual Entry;
 - (m) Buraneer Bay [Skeleton]—First place in the category of Group Work;
 - (n) Art Box Workshops [Lepidopteras]—second place in the category of Group Work [equal];
 - (o) Oxley Art Group [Fragile Beauty]—second place in the category of Group Work [equal];
 - (p) Art Box Workshops [Rosenberg's Goanna]—highly commended in the category of Group Work;
 - (q) Forrest Public School [Golden Sun Moths]—highly commended in the category of Group Work;
 - (r) Jake Ferguson, 11—first place in the category of Best Written Explanation;
 - (s) Alyssa Sim, eight—second place in the category of Best Written Explanation; and
 - (t) Kieren Kelly, nine—highly commended in the category of Written Expression.

Motion agreed to.

CENTRAL COAST BUSINESS EXCELLENCE AWARDS

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

- (1) That this House notes that:
- (a) the 2017 Central Coast Business Excellence Awards were held on Saturday 25 August at the Crown Plaza Terrigal;
 - (b) Mr Scot MacDonald, MLC, was pleased to attend on behalf of the Premier and present the Excellence in Manufacturing Award to Bradley Byrne and Archer Enterprises;
 - (c) Archer Enterprises is a family-owned business established in 1977 and located at the Somersby Industrial Park in Somersby which specialises in precision manufacturing and fabrication of complex and custom manufacturing components;
 - (d) in total 12 awards were handed out on the night recognising excellence in business, entrepreneurship, executive leadership and sustainability;

- (e) winner of the Central Coast 2017 Business of the Year was Bioaction Pty Ltd; and
- (f) also in attendance were:
 - (i) Ms Lucy Wicks, MP, member for Robertson;
 - (ii) Mr Adam Crouch, MP, member for Terrigal;
 - (iii) Ms Liesl Tesch, MP, member for Gosford;
 - (iv) Mr Ian Reynolds, Administrator of Central Coast Council.
- (2) That this House congratulates all nominees and award winners on their success and on the recognition of their efforts.

Motion agreed to.

The PRESIDENT: Order! It is far too early for me to be calling members to order; however, unlike yesterday, I will quickly begin to call members to order if they continue to interject.

Petitions

RESPONSES TO PETITIONS

Eastern Sydney High School

The CLERK: I announce the receipt, pursuant to sessional order, of the following response to a petition signed by more than 500 persons:

Response from the Hon. Rob Stokes, MP, Minister for Education, to a petition presented by Mr Shoebridge on 10 August 2017 concerning the establishment of an additional public high school in Sydney's east.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: I move:

That the order of Private Members' Business for today be as follows:

- (1) Private Members' Business item No. 1570 outside the Order of Precedence standing in the name of the Hon. Adam Searle relating to censure of the Minister for Regional Water;
- (2) Private Members' Business item No. 21 outside the Order of Precedence standing in the name of Reverend the Hon. Fred Nile relating to the Summary Offences Amendment (Full-face Coverings Prohibition) Bill;
- (3) Private Members' Business item No. 1068 outside the Order of Precedence standing in the name of Mr Justin Field relating to the Gaming Machines Amendment (Transparency) Bill;
- (4) Private Members' Business item No. 1572 outside the Order of Precedence standing in the name of the Hon. Paul Green relating to Bravehearts' White Balloon Day;
- (5) Private Members' Business item No. 1566 outside the Order of Precedence standing in the name of Mr David Shoebridge relating to the cognate Environmental Planning and Assessment Amendment (Addressing Climate Change) Bill, Local Government Amendment (Climate Change) Bill and Preservation of Trees and Public Open Space (Miscellaneous Legislation Amendment) Bill; and
- (6) Private Members' Business item No. 1364 outside the Order of Precedence standing in the name of the Hon. Scott Farlow relating to Schizophrenia Awareness Week.

Motion agreed to.

Motions

THE HON. NIAL BLAIR, MINISTER FOR REGIONAL WATER

Censure

The Hon. MICK VEITCH (10:14): On behalf of the Hon. Adam Searle: I move:

- (1) That this House notes the findings of Mr Ken Matthews' interim report entitled "Independent investigation into New South Wales water management and compliance", including:
 - (a) the report's alarming conclusion that the "social licence to irrigate is at stake";

- (b) that much of the evidence relied upon by Mr Matthews in preparing his interim report has not been made public;
 - (c) that the most senior water bureaucrat in New South Wales has been stood down and is now the subject of disciplinary action; and
 - (d) that interviews with Department of Industry staff involved in water management reveal "failures to confront unethical behaviour", "a group culture diverging from the best traditions of Australian public administration" and "public servants clearly deficient in their understanding of the Westminster conventions".
- (2) That this House notes that these systemic failures of the Department of Industry have occurred under the watch of three National Party Ministers: Minister Hodgkinson, Minister Humphries and Minister Blair.
 - (3) That this House asserts that a key Westminster convention is that a Cabinet Minister bears the ultimate responsibility for the actions of his or her ministry or department.
 - (4) That this House censures the Minister for Regional Water, the Hon. Niall Blair, and calls on him to set an example and resign as Minister for Regional Water and for the Berejiklian Government to appoint a new Minister not drawn from the ranks of the National Party.

It is rare for such a motion to be moved in this House against a Minister. The gravity of doing so is not lost on me, nor should it be lost on the Chamber. I start my contribution by outlining where we stand today. The ABC *Four Corners* program "Pumped: Who is benefiting from the billions spent on the Murray Darling?" was broadcast on 24 July 2017. Following that program and the subsequent public commentary, on 26 July 2017 Mr Ken Matthews, AO, was commissioned by the Government to investigate the allegations made.

It would be inaccurate to say that the *Four Corners* program was the first time that allegations of non-compliance with New South Wales water law along the Darling River had been raised. People in the Far West and along the Darling River have been raising concerns for some time—not only in Broken Hill but also in places such as Wilcannia, Menindee and Pooncarie. In particular, one of the water management instruments, the Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012, is often raised as a concern. That plan was developed and signed by former Minister Hodgkinson, with the concurrence of then Minister for the Environment, the Hon. Robyn Parker. People are concerned that the draft water sharing plan that was put out for public consultation and comment was markedly different from the plan finally adopted. Moreover, people are concerned that the final plan did not reflect the consultation.

Why is this important? People say this is when the management and operation of the river changed. It was the start of the mismanagement that is highlighted in Mr Matthews' interim report—mismanagement that Mr Matthews has shone a very bright light upon. Since I was made shadow Minister for Western New South Wales in April 2015, I have been trying to get answers about the 2012 water sharing plan. I have lodged applications under the Government Information (Public Access) Act [GIPA] to obtain the consultation documents. I mention this because members who have been here a while will appreciate the similarities to another matter that was dealt with in this Chamber some time ago.

When one batch of GIPA documents arrived at my office, tabbed documents WS12-154 and WS12-188 were missing. They were indexed and tabbed as if they had been included with the finalised GIPA documents but they were missing. The Minister, and others no doubt, would appreciate that in my role as a shadow Minister I lodge a substantial number of GIPA applications. This is the only instance I can recall when documents have been missing when they were obviously intended for inclusion in the final batch. So members will understand my cynicism because it appears as if there was something to hide, particularly with the information and knowledge we now have before us. The development and implementation of the Barwon-Darling water sharing plan was the first action of a Nationals Minister for Water that should be the subject of an investigation.

The Matthews investigation could not look at this important matter because the terms of reference for the investigation did not allow it. The actions of former Ministers for water—the former member for Cootamundra and the current member for Barwon—and the current Minister for Regional Water were specifically excluded from scrutiny by Mr Matthews.

It is my view that the 2012 instrument, the water sharing plan for the Barwon-Darling River, was the initial failure of this Government when it comes to the Barwon-Darling system. It was when the so-called "social licence to irrigate", to quote Mr Matthews, began to be questioned by many along the Darling River. Mr Matthews' report concludes, alarmingly for many, that the "social licence to irrigate is at stake". Good law-abiding irrigators, and the irrigation industry as a whole, are being tarnished not only by a few cowboys but also by a public service that has failed them and by consecutive Ministers who have allowed the water bureaucrats to run amok. There appears to have been no ministerial leadership or guidance provided to the department. The buck of responsibility does not stop with Mr Hanlon in this case. Ministers must be held to account.

I would like to know what documents Mr Matthews had to draw his confronting conclusions about the department. We do know there were approximately 3,150 of them, but they have been kept away from

parliamentarians' eyes. My concerns about the documents provided are from my own experience with this department, where my own GIPA had documents missing. The documents that Mr Matthews relied upon must be provided to the Parliament. The fact that Mr Hanlon has been stood down and is now subject to a disciplinary investigation should also raise concern in this Chamber. We find out from Mr Matthews that there was not just one secret meeting but at least four. Mr Hanlon was not the only public servant at these meetings. Who were the others? What was their role? What did the Minister do once he discovered the information about the other public servants?

But, for me, the most distressing element of the report is Mr Matthews' commentary around the public service, particularly the water division. The residents of New South Wales want a professional public service—one that will provide unbiased information to executive government without fear or favour; a public service with integrity and a public service that will confront and address unethical behaviour without reluctance. Not only have the actions of this department allowed the good name of the substantial number of law-abiding irrigators in the State to be questioned, but its actions have also challenged the standing of the New South Wales public service as a whole. For that it should be condemned and the Minister held to account.

It is unfathomable that there are public servants clearly deficient in their understanding of the Westminster conventions in the New South Wales public service. If I were a Minister in this Government right now I would be asking my senior bureaucrats to read the interim report by Mr Matthews and assure me that my respective departments do understand the Westminster conventions. However, I fear there is a deeper issue here. I fear that the actions of this Government with regard to the public service have, in fact, broken the public sector in New South Wales, particularly in regional New South Wales and, even more so, west of the dividing range.

A key Westminster convention is that a Cabinet Minister bears the ultimate responsibility for the actions of his or her department. The Minister must take full responsibility for the actions of the water bureaucracy. The Minister also must hold his predecessors to account—the rot started under them. The Minister must take responsibility publicly. He must do so to assure the people of the Far West and those communities and people living along and relying upon the Darling River that there have been many wrongs in administration of water law in this State. The people I have been speaking with as recently as last week in Wilcannia and Menindee do not believe that the issue of industrial-scale water theft is being taken seriously by the Berejiklian Government. They told me last week that there appeared to be a breathtaking arrogance by the Government and, in particular, by the agency. It is not acceptable behaviour.

I believe that what lies at the centre of this motion is the arrogant dismissal of the key Westminster convention of the Minister being ultimately accountable for the actions of his department. In my view, the Minister should resign his commission as Minister for Regional Water. In fact, I do not believe The Nationals should have the Water portfolio at all after this exercise. About 12 months ago we stood in this place debating another scathing report into an agency administered by this Minister—the Department of Lands. Here we are again with a different department with significant problems and the same Minister.

The public has a right to know what the Minister knew and when he knew it. When was the Minister made aware of the actions of his predecessor Mr Humphries? What discussions has the Minister had with irrigators named in the *Four Corners* report? Were donations from these irrigators solicited and accepted by the Minister during his term as State chairman of the New South Wales National Party? How many National Party operatives within the Department of Industry are involved in this scandal and how? What did the Director General of Primary Industries know of Mr Hanlon's secret meetings? The Minister may have answers to these questions—even plausible ones. If he does, he should advise the House of what he knows and when he knew it.

This censure motion need not have been moved today; the Government or the Minister could have faced up to the fundamental idea of ministerial responsibility and accountability and the Minister could have resigned his commission. The National Party should never again be put in charge of water—Federal or State. As the Leader of the Opposition said earlier this week, it is like putting Dracula in charge of the blood bank. For the past two sitting weeks, and with our limited time during budget estimates, this House has been trying to get to the truth. The Minister has lost the confidence of the public, and I believe he should be censured by this House for allowing this scandal to fester within his department and for the way he has handled the matter.

This brings into question the Minister's handling of other matters: the ruinous commercial fishing reforms, the dangerous Crown land reforms, and the disastrous rollout of Local Land Services. This Minister is now in charge of the controversial biodiversity laws, yet there is a massive cloud over his competency. Talk to the people of Broken Hill, Menindee, Wilcannia and Brewarrina, talk to the Aboriginal communities that have been frozen out of the water debate since 2011, talk to farmers downstream who have had to pull out citrus trees because they have no water, and you begin to understand the anger and the bitterness because the National Party has allowed this to happen. This House has to move this motion to censure the Minister for what he has and—more importantly—what he has not done. For the good of New South Wales politics, this Minister deserves to be

censured and he should be convinced to resign as Minister for Regional Water. The Opposition calls on the House to support this motion.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (10:26): The suggestion that the Hon. Niall Blair has done anything that would require him to stand aside from his portfolio is simply absurd and this motion will be vigorously opposed by Government members. For the last two sitting weeks, Minister Blair has taken every question the Opposition could throw at him and he has responded to every single one of them in full.

The PRESIDENT: Order! I call the Hon. Lynda Voltz to order for the first time. I have given a warning about interjections; I will not give any more warnings.

The Hon. DON HARWIN: Through every accusation and smear thrown at him by the Opposition, Minister Blair has given members of the Government complete confidence that he is on top of all the issues relating to the Murray-Darling Basin Plan and that he is across his portfolio and doing an excellent job as the Minister for Regional Water. In light of the *Four Corners* report relating to the effectiveness of current New South Wales compliance and enforcement arrangements for water, this Government and Minister Blair acted swiftly to appoint Mr Ken Matthews to undertake an urgent and independent investigation into the allegations made. Minister Blair also ensured that Mr Matthews had both the scope and the resources required to undertake a thorough and complete investigation of all the matters raised. The interim report from Mr Matthews, which the Government released this week, raised concerns about the effectiveness of current New South Wales compliance and enforcement arrangements for water—concerns that are significant and confronting to the Government.

What makes the interim report from Mr Matthews so confronting is that it is clear from his findings that the current system has been failing parts of regional New South Wales. This is a critical issue for this Government and for our commitment to improving resource management for the communities that rely on those resources. Managing the Murray-Darling Basin has been a test facing governments that has challenged successive Ministers and departments since long before this Government came to office six years ago. But there is no doubt that those hard steps have been taken under this Minister, who has overseen the challenging systemic transformation that previous custodians struggled with.

Minister Blair's record of achievements in other areas of his portfolio, such as commercial fishing, native vegetation and biosecurity, is very clear. All these areas impact directly on the livelihoods of New South Wales residents, all stir passionate debate and all require difficult but worthwhile reform, which this Minister has achieved as part of this Government. The Hon. Niall Blair is a hardworking and conscientious Minister who is dedicated to reform and to working for all the people of New South Wales.

Any suggestion that he has acted in anything but an appropriate manner at all times is quite simply wrong. The Hon. Niall Blair has been thorough and completely appropriate in the stewardship of his portfolio. He commissioned the Matthews report to address the allegations. The report was received and made public. The report set out strategic structural reforms, administrative and operational improvements for water management in New South Wales and recommendations for improved compliance across the Murray-Darling Basin.

We have accepted the principles set out in the Water Management Compliance Improvement Package that was recommended and the Minister has ensured that work to implement the recommendations has already begun. The primary focus is to strengthen compliance operations through the introduction of a stronger, more effective and independent regulator and to propose basin-wide initiatives to ensure that all jurisdictions can collaborate in improving compliance and enforcement regimes for water administration. The urgent installation of meters for all large-volume water users is also a top priority and, where they do not already exist, we will move to have meters installed across the State within 12 months.

We will also incorporate new monitoring and compliance technologies such as remote sensing of crop growth and water holdings, remote meter reading and telemetry, and targeted covert operations. The Minister has also asked the department to investigate the creation of a new Natural Resource Asset Division to oversee all investigation and enforcement functions for non-metropolitan water activities in New South Wales. This new division, with a transparent structure, separating compliance and enforcement from industry development and the distribution of water, would optimise the economic, social and environmental benefits for the community through the regulated access to water.

The creation of a new division would give absolute clarity around roles and responsibilities between the three key organisations involved in water management in New South Wales. Minister Blair understands that effective and consistent compliance is crucial to the equitable management of the State's water and to the success of the Murray-Darling Basin Plan. The Hon. Niall Blair is doing what he has always done: working in the best interests of the people of New South Wales. I stand by him, the Premier stands by him and all Government

members in this House stand by him. I encourage all members of the House to reject this motion and let the Minister get on with the job of working for the people of New South Wales.

Mr JEREMY BUCKINGHAM (10:36): On behalf of The Greens I make a contribution on the motion moved by the Hon. Mick Veitch on behalf of the Leader of the Opposition. It is a serious motion and a serious matter. The key element for The Greens is the Westminster convention and individual ministerial accountability. As The Greens spokesperson on water, that is the real test for me and, I believe, for the House. I have read the fluid interpretation of individual ministerial responsibility that has developed over the past 100 years. In previous interpretations it was strict: If malfeasance or wrongdoing was found in a department, the Minister would go. The more modern interpretation is: If there was a clearly blatant or unreasonable use of executive power or the Minister's behaviour contravenes established standards, the Westminster convention is broken. I think both those tests have been met in this case, and that is why The Greens will be supporting this motion.

The Minister's actions have been unreasonable. They breach established standards. I will list the reasons. The Matthews inquiry found there were systemic failings and everybody knew about them. Anyone interested in water management in this State, anyone who cared about the health of the Murray-Darling Basin, about equity in agriculture, about making sure that farmers who were doing the right thing were not tarred with the brush of farmers doing the wrong thing, knew things were going wrong. Anyone who watched what happened to the Darling River over the past four or five years with maladministration under successive Nationals Ministers and a bureaucracy that was not doing the right thing knew there were systemic failings. That is what emerged from the Matthews inquiry. As the Hon. Mick Veitch said, the social licence for irrigation in this State is at stake. The people who feed us, who provide the food and fibre in that important business, have their social licence at stake. The Matthews inquiry said:

The overall standard of NSW compliance and enforcement work has been poor.

Arrangements for metering, monitoring and measurements of water extraction in the Barwon-Darling river system are below the standards required.

Certain individual cases of alleged non-compliance have remained unresolved for far too long—

years—

There is little transparency to members of the public of water regulation arrangements in NSW, including the compliance and enforcement arrangements which should underpin public confidence.

The Minister would have been aware of all these things. These are ongoing issues. When he took on his brief, he would have known of these matters because there were two Ombudsman's reports—2009 and 2014—which the Government did not release. It ignored those reports which, in budget estimates, the director general said were worse than the Matthews report. Those opposite knew, but did nothing, because it was convenient to their associates—friends of The Nationals. The Government did nothing because of convenience. It is only because of brave whistleblowers who, in some instances, are being pursued by the department and it is only because of a journalist like Linton Besser of *Four Corners* that we are having this debate today.

The Hon. Daniel Mookhey: And the community groups.

Mr JEREMY BUCKINGHAM: And the community groups, of course. I will list them: the Darling River Action Group and We Want Action, Broken Hill, the environment groups who have forever been saying that there is inadequate compliance, metering and monitoring. These people have been jumping up and down and have been ignored, scoffed at and laughed at for years by the Government, yet their concerns were legitimate. When the reforms came through that this Government introduced to change the Water Management Act, which pulled compliance across the board in New South Wales, we rang the alarm bells and we were ignored. There are systemic failings. The Minister would have been aware of them; if he was not, it is negligence and that is why we support the censure.

We know what the Minister has done. We just saw the gazettal of the Floodplain Management Plans—this new retrospective validation of illegal works. It is an absolute outrage that a power can be created that retrospectively validates works that did not have approval, illegal works that intercepted significant quantities of water and created a massive benefit for a particular interest. The Minister should be condemned for retrospectively validating those illegal works and bringing in a regime to do that. We know that the first cab off the rank in those areas were some of those interests that were listed in the *Four Corners* report. That was on this Minister's watch, The Nationals watch. We join with the Labor Party in saying that The Nationals should be stripped of the Water portfolio. It should never be in the hands of The Nationals again. As I said, the director general said the Ombudsman's reports that have not been publicly released were even worse.

What did the Minister do when these matters came forward? He set up the Matthews inquiry, with limitations on its terms of reference that made sure that the Minister was not in the gun. Then he proceeded to

hide behind the Matthews report, saying, "It will all be determined by the Matthews report", as if that is all the Minister could possibly know. He has the whole department, he has the history of water management in this State and all he can say is, "We will see what Matthews says." Now that the Matthews report has come out, the Minister says, "We will respond but I can't say much because we have to see what the Independent Commission Against Corruption says." The Minister has been hiding and covering up. Yesterday he failed to release the documents under Standing Order 52 for parliamentary scrutiny. One of the key factors for the higher test of Westminster accountability is that proof of ministerial culpability must be established.

We do not get to see the documents. We do not even get to test it with the evidence. If the Minister is so confident, he should release the documents, let us test them and redact the portions that the Independent Commission Against Corruption [ICAC] does not want. I know the Shooters, Fishers and Farmers Party has concerns regarding that. Redact the portions that ICAC thinks are sensitive or illegal and let us test the Minister. Let us see the evidence. The Government hides it and takes a different approach. Other Ministers have done different things. For example, the former Minister for Health, Jillian Skinner, did a different thing in the Grygiel case. We had the initial co-written report and then the Minister decided to release it under Standing Order 52, which provided incredibly important information for this Parliament to scrutinise the actions of the Ministers and various departments.

This Minister has failed to sack the Department of Primary Industries Director General, Mr Scott Hansen. Mr Scott Hansen has overseen this area for more than four years. It is beyond me how Mr Hansen could not have provided this brief to the Minister on coming into office—that there are major water users in this State who do not have metering or monitoring, that there is a compliance regime that has no credibility whatsoever, that there are huge issues regarding illegal works across the State and that there is water theft across the State—when we have an Ombudsman's report and the like.

He has been in the job since 2014. He has overseen the major reforms which have led to this scandal. The reforms that the Government has brought in have facilitated this malfeasance. He was aware of Mr Hanlon's secretive group of irrigators, who gave confidential government documents to him. At the budget estimates hearing he said, "I talk to him every week." Mr Hanlon is relatively new; Mr Hansen is not. He was aware of this secret group—targeted stakeholder engagement. It is one of the most atrocious things I have seen in my time in this place—some people shut out; back room negotiations about how to manage water in the State; the secret plan B to pull out of the Murray-Darling Basin Plan. He failed to support a major investigation into alleged water management breaches in north-western New South Wales, despite the advice from the strategic investigations unit which believed that there was widespread noncompliance in the Barwon-Darling region.

What did they do in response to that? They gutted the compliance unit. That is an absolute disgrace. Senior managers at all points of the chain of command have failed to take responsibility to drive progress, compliance and enforcement. If Mr Hansen is not going to be held to account, then the Minister should be held to account. He passes all those tests of being culpable, of being involved, of overseeing through decisions and actions the maladministration of the Water portfolio in this State. This will sadly be the Hon. Niall Blair's legacy. In years to come when people google "Niall Blair" this will be the item that pops up, the item that appears on Wikipedia: a national scandal.

Right now the Hon. Niall Blair has an opportunity to reset the record. The Hon. Niall Blair could release the documents to the Parliament. He could privilege them and let parliamentarians look at the documents. The Hon. Niall Blair could stop hiding behind ICAC and go to a full judicial inquiry. That could be done immediately and the Hon. Niall Blair could reset the debate. But rather than do that, the Government is hiding behind ICAC. We saw what happened with ICAC and the investigations into electoral issues—it took many, many years; some three or four years. How long will it be before ICAC reports? We are about to head into potentially one of the most catastrophic droughts in Australian history and communities are going to the wall, a number of communities in north-west New South Wales are heading towards water carting and the Lower Darling River is running out of water. I notice that the Minister is scowling and looking like he does not quite believe that the Darling River is in a bad condition, but it is.

The Hon. Ben Franklin: Point of order: My point of order relates to Standing Order 91, which is that a member may not make an imputation of an improper motive against another member. The member talked about the Minister's supposed view of the Darling River. That absolutely is not what the Minister has said. I ask that the comment be withdrawn because it is disorderly.

The Hon. Lynda Voltz: To the point of order: Except by way of a substantive motion.

The PRESIDENT: Order! This is a substantive motion and a serious matter. I have listened carefully to the contributions of all members. I congratulate all members because there have been no unparliamentary expressions or offensive expressions. I do not uphold the point of order. I am sure that Mr Buckingham is aware

that he is not permitted to use either unparliamentary expressions or offensive expressions, notwithstanding that this is a substantive motion.

Mr JEREMY BUCKINGHAM: Thank you for your ruling, Mr President. That is what we have seen. We have seen a Minister hiding behind the black box of ICAC and it may take years to resolve. It clearly will. If this is one of the biggest national scandals we have ever seen in the water area, it will take years for that to be resolved. In the meantime, what are we going to see? A government saying, "A kiss and a promise. We will fix it down the track. We will see what ICAC has to say." It is highly likely that there will be another Minister with responsibility for water in this place or in this Parliament dealing with the ICAC findings.

That is not good enough. The public demands more. Last night I was contacted by an irrigator from the Namoi Valley—no friend of The Greens—who was absolutely outraged at how this was occurring. He was concerned about the retrospective validation of illegal works and about what another operator is doing. He was absolutely appalled that he had been tarred with the same brush and he wants the record set straight now. He wants a judicial inquiry. He wants the full powers of a royal commission to get to the bottom of this. He does not want this heading to ICAC and in a year's time something may emerge—although a lot of it very secretive and behind closed doors. He wants the documents revealed.

For those reasons—because of the systemic failings, because of the actions of the Minister, because there were so many opportunities for the Minister to take another tack—The Greens support this motion. The Nationals should be condemned. The Hon. Barnaby Joyce said that this was just a beat up to try to steal water off farmers. Those words would be sour in this mouth today. This is an absolute scandal. It is a matter of upholding the conventions of the Westminster system, and that is why The Greens support the motion.

The Hon. RICK COLLESS (10:47): I absolutely oppose the motion before the House, which was moved by the Hon. Mick Veitch, on behalf of the Hon. Adam Searle, calling on the Berejiklian Government to appoint a new Minister not drawn from the ranks of The Nationals. I am totally opposed to that ridiculous motion. The Murray-Darling Basin is Australia's most important agricultural region, producing one-third of the country's food. It is a critical resource for our State, and for the nation. The Murray-Darling Basin Plan is the first attempt to manage this precious and finite natural resource as a single system—a single system which spans multiple jurisdictions, a broad range of landscapes and ecosystems, and thousands upon thousands of individual stakeholders, businesses, communities and interest groups.

It is a dauntingly complex process that raises issues which affect lives and livelihoods, and so raise deep and long-held views and emotions. But it is a process this Government believes in, to protect a resource that sustains this State economically, socially and environmentally. The primary industries sector contributes \$12 billion to the New South Wales economy and is the foundation for rural and regional communities, directly providing 100,000 jobs. Irrigated agriculture contributes \$3 billion of that total, and underpins communities, industries and businesses throughout the Murray-Darling Basin.

For these to continue to grow and thrive the natural resources within the basin must be equitably shared, sustainably accessed and shepherded into the future. This is why the Government has not wavered in its commitment to a plan that delivers social, environmental and productivity benefits essential to its success. This is why it will continue to seek the best deal for New South Wales communities within the basin plan framework. The New South Wales Government is working towards pragmatic real world decision-making in all aspects of the plan including water recovery strategies to the northern basin review and sustainable diversion limit adjustment mechanisms. We are five years into a complex 12-year reform involving four States, the Australian Capital Territory and the Commonwealth Government. It is not easy and we acknowledge that this process has not been perfect. This has been made clear in the interim report into the effectiveness of current New South Wales compliance and enforcement arrangements for water, which the Government released this week.

The Government commissioned Mr Matthews to investigate a number of allegations recently aired on the ABC *Four Corners* program, and he was forthright in his report. His findings made difficult reading for those of us committed to equitable and effective water management in this State, as he makes it clear that the current system of compliance and enforcement is failing parts of regional New South Wales. This Government will not shy away from that finding, but neither will it forget the progress that has been made to date. Yes, there is work to do and, yes, there are issues it needs to urgently address. This Government will not turn away from the difficult path to success because ongoing prosperity of the businesses, communities and families throughout the basin is dependent on that success.

The Government's commitment to that success is evident in the actions it has taken to address the issues raised by Mr Matthews' report. It has accepted his recommendations in principle and has taken immediate steps towards strategic structural improvements and administrative and operational reforms necessary to restore public confidence in New South Wales water management. The primary focus is to strengthen compliance operations

through the introduction of a stronger, more effective and independent regulator and to propose basin-wide initiatives to ensure that all jurisdictions collaborate to improve compliance and enforcement regimes for water administration. The Department of Primary Industries has been directed to investigate the creation of a new Natural Resources Asset Division to oversee all investigation and enforcement functions for regional water activities in New South Wales.

The focus of this proposed new division will be to optimise the economic, social and environmental benefits for the community through a transparent structure that separates investigation and enforcement from industry development and water distribution. The creation of that new division will bring clarity to the roles and responsibilities of organisations involved in water management in New South Wales. With this clear structure the public can have confidence that the rules are being enforced efficiently and impartially. These changes, supported by a range of additional measures, will help the Government to ensure effective and consistent compliance, which is crucial to the equitable management of the State's water.

Members are aware that this Government is taking immediate steps to install meters for all large-volume water users, where they do not already exist, within 12 months. New monitoring and compliance technologies may be incorporated, such as remote sensing of crop growth and water holdings, remote meter reading and telemetry. The irrigation sector and the Government have already made significant progress with the installation of almost 700 meters as part of the southern metering project, with telemetry meters at many sites. The data gained from these measures will buttress the requirement on all water licence holders not to take water in excess of their licence allocation or they will face a penalty of up to \$2.2 million or two years in prison.

The New South Wales Government and WaterNSW have taken action to address and review cases of potential breaches of water licence conditions that remain unresolved. A taskforce staffed with specialists from high level law enforcement backgrounds has been created and tasked with reviewing cases of alleged noncompliance that the report identified as not having been adequately investigated or were not subject to appropriate compliance and enforcement action. The taskforce will create briefs of evidence which will inform decisions on whether each case will be prosecuted. A new stakeholder engagement and community consultation framework for application across all departmental activities will be developed to support and empower staff to conduct these activities to the highest standards in the future.

Water management that is applied to a case as complex as the Murray-Darling Basin will continue to stir strong emotions and demand strong leadership. For many years this Government has provided leadership in this space on behalf of producers, the communities that rely on the resource and on behalf of the State. It has not shirked the hard work. We understand robust discussions on all sides are needed to deliver positive outcomes for all and we welcome these discussions as an important part of the process. The swift response to Mr Matthews' report demonstrates the Government's ongoing commitment to continually refining and improving that process. I ask that all members of this House support this Minister and oppose this ridiculous motion.

The Hon. JOHN GRAHAM (10:56): One could be forgiven for thinking that The Nationals had been caught out filming a sequel to *Mad Max: Fury Road*. All the elements are present: a once green now dry landscape; the citadel, an enormous property hoarding water and greenery run by the tyrannical Immortan Joe, a water trader from a dystopian future. This is not a movie. This is real life in the west of the State with a handful of upstream irrigators—

The Hon. Greg Pearce: Point of order: My point of order is relevance. The member is speaking on the wrong motion. He thinks this is about a movie.

The PRESIDENT: Order! There is no point of order.

The Hon. JOHN GRAHAM: This is real life in the west of the State, with a handful of upstream irrigators dominating a river. We now discover it occurred with the collaboration of the Government. Meanwhile, downstream irrigators, townsfolk and communities on the lower reaches of the river are left to suffer. I will talk about some of the issues. First, my colleague has canvassed the issue that to date we have no information from Mr Matthews about the actions of former Ministers or staff. The truth is that this Minister does not know what they have or have not done. That is not a reason to let Mr Matthews find out.

Secondly, the Minister's position over the course of this week is essentially that the House should stop doing its work until the five investigations have taken place. Essentially, we should all go on smoko until the Independent Commission Against Corruption [ICAC] investigation is over. The Minister has a report on his desk that draws attention to a lack of understanding of the Westminster system and seems hesitant to let this Parliament do its work. One argument put to the House relates to Standing Order 52. The provisions of this House are well known to protect information that should not be made public. Is that his concern?

The Minister cannot ask the House to provide any reassurance to the public if he will not use the processes of the House that provide reassurance to this Chamber. How can members be satisfied, given what is on the public record, without additional information on the matter? The Commonwealth Government has taken the opposite approach, it has agreed to a Senate order for papers in relation to the allegations, and the roof has not fallen in. I say to the Minister: Let the House play its role. The audit office is going to be concerned about the process; it is not dealing with the worries of the downstream irrigators. The Independent Commission Against Corruption will be concerned about whether the law is being followed. It is not having to deal with the townsfolk of Menindee and Wilcannia. Rightly, the NSW Ombudsman will be concerned about the process, but it will not be concerned about the downstream property owners who have been without water for eight months and who are struggling to water their stock.

Those bodies will play their role, but we should play ours. What should we be doing? We should shine the light on this secretive reference group that held four meetings. In budget estimates hearings the Minister was asked, "Who was involved in the calls?" We were told, "The results of Mr Matthews' inquiry will be available next week." That was true, but the report has been released and we still do not know. Gavin Hanlon is reported to have said, "It worries me when you hear that, hear the beep, because you are never sure who is dialling in." We know the feeling. We do not know who is dialling in. Why can we not know? When we asked what actions the Government is taking on individual breaches, the Minister said:

The New South Wales Government, including WaterNSW, has already taken action to address and review cases of potential breaches of water licence conditions that have remained unresolved. I expect to provide an update on the status of those briefs shortly.

Why can we not know and why do we not know? I call on the Minister to provide that update urgently. The Leader of the Government has said that the Minister has provided many answers. I reject that view. He has not provided answers to those questions, nor has the Minister provided an answer to my biggest concern about this issue: Which of the recommendations in the report will the Minister proceed with and when will he proceed? I want to go to those specific issues because they are not straightforward. Will the Minister implement the minimum standards for the board of the New South Wales Natural Resource Access Regulator? The standard is:

- vii. to ensure adequate resourcing, empower the board to advise IPART on the minimum necessary funding that should be recovered from access rights holders in order (in its opinion) to provide a high level of confidence that the subject resources are being accessed in accordance with lawful entitlements.

Will the Minister charge rights holders to move to a high level of confidence in enforcement? That will be a controversial view among the people to whom the Minister will be talking. We do not know whether the Government is committed to implementing that specific recommendation. Will we have a more transparent system? Will the Government implement this recommendation:

- (a) Enable the public to readily access from a single source, all details of entitlements, including: Name of holder; licence number; licence conditions; water entitlement; water allocations; meter readings; real time water account balance; and all trading activities.

We do not have an answer. We have some general words, but nothing specific about that important recommendation. Until we know the answer to that recommendation, we cannot have confidence that these issues will be dealt with. Will we have a more independent system? Will the Government implement this recommendation:

- (e) Commit to periodic third-party auditing of NSW compliance and enforcement systems by other states. This could be a reciprocal arrangement facilitated by the MDBA and an opportunity for the MDBA to show leadership in compliance matters.

Will the Victorians and the South Australians be keeping an eye on what is going on in this State? Mr Matthews came to the view that it is contentious but it is important. We do not know the view of the Government. Lastly, will we have a system that protects environmental water? In the interim, will the Government implement this recommendation:

Implementation of individual daily extraction limits (which were already foreshadowed by the NSW Government when the Barwon-Darling Water Sharing plan was first introduced).

Will those limits be implemented? The last recommendation is particularly important, given the recent revelations of the potential for commercial negotiations between Webster and the Commonwealth Environmental Water Office. Mr Robinson from Webster confirmed that he had met with the Commonwealth Environmental Water Office and said:

I met with them and said if you want an outcome tell us when you don't want us to pump, when the flows need to be protected.

The CEWO are looking into it and what they are going to do, they will say these are the flows to protect and hopefully they will come back with a commercial arrangement [such as] don't pump this water and this is how we will compensate you.

It has been reported that if such an arrangement was executed, it could mean that taxpayers would have to pay a second time for the same water. Billions of dollars of taxpayer funds have been spent on bringing this water back to the environment. After some discussions between the Commonwealth and one of the key irrigators on this river we now have a proposition about paying a second time. That is unbelievable. It is a real concern that makes these recommendations more important. Will these four key recommendations be implemented? We do not know. Some of them are contentious but they are all important. The Minister said to the House:

I have accepted the principles set out in the Water Management Compliance Improvement Package which will form the basis of a submission I will take to Cabinet. There is a robust Cabinet process in this State and some of the proposals I have outlined may evolve during that process. This is to be expected and welcomed.

It may not be welcomed. We want to see the answers to those specific recommendations, not general principles. We want to hear what the Government will do, not hear its concerns about how this will travel through the Cabinet process. We are concerned about what some of The Nationals members in the lower House or Federal Government might do with these propositions. We need answers if we are to have confidence in where this issue is heading. I commend the motion to the House. I reject the view that answers have been provided. We need to get to the specifics if we are to deal with this crucial issue west of the divide.

Reverend the Hon. FRED NILE (11:06): I speak in debate on the censure motion moved by the Hon. Mick Veitch. All members will have to vote on this matter, which is why I am putting on record the position of the Christian Democratic Party. Our party does not support this censure motion. The matter has been referred, as other members have stated, to the Independent Commission Against Corruption [ICAC]. It is unfortunate in this debate to have had criticism of the commission. Some of that criticism undermines the commission when it has only just been reorganised. A great deal of time has been spent on this issue, in cooperation with the Government, to re-establish ICAC so it is in a position to carry out its duties and report to this House. As this matter is urgent I am sure we will have a thorough and detailed report from ICAC in due course and then we can respond to it. Has the Minister sought to fix what the Labor Government neglected to do in its 16 years in office? The Christian Democratic Party does not support the censure motion against the Hon. Niall Blair.

The Hon. GREG PEARCE (11:08): This censure motion against the Hon. Niall Blair is the lamest waste of time since the last so-called censure motion on 9 August 2011. That censure motion was as ridiculous and baseless as this one. Those Opposition members who have bothered to turn up are sitting in the Chamber in silence; they are not even interested in this censure motion and they are not outraged or concerned enough to take part in the debate.

Mr Jeremy Buckingham: Point of order—

The Hon. GREG PEARCE: They are sitting silently, brooding, putting up with this debate.

Mr Jeremy Buckingham: The member is casting aspersions and attributing improper motives to members on this side of the Chamber, which is in breach of the standing orders.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! The member is not in breach of the standing orders. The Hon. Greg Pearce has the call.

The Hon. GREG PEARCE: The Greens are ably represented by one reluctant member who confected outrage at somebody not supporting the Westminster conventions. The Greens in this place undermine the Westminster conventions at every opportunity because they want to bring in the same rules that apply in North Korea. That is the basis of their approach to these issues. This is another example of a frustrated and futile Opposition trying to gain relevance with its base and establish relevance with other parts of the community. An otherwise good member, the Hon. Mick Veitch, has been wheeled out to try to come up with an issue that might be relevant to rural and regional New South Wales. The Opposition knows it has no credibility, no support and no recognition in those parts of the State. Opposition members know how weak and irrelevant they are. They are now sitting in silence and brooding away.

The Hon. Lynda Voltz: Point of order: The standing orders prohibit interjections. I ask you to stop the member from directing comments to Opposition members because they are abiding by the rules. The President specifically asked that this debate be held in a respectful manner. I further ask you to direct the member to return to the leave of the motion.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I remind members that interjections are disorderly at all times. The Hon. Greg Pearce is being relevant to the motion. The Hon. Greg Pearce has the call.

The Hon. GREG PEARCE: As I was saying, this is not even up to the standard of a stunt. At least the last time the Opposition moved a censure motion all members turned up for the debate. On that occasion they were trying to regain relevance with their main constituency, the union movement.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! Government and Opposition members will not interject. The next member to do so will be called to order.

The Hon. GREG PEARCE: In that debate the Opposition made confected claims that the New South Wales Government was not supporting an equal pay case for our most important workers in government. Anyone can read that debate. It was a good debate and I spoke very well, if I do say so myself.

Mr Jeremy Buckingham: You look at it every night.

The Hon. GREG PEARCE: I have not looked at it since. It was such a waste of time that I have seen no point in looking at it again.

The Hon. Daniel Mookhey: Point of order: My point of order is relevance. The member is rehashing a censure debate that took place six years ago and has no bearing on the motion before the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! The member seems to be moving away from the substance of the matter. He will return to the leave of the motion.

The Hon. John Graham: Leave your greatest hits.

The Hon. GREG PEARCE: It was one of our greatest hits. In spite of the best efforts of then Prime Minister Julia Gillard and Senator Jacinta Collins—whoever she is—we eventually made the Federal Government commit to the funding that was required in that case. The Hon. Mick Veitch has made a plaintive claim for further information under Standing Order 52. I remember how horrible it is to be in opposition. We feel sympathy for them. I suggest to Opposition members that this Government is simply following the standard response to Standing Order 52 requests that the Labor Government set. I hope they enjoy it.

The Opposition has repeatedly put forward a notion that there is something wrong with the way in which works are being treated and that there is some sort of retrospective approval process in place. I believe Mr Jeremy Buckingham has some experience in local government. I point out to him that this method is the standard way of dealing with illegally built or improperly approved works in every local government area across the State and around the country. It is not in any way unusual. The first thing one does if one find some works—

Mr Jeremy Buckingham: Seek forgiveness, not approval.

The Hon. GREG PEARCE: Correct. I will leave my contribution there because this debate is a great waste of time. It has given me an opportunity to recall another great waste of time.

The Hon. Greg Donnelly: Wind it up, Greg.

The Hon. GREG PEARCE: Thank you. I oppose this motion. I will enjoy hearing the Hon. Niall Blair's response in due course. He is one of the best Ministers I have seen.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I call the Hon. Greg Donnelly to order for the first time.

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I welcome to the gallery year 11 students from New South Wales high schools who are attending the Young Women's Leadership Seminar conducted by the Parliamentary Education Unit.

Motions

THE HON. NIALL BLAIR, MINISTER FOR REGIONAL WATER

Censure

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I call the Hon. Greg Donnelly to order for the second time.

The Hon. LYNDIA VOLTZ (11:16): I support the Opposition's motion. For the benefit of the visitors in the public gallery I will give some background to this matter. Following a *Four Corners* report regarding water management in the Murray-Darling the Government instituted an inquiry about which the Opposition has significant concerns. At the heart of our Westminster system of government lies public confidence. The famous television programs *Yes Minister* and *Yes, Prime Minister*, which some people will have seen, featured the character Sir Humphrey Appleby. His famous line was to never call for an inquiry that you do not know the answer to. The Opposition is concerned by the narrow range of this inquiry.

Time and again in this Chamber the Opposition has asked questions as to why the terms of reference do not include the actions of the Minister, the Minister's staff or his office. Every time we have asked those questions we have been rebuffed. The Leader of the Government said that the Minister was thorough in his answers to this House, but nothing could be further from the truth. The Minister has been asked whether he will name those people who were involved in the teleconference with the lobbyist and time and again he has refused to do so. It is no surprise that questions are being asked in the public domain about who was involved in those meetings. There is no reason why the Minister could not answer those questions. In fact, he has been asked about specific people who may have attended. He was asked whether Monica Morona, a former Coalition staffer and now director of intergovernmental and stakeholder relations at the Department of Primary Industries Water, was in attendance at any of the four secret Hanlon meetings. The Minister's response was that he will not comment. That goes to the heart of the problem.

The Government is happy to hold inquiries to look into the activities of people outside its own political party or ministerial offices but not into the activities of party political operatives. In my role as shadow Minister I have some experience with inquiries—for example, the Minister for Veterans Affairs has just demanded an inquiry into the RSL but time and again when I have asked about Liberal Party donations in that domain—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I remind the member of the motion before the House. The member has the opportunity to move a substantive motion about the other matter she is raising.

The Hon. LYNDIA VOLTZ: The Government continues to refuse to answer questions about people who may have an attachment to its party or in ministerial offices but that failure to answer questions destroys public confidence. The public has a right to know when the Minister knew what was going on. What actions did he take? What actions did his predecessors take? What actions did The Nationals operatives working within the department take? We do not know; the Minister will not tell us. Public confidence in this process is being undermined as we are not being told about the management of the most important waterway in Australia. The Government is not being open and transparent with the public.

Why will the Minister not name the four officers who threatened to take legal action against Mr Matthews when he was conducting his inquiry? How many of them are The Nationals operatives? The Minister must know, but he will not restore public confidence by naming them. Why would the Minister not expand the terms of reference to include ministerial staff, ministerial officers and his predecessors in the job? Why are only certain people investigated? We see that time and again with this Government. In not being open and transparent the Minister is doing himself no favours. I am surprised by the Minister's actions. He is held in high regard in this Chamber. We all like him.

The Hon. Ben Franklin: Then why the censure motion?

The Hon. LYNDIA VOLTZ: It is obvious. This Minister is the one person we expected to be open and up-front with us. I would have expected him to say, "I hold up my hand. It's a fair cop. This is what happened and I am going to fix it. I am not going to cover-up."

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! If the Hon. Ben Franklin interjects again he will be called to order.

The Hon. LYNDIA VOLTZ: I would have expected him to say, "I am not going to protect the ministerial officers or previous Ministers. I am going to have a wide, open inquiry." He has not done that. I might not have expected that from others but I definitely expected that from this Minister. The Opposition has moved this censure motion because this is a matter of great concern. The public must be confident that the Government is doing its job for the people of New South Wales, particularly those who depend on the Murray Darling system. That has not happened and under the Westminster system this Minister must take responsibility for it.

The Hon. PAUL GREEN (11:23): My colleague Reverend the Hon. Fred Nile made a contribution to debate but I also want to back Minister Blair. I have the same questions as Opposition members but we have procedures in place, including in the Independent Commission Against Corruption. No-one is above the law. If there is a case to be answered, no doubt the Minister will do so at a future sitting of this House. In my seven years in this place I have found the Hon. Niall Blair to be one of the best and fairest Ministers I have worked with. Many on the other side would agree with me but they have a job to do for the people of this State. Again, as a representative of the Christian Democratic Party in this place, I place on record my 100 per cent support for Minister Blair.

Mr SCOT MacDONALD (11:24): I do not support this motion. I miss the Hon. Steve Whan in this place. He was a good shadow Minister. In my former role as executive officer at Riverina Citrus I met him when he was the Minister for Primary Industries. I found him to be very fair and balanced. Today he is the chief

executive officer of the National Irrigators Council. In a recent National Irrigators Council update, which appears on its website, Steve made some comments about the *Four Corners* program. Those comments give good context to this motion, as well as give us cause to reflect. In that update Steve Whan said:

It is clear that the hyperbole from those who want to sink this basin plan and replace it with one that takes much more productive water, was totally unjustified. There were real issues raised by 4Corners but we are now also seeing a dangerous descent into political point scoring which could provide the real threat to achieving a Basin Plan outcome.

This motion is about political pointscoring; we should listen to the former member. It is the pointy end of a lot of this policy rollout and development. This censure motion will not properly address the basin plan or achieve a good outcome. Steve Whan also said:

We do need to remember that the specific allegations made in the story are unsubstantiated and it appears some are wrong. I have personally seen the evidence that the allegation made about illegal pumping in February 2016 was incorrect.

The program seemed to mix up a number of themes, legitimate issues about the interaction between environmental water and certain classes of Northern Basin licences were confused with unsubstantiated allegations of illegal pumping.

To be clear, the issue about legal extraction interacting negatively with environmental flow goals is one that only affects the Northern Basin. It involves an amount of water equal to around 3 one hundredths of one percent of the MDB. Sensationalist claims by 4Corners, and groups like the ACF, that it endangers all basin environmental water are wrong.

He goes on to say:

Those who would seek to denigrate irrigators overall use this to cast ill-informed aspersions on every irrigator along with attacking particular crops. That's why it is important to respond to these attacks in a unified and consistent way.

An attack on cotton one day, becomes rice the next and almonds the day after. An attack on water use in the Northern Basin morphs into an attack on irrigation expansion in South Australia the next.

In his new role that is an important point. From 2008 to 2010 I listened intently to The Greens in the development of the Murray-Darling Basin Plan. It was a difficult period. I have never forgotten that The Greens—including Sarah Hanson-Young, backed by her Federal and State colleagues—at the Federal and State levels were not looking for 2,750 gigalitres, with a possible uplift; they were looking for 6,000 gigalitres to be taken out of the basin. Those communities would have been devastated.

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

Mr SCOT MacDONALD: I can remember this fellow from the Wentworth Group saying, "We do not care if this devastates communities like Yanco." If Yanco was wiped off the map, so be it, in the quest for 6,000 gigalitres. This is very much a stalking horse for the agenda of The Greens to destroy the irrigation industry and its subsequent impact on regional communities. Do not forget that this is a stalking horse, a Trojan horse, of The Greens. Their policy website makes very clear their distrust and disdain for the irrigation industry. Mr Whan goes on to say:

I would, however, question why anyone interested in actually implementing the basin plan would support a broad inquiry that would be used to reopen the whole scope of the basin plan—which is exactly what the Greens and the ACF appear to want.

Mr Whan also touches on the Matthews report and says:

...has put in place a review headed up by Ken Matthews to look into the compliance issues. Contrary to some commentary that review does have terms of reference that appear to me to enable it to follow through issues raised.

The former Labor Minister for Primary Industries and a former shadow Minister is giving an endorsement of the terms of reference and the capacity of the Matthews inquiry. This is someone who probably would not normally agree with our side of politics on many things, but he is now head of the National Irrigators Council with all his previous experience in those roles. Mr Whan goes on to say:

The Northern Basin has among the world's most variable rainfalls. That means historically it developed some quite different water entitlements to other parts of the basin.

Claims that under the basin plan there is less water down the Barwon Darling are not correct. Since 2006 the diversion cap for the Barwon Darling has dropped from 500 GL to 189 GL. It's been a big change that has cost jobs but it will, when fully implemented, ensure that communities like Louth get more water. Under the Basin plan amendments, the average annual flow at Louth for example will be 2243GL an increase of around 170 GL per year ...

I urge members opposite to talk to their former colleague. I believe he has a far better understanding of these issues than they do. This is a political motion and it should be seen for that. When read carefully the Matthews report contains comments that go to the complexity of this issue. Referring to the compliance campaign, the report says:

This investigation has found no evidence that the campaign was obstructed by any member of senior management.

The PRESIDENT: Order! I call the Hon. John Graham to order for the first time.

Mr SCOT MacDONALD: What Mr Matthews does say continually throughout the process is that he restricted some of his investigations to defer to the Independent Commission Against Corruption so that it can do its job with all its powers, and we should be mindful of that. I cannot support this motion. I believe the Minister is doing a very good job. There are obviously improvements to be made, we all recognise that, but water is one of the most complex areas that a Minister could ever deal with, and I believe we are on the road to good policy development. I support the Murray-Darling Basin Plan and I support the Minister.

The Hon. TREVOR KHAN (11:32): I will be brief because I know we are limited in time. I am starting to feel that I am one of the older members of this place, having been here for more than 10 years. We have sometimes seen politics played pretty roughly on both sides of this place. But we have also seen some pretty good Ministers here. I have nothing to lose so I will make an obvious point: we have had excellent Labor Ministers in this place, such as Attorney General John Hatzistergos, Peter Primrose, John Della Bosca—

The Hon. Rick Colless: Eddie Obeid.

The Hon. TREVOR KHAN: I do not need the help; I really do not need it. We have had some really excellent Ministers. I make that point because it is pretty tough to find them in this place; it is pretty tough to find people of quality, honesty and integrity.

Mr Jeremy Buckingham: Where are they?

The Hon. TREVOR KHAN: I hear the sort of nonsense comment that Mr Buckingham makes, but those people were of quality. There are others who have become a bit stained over time, unfortunately, but who, even with feet of clay, are fundamentally decent people. When I was going through a tough time, Tony Kelly was a bloke who helped me, and when he appeared before the Independent Commission Against Corruption [ICAC] the only person from this House who was there to give him some support was me. He was abandoned by his own side—absolutely thrown on the scrap heap. It was terrible to watch a man dragged through that inquiry with no-one from his own side there to support him.

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

The Hon. TREVOR KHAN: The point I make is that on our side of the Chamber we have had people of quality, such as Greg Pearce—one of the true initiators of policy on the Coalition side. Sadly, he is no longer a Minister, but he was a man of quality. Another man of quality is sitting next to me, the Hon. Niall Blair. The Minister is a man of substance and integrity. He ordered an inquiry and I can remember all those on the other side jumping up and down saying it would not be an independent inquiry, it would not find anything, that it was all about covering up.

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

The Hon. TREVOR KHAN: Now we have the Matthews report and all the doomsaying. All the things those opposite said about that report have been demonstrated to be absolute nonsense. It was an independent inquiry, it was thorough and it would have gone further except that, as pointed out on page 15 of the report, some material was withheld because the matter had been referred to ICAC. We have a thorough and effective report, a section 22 order was issued by ICAC and the paperwork was sent off to it. Everything has been done according to the book and everything has been done by this Minister to ensure that the matter is appropriately investigated.

I again make the observation that there are good people on both sides of this House and they are to be congratulated. There are Ministers who do their best under often difficult circumstances. On this occasion, the Minister is doing by far his best. He is a man of integrity, he is a man of substance, and he is entitled to the support of this House. He is entitled to have this matter dealt with not by some childish political game but by giving it the time and space needed for these matters to be addressed properly. I congratulate him.

The Hon. DANIEL MOOKHEY (11:37): I paid studious attention to the position taken by Government members, articulated first by the Leader of the Government and perhaps repeated most eloquently by the Hon. Trevor Khan, which is that the obligation of this House to review and otherwise judge the conduct of Ministers ought to be abrogated in favour of a character assessment of the particular Minister. Their argument boils down to, simply put: In Niall we trust. I have no doubt that not a single member of this Government has provided any aspect of character assessment or otherwise reflected on the personal character or intentions of the Minister, because that is not relevant to this debate. What is relevant to this debate is his conduct as a Minister, whether or not he upheld the Westminster traditions and, equally, the oath that he took for his office. That is the test to be passed.

To the extent to which the Government has mounted a defence of his conduct in those respects, the Government will say that we ought to judge the Minister only on his conduct since 26 July—that is, he should be given a big tick for calling an inquiry, that he should be given a pat on the back for receiving the report and making

it public, and that he ought to be congratulated because he has decided to go to Cabinet with a reform position. The Government says that, because of his conduct over the past 30 or 40 days, the House ought to excuse the Minister for the conduct that took place two years prior to his becoming Minister. That is not acceptable. We have a much broader obligation to review his conduct since he has become a Minister and to see whether or not he has diligently discharged his duties in that respect. On that count, the record is not compelling.

The second argument, to the extent we have heard it, boils down to the "other agencies" argument. That is, that the House ought to wait until the five other inquiries complete their work before it passes judgement. I do not disrespect any of those investigations. It might be the case that, under the various public service Acts, wrongdoing is found and findings are made against those public servants accordingly. That might be the case. It is a likely outcome—at least in respect to one of them—on the surface. It might be the case that after the Independent Commission Against Corruption [ICAC] completes its work there will be findings of corruption within the meaning of the Act. It is totally possible that we will reach that outcome. It may be the case that the various Federal authorities that are also examining this matter may find that various aspects of the Murray-Darling Basin Plan have been breached and that action will then be taken under those authorities. That is a likely outcome.

It may be the case that after we amend the statute of limitations, people who have been stealing water will be prosecuted under the Water Management Act. That will be fantastic. However, not one of those agencies or processes has the power, the dominion or the authority to judge or otherwise pass verdict on the conduct of the Minister. The only place that can do that is this Parliament. The only place that is able to say whether or not the Minister has met his obligations to his office is the Parliament. That is as it should be. We should be the only ones who are able to cast that judgement. We are not putting the Minister on criminal trial. We are not alleging that he has breached any Acts so far. We are simply saying that he has not acted in accordance with either his oath or his duty as a Minister of this House. That is the test that we apply when we invoke censure motions. That is the only thing the House is being asked to decide; nothing more. And in this case the evidence is overwhelming.

I start, of course, with the Matthews report and the culture that it reveals, which has existed under the Minister's watch. He is the person who commissioned this report. Matthews says, in plain black and white, that the culture of administration and maladministration is not in keeping with the best traditions of the public service. He says that that is reflective of the culture that has taken root in the department. No-one has suggested that the culture started with this particular Minister, but it has certainly culminated under his watch. It probably started with his two predecessors when, as Matthews says, the culture of the department changed to being outcome focused, meaning that the department took upon itself as its mission the opportunity to assist the direction of the government of the day, which we say is probably too biased towards irrigators. That is the culture that took root.

Personnel changes that have been made throughout the department—not beginning with this Minister but certainly culminating under him—have seen National Party operatives being appointed to very senior positions in the department. That is where it started and out of that culture—that petri dish—which has continued under the Minister, decisions have been made that are directly attributable to the Minister and his judgement. The first was the decision to move the compliance unit out of the department and into WaterNSW. That is, taking it from a department of government and moving it to a state-owned corporation.

This Minister signed off on a plan to transfer responsibility for enforcement to the same people whose responsibility was to sell water to irrigators. It is no surprise that the Matthews report says that the six people for whom WaterNSW has had references made about law breaking, happen to be six of its biggest customers. The authority that is selling the water, that is collecting from them, who call these people "customers", are the same people whose responsibility it is to make decisions about whether or not they have broken the law. Matthews lays it out, clear as day, that that is part of the reason why none of this filtered up to either the director general or the Minister, as far as he is aware. That itself is a stunning decision. And it was not a decision that was ordered by this Parliament, it was a decision made by the Minister.

Then we have the water sharing plans, which this House has looked at before. Of the six that the Minister has referred, two have already applied under sections 38 and 39 of the Act allowing retrospective authorisation, one of which was proclaimed on 29 June, from memory. This is the authority that allows retrospective approval of illegal works. Those plans were designed 100 per cent under the tenure of this Minister. We learnt through budget estimates that the very first person to apply was Mr Peter Harris from the Harris family. Only three have been received so far. Within days of this thing being proclaimed and gazetted, applications are coming to WaterNSW to retrospectively authorise work. That active decision of the Government has benefited a person who donated to the National Party and is one of the biggest customers of WaterNSW and allegedly one of the worst offenders in breaching the law. That decision is attributable directly to the Minister. When censuring the Minister, these are the active decisions we are censuring him for.

There are then what we are now being told were inactive decisions of the Minister. This is all to do with the conduct of Mr Hanlon, who is not a junior public servant by any means; he is not an inexperienced public

servant. He was the head of Department of Primary Industries [DPI] Water and he is a deputy director general. You do not get that job by putting in an application and being recruited on LinkedIn. It is a serious senior job. We now know that at least four secret meetings were held with a group of secretly chosen irrigators. No-one was told about it and, in fact, a campaign of misdirection was designed to make sure no-one would ask any questions. In the course of that meeting Mr Hanlon apparently started conspiring with those irrigators to breach the position of the New South Wales Government that he is meant to be serving. We are told that all this happened without the knowledge of either the director general or the department, notwithstanding the fact that the director general has said that he spoke to him, more than once a week, ever since being in the job. We are told that none of this ever filtered up to the secretary of the department either.

We are told by the director general that he did not consider this to be acceptable practice in accordance with the procedures of DPI Water. We are also told that, therefore, none of it reached the notice of the Minister, all of which invites the question: Why not? If a deputy director general has embarked upon a secret conspiracy with a bunch of irrigators, then we as a House should expect the Minister to know and we should expect the Minister to provide a sanction that would stop that. But if the Minister is saying, "Free me from all culpability and accountability on that point because I knew nothing", it invites the question: What is he doing in the job? Because he should have known. Then we have Mr Hanlon commissioning secret advice to take New South Wales out of the Murray-Darling Basin Plan.

Mr Jeremy Buckingham: Plan B.

The Hon. DANIEL MOOKHEY: We have a plan B. Apparently the Government would have us believe that a deputy director general, on his own initiative, can commission secret, explosive advice that says New South Wales should get out and that is what is called "routine conduct". The basic standard is, if you are going to take such a disturbing position in the Commonwealth, the Minister should have known. We have not heard an explanation from the Minister as to why he did not know that this was taking place.

These are not victimless crimes. They have affected other irrigators and all the people who have played by the rules. A group of Indigenous communities have said that this water theft meant that they could not get access to their rights. The Leader of the Opposition in the other place recently went to Wilcannia where he was told exactly that by those communities. Many people in Broken Hill and Menindee have said, "You are making us pay for a \$500 million pipeline because you tell us that there is not enough water. We have no idea what these water theft allegations have meant for those plans and whether or not they are necessary".

To the extent to which the Government has mounted any defence at all, it is: Well we are acting now; we will make sure there is universal metering on all pumps. That is arguably something that should have happened long ago. I accept it should have happened under the last Labor Government. The point is, we are not here trying to convict the Minister for committing a crime; we are saying that he has not met his obligations under his oath of office or to this House or to the people of New South Wales. Simply put, if all this happened without the Minister knowing, he is incompetent; if it happened when he did know, then he is in cahoots. Neither is acceptable and both are grounds for him to be censured by this House.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (11:49): I oppose this motion. In doing so, I recognise that censure is a rarely used motion in the Legislative Council due to its serious nature. In fact, I understand and we have heard today that the last time a similar motion was brought before the House was in 2011. It did not pass then because it did not meet the high standard such a motion requires, and that is the case again today.

According to the Clerks, a censure motion is generally moved in cases of perceived maladministration, for refusing to answer a question or to provide a document, for misleading the House, for interfering with the justice system or for failing to declare an interest in a particular matter. None of these criteria apply to me in my role as Minister. Those opposite appear to recognise this because the motion appears to propose a new standard for censure in addition to those that I have just outlined. The Labor Party's new standard is a convenient, but no doubt short-term, misrepresentation of the convention of ministerial responsibility under the Westminster system. The Labor Party's new standard would suggest that I should resign based on evidence emerging from an inquiry that I commissioned.

The Hon. Penny Sharpe: No, you should resign because of what has happened on your watch.

The Hon. NIALL BLAIR: This is an absurd standard and one that neither could, nor should, ever be met. If accepted it would certainly act as a major disincentive for any Minister in any government anywhere to ever initiate an inquiry into any department they are responsible for. This would be a poor public policy outcome—but, of course, the Labor Party knows this, and today's exercise is nothing but a political charade. The 1976 Royal Commission on Australian Government Administration stated:

It is through ministers that the whole of the administration—departments, statutory bodies and agencies of one kind and another—is responsible to Parliament and thus, ultimately to the people.

This is not in doubt. I stand here today as the Minister responsible for the department in question. In that role I have answered each question put to me by those opposite over two parliamentary weeks and almost three hours of budget estimates. I am happy to answer questions on water management until Christmas if the House, and the public, require it. However, the royal commission on government administration went on to find that:

There is little evidence that a minister's responsibility is now seen as requiring him to bear the blame for all the faults and shortcomings of his public service subordinates regardless of his own involvement, or to tender his resignation in every case where fault is found.

This quotation demonstrates the charade of the motion before us today. This is a political charade designed to further damage public confidence in the irrigation industry in this State. It is also an exercise in hypocrisy.

The PRESIDENT: Order! I remind the Hon. Penny Sharpe that she is already on one call to order, and it is not yet 12 o'clock.

The Hon. NIALL BLAIR: The second part of today's motion continues the fiction that these systemic failures have occurred only since the election of this Government. March 2011 is a convenient starting point for those opposite, because it ignores the fact that there was an incompetent and corrupt Labor Government for 16 years before that.

The PRESIDENT: Order! I call the Hon. Mick Veitch to order for the first time.

The Hon. NIALL BLAIR: Let me name the various Labor Ministers who had carriage of water during their term of government—Kim Yeadon, Richard Amery, John Aquilina, Craig Knowles, Ian Macdonald, David Campbell, Nathan Rees, Phil Koperberg, Nathan Rees again and then Phil Costa. Some of these were good Ministers; some were not. The point remains that 10 different Labor Ministers over 16 years were in charge of five different departments overseeing water—no wonder nothing got done.

We hear Mr Jeremy Buckingham refer to reports such as the 2009 Ombudsman's report, there were problems and under the current test that they are setting today, the Labor Ministers of the day should have resigned, but none of those did. Rather than have someone like Phil Costa resign at the time, he tried to do what I am doing now—getting on with the job of fixing things. The flimsy logic behind today's motion is that had Mr Matthews' interim report showed that I had intervened in any compliance matter, whether raised by the *Four Corners* program or not, there is little doubt that I also would be censured by members opposite. It is a complete nonsense, and they know it.

Of all the functions within a natural resource portfolio, one function that relies on a strict separation of powers for good governance is the role of the department to investigate and prosecute potential breaches of State laws. It is critical that the Minister is separate from that process to ensure that there is no political interference. This State has only too fresh a memory of what happens when this separation is removed and we have Ministers able to apply political direction to regulation of natural resources. I have always maintained that separation, and ensured that any regulatory or compliance matters are progressed by the department and the public service.

When this role was in Department of Primary Industries Water, the delegation instrument and relevant compliance and enforcement policy identified the Deputy Director General of Water as the role that made decisions about whether or not a prosecution should be commenced. Rightly so, I had no role in this process. This was the framework in place until 30 June 2016. On 1 July that year, water transformation took place, which essentially conferred a range of functions—including compliance and enforcement—onto WaterNSW, a state-owned corporation. From that date, WaterNSW was primarily responsible for investigations and prosecutions. This was set out in the operating licence issued by the Governor, which is oversighted by the Independent Pricing and Regulatory Tribunal.

As a state-owned corporation, WaterNSW reports to an independent board, rather than me or any Minister. Again, I had no direct or indirect role in this process. Of course, the importance of the separation of powers in relation to prosecution functions is not unique to natural resources. Indeed, the Department of Public Prosecutions, which is responsible for commencing criminal prosecutions, is completely independent from the Minister responsible for police to ensure that there is no real or actual conflict. This also helps to maintain public confidence in public administration.

The second part of the motion today is based on my being accountable for the actions of senior public servants. Both their contracts of employment and the department's code of conduct are clear that senior public servants are expected to hold themselves accountable for living up to the standards of New South Wales public service. Where they do not, their employer, the secretary of the department, has legislative processes to ensure

they are held to account. As I have informed the House, that process of accountability is currently being followed by the secretary.

While the Matthews report has been confronting, it has been extremely useful in identifying key deficiencies in the system so that they can be addressed; and this is what I will do. Mr Matthews found that the social licence of the irrigation industry is at stake. Tragically, those opposite are throwing the social licence of the irrigation industry under the bus with this motion. Those opposite are happy to see this social licence further degraded for their own political ends and that is a shame.

The PRESIDENT: Order! If Mr Jeremy Buckingham interjects once more I will call him to order for a third time. I have given him fair warning. The Minister has the call.

The Hon. NIALL BLAIR: But that should not surprise any of us—those opposite wasted more than half their time at budget estimates obsessing over the delay in the interim Matthews report. The Labor Party and The Greens would rather play politics over a one-week delay in its release than ensure that the job is done properly.

The PRESIDENT: Order! I call the Hon. John Graham to order for the second time.

The Hon. NIALL BLAIR: I have already indicated we will begin the process of rebuilding public confidence by accepting the principles of Mr Matthews' recommendations. In doing so, I will not allow the good name of the majority of water users to be tarred by those opposite. Again, I will answer the call for tough reforms where they are needed, and I will do it in a practical and sensible way that allows the majority of law-abiding irrigators to continue their important work in the nation's food bowl. Members opposite believe that it is now a case of "irrigator until proven innocent". How can this be? Because those opposite do not trust our farmers. We have seen it in this instance with irrigation. Members opposite do not allow farmers to manage the biodiversity of native vegetation on their own farms.

The Hon. Catherine Cusack: They hate the farmers.

The Hon. NIALL BLAIR: They do not trust farmers to manage their own animal welfare.

The PRESIDENT: Order! I call the Hon. Catherine Cusack to order for the first time. I will apply the same rules to all members. Interjections will cease. The Minister has the right to be heard in silence.

The Hon. NIALL BLAIR: Members opposite are not going into bat for farmers. One or two of those opposite have stood up and asked questions or taken an interest in the plight of our irrigation farmers in this House, but when we had a reshuffle the Opposition had the opportunity to appoint a spokesperson for regional water and chose not to do that. It took the Water portfolio off someone who actually lives west of the divide and has been to some of these communities and gave it to someone based in inner Sydney.

Today the Opposition has an opportunity, in its address in reply to this motion, to underpin the social licence of our irrigators. If Labor members are so passionate about our irrigators they should stand up and say they will not agree to the 450 gegalitres of upwater unless it is in the best interests of New South Wales. They should tell us that they will stand up to Tony Burke's obsession with 450 gegalitres of upwater and oppose that proposal if it is not in the best interests of New South Wales irrigators and if it is not a true triple bottom line. If Labor does that today it will show that it is not a fairweather friend of the irrigation industry, that it is not playing politics and that it will stand up for farmers today.

Labor should inform the House of what it has done in relation to constraints, how many communities it has met with concerning this project and what it will do to ensure those communities are not short-changed. Labor could say—as I have said—that if the modelling coming out of Canberra does not meet the sustainable diversion limit projects it reserves the right to walk away from those projects if they will be detrimental to the farmers and communities that rely upon them. The modelling out of a black box in Canberra is nothing compared with what a farmer or someone living in a regional community knows about that river or water system. The Government has made a commitment that it will continue with the Murray-Darling Basin Plan and every step of the way it will listen to the farmers and regional communities impacted by the plan.

This Government will not allow what occurred under Federal Labor when it walked into regional communities and bought swathes of productive water regardless of the consequences. That is why the Government has commissioned socioeconomic studies into those communities. That is why we have participated in the Northern Basin Review. Labor now has an opportunity to show the community where it stands on this important issue. It has to be in the best interests of New South Wales, not just in the best interests of the New South Wales Labor Party. The social licence spoken of in the motion is not just about compliance: It is also about the Murray-Darling Basin Plan and its impact on regional communities across New South Wales. Labor has been silent on those matters for too long. Labor is the alternative government and it must inform New South Wales

irrigators how it will underpin their social licence. The Government has acknowledged there are problems with compliance.

The PRESIDENT: Order! I remind the Hon. Penny Sharpe that she has already been called to order for the first time. I call the Hon. Penny Sharpe to order for the second time.

The Hon. NIALL BLAIR: The matters identified in the Matthews interim report will be addressed. The issue is not only compliance but also other matters, such as genetically modified crops. If Labor backs the farmers it will allow them to decide what they do with their water. If Labor backs the farmers it will allow them to decide what happens on their farms. If Labor is serious about a social licence for farmers it should inform the House instead of playing politics with an important industry and the communities that rely upon it. Every member on this side of the House is standing up for farmers. It is Labor's turn to stand up and be heard. This motion is a political stunt that plays with the lives of people in regional New South Wales. Those people are watching and will closely monitor Labor's response. I initiated Mr Matthews' investigation and I will be responsible for implementing change beneficial to regional New South Wales. I will not stop there; I will keep fighting for New South Wales and its irrigators. Let us hear what the Opposition has to say. *[Time expired.]*

The Hon. PETER PRIMROSE (12:04): There has been no information received from requests made under the Government Information (Public Access) Act 2009 and no information provided during budget estimates. For the first time in this place I have heard a Minister say that the Westminster system is a watered-down system and does not apply to the Minister. As a Minister he gets the big white car and the staff and he makes decisions, but he states that the Westminster system does not apply to Ministers and has not done so for hundreds of years. As a Minister he says that he is not responsible for what happens. The Minister should read the ministerial code of conduct. He is responsible—that is what he signed up to. The Minister cannot franchise his responsibility to other people. There are so many members who believe that responsibility should be given to the Independent Commission Against Corruption.

The PRESIDENT: Order! The member will resume his seat. According to sessional order, proceedings are now interrupted to allow the mover to speak in reply.

The Hon. MICK VEITCH (12:05): In reply: I thank the Hon. Don Harwin, Mr Jeremy Buckingham, the Hon. Rick Colless, the Hon. John Graham, the Reverend the Hon. Fred Nile, the Hon. Greg Pearce, the Hon. Lynda Voltz, the Hon. Paul Green, Mr Scot MacDonald, the Hon. Trevor Khan, the Hon. Daniel Mookhey, the Hon. Peter Primrose and Minister for Regional Water the Hon. Niall Blair for their contributions to this debate. Let us make this clear: I did not move this motion lightly. As the Hon. Trevor Khan said, I have been in this place for quite some time, and I have seen this behaviour from both sides of the Chamber. I commend the majority of members for their conduct during this debate. The passion with which the contributions were made highlights how seriously everyone has taken the matter. Members should be commended for the way in which they have approached this debate. It has been treated seriously.

Regardless of the contribution made by the Minister and his views, he would appreciate that the motion was not put forward lightly. From the context of the debate, and the way it has been conducted, it is regarded as a serious matter in the House. I think parliamentary accountability is an important part of the Westminster system and it should not be disregarded. Members make jokes in this place that it is "question time" not "answer time", but the reality is that it is the element of parliamentary scrutiny available to the people of New South Wales. Those members who have been in opposition know that questions are asked by the people of New South Wales. The questions are not made up. A fair bit of work goes into developing those questions and they should be taken seriously. Parliamentary scrutiny is critical.

In response to the Minister, it is ludicrous to say that the people of New South Wales will not be treated fairly by the Australian Labor Party. It is ludicrous to say that someone such as me would not act in the best interests of the people of New South Wales. It is ludicrous to say that the Labor Party does not act in the interests of farmers, regional communities or Aboriginal communities across New South Wales. The National Party alone does not represent the people of New South Wales. That is a fact that the Minister must accept. I grew up on a farm. I spent a bit of time trying to earn a dollar in regional New South Wales as a shearer and I have fished in the Darling River. I have an appreciation of how people along the Darling River regard what is presently happening. To imply that I do not understand the irrigation industry, how water is managed in this State and the instruments required for it to be managed is outrageous.

Public policy is not only the domain of The Nationals. Members in this Chamber must accept that we will debate these issues from differing starting points with differing points of view. I say to the Minister that I did not do this lightly. The House has taken the matter seriously. It will probably go down, but the point has been made. People in Far West New South Wales have been in touch with our offices saying, "Something has got to

be done. Something has got to give." They are not happy with the way they have been treated. I commend this motion to the House. I urge members to support it.

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

The House divided.

Ayes14
Noes20
Majority.....6

AYES

Buckingham, Mr J
Graham, Mr J
Primrose, Mr P
Shoebridge, Mr D
Walker, Ms D

Donnelly, Mr G (teller)
Houssos, Ms C
Searle, Mr A
Veitch, Mr M
Wong, Mr E

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

NOES

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

Blair, Mr N
Fang, Mr W
Green, Mr P
MacDonald, Mr S

Mallard, Mr S
Nile, Reverend F
Phelps, Dr P

Martin, Mr T
Pearce, Mr G
Taylor, Ms B

Colless, Mr R
Farlow, Mr S
Harwin, Mr D
Maclaren-Jones, Ms N
(teller)
Mitchell, Ms S
Pearson, Mr M

PAIRS

Moselmane, Mr S
Secord, Mr W

Clarke, Mr D
Mason-Cox, Mr M

Motion negatived.

Bills

PUBLIC HEALTH AMENDMENT (REVIEW) BILL 2017

Messages

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

SUMMARY OFFENCES AMENDMENT (FULL-FACE COVERINGS PROHIBITION) BILL 2017

First Reading

Bill introduced, and read a first time and ordered to be printed on motion by Reverend the Hon. Fred Nile.

Second Reading

Reverend the Hon. FRED NILE (12:18): I move:

That this bill be now read a second time. The overview of the Summary Offences Amendment (Full-face Coverings Prohibition) Bill 2017 reads:

The object of this Bill is to make it an offence (maximum penalty of \$550) for a person, without reasonable excuse, to wear a face covering while in a public place. A face covering is defined as any article of clothing or other thing (such as a helmet) that hides the face of a person in a way that conceals the person's identity. The Bill provides that a person's religious or cultural belief does not constitute a reasonable excuse for the purposes of the proposed offence. The prohibition does not extend to the wearing of face coverings in churches or other places of worship.

The Bill also makes it an offence (maximum penalty of \$1,100) to compel another person, by means of a threat, to commit the proposed offence of wearing a face covering in a public place.

As members know, especially those in The Nationals, this issue arose in the media when Federal Nationals member George Christensen moved a last-minute motion at the party's Federal conference last week to ban face coverings, referring to the burqa and niqab. Mr Christensen said it was a security and safety issue. He also said that The Nationals were keen to distance themselves from Liberal Attorney-General George Brandis' emotional defence of the burqa in the Senate after Senator Pauline Hanson wore a burqa in that Chamber. Mr Christensen said:

The sensible thing to do is to ban the burqa and niqab in public buildings and spaces, leaving some exemptions for religious places of worship.

He continued:

It's not an attack on religion—it's an attack on a cultural garment which really is not conducive to the Australian way of life. There clearly is a threat to public safety and security and [people] should be forced to take them off if they refuse.

This matter was debated at The Nationals Federal conference. I understand that the final vote on Mr Christensen's motion concerning his proposed legislation was 55 to 51. It was very close. Some members may have voted against the motion because at that stage the Liberal Party had not stated a position and it may have appeared as though it would put a division in the Coalition, but that is just my speculation. Legislation similar to this bill has been moved in many countries. Chancellor Angela Merkel has called for a partial ban on face-covering burqas and Germany is set to join the list of countries that have restricted women from wearing the Islamic dress in public places. In Italy covering one's face with a veil or a motorcycle helmet in public has been banned since 1975. Italian police fined a Muslim woman for wearing a full Islamic veil on the street in the northern city of Novara. That was possibly the first such incident in Italy.

In 2015 the north-eastern region of Lombardy outlawed the wearing of the burqa and niqab in public offices and hospitals. In 2011 France was the first European country to blatantly ban the burqa and niqab in public places when it was made illegal for a woman to leave her home wearing a face covering. Not only are there fines in France for wearing the veil but anyone who forces a woman to wear one can be fined \$43,000 or jailed. Earlier this year coastal French towns banned body-covering burkini swimwear—a move which was defended by the French Government. The administrative court of France suspended the bans, saying they constituted a "serious and clearly illegal violation of fundamental freedoms". The ban was eventually suspended for defying the ruling by the country's top court.

Following the decision in France, Belgium also banned women from wearing the burqa and niqab in public places. The country's lawmakers dubbed the veil a threat to secular society and outlawed the full-face veil in 2011. Wearing a face-covering veil in public could lead to fines of \$21 to \$35 and imprisonment for up to seven days. In the Netherlands the Dutch Cabinet approved a partial ban on wearing the burqa in 2015. The Dutch bill prohibited women from wearing it in public places, including in schools and hospitals and on public transport.

The Parliament of Bulgaria passed a ban on face veils in October 2016. The burqa ban was driven by the nationalist Patriotic Front coalition. In 2016 a ban on face veils also came into force in Switzerland. It requires Muslim women who break the law to pay a fine of up to \$11,400. The capital of China's western Xinjiang region banned the wearing of Islamic veils and robes in public in 2014. Finally, authorities in the Stavropol multiethnic region of Russia banned the wearing of headscarves in government-run schools. The nation's supreme court upheld the decision. The ban was as a result of growing tensions between ethnic Russians and Muslims from the North Caucasus region. The ban was said to be in line with principles in the constitution on the secular nature of education.

I will not outline the situation in other countries at this stage. Those I have mentioned show that this matter is serious enough for this House to debate it. I know from their previous comments that some members do not support the proposition in this bill. I accept that. But I believe this issue is serious enough to be debated in the Legislative Council so that all members can put their views forward and we can vote on the matter. The outcome may be the same as at The Nationals conference or it may not be. I believe it is time for us to debate the issue, put all members' views on the record and vote. I am pleased to have this opportunity to bring this bill before the House.

Debate adjourned.

GAMING MACHINES AMENDMENT (TRANSPARENCY) BILL 2017

First Reading

Bill introduced, and read a first time and ordered to be printed on motion by Mr Justin Field.

Second Reading

Mr JUSTIN FIELD (12:29): I move:

That this bill be now read a second time.

Australians have a problem with gambling. It is a problem we do not like to acknowledge and we do not like to talk about, but that does not stop the harm caused by gambling, particularly for those with gambling addiction and their families and communities. By far and away the most harm from gambling is caused by poker machines. Electronic gaming machines, otherwise known as poker machines or pokies, are the biggest contributor to gambling losses in Australia—amounting to more than \$11 billion in 2015. New South Wales is number one when it comes to the pokies. We have the highest number of poker machines and associated gambling losses of any State. That is a ranking of which we should be ashamed.

New South Wales is home to more than 93,000 electronic gaming machines—about half of all the poker machines in Australia. The next highest is Queensland, with almost 46,000 poker machines—less than half of New South Wales. Our Victorian neighbours have even less, with a statewide cap of 30,000 machines. To put it in another context: one in 10 poker machines worldwide are in New South Wales. In the number of machines we are second only to Nevada. The big difference is that Nevada's machines are in the casinos of Las Vegas; ours are mostly in local pubs and clubs—mini-casinos on the street corners of our local neighbourhoods.

The high concentration of machines in New South Wales leads to real losses for the public. As a community in New South Wales we lost more than \$5.7 billion to the pokies in 2015—an average loss per person of \$1,518. That is more than double the per person loss in Tasmania. Based on the Government's forecasted gambling tax estimates, it looks as if we are headed for losses of around \$8 billion this year, and it will continue to grow substantially to 2020. To put it simply, the big problem we already have is set to get worse. In fact, it seems to be designed to get worse. Pokies are linked to addiction and gambling-related harm more than any other form of gambling and, given their prevalence, that is unsurprising. The report of the Select Committee on the Impact of Gambling inquiry in 2014, chaired by Reverend the Hon. Fred Nile, stated:

Manufacturers design EGMs (poker machines) to entice people to commence playing them and remain at the machines to continue their expenditure.

Poker machines are designed to addict. Those who deal with the day-to-day impacts describe it as "playing to extinction". It can be hard for someone who has never felt the effects to understand how a machine can have such power and pull that it compels someone to spend everything they have, and still keep betting. My motivation for introducing this legislation is that people who work day to day with people suffering from gambling addiction have told me that one of the key barriers to making the case for change is the lack of locally specific information about the losses and social impact. It may seem as if I have already quoted many figures in my contribution and clearly some data is available, but much of it is an extrapolation or an aggregation. I have had to buy much of it from the Government, because it is not freely available under freedom of information laws. Information is power and when the community understand the real impacts, they are given agency to be part of designing and implementing solutions.

This is not about attacking clubs and pubs. I understand their importance as social hubs, especially in regional communities, but their business model is based on generating revenue at the expense of those with gambling addictions. It is a morally bankrupt model and we need to help find a new business model. This bill is about opening the door to that conversation and ensuring that we understand the consequences of failing to find a new way. Unlike other States, New South Wales does not make gaming machine data freely available to the public. Limited information is published by Liquor and Gaming NSW in its annual report. It is confined to the number of machines and the turnover in each local government area. The "turnover" refers to the total amount of money that is put into poker machines. It does not give us an understanding of how much of that money is lost or, in reality, the profits taken by the hotels and clubs.

Specific data about how much is lost by everyday Australians can only be purchased, but even that is limited to aggregated local government area statistics. The club-by-club statistics are hidden. That makes it very difficult for communities to access and understand the financial losses caused by poker machines in their areas and, in turn, makes it difficult to take action to address them. This is inconsistent with the approach of other Australian States. In New South Wales, Queensland and Victoria, all poker machines are required to be connected to a centralised monitoring system. This allows for the collection of data from those machines to track turnover and expenditure, and to calculate gaming machine taxes. These systems provide constant reporting for all operational poker machines. Each State has the same gaming machine data available. Each State has similar legislation for poker machine regulation. Despite this, there are significant discrepancies in what information is made available to the public.

In Queensland, the Gaming Machine Act 1991 has similar provisions to section 206 (2) of the New South Wales Act to limit the disclosure of information. Despite this, there is monthly reporting on poker machine statistics in Queensland. That reporting includes the number of venues with poker machines, the number of operational poker machines, the approved number of machines for the local government area and the monthly

metered wins. They also provide localised information about the gaming machine venues in each area. In short, they make more information available, more frequently than in New South Wales despite our similar legislation. In Victoria even more information is made available to the public. Section 10.1.33 of the Victorian Gambling Regulation Act 2003 addresses the publishing of poker machine data. There is a requirement that the data is aggregated, except as authorised by subsection (2) of that Act, which allows the Minister to publish disaggregated statistical data if it is considered in the public interest.

The Victorian Minister has used this power to authorise the publication of disaggregated data. Accordingly, the Victorian Commission for Gambling and Liquor Regulation provides both venue-specific and region-wide data. Venue-specific data provides details of all gaming venues within Victoria, including current year expenditure, venue location and classifications, licence and nominee details. The data relates to the net electronic gaming machine expenditure, which refers to the "total amount lost by players". This allows the community to access specific information about losses in specific venues, as well as in their local area. New South Wales, Victoria and Queensland all have the same statutory requirements for the collection of poker machine data. All three States require that all poker machines be connected to an electronic monitoring system and all have the same data available to them. Despite this, New South Wales reports significantly less to the public than our neighbours.

In Victoria, the publication of disaggregated data has been allowed, in part, because it is deemed in the public interest. Section 206 (5A) of the New South Wales Gaming Machines Act 2001 provides a similar exception to the limit on publishing poker machine data if "it is in the public interest to do so". However, successive New South Wales Ministers have failed or refused to exercise this power. ClubsNSW, in particular, has resisted greater transparency regarding poker machine data in New South Wales. In a recent issue of *Club Life*, Anthony Trimarchi, New South Wales Manager—Policy and Government, stated:

ClubsNSW does not support the broad disclosure of individual venue gaming machine data as it is not in the public interest. Respectfully, I disagree. My contention is that it is in the public interest to release this information as fully and as freely as possible. The New South Wales Government has not been prepared to do that, so I am introducing this legislation on behalf of The Greens and the wider community to require its release by law. This is only part of addressing our problem with pokies, but it is a step in the right direction. This kind of information would make a world of difference for people in Fairfield who gamble more than their average annual wage on the poker machines each year.

I recently hosted an event in Fairfield and heard firsthand the impacts of addiction on the community and how the gambling industry has ingrained itself into the everyday lives of the local people. Releasing this information would be an important step in providing that community with greater capacity to start to address the issues associated with the high rates of poker machine gambling. Given statistics on machines numbers, on losses and on the corresponding harm endured by the New South Wales community from those losses, it is this State that has the greatest interest and the most to gain by ensuring this information is freely available.

I will turn now to the details of the bill. The object of the bill is to require the publication at greater intervals of certain information relating to the operation of the gaming machines at each hotel or club in respect of which a gaming machine entitlement is held. This bill will amend the Gaming Machines Act 2001 to insert a new provision. The proposed section 140B (1) will require the authority, NSW Liquor and Gaming, to publish monthly reports containing the name, address, local government area and LGA classification for each venue with gaming machine entitlements; the number of poker machines held at the hotel or club; the poker machine threshold for the venue; the total turnover from poker machines at the venue; and the total profits, or player losses, for poker machines at the venue.

Introducing this provision will ensure communities have access to local, up-to-date data about pokie losses for each club or hotel in their area. It will make it easier to track and understand the impacts of these machines. Essentially, it will require the New South Wales Government to make public the information routinely made public in other States. This information is available to the regulator, with statutory provisions requiring all poker machines in New South Wales to be connected to a central monitoring system. This system provides constant reporting of pokies statistics—reporting every 15 seconds—as well as daily summaries of turnover and expenditure. This data is collected to calculate gaming machine tax revenue for gaming venues. There is no technical, administrative or cost barrier to the provision of this information to the public. If it can be collected to generate tax revenue for the State, it can be easily published. Section 140B (2) will require the authority to publish a quarterly report outlining the community contributions made by hotels in accordance with part 4 of the Gaming Machine Tax Act 2001.

No matter one's views on gambling, in New South Wales we recognise in statute that this industry can be harmful, especially when there is an addiction. The potential for harm is also recognised in the regulations in increasing the number of poker machines in a local government area. Section 35 of the Gaming Machine Act 2001 requires, in most situations, a local impact assessment for any proposed increase in machines. Depending on the classification of the local government area, venues must demonstrate that the threshold increase "will result in a

positive contribution to the local community", or the higher bar, "will provide an overall net positive impact on the local community". This makes it clear that more pokies in any area has the potential to cause harm, to such an extent that the positive contribution of the increase must be demonstrated before it is approved.

Simply, the argument is made by clubs that their contribution to the local community offsets the recognised harm caused by the poker machines from which they derive a significant portion of their revenue. I note that many clubs acknowledge that that proportion of their revenue is as high as 70, 80 or even 90 per cent. Their business model is almost entirely based on the revenue from poker machines. This provision seeks to ensure that those community contributions they make—which they so readily publish and promote within the community and which they so often promote to members of this place when we are considering gaming machine regulations—for which clubs can offset tax obligations to the New South Wales Government, are transparent to the local community on a regular basis. This is particularly important when considering registered clubs and the contributions they make to the community. In a submission to the inquiry into the impact of gambling in 2014, ClubsNSW submitted that the presence of poker machines in clubs was ultimately beneficial to the community. It said:

The non-profit community gaming model is unique in that it provides a safe and reputable market for gambling while redirecting the profits of gambling back into local communities to maximize social benefit.

Category 1 ClubGRANTS, which is one of the mechanisms by which these profits are redirected back into the community, cover the grants given to community groups for projects and services that contribute to the welfare and broader social fabric of the local community. An analysis of the 2015-16 poker machine revenue for clubs shows that in the 10 LGAs with the greatest poker machine losses, ClubGRANTS gave an average of 0.39 per cent of the pokie profits back to the community. This is a shockingly low financial contribution. It means that these same clubs made a more than \$1.5 billion profit on poker machines, which equates to losses to the community and, in turn, paid in ClubGRANTS just \$6.8 million in the same year—less than 1 per cent. There are also categories 2 and 3 ClubGRANTS that can be contributed to by clubs to also offset their tax liabilities.

Compiling this data is challenging because some council areas provide it and some do not; some clubs provide it and some do not. The Government provides some but it does not tell us what is not supported by ClubGRANTS; the Government's information is not transparent. Regardless, it must all exist within government, it is held by government, as it is used to ultimately assess gaming tax liabilities. The addition of section 140B (2) to the Gaming Machine Act 2001 will ensure that the community has a clear understanding of the money that is spent on poker machines and how much of this financial benefit is conferred back to the local area. It is important that this is more transparent so the impact and benefit of poker machines can be fairly weighed up by each community.

In conclusion, I will make an assumption that all members in this place want to reduce the harm from gambling in New South Wales, in particular from poker machines. The Government's policy is to slowly reduce machines and to minimise harm. Unfortunately, the statistics we do have show this is not working, and the Government's budget forecasts show it is not expecting it to work anytime soon—in fact, the Government is expecting it to get much worse. To address any problem, one needs to understand it, and the community, which has the most to gain from being part of the solution, does not have the information it needs to play its role. This bill seeks to fix that. It seeks to make basic information that is already collected available to the public for free, as it is done in other States. That is in the public interest.

The bill seeks to make available to the public the details of the community contributions made by poker machine licence holders because that is an important part of the story that underpins political and community support for many of these clubs. If the Government, the Opposition and the clubs stand by their positive contribution, what is there to hide? Let us release this information and make it available to the public. Let us open the curtains, have a look and fully understand the harms of poker machines so we can work together to address them. While we are doing that, let us also ensure that clubs are operating in the best interests of their members and the community and that all businesses profiting from the pokies are held to a standard of corporate and social responsibility that protects the community from undue social harm. I commend the bill to the House.

Debate adjourned.

Motions

BRAVEHEARTS WHITE BALLOON DAY

The Hon. PAUL GREEN (12:48): I move:

- (1) That this House notes that:
 - (a) all children deserve a safe and happy childhood;

- (b) Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse;
 - (c) Bravehearts White Balloon Day is an annual day that raises awareness about protecting children from child sexual assault;
 - (d) White Balloon Day was acknowledged on Friday 8 September 2017 and is a highlight of Child Protection Week from 3 to 9 September 2017;
 - (e) for 21 years White Balloon Day has helped educate the community about preventing this crime, whilst also helping to raise funds for Bravehearts' essential counselling and education programs;
 - (f) White Balloon Day is Australia's largest and longest-running child protection campaign dedicated to the prevention of child sexual assault; and
 - (g) further details are available on the website: whiteballoonday.com.au.
- (2) That this House notes that members of the community can raise awareness about the prevention of child sexual assault and show that they care about protecting Australian children by:
- (a) taking part in a White Balloon Day event;
 - (b) arranging a fundraising event;
 - (c) participating in a virtual balloon race;
 - (d) taking part in the national chalk art project;
 - (e) buying merchandise; and
 - (f) engaging with the 2017 social media campaign *#WhoRUProtecting?*

Child sexual assault affects more than 60,000 Aussie kids each year. This is a shocking statistic that equates to one in five Aussie kids suffering some form of sexual assault before their eighteenth birthday. White Balloon Day is Australia's largest campaign dedicated to preventing child sexual assault. Adopted by Bravehearts in 1996, the humble white balloon has come to symbolise hope for survivors of child sexual assault, encouraging them to break the silence that so often surrounds this horrendous crime. It is the responsibility of any organisation that has a duty of care to children and young people to prioritise regular child protection learning for staff and volunteers. In addition to this, promotion of personal safety messages for children and young people is vital. This also extends to parents, carers and families who are part of community organisations or the wider community.

It is important that all children know that their bodies belong to them and if they feel unsafe or unsure about anything they should run and tell an adult that they trust. Children can begin learning valuable lessons to help them keep safe from as young as two or three years old. Bravehearts specialises in developing child protection training and education programs that address the unique needs of the variety of school communities and organisations that provide services to children and young people. Providing age appropriate information around body ownership and the right to be safe from an early age allows for these messages to become part of the child's everyday language and helps to build self-esteem and resilience in children.

Parents and carers play a vital role in this process as first educators of children in their care. Once children commence formalised care arrangements and/or school, a positive partnership between both school and home is then important to reinforce key personal safety messages in a clear, consistent manner to eliminate confusion for children and encourage a shared language that is easy for young children to understand, remember and use. The five basic principles we need to teach children between the ages of three and eight are, first, to trust their feelings and to distinguish between "yes" and "no" feelings; secondly, to say no to adults if they feel unsafe or unsure; thirdly, that they own their bodies; fourthly, that nothing is so yucky that they cannot tell someone about it; and, fifthly, that if they feel unsafe or unsure, to run and tell someone they trust.

Funds raised during the White Balloon Day campaign supports Bravehearts education program "Ditto's Keep Safe Adventure Show", which has educated more than 720,000 children about personal safety. The cyber safety initiative CyberEcho has been developed in partnership with Google Australia and the Australian Federal Police. It is aligned with the Australian national curriculum and is the leading education program in Australia for teaching students and teachers how to stay safe online. Bravehearts receives less than 30 per cent of its funding needs from government funding in order to educate, empower and protect Aussie kids. This means it relies heavily on supporters for donations and fundraising activities. In my inaugural speech I identified that, according to the Australian Bureau of Criminal Intelligence nationally, with conservative estimates, approximately 40,000 children are sexually assaulted each year. That figure is too high.

Over the past seven years I have used my time in this House for the cause of Bravehearts and some of the ways in which we can help victims. In 2013 the Christian Democratic Party supported the Victims Rights and Support Bill. It established a new Victims Support Scheme to replace the Victims Compensation Scheme, funded

at the existing level, based on the models recommended by the PricewaterhouseCoopers report. The Victims Support Scheme provides a variety of support measures, including up to 22 hours of counselling, which can increase where appropriate, and a tailored package of support of up to \$5,000 to meet a victim's urgent and immediate needs.

The new scheme imposed a time limit of two years to make an application or, for domestic violence and sexual offences, a time limit of 10 years from the time a victim turns 18 years of age. In 2013 I raised my concern in the House that the time in which a victim of child sexual assault and abuse could make a claim should be without limit. We worked with stakeholders and the Government to agree upon an amendment which will ensure that victims of child sexual assault will not be penalised or dictated to as to when they should come forward with a claim. The amendment addresses the reality of child sexual abuse and the lifelong impact it has, which is why the work of Bravehearts to educate our children is so valuable. It empowers our children in an age-appropriate way to identify behaviours that make them uncomfortable, hopefully resulting in a stoppage of any potential abuse.

The second thing we have done along the way is the Limitation Amendment (Child Abuse) Bill 2016. In September 2015 the royal commission released 99 recommendations on redress and civil litigation, including retrospectively removing limitation periods for claims for child sexual abuse. The royal commission was limited in its terms of reference to child sexual abuse but suggested that governments could enact reforms covering other types of traumatic abuse. There has been widespread concern regarding existing limitation periods that act as barriers to survivor claims of child sexual abuse. Last year the Christian Democratic Party was proud to be part of extending the Limitation Amendment (Child Abuse) Bill. This important bill aimed to acknowledge the abuse suffered by many children and young people. This bill will allow victims who suffered child abuse decades ago to seek civil damages from those responsible for abuse, including an organisation.

Further, I have also used my opportunity and great privilege as a member of this House to call a human trafficking inquiry. The draft report will be sent out to members early next week. There is a plethora of good recommendations in that to assist us to continue the good work we are doing in these areas. The report refers to some major issues that unfortunately are forever growing. One such issue is the matter of child brides. People do not realise that there are well over 15 million child brides a year. There are four stages of growth in one's life: babyhood, childhood, adolescence and adulthood. Adults take responsibility for how their children are raised and put protections around them to ensure they are able to grow into fully functioning adults, utilising opportunities to live out their God-given dreams. They cannot do that when adults do not allow boundaries to exist that protect their immaturity and their young bodies. The issue of child brides will be a major part of the recommendations in that report.

Another human trafficking issue is the increasing numbers of underage girls and boys involved in sexual exploitation. One of the growing areas of exploitation is the cybersex trafficking of children. It is no longer necessary for people to leave home to see a sex show. These things can now be picked up on the internet anywhere across the globe. We have heard of cases where people living in poverty in places such as the Philippines have been paid to put their child up in front of a camera where terrible things are done to them. To take advantage of people who see no way to make a buck in order to survive other than to use their baby or child for sexual acts for someone across the globe to watch on a pay-per-view basis is detestable and shocking.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I will now leave the 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

LIDDELL POWER STATION

The Hon. ADAM SEARLE (14:30): My question without notice is directed to the Leader of the Government, Minister for Resources, Minister for Energy and Utilities and Minister for the Arts. In light of reports that the strong Asian demand for coal from Australia is depriving domestic power generators of fuel and driving electricity prices higher, with the worst shortfall in New South Wales according to the Australian Energy Council, what steps is the Government taking to ensure security of supply for existing coal-fired power stations in New South Wales?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:30): The shadow Minister asked about the risks to New South Wales. The Australian Energy Market Operator [AEMO] statement of opportunities reveals that in normal circumstances New South Wales has enough energy for the next five years and that there is no cause for panic. As this is a national market I am concerned that an incident in Victoria or South Australia might have spillover effects. When the Liddell power

station shuts in the future we will need more generation—there is no doubt about that. According to the AEMO report, more than half of those needs will be met by projects currently underway or about to start in New South Wales. This leaves a small energy gap that can be filled by our huge pipeline of projects that are ready to go when the market is reformed.

Let me put in context the 1,000 megawatt figure for additional firm capacity to which the AEMO has referred. We understand that the private sector is keen to build around 2,000 megawatts of peak gas projects in a reformed market. I also note that the Federal Government has been active in this area—anyone who listened to the media in the past week would have arrived at that conclusion. The Hon. Adam Searle and all members of the House would be aware that the Prime Minister is in discussions with AGL, the owner of the Liddell power station, and the AGL board has undertaken within 90 days to reconsider the future of Liddell power station. It has publicly flagged a number of options so there is no cause for concern about the pathway forward. New South Wales has the energy it needs to get through the next five years, in normal circumstances—there is no doubt about that. The member referred also to the issue of coal supplies, in particular, the supply of coal to generators. From memory, I think the member referred to the Liddell power station.

The Hon. Adam Searle: No just to generators in general.

The Hon. DON HARWIN: The supply of fuel is a matter that has been closely looked at by the NSW Energy Security Taskforce under Mary O'Kane, who is focused on the availability of fuel. Close consideration of the availability of fuel to generators is a particular focus of the Finkel review. A number of recommendations were made in the Finkel report about the close scrutiny of generators and the availability of fuel. I am aware that there have been some suggestions that fuel availability is a problem but the AEMO is focused on that issue. [*Time expired.*]

The Hon. ADAM SEARLE (14:34): I ask a supplementary question. Will the Minister elucidate his answer with respect to how the Government is securing coal supply for New South Wales generators?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:34): The AEMO has been focusing on the rail transport of coal. As I understand it, the AEMO has been in discussions with the Federal Minister and the Federal Minister is discussing the issue with the Australian Rail Track Corporation. The Australian Rail Track Corporation has an interest in railway lines in the Hunter Valley through which coal passes for the coal-fired power stations in the valley. I have been kept informed of what it is doing.

More generally, the AEMO has a clear five-point plan for summer: first, to maximise supply from existing generation sources by rescheduling maintenance and having mothballed assets ready to go in October 2017. It is ensuring that fuel stockpiles are sufficient to cover several successive hot days and it is minimising electricity transition system maintenance. It is contracting directly with reserve capacity providers such as small-scale diesel and gas-fired generators and it is conducting emergency event planning exercises. In my view, the AEMO is working effectively through what it needs to do to ensure that New South Wales is ready for summer. The AEMO is working with the Australian Renewable Energy Agency to have a demand response initiative ready for next summer—something about which I have spoken in the House before. [*Time expired.*]

ENERGY PRICES

The Hon. LOU AMATO (14:36): My question is addressed to the Minister for Energy and Utilities. Will the Minister update the House on how small energy retailers are helping consumers get a better deal?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:37): I thank the member for his question.

The PRESIDENT: Order! The Minister will resume his seat. For the benefit of members, I remind them that the Hon. Lynda Voltz is on one call to order, the Hon. Greg Donnelly, who just interjected for the second time, is on two calls, Mr Jeremy Buckingham is on two calls, the Hon. John Graham is on two calls, the Hon. Penny Sharpe is on two calls, the Hon. Mick Veitch is on one call and the Hon. Catherine Cusack is on one call. For the benefit of the Hon. Greg Donnelly, who is sitting far closer to me than is usual at question time, I can hear every interjection. The Minister has the call.

The Hon. DON HARWIN: Yesterday I spoke about how competition is helping families in the regions get a better deal. Helping people shop around is also important as they are better able to control their bills. This Government is abolishing exit fees to help people shop around. Since the deregulation of electricity prices more small retailers are offering innovative products. People can see their usage on their phone, trade excess solar power with their neighbours, and batteries are more affordable. This means that people can find new ways to take control and to save money. People want competition to work so the Government is making sure that the Independent

Pricing and Regulatory Tribunal closely monitors the market. But people who choose new small retailers may lose that choice if prices are re-regulated. Powershop is focused on households with solar power who want more renewable energy. Ed McManus from Powershop said:

Once you have a regulated price the likelihood of new entrants into the market falls. The smaller retailers are likely to drop out of the market. Players large and small are less likely to invest in innovation. Here is the kicker: He said that less investment in innovation would translate into lower investment in renewable energy. When people lose that choice they are forced back to the big three suppliers. I have explained before in this House why prices are rising and when I do so members agree with my statement. When I explain that supply is tighter without Hazelwood power station, there is general agreement. When I explain that gas is setting the price and it is more expensive due to liquefied natural gas exports, there is agreement with that proposition. Mr Jeremy Buckingham claims to be the only one who predicted that increase, which is wrong. The market must be reformed and new supply secured. When I informed Opposition members that prices in the Australian Capital Territory went up 19 per cent under a regulated tariff they blame deregulation, which is a non-sequitur.

This Government is taking action to provide support to households with rebates, new appliances and retrofits. More than 350,000 households have solar power in New South Wales, with the largest number being in regional New South Wales. This Government will help them get the most out of their investment. They could lose that choice. Small retailers in Victoria are now reconsidering their future. This is what happens when the Labor Party and The Greens come together against choice. That is what is happening in Victoria and that is what we risk in New South Wales under an alternative government. The Opposition is running a campaign of false hope. More people are switching away from the big three and they want their bills reduced, but reregulation will not do that. This Government is assisting by allowing choice and boosting support to enable the community to negotiate a better deal.

Visitors

VISITORS

The PRESIDENT: I welcome to the public gallery distinguished visitors from the Parliament of Swaziland who are here on a fact-finding mission. On behalf of all members I welcome them to the Legislative Council.

Questions Without Notice

MURRAY-DARLING BASIN PLAN

The Hon. PENNY SHARPE (14:42): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. What action has the Minister taken to establish whether departmental staff were present and witnessed former Minister Kevin Humphries telling irrigators that they could pump during an embargo?

The PRESIDENT: Order! I call the Hon. Trevor Khan to order for the first time. I will call to members to order without any further warnings.

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:42): The Matthews inquiry.

EQUINE INFLUENZA ERADICATION CAMPAIGN

The Hon. RICK COLLESS (14:43): My question is addressed to the Minister for Primary Industries, Minister for Regional Water and Minister for Trade and Industry. Will the Minister update the House on the benefits to the State's horse owners and horse industry of the eradication of equine influenza?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:43): The State's horse industry and the New South Wales Department of Primary Industries [DPI] are celebrating the success of eradicating the largest exotic disease outbreak in Australia's history—equine influenza. It was discovered in New South Wales 10 years ago. DPI was the lead agency in the New South Wales eradication campaign on equine influenza [EI], which at its peak infected 47,000 horses on 5,943 properties in New South Wales. While this success is being celebrated, the New South Wales Government is ensuring that it retains its tough biosecurity measures. Australia has done what other countries have been unable to do—eradicate this disease.

EI remains endemic in Europe, except for Iceland, and both North America and South America. The equine influenza eradication campaign was the largest of its type ever undertaken in Australia, using the latest laboratory techniques, vaccines, surveillance, mapping and communication technologies. It started on 24 August 2007 when a veterinarian reported to DPI that he had observed sick horses at Centennial Park in Sydney. It then spread across parts of New South Wales and Queensland. Over the following six months in New South Wales more than 47,000 horses were vaccinated; 16,000 movement permits were processed; 132,000 laboratory tests were carried out, with as many as 3,000 per day being done at the peak of operations; 45 zone progression cases

were prepared and submitted for consideration by the national authorities, with each detailed case supported by comprehensive surveillance; 58 public meetings were held, attended by 5,660 people; and more than 62,000 calls were answered by the main EI hotline.

The disease was eradicated within six months, well ahead of predictions. By July 2008 horse industry operations had returned to normal. I congratulate the 2,000 staff who worked at State and local disease centres, nine forward command posts and the 14 local vaccine centres positioned on affected properties. I also thank the 1,500 people from the horse industry who played a pivotal role through their experience and administrative skills in the control operations. I also thank the thousands of individual horse owners who cooperated with the control program.

The impact of containing this outbreak cannot be overstated. It would have caused devastating impacts on individual horse owners, the horse industry and associated sectors, as well as other economic impacts across New South Wales. Equine influenza is an acute, highly contagious viral disease that can lead to rapidly spreading outbreaks of respiratory disease in susceptible horse populations. Most horses recover within a few of weeks if they have good care and rest. However, it can cause death in young foals or old horses. Success in the control of EI was due to DPI's rapid response, collaboration with Biosecurity Queensland and, importantly, cooperation from the horse industry in locking down all horse movements, quarantining infected properties and introducing zoning.

New South Wales remains EI-free, thanks to horse owners, the industry and the public, whose assistance during the 2007-08 outbreak paved the way for us to achieve a monumental victory over this disease. Well done to all involved. The fact we are now free of this disease is an important element in its own right. However, that is not the only thing it achieves. By eradicating this disease in record time it reinforces to our trading partners that not only have we eradicated EI; we also have the surveillance and diagnostic systems in place to back up our reputation as a biosecurity country providing pest and disease-free products for export. [*Time expired.*]

OATLEY SENIORS CENTRE RAILWAY SUBSTATION

The Hon. ROBERT BORSAK (14:47): My question is directed to the Hon. Don Harwin, representing the Minister for Transport. Will the Minister inform the House why the Government, supported by the member for Oatley, is building a railway electrical substation in the car park of the Oatley Seniors Centre? How will this substation benefit seniors, people with disabilities and their families requiring parking at the Oatley Seniors Centre?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:48): I thank the Hon. Robert Borsak for his question.

The Hon. Dr Peter Phelps: An excellent member.

The Hon. DON HARWIN: Yes, and an excellent electorate within which I lived for 26 years. I think I may have been to the Oatley Seniors Centre. I do not know of the proposal to which the member is referring in his question. As it is a matter for the Transport portfolio I will raise it with the Minister for Transport. If the railway substation is to be located on the seniors centre allotment of land I hope it can be avoided. I am sure there is a good reason for the proposal in its current form, if the details supplied by the member are correct. I will obtain an answer from the Minister for Transport. I note in passing that it is the member for Oatley's birthday today. I am sure all Government members will join me in wishing Mr Coure a happy birthday. Perhaps the Hon. Robert Borsak asked the question in honour of the excellent member for Oatley, who is doing a superb job.

POLICE STATION SERVICES

The Hon. ROBERT BORSAK (14:50): My question is directed to the Minister for Trade and Industry representing the Minister for Police. As part of his re-engineering plan for the NSW Police Force, will the Minister guarantee today that there will be 24-hour services at police stations in Coolamon, Cootamundra, Cowra, Grenfell, Junee, Narrandera, West Wyalong and Young?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:50): I know that the Hon. Robert Borsak is picking those fantastic towns in regional New South Wales at random, although they seem to be close together. I will refer his question to the Minister for Police for a response.

WATER MANAGEMENT AND COMPLIANCE INTERIM REPORT

The Hon. MICK VEITCH (14:51): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister guarantee that former President of The Nationals Orange branch, Jamie Jones, was not involved in the water management issues

identified in the Matthews inquiry, given that he was appointed to a communications and stakeholder management position in the Department of Primary Industries when the Minister was appointed?

The PRESIDENT: I remind Mr Buckingham that he is on two calls to order. I will call him to order for a third time if he continues to interject.

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:51): As I indicated earlier this week in question time, I will not comment on individual cases or staff members in the House while other investigations are continuing.

CENTRAL WEST SCHOOL INFRASTRUCTURE

The Hon. WES FANG (14:52): My question is addressed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and the Assistant Minister for Education. Will the Minister update the House on how the New South Wales Government is delivering for the children and families of the State's Central West?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:53): The education of young people in rural and remote communities is of the utmost importance to this Government and to regional members of Parliament. We understand that education is as important in the bush as it is in the city and we are committed to providing the best possible opportunities for kids and families living in regional and remote communities. That is why last week I travelled to the Central West to meet with community members and stakeholders across all of my portfolio areas to listen to their concerns and to gain a greater understanding of the issues that these communities are facing.

This Government understands the importance of being in touch with regional communities. It was a pleasure for me to see and hear firsthand how schools and services in Peak Hill, Forbes, Parkes and Trundle are educating our next generation. I was taken on a tour of Forbes Public School by its principal and fellow Gunnedah local Dafydd Thomas. I went to Gunnedah South Primary School and Gunnedah High School with Dafydd. I had not seen him for a number of years and it was great to see him as principal of the Forbes Public School. He is a good product of regional public education.

The Hon. Niall Blair: Were you a captain?

The Hon. SARAH MITCHELL: Yes, I was a captain at Gunnedah High School. I was shown through the classrooms at Forbes. It was a real credit to the school to see the students and teachers in their stimulating learning environments and to witness the transition-to-school program, which is working well. The next stop was Forbes North Primary School where students and staff took great pleasure in showing me around their prize-winning vegetable patch and their kitchen garden program. The pick of the vegetables was the pumpkins. It was no surprise to discover that the students had taken out prizes at the local show the weekend before. The school also features a Link Up to School Program, which is a weekly transition-to-school program that operates throughout the year. It caters to children who will be enrolling in kindergarten the following year. The Link Up staff work closely with Forbes North Public School teachers and others to ensure that the children are school ready when they commence kindergarten.

After seeing the program in action, I met with a range of representatives from the early childhood education sector and providers in Forbes and local schools for a roundtable focusing on transition to school. Representatives from more than 12 organisations were in attendance at the roundtable. It was great for me as Minister to see how the community is working together to improve the transition to school for young kids but also across all levels of education. It was great to see the passion that these teachers have for regional education and the next generation of kids.

I was happy to hear the positive feedback about our Start Strong funding program. The services are passing on savings to families that are directly benefiting the hardworking mums and dads in the Central West. This was also evident when I visited the Parkes Bluebird Early Education Centre. The service director told me about the learning materials that its preschool program purchased thanks to the investment from this Government. The Peak Hill Pre-School also has seen the benefits of Start Strong, which has allowed it to lower its daily costs and improve affordability for families in that small community.

I also visited Trundle Central School while I was in the Central West. I could not have been more impressed by its range of classes. It offers 20 electives to students before year 10. When I arrived, they were conducting a circus class with kids using hula hoops on stilts. I did not have a go, but it looked great. It offers a range of school-to-work programs, such as learning skills in building, welding, farm skills and concreting. It is engaging kids with their education. All members in this House should acknowledge and celebrate the fact that a

small central school is able to do that. I thank everyone for the visit to the Central West. I am proud to say that this Government— [*Time expired.*]

WATER MANAGEMENT AND COMPLIANCE INTERIM REPORT

Mr JEREMY BUCKINGHAM (14:56): My question without notice is directed to the Minister for Regional Water. At the budget estimates hearing the Minister cited the Matthews inquiry as the reason he could not answer questions about the alleged water theft scandal. This week the Minister has cited the Independent Commission Against Corruption inquiry as the reason he cannot answer questions about the alleged water theft scandal. How does parliamentary accountability function if the Minister uses ongoing inquiries as the reason for not answering specific questions about matters in his portfolio?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:57): I place on record that I want those matters to come to a conclusion as thoroughly and as quickly as possible. The allegations that were made, particularly on the *Four Corners* program, were concerning which is why I asked Mr Matthews to look at those issues. I will not put the conclusion of those matters in jeopardy because we know they are still being looked at. That is why I am not making a running commentary on them. If Mr Jeremy Buckingham was fair dinkum about concluding those matters satisfactorily—

Mr Jeremy Buckingham: Point of order: The Minister is casting aspersions and imputing that I am not fair dinkum. I am not a lot of things, but I am fair dinkum. I ask him to withdraw the slanderous imputation against me.

The Hon. NIALL BLAIR: To the point of order: I had not concluded what I was saying about Mr Jeremy Buckingham. I had not got to the point about his glass jaw or the point that was offensive that I would then have to withdraw.

The Hon. Don Harwin: To the point of order: The point of order taken by Mr Jeremy Buckingham made the point that there was an imputation or, in his words, "casting aspersions". An imputation might be disorderly, but the requirement upon a member to withdraw follows the uttering of offensive words. What the Hon. Niall Blair said could in no way be regarded as offensive.

Mr Jeremy Buckingham: Further to the point of order: The common understanding of fair dinkum is honest, the opposite of which is lies and dishonesty. I take umbrage—

The Hon. Catherine Cusack: That is not what it means at all. It means serious.

Mr Jeremy Buckingham: That is what it means.

The PRESIDENT: Order! I remind the Hon. Catherine Cusack that she is on a call to order.

Mr Jeremy Buckingham: I take the suggestion that I am not fair dinkum to mean that I am dishonest. It impugns my integrity and reputation.

The Hon. Dr Peter Phelps: To the point of order: The traditional interpretation of "fair dinkum" relates to the sincerity of an individual. Suggesting that members opposite might be insincere in their contributions is neither offensive nor unparliamentary. The point of order should be rejected.

The PRESIDENT: I am not aware of former Presidents having considered the term "fair dinkum" or of having seen those words on the long list of terms that they have deemed to be unparliamentary, offensive or serious language. From my perspective, I do not consider the term to be either unparliamentary or offensive; however, I will reserve my ruling and examine the issue. At this stage I do not uphold the point of order.

The Hon. NIALL BLAIR: I am fair dinkum about getting to the bottom of these matters as quickly as possible. The Government is fair dinkum about this. Therefore, we will allow those investigations to continue and I will not provide a running commentary that might potentially prejudice their outcome.

WATER MANAGEMENT AND COMPLIANCE INTERIM REPORT

The Hon. PETER PRIMROSE (15:02): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given the Minister's answer to a question on Tuesday relating to donations, has he now spoken to The Nationals head office about returning the donations from irrigators named in the *Four Corners* report and the Matthews interim report? If not, why not?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:03): I do not handle donations. I have not taken any donations. We have strict donation laws in this State. All donations that are made to parties are disclosed. That is why members opposite can ask these questions. I do not handle the donations; that is a matter for my party head office.

ELECTRICITY DEMAND MANAGEMENT

The Hon. GREG PEARCE (15:03): My question is addressed to the Minister for Energy and Utilities. Will the Minister update the House on the importance of demand management in the electricity market, and are there any alternative views?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:03): The Government wants to ensure that New South Wales has secure energy. People are excited about the new technologies that are being created such as solar, batteries and smart appliances. But people could save even more money. It is hard for people to change their lives to avoid peak prices, so we need to manage demand to help them. As more families take up rooftop solar, demand in the middle of the day goes down. But as the sun sets, particularly on hot days, other power generators need to ramp up. Demand management allows people and businesses to shift their power use to when it is cheaper.

Most families who have electric hot water systems run them overnight instead of during the day. But we are taking it to the next level. With the Australian Renewable Energy Agency and the market operator we have put \$15 million on the table to purchase 60 to 70 megawatts of demand reduction, rewarding households and businesses. There are opportunities for businesses. Recently in Griffith I spoke with poultry farmers who were doing this in Western Australia and who were excited about making money while helping the grid in New South Wales. For households there are opportunities too. On 10 February one small retailer offered householders bill savings if they voluntarily reduced demand between 4.00 p.m. and 6.00 p.m. Forty per cent of customers who were contacted took it up, turning down air conditioners and turning off pool pumps. Each saved between \$25 and \$140 on their bill in just two hours.

In the future it will be easier for people. New smart appliances, meters and batteries will do it automatically. People are getting these new choices because we have boosted competition. Demand management will help consumers. It is not hard to see why: It works for people and it results in lower bills and a less costly network. But there are alternative views, particularly from The Greens. It is surprising, because I would have thought key reasons for demand management would be to save energy and perhaps adopt more renewable energy. I thought that would have been of interest to The Greens. Yet in budget estimates hearings Mr Jeremy Buckingham provided an extraordinary and lengthy polemic against demand management. It was also a polemic against choice for households. He talked about a new age of abundant free energy with no need to moderate its use—a new Age of Aquarius, as it were.

The Hon. Penny Sharpe: He's not here.

The Hon. DON HARWIN: I know; it is terribly disappointing. He opposed demand management and opposed cheaper bills in the process. Labor and The Greens have indicated that under an alternative government in this State they would re-regulate prices and make short work of the small and progressive retailers offering choice. People deserve the chance to save money through new technology. We will ensure that competition delivers those choices.

KYOGLE ROAD VIADUCT AND RAIL LINES, SOUTH LISMORE

Dr MEHREEN FARUQI (15:07): My question without notice is directed to the Leader of the Government, representing the Minister for Transport and Infrastructure. Have the viaduct and rail lines next to Kyogle Road in South Lismore been removed and, if so, why?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:08): I have some information that might assist the member. If I cannot meet all the points she raised I will speak to the Minister for Transport and Infrastructure and provide some supplementary information. My advice from the Minister is that following the floods in Lismore in March 2017 the State Emergency Service requested John Holland Rail, which manages the Country Regional Network for Transport for NSW, to remove the viaduct and rail lines on Kyogle Road in South Lismore to mitigate future flooding.

In late August 2017 a section comprising a number of timber spans that required replacement were removed to improve the situation. John Holland Rail is currently preparing a proposal involving the removal of the remaining timber spans and concrete piers to further improve flood mitigation measures in Lismore. Should the rail lines through Lismore be reopened in the future, this viaduct would be restored to meet current standards. As I said, if the Minister can provide any more information I will be happy to obtain it for Dr Mehreen Faruqi, but I hope my answer has assisted her inquiry.

IRRIGATOR DONATIONS

The Hon. LYNDA VOLTZ (15:09): I direct my question without notice to the Parliamentary Secretary for Renewable Energy and Northern New South Wales, the Hon. Ben Franklin. Has the Parliamentary Secretary

ever received, discussed or solicited donations from the irrigators mentioned in the *Four Corners* television report and the Mathews interim report?

The Hon. Don Harwin: Point of order—

The PRESIDENT: May I have a look at the question?

The Hon. Don Harwin: The matters on which members who are not Ministers of the Crown may be asked questions are very limited. They relate to matters on the *Notice Paper* to which they have carriage and, if they are a chair of a committee, they relate to matters to do with the responsibilities of a chair of a committee. The question asked of the Hon. Ben Franklin did not relate to either of those matters, nor would it be in order to ask about renewable energy, besides his being the Parliamentary Secretary for Renewable Energy, because that would also be outside the standing orders. The Hon. Lynda Voltz's question has nothing to do with anything that any member of this House is officially connected with in their parliamentary duties. In fact, it is a matter to do with political party fundraising. Even if the question was being asked of a Minister of the Crown, it would be out of order.

The Hon. Lynda Voltz: To the point of order: It is my understanding that there are precedents for this. I ask the President to take that into consideration.

The PRESIDENT: The reason I asked to see the question was to determine whether there was any link. Clearly, the question should not be asked of the Hon. Ben Franklin in his capacity as Parliamentary Secretary. The question has not been asked of either a Minister or a chair of a committee who is currently dealing with a matter of this nature. The question is out of order.

TECHNOLOGIES INDUSTRIES

The Hon. BEN FRANKLIN (15:12): Mr President—

The Hon. Mick Veitch: You missed your chance, Ben. It is Thursday afternoon.

The Hon. Penny Sharpe: We will give you leave.

The PRESIDENT: Order! The feelings of the Parliamentary Secretary on the issue are not relevant. The Parliamentary Secretary may ask his question.

The Hon. BEN FRANKLIN: 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 develop the technology industries and skilled jobs of the future in this State?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:12): The manufacturing sector is a major pillar of the New South Wales economy. It employs 288,000 people, contributes about \$33 billion to economic activity and invests \$1.3 billion each year in research and development. Manufacturing goes beyond simply assembling goods on a factory floor. To manufacture is to have control over the creation of a good from scratch; taking it from the kernel of an idea, through to design and development, all the way to final delivery. Australians are great manufacturers, and always have been. Competing in a fierce global landscape, they find their niche and carve it out, constantly evolving and updating their products and business. One such company is Carbonix, based at Cockatoo Island.

Carbonix is the first Australian company to commercialise and export fixed-wing drones using advanced composite materials such as carbon fibre. Carbonix has developed a new fixed-wing drone called "Volanti" that looks like a plane but has multirotors that allow it to take off and land vertically. The Volanti is built with carbon fibre and weighs four kilograms, yet it is strong enough to carry equipment loads twice its body weight. It can travel as fast as 100 kilometres per hour or as slowly as 55 kilometres per hour. The potential uses for a drone of this kind are almost endless. We can expect to see it helping farmers monitor and analyse crops, survey mining operations, transport emergency medical supplies, undertake search and rescue missions, and even carry out shark spotting.

From infantry units to air force pilots, drones have rapidly become an indispensable part of the toolkit for every arm of the modern military. Carbonix is a great example of the defence and aerospace companies we want to support through our defence industry strategy, New South Wales: Strong, Smart and Connected, which I launched in February. It was my pleasure to help promote Carbonix and its technology to defence and aerospace markets at the Australian International Airshow in March. The air show attracted buyers and decision-makers from around the world. The New South Wales Government presence brought valuable contacts and sale leads to Carbonix and 14 other New South Wales co-exhibitors. In August I had the pleasure of visiting the Carbonix facility on Cockatoo Island for a demonstration of its drone capabilities. It is wonderful to see Carbonix take

Cockatoo Island's great legacy of shipbuilding forward in the twenty-first century, with its state-of-the-art drone manufacturing activity.

The Hon. Mark Pearson: Why was I not invited?

The Hon. NIAL BLAIR: I did not know that the Hon. Mark Pearson was interested. To support innovative companies such as Carbonix, the New South Wales Government has established the Innovation and Productivity Council to advise the Government on policies and strategies for productivity improvements to support economic development. We established and funded Jobs for NSW, a private sector-led, New South Wales Government-backed, initiative aimed at making the New South Wales economy as competitive as possible. We are also partnering with our universities to deliver the \$18 million Boosting Business Innovation Program, driving greater collaboration between researchers and local businesses. Companies such as Carbonix are testament to the entrepreneurial spirit that can be found in the advanced manufacturing sector across New South Wales. The New South Wales Government's strong support for innovation will help our advanced manufacturing sector grow and develop, and deliver valuable jobs in the future.

MICROPLASTIC POLLUTION

Mr JUSTIN FIELD (15:16): My question without notice is directed to the Hon. Don Harwin, Minister for Resources, and Minister for Energy and Utilities. Is the Minister aware of recent global studies that showed that more than 80 per cent of tap water tested, including samples from both developed and developing countries, contained microplastic fibres? Will the Minister inform the House whether there has been any analysis of Sydney tap water to test whether or not our local water supplies contain microplastic pollution. If not, will the Minister commission such a study?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:17): I thank the member for his interesting question. I was not aware of the matters to which he referred in his question. One of the principal goals of Sydney Water is to protect public health, and one of the ways in which it does that is to provide safe drinking water to the residents of Sydney, the Blue Mountains and the Illawarra. Most of Sydney's drinking water comes from water stored in local lakes and rivers surrounded by some of the most unspoilt native bushland in the region. Water NSW, the agency of my colleague the Hon. Niall Blair, protects those lakes and uses its expertise to select the best quality sourced water.

Sydney Water then filters every drop to ensure safe drinking water is provided and it meets the treatment requirements of the Australian Drinking Water Guidelines, which are some of the strictest in the world. Sydney Water does up to 70 laboratory tests from the catchment to its customers' taps to confirm that the quality remains high. The testing laboratory uses methods accredited by the National Association of Testing Authorities and benchmarks its performance with overseas laboratories. It also uses laboratory testing techniques for cryptosporidium and giardia to monitor catchments, lakes and other water sources used by our water filtration plants. Our automated systems and experienced technicians continuously monitor the performance of our water filtration plants. This continuous monitoring is industry best practice and ensures that we have the best up-to-date information on the quality of our water 24 hours a day, seven days a week.

We are more transparent on water quality than ever before by publishing the results of water quality and plant performance on our website daily. Changes to our water quality monitoring are in line with national guidelines for drinking water and are approved by NSW Health, which oversees Sydney Water's drinking water quality management and regularly reviews our performance to confirm that drinking water is safe. The residents of Sydney, the Blue Mountains and the Illawarra can feel proud and assured that their water is high quality and safe, and is among the world's best.

The risk to consumers of microplastics in Sydney's drinking water is extremely low. WaterNSW and Sydney Water have stringent testing processes in place to manage the catchments and treatment to minimise the level of contaminants entering the catchments and passing through the treatment processes. Sydney Water is aware of the issue and the international research that has been conducted, and is actively involved in research to understand the implications and emerging risks of microplastic pollution on wildlife and the environment.

Mr JUSTIN FIELD (15:20): I ask the Minister a supplementary question. Will the Minister elucidate his answer by informing the House whether the testing methods that he mentioned in his response include a test to identify microplastic fibres.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:20): I think I indicated in the answer I gave that Sydney Water is actively involved in research that is coming to terms with microplastics. But on the specific supplementary question that Mr Justin Field asked, I will ask Sydney Water for supplementary information to make sure he has the information that he seeks.

INDIGENOUS SITES

The Hon. DANIEL MOOKHEY (15:21): My question without notice is directed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. What action has the Minister taken to investigate allegations of a disturbance of Indigenous sites by Peter Harris as part of his illegal clearing of public land?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:21): I have been advised that that is part of the Matthews inquiry.

The Hon. DANIEL MOOKHEY (15:22): I ask the Minister a supplementary question. Will she elucidate her answer and inform the House which aspects of the Matthews inquiry terms of reference cover the disturbance of Indigenous sites and the illegal clearing of public land?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:22): I refer to my previous answer.

PREMIER'S TEACHER SCHOLARSHIPS

The Hon. CATHERINE CUSACK (15:22): My question is addressed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. How is the New South Wales Government supporting opportunities for teachers in New South Wales preschools and schools?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:22): I thank the Hon. Catherine Cusack for her important question and for her interest in supporting teachers in New South Wales. One way that this Government supports opportunities for teachers in preschools and schools across New South Wales is through the Premier's Teacher Scholarships program, which is designed to make the best teachers in the State even better. The Premier's Teacher Scholarships program is available to all New South Wales teachers in government and non-government schools and preschools as well as in TAFE NSW institutes.

The scholarships provide recipients with up to \$15,000 in funds to undertake a five-week study tour overseas or within Australia. They provide teachers with the unique opportunity to explore their field of expertise by visiting some of the world's most highly acclaimed schools and centres for teaching and learning. This is a wonderful opportunity that can really transform teachers' professional careers by broadening their knowledge and expanding their horizons. It is also great news for our students, who benefit from the new knowledge, teaching methods and skills these teachers bring back to their classrooms.

I was honoured to attend the Premier's Teacher Scholarships award ceremony recently to congratulate the successful scholars. I was impressed by all those who were in attendance; however, I officially acknowledge both Rosanne Pugh and Renee McBride, who were awarded scholarships for their dedication and interest in early childhood education and Aboriginal affairs. Rosanne Pugh, from KU Preschool in Ourimbah, was awarded the Early Childhood Education Scholarship for her submission entitled "Contemplating Our Place". The main focus of Rosanne's proposed study is the importance of broadening the early childhood sector's understanding of the importance of the Australian environment and Indigenous culture. Rosanne plans to travel to New Zealand to undertake this study.

Renee McBride, from One TAFE NSW, was awarded the Indigenous Education Scholarship for her submission entitled "Creative Information to Meet the Needs of Indigenous VET students". Her study proposal is focused on promoting cultural understanding amongst educators in a diverse range of learning environments and improving confidence to use Aboriginal pedagogies in a variety of courses, qualifications and subjects. Both those submissions are of great interest to me, given my portfolios and I am looking forward to updating the House once the studies have been completed.

More than 400 teachers from across New South Wales have received Premier's Teacher Scholarships, and have travelled abroad and within Australia. This year, 21 dedicated and talented New South Wales teachers have been awarded scholarships across 17 program areas, with a combined value of \$275,000. This represents a tremendous investment in the skills of New South Wales teachers in schools and preschools by the New South Wales Government. In turn, these scholarships are uniquely designed to enhance and enrich the learning experiences of students in the classroom. From the experiences obtained through undertaking a study tour, these scholarship recipients will gain confidence and motivation to apply new ideas, new teaching methods and new technologies to their professional practice.

As I said, the 2017 Premier's Teacher Scholarships have been awarded across 17 different program areas, with recipients undertaking research across a wide range of fields including special education; science,

technology, engineering and mathematics; financial literacy; youth depression awareness; history; and creative arts. The teachers who have received Premier's Teacher Scholarships have worked with a wide and varied cross-section of students from a range of socio-economic backgrounds—some from language backgrounds other than English, some from regional communities, some gifted academically and some with special learning needs. Since the commencement of the program, the scholarships have grown in prestige and they continue to act as a powerful means for our teachers to reinvigorate their teaching and broaden their knowledge of their subject areas. Inspired teachers in turn inspire students, and I believe this investment is vital for our children to have the best school experience possible. [*Time expired.*]

TEACHER REMUNERATION

The Hon. PAUL GREEN (15:27): My question without notice is directed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education, representing the Minister for Education. There are currently two systems of remuneration for teachers: the standards-based remuneration pay scale for teachers who commenced on or after 1 January 2016, and the common incremental salary scale for those who started before that date, which results in teachers under the old system earning more than \$40,000 less over nine years. There is only one point where a teacher can move from the old system to the new system. This is penalising teachers with experience and creating inequities among teachers in our schools. Will the Minister report to the House what can be done to reduce this disparity in wages between teachers?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:27): I thank the Hon. Paul Green for his question about the payment of our teachers. We would all agree—and he is obviously very passionate about it—that teachers do amazing work in our public school system. The specific detail as to how the teacher pay system works is obviously not within my responsibility as the Assistant Minister for Education; it is for the Minister for Education to answer. I know the member is genuine in asking that question, particularly on behalf of the teachers in his community. I will take the specifics of the question on notice and refer it to the Minister for Education for a detailed answer and I will come back with a detailed response as soon as I am able to do so.

GRAPEVINE PINOT GRIS VIRUS

The Hon. ERNEST WONG (15:29): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. In light of the report in the *Australian* that the grapevine pinot gris virus [GPGV] has recently been detected in New South Wales vineyards in the Lower Murray-Darling near Wentworth, will the Minister confirm that detection? What steps is the Minister taking to ensure that this virus does not spread throughout New South Wales vineyards?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:29): I thank the Hon. Ernest Wong for his question. I am aware of those reports. I was specifically interested because if I were to choose any type of wine from a list, I would be choosing a pinot, so I was concerned about the reports of that virus affecting the vines in New South Wales. I have asked for information on this issue. I do not have that information with me but I will take the question on notice and come back with a response because, like the member, I am concerned and want to make sure we protect our quality wine industry in New South Wales.

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

Deferred Answers

MURRAY-DARLING BASIN PLAN INQUIRY

In reply to **the Hon. ADAM SEARLE** (9 August 2017).

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

Witnesses in all inquiries, regardless of the basis on which the inquiry has been established, are expected to respond to questions in good faith by providing answers that are truthful and accurate. This is crucial for the accuracy of findings and recommendations made in inquiries and to ensure the fundamental purpose of an inquiry is not undermined.

The purpose of the Matthews inquiry is to get to the bottom of recent allegations made on the ABC's *Four Corners* program. Departmental employees who provide information to the Matthews inquiry through the arrangements put into place under the Public Interest Disclosures Act 1994 will have a defence of absolute privilege in respect of defamation proceedings.

Departmental employees who provide information to the inquiry outside those arrangements (and also members of the public who provide information to the inquiry) who give truthful and accurate information to the inquiry will likely be entitled to rely on a number of defences contained in the Defamation Act 2005 including the defences of qualified privilege and honest opinion.

It is true that a witness before the Matthews inquiry will not have a statutory privilege against self-incrimination, as witnesses before judicial and parliamentary inquiries do. However, as the Matthews inquiry will not have coercive powers to require answers,

such a privilege is unlikely to be necessary as no witness will be compelled to answer any question, though if departmental officers chose not to cooperate with the inquiry, they may face disciplinary action.

It should be noted that this is no different to the situation faced by any regulator when gathering evidence of whether an offence has been committed.

WATER MANAGEMENT

In reply to **Ms DAWN WALKER** (9 August 2017).

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

Section 381 of the Water Management Act 2000 relates to water investment trusts, not water allocations. However I understand the question relates to the procedures adopted in water sharing plans to determine water allocations.

Water allocation procedures established in water sharing plans use the climate data available at the making of the plan, which in most cases was 2004. These plans share water equitably and sustainably through a repeat of the worst drought on record up to 2004. As we now know, after 2004, the Millennium drought became the new "worst" drought on record in many parts of New South Wales.

Including the Millennium drought in water allocation procedures would mean that, in many valleys, more water is held in storage rather than allocated to towns, domestic, stock and productive use. Instead of adopting the Millennium drought in water allocation procedures, the New South Wales Government uses drought contingency measures to maintain critical water supplies through times of low water availability.

The decision was taken to use these drought contingency measures, rather than storing more water in the event of a repeat of the Millennium drought. This allows sustainable access to water, relying on strategic drought operations in the rare periods necessary, rather than restrict water access in all years in order to provide the higher degree of security necessary on the rare occasions of extreme drought.

MURRAY-DARLING BASIN PLAN AND MR GAVIN HANLON

In reply to **the Hon. PENNY SHARPE** (9 August 2017).

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

The appointment and management of departmental public service staff does not involve me or my staff so I have asked my department to provide me with the relevant information for the question.

The New South Wales public sector has merit-based appointment processes for all ongoing roles and all roles in the department are filled in line with the requirements of the Government Sector Employment Act 2013 [GSE].

The process involves public advertising of the vacancy and all subsequent applications reviewed by a hiring panel who evaluate resumes and supporting material provided by candidates against the essential capabilities, skills and knowledge identified for the role.

Applicants, who meet these requirements, may be progressed for an interview. The panel will determine from interview, the information provided and any independent assessments, a preferred candidate and will recommend to appoint that individual to the approving officer.

For senior executive roles the recommendation is to the Secretary of Department of Industry and for non-executive roles the recommendation is to the executive or line manager responsible for that area.

Those appointed to senior executives roles are assigned to tasks by the Secretary of the Department and can be reassigned by the secretary to other roles at the same level in accordance with the terms of their employment contract and the GSE Act. A comparative assessment process is not required for this process, as the individual has already been assessed as having the appropriate capabilities for a role at this level. Allowing the secretary to reassign executives at grade allows for mobility of executive resources across the New South Wales public sector.

When allegations are made against a staff member the department needs to manage this by balancing the rights of all parties including the staff member and the presumption of innocent until proven guilty. Depending on the seriousness and type of allegation, reassigning the staff member while an investigation is undertaken is an option and is part of good governance ensuring transparency and independence for the investigation. If the investigation determines that the allegations have substance, further action can be taken against the individual at that time.

The secretary of the department reassigned the staff member whilst the Matthews investigation was undertaken. The secretary has since advised he is commencing misconduct procedures as set out in the GSE Act.

BARWON-DARLING RIVER WATER SHARING PLAN

In reply to **Mr JEREMY BUCKINGHAM** (9 August 2017).

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

I am advised that DPI Water has not received any correspondence on this matter. I am advised that Water NSW, as the agency responsible for assessing applications made under clause 44, has received three applications for retrospective validation of flood

works from applicants in the Barwon-Darling region. One of these applications is from a company affiliated with the person in question.

Water NSW will need to assess these unauthorised on-farm structures against Flood Management Plans and, provided they are found to meet the stipulated criteria in the plan, they may be approved retrospectively. Structures that do not meet the criteria are not approved and must be removed.

The applications are under consideration and no retrospective approvals have been given.

SAFER PATHWAY PROGRAM

In reply to the **Hon. PAUL GREEN** (10 August 2017).

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

I am advised:

At this stage there is no evidence to suggest that a speed awareness course provides a greater deterrent when compared to traditional sanctions. Further research into the issue will be considered in relation to our road safety priorities.

COMPLIANCE ORDERS

In reply to the **Hon. MICK VEITCH** (10 August 2017).

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

Members of Parliament sometimes make representations on behalf of their constituents in relation to water compliance matters. These representations are referred to the relevant agency for consideration based on their merits and facts of each case. Decisions relating to compliance are the responsibility of the relevant agency, not the Minister of the Minister's office.

I am advised DPI Water is not aware of any circumstances where representations by New South Wales Liberals and Nationals members of Parliament resulted in DPI Water changing, altering, or dropping a compliance order against an irrigator who has acted illegally.

LOCAL GOVERNMENT ELECTION NOMINATIONS

In reply to **Mr DAVID SHOEBRIDGE** (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:

The Government introduced integrity reforms designed to assist electors to make an informed choice when voting for candidates at council elections. The reforms require candidates to disclose whether they are a property developer or a close associate of a corporation that is a property developer, in the candidate information sheets submitted with their nomination forms.

It is an offence under clause 359 of the Local Government (General) Regulation 2005 to knowingly make a false statement in a paper relating to an election.

The Government has legislated to confer new powers on the NSW Electoral Commission to investigate and prosecute breaches of these requirements.

Any person who may be concerned that a candidate has made a false declaration in their candidate information sheet is strongly encouraged to raise their concerns with the NSW Electoral Commission and provide any additional information which may assist in substantiating their allegations.

Questions Without Notice

INDIGENOUS SITES

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:30): Earlier in question time I was asked a question by the Hon. Daniel Mookhey. I want to further update the House that the advice I have been given is that the Matthews inquiry did look into works on public land outlined on *Four Corners* but, in relation to the specific impact on Aboriginal sites and land clearing, I am happy to take the question on notice.

Motions

BRAVEHEARTS WHITE BALLOON DAY

Debate resumed from an earlier hour.

The Hon. PAUL GREEN (15:32): I resume my speech and speak on cybersex trafficking of children. There are loopholes that need to be fixed in the trafficking legislation and it is my intention to introduce an amendment bill in future weeks to address those loopholes. Kimberly Randle of the International Justice Mission has been helpful in assisting me in these matters. In its current form the New South Wales legislation deals with the related issue of child abuse material. The production of child abuse material is distinct but related to cybersex

trafficking because the use of child abuse material can lead to more extreme behaviour, including cybersex trafficking. Cybersex trafficking offenders may record their victims via webcam, and the bill would introduce an evidentiary provision equivalent to section 474.28 of the Criminal Code to make it easier to prosecute cases where a cybersex trafficking offender has recorded his or her pay-per-view sessions.

The evidentiary provision would also state that, where a child is represented to the accused as being of a certain age, the child will be presumed to be that age unless proven otherwise. The provision could also outline what other evidence is admissible to prove the age of the child. Secondly, aggravating factors should be added to section 91G of the Crimes Act 1900 to account for the specific circumstances encountered in cybersex trafficking cases that heighten the severity of the offence. These include the offence taking place in the presence of another person, including presence by means of communication that allows the person to see or hear the child, and an offence involving a child under 10 years of age.

Encryption is a growing problem for law enforcement investigations of cybersex trafficking and child abuse material offences. I will seek to include the introduction of an offence for failing to assist police in decrypting information on storage devices when requested. Such legislation has already been introduced in Victoria, Queensland, Western Australia and the Commonwealth. I hope that we will enjoy the full support of the House when the bill is introduced.

In other initiatives to address child sexual assault and child sexual abuse, the Christian Democratic Party will take part, with the Hon. Greg Donnelly, in the child sexualisation inquiry. Sexualisation often happens in advertisements. Once a person is sexualised in a marketing exercise by businesses trying to get a lead on other businesses by using sexualised images, it is a slippery slope. People should consider the implications of those advertisements, particularly the effect they may have on our children. Sadly, sexualised images are often readily available on electronic devices. In the old days those searching for sexualised images would have to buy a magazine or a book to fulfil an urge, whereas now sexual images are on many billboards and even on buses. It is becoming extremely hard to protect the developing minds of young people from those images.

It is very difficult but we must protect our kids' minds from such imprinting as they continue their journey through adolescence into adulthood. This is vital for their future relationships. Young people should be steered away from attempting to make others conform to their expectations because they have not set boundaries between what is perceived as healthy sexual practice and what is perceived as unhealthy sexual practice. We must be strict about not allowing our children to be used in a sexualised way, and we should protect them from seeing sexualised images in advertising. I acknowledge the courageous speech of the Victorian member of Parliament Dr Rachel Carling-Jenkins, who revealed that her husband was recently jailed for child pornography. She spoke of the shocking moment when she and her son uncovered her husband's secret collection of child porn on the computer. I will read a couple of her comments. She said she would never forget the faces of those young victims. She said:

The faces of many are etched in my memory for eternity.

I find myself unconsciously searching the faces of little girls I see on the streets, distressed by the faces of little girls I glimpsed in his collection.

She goes on to say:

These little girls have lost their innocence, childhood and control over their destiny.

Those little girls would not have been abused if people like my ex-husband did not provide a market for that abuse.

These little girls are someone's daughters, granddaughters, sisters and family members. It is deplorable when adults indulge themselves through the sexual exploitation of children—in fact, it is nothing short of evil. Children are the most vulnerable members of our society. It is never too early to begin instilling in them a sense of personal safety. I firmly believe that we need to educate and protect our children to ensure that the great emotional, physical, mental and spiritual cost of supporting an adult on a pathway of healing can be avoided. I believe that prevention is better than cure and the Bravehearts program seeks to do that.

I have said previously that hurt people hurt people. We see that reflected in domestic violence when, as young boys, men learn how they will treat women. I believe in another saying, which is healed people heal people. I can say that because I am a healed person who was hurt. I have great faith that we can work in a bipartisan manner to use our education curriculum to change future generations. In issues concerning human trafficking, domestic violence, child brides and the way we respect each other and grow together, I believe that the education system is where we can change things. We cannot just keep doing business as usual. If we keep doing what we have been doing, we will keep getting what we have been getting. If we are going to turn hurt people into healed people, we must have a healing process and a curriculum that teaches people about healing as much as it teaches people about the hurt. I commend the motion to the House.

Mr SCOT MacDONALD (15:40): I support this important motion moved by the Hon. Paul Green regarding Bravehearts White Balloon Day. I am particularly interested in paragraph (b) of the motion, which states:

Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures ...

I will quickly deal with the topic of legislative work that needs to be done. On 1 September the Attorney General, Mark Speakman, issued a press release about our Government's response to the Royal Commission into Institutional Responses to Child Sexual Abuse and to the Joint Select Committee on sentencing of child sexual assault offenders. On 1 September the Attorney General issued a discussion paper, which is quite good. I urge members of the House and members of the community who follow this topic to have their say. Have Your Say is open until 6 October and can be found on the New South Wales Government's website.

The discussion paper considers the royal commission's recommendations including strengthening the laws against grooming offences, removing the remaining limitation periods on some historical child sex offences, and developing a targeted failure-to-report offence. I am particularly interested in developing a targeted failure-to-report offence. My interest in that stems from the good work, the hard work and the sustained work of advocates I have met, particularly in Newcastle. Peter Gogarty has been one of the strong advocates in the Hunter. He suffered abuse, he appeared at the royal commission and he has been articulate in discussing this issue. I agree with Peter Gogarty that a failure-to-report offence is one of the missing links or real failures in our current legislative system.

Section 316 (1) of the Crimes Act 1900 refers to a duty to report an offence and relates to a person who knows or believes that a serious indictable offence has been committed and they have information that might be of material assistance to the police or prosecution. Based on my reading of section 316, the law has not been effective at holding people in authority to account. Having read the royal commission's work and having listened to Peter Gogarty and others, I realise that one of the terrible things is that people in positions of power and authority in a range of institutions, such as religious, sporting or educational institutions, et cetera, who had strong suspicions that abuses were occurring on their watch, failed to report that.

They made a conscious decision to put the interests of their institution before the interests of the child, which is not acceptable. Adoption of that approach allowed years and years if not decades of abuse to occur in some institutions. The thinking of the ruling group and those in power was to try to deal with the incidence of abuse internally, brush it aside or move the offender to an adjoining parish or other parts of the State. I know from personal experience that an Armidale offender was moved to Moree and then he came back to Armidale where he continued his abuse. One of the matters that I hope will be focused upon—I urge the community to consider this—is a recommendation of the royal commission, and that is a failure-to-report offence. I will briefly refer to the report, which states:

We recommend the introduction of a new criminal offence of failure to report targeted child sexual abuse in an institutional context (*recommendation 33*). We recommend that the offence should apply:

to any adult who owns or manages or who is a staff member or volunteer of a relevant institution, or who otherwise requires a Working with Children Check clearance for their role – but not to individual foster carers or kinship carers

in relevant institutions, including institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution.

The offence would be committed if the person fails to report to police in circumstances where they *know, suspect or should have suspected* that an adult associated with the institution was sexually abusing or had sexually abused a child.

In all responses and follow-up action as a result of the royal commission, one matter really stands out: We have to get it right. What happened in places in the Hunter over past decades as well as in fairly recent times—in the 1990s and early 2000s—is evidence of a lack of understanding by leaders that they must act. It beggars belief that a person in a position of authority who had a suspicion that something untoward was occurring on their watch would sweep it under the carpet. One of the churches had its own counselling process, which was a manifest failure. In the United States the church shuffled offenders around and put them through targeted counselling, but after that they would often reoffend.

To my mind, if anything is achieved as a result of the royal commission it will be that anybody in authority in our society—irrespective of the nature of the activity, such as government, sport, religion, school, et cetera—who has people under his or her control or management who are misbehaving around children will not decide to be the police or become involved in detection. I hope they will understand they are not the person to make the decision about whether a matter should be pursued or whether conduct should be prosecuted as an offence. That will not be their decision to make. Their decision and responsibility will be to report the matter to

the police and allow the police to act upon it. The police are well qualified to decide whether there is sufficient evidence to support a prosecution.

I hope people in the position I have described will realise it is not their responsibility to make a judgement but, rather, that they must report. I hope the recommendation for creation of a failure-to-report offence is accepted and acted upon, and I hope it will be an improvement on section 316 (1) of the Crimes Act 1900, which according to my reading has not been terribly successful. In conclusion, let me restate that as a Government we have legislative work to do. There is no doubt about that. I urge people who work in assessing recommendations to closely read the Attorney General's discussion paper, which I believe is really good. We are only three weeks away from the window of opportunity for input closing and it is imperative to get this right. I thank the House for the opportunity to speak to the motion, which I wholeheartedly endorse.

The Hon. BEN FRANKLIN (15:48): I join in debate on the motion moved by the Hon. Paul Green. Every child is precious and should be loved and cherished. Children are our future. It is incredibly sad to know that the vulnerability of children throughout the world makes them unsafe. That is why White Balloon Day is so important. This is a day when we raise awareness about child sexual abuse to ensure that every child is safe and protected from such abuse.

Unfortunately, child sexual abuse is an underacknowledged issue. A 2010 study by the Australian Childhood Foundation found that, unless people come face to face with the issue, collectively Australians rate petrol prices, public transport and roads as issues of greater concern than child abuse. White Balloon Day is ensuring that this statistic changes. As other members have discussed, White Balloon Day was created by Bravehearts, a bold foundation that supports families affected by child sex abuse. It is an information source and an awareness-raising organisation. Bravehearts was founded by Hetty Johnston in 1996.

Within three years Bravehearts made a significant impact on society. During that time Queensland Police reported a 514 per cent increase in disclosures of sexual abuse. The child sexual abuse statistics are confronting. In most cases the offender of the abuse is someone the child knows. Unfortunately the family structure is the most important risk factor in child sexual abuse. While children who live with two married biological parents are at low risk of abuse, the risk increases when children live with step-parents or single parents. The family structure is the basic unit of our society. It should be a place where every member of the family feels safe, loved and cherished and is able to flourish. That is why White Balloon Day is so important. By raising awareness of child sexual abuse we can protect the most basic unit of our society, the family.

At this point I note the work of a local organisation on the Mid North Coast, Heartfelt House. It opened in 2005 and is an extraordinary organisation that runs an innovative 18-week program for adult survivors of child sexual abuse. I visited the facility a couple of weeks ago. It was a moving experience. Survivors who attend Heartfelt House leave a part of themselves behind when they go—a drawing, a painting or a small poem encouraging those who come after them to be strong and to know that there are others in their situation, and it is not something that they have to face alone. Many throughout society have been affected. The experience was emotionally overwhelming, as I was surrounded by individual recollections and evidence of people's humanity. Heartfelt House is a wonderful organisation that I support without reservation. I hope it remains in my area for many years to come.

Child sexual abuse is an horrendous crime. It has been well documented that such abuse has serious consequences on its victims, including depression, post-traumatic stress disorder, antisocial behaviour, parenting difficulties, alcohol and drug abuse, and suicide. It can cause extreme distrust of others and self-blame. These are devastating statistics. I want to note the positives about White Balloon Day. It is an opportunity for every member of the community to raise awareness and funds to support those affected by this horrendous crime. Everyone is encouraged to take part in White Balloon Day events. On 1 September the fourth Annual Mid North Coast Breakfast for Bravehearts was held in Port Macquarie. This year the speaker was Hetty Johnston, the founder of Bravehearts. It has done outstanding work on the Mid North Coast over the past few years.

We all know the heartbreaking story of William Tyrell, who disappeared from Kendall in 2014. I and many others in this place have spoken of it. It was Bravehearts who launched the "Where's William?" campaign. It is still in place and we hope and pray it will not be necessary for much longer, as it will continue until William is found. White Balloon Day is part of the National Child Protection Week, held from 3 September to 9 September this year. This is a week when all community members are encouraged to think about ways we can work together to keep all children safe. Child Protection Week is a time for us to remember that we all play a part in protecting children. Small actions can help to improve a child's future. By building stronger communities we are creating safer environments for children. I congratulate and laud the Hon. Paul Green on moving the motion. I sincerely thank Bravehearts for all their work and I thank everyone who has taken part in White Balloon Day.

*Adjournment Debate***ADJOURNMENT**

The Hon. DON HARWIN: I move:

That this House do now adjourn.

ELECTRICITY SUPPLY

The Hon. Dr PETER PHELPS (15:55): This evening I will discuss the energy crisis in Australia. How can we, a country of abundance, find ourselves in the midst of shortages? How can we, as the greatest coal exporting nation in the world, find ourselves wondering where we will find the power to turn on the lights? The reason we find ourselves in this situation is that we are fundamentally stupid. We fail to plan for growth, we fell for the anthropogenic global warming swindle, and we favoured bogus energy sources. Barrie Unsworth was in Parliament House recently and noted, with some degree of chagrin, that it was 30 years ago when he was Premier that the last power station in this State was opened. As a former electrician he gave his forthright views on the lack of desire of subsequent governments to continue that program. He is absolutely right.

We need not look too far. We can look to our own State and Victoria to see how natural gas in this State has been harshly done by. The ability to provide for our own domestic demand—not necessarily 100 per cent, but certainly up to 50 per cent—in New South Wales has been shamelessly thrown away by a scare campaign assiduously promoted by the New South Wales Greens in relation to coal seam gas drilling in this State. AGL is acting rationally despite the criticism directed against it. I visited the AGL facility in Camden when it was conducting drilling operations and was told that they were happy not to take part in an international market. They sought gas only for the domestic market in New South Wales, and that could be provided at one-third of the cost—or less, depending on economies of scale—for what it would cost to buy on the world market. That was not to happen. The decision not to allow coal seam gas drilling within two kilometres of houses effectively killed the Camden project.

The Federal Government is suggesting a reservation policy for gas. Aside from the fact that this belief that somehow it is "our gas" amounts to nothing more than nativist claptrap, how is this gas to be extracted if it is our gas? It is not our gas. It is the gas that belongs to those people who have the will and capacity to extract it. Not only is it nativist claptrap but also it presents a sovereign risk. Reservation of gas which was meant for overseas contracts is based and predicated on the price you will receive for that gas. The project for the exploitation of resources is based on the expected rate of return for its capital, and that rate of return was based on what it could get through overseas sales. Has there been a market failure? No, there has not. The Government has entered the market to fix a market which was entirely corrupted by government policy, by government picking winners and by government punishing what it saw as losers. The simple fact of the matter is this: coal-fired power is cheap power. It is reliable power. That is why China is currently in the process of building 299 coal-fired power stations with a total capacity of 161,000 megawatts.

India is building 132 coal-fired power stations with a total capacity of 65,000 megawatts. Indeed, the world is building 621 coal-fired power stations for a total capacity in excess of 300,000 megawatts. In Australia, we are building zero, which is precisely the same number we built over the previous 30 years. What are we left with? We have fantabulists who believe that nuclear power will be available in the future, conveniently forgetting that it will take 20 years to develop an indigenous nuclear industry and that it will be met with even greater levels of aggravation from The Greens and other radical, hysterical environmentalists. Alternatively, we have the rent-seekers, with the begging bowl out for renewables, willing to punish people on low and middle incomes to satisfy their own fantasies about a so-called free power forever future. It is simply the case that we are being stupid. We continue to be stupid and it looks like nothing in the future is going to change that.

NATIONAL PARKS AND WILDLIFE SERVICE FIFTIETH ANNIVERSARY

The Hon. PENNY SHARPE (16:00): This year marks the fiftieth anniversary of the establishment of our State's much-cherished National Parks and Wildlife Service. In 1967 the then Liberal Government—

The Hon. Dr Peter Phelps: Liberal Government?

The Hon. PENNY SHARPE: Yes, Liberal Government. In 1967 Premier Tom Lewis established the National Parks and Wildlife Service. On 24 August it was 50 years since the legislation was passed in this Parliament to establish the service. As national parks are one of our greatest public assets one would have thought that this Government would have celebrated its fiftieth anniversary, but there was nothing. This year should be a time of reflection and commitment. This Government has an opportunity to build a reserve system that is the envy of the world but instead there has been silence. The reason becomes apparent when we investigate what is happening to the National Parks and Wildlife Service. New South Wales has some of the most beautiful, diverse

and environmentally significant natural areas in the world. For more than 50 years we have protected many of these places in more than 870 parks and reserves that cover more than seven million hectares, or 9 per cent of the State, including four World Heritage sites, many National Heritage sites and 17 Ramsar-listed wetlands.

In 2008 the National Parks and Wildlife Service was considered to be one of the top five conservation agencies in the world by the International Union of Conservation and Nature. So much has happened since then, and so much has happened since 2011. I have spent a lot of time of trying to get to the bottom of what is happening in the National Parks and Wildlife Service. The Government has obfuscated, it has withheld information and it is hard to work out what is going on. We know that deep staff cuts and deep budget cuts have occurred as well as a massive underspending of the money that was allocated to the service. We estimate that over the past year and this coming year approximately \$121 million will be taken out of the national parks budget. This represents 27 per cent of this year's entire National Parks and Wildlife Service budget, which is a staggering reduction with devastating consequences.

The current restructure underway in the National Parks and Wildlife Service has seen the Government take the axe to the jobs of many dedicated and experienced staff. These people are highly qualified; they understand our parks and how they must be managed. This is an appalling cut to regional jobs. The negative impacts on everyday park operations is significant. At least 246 fewer full-time staff have been sacked or made redundant and the number of national park rangers has plummeted. In addition, a number of national park employees are facing modified job classifications, which is basically a massive pay cut. They can keep their jobs but they have to take a massive pay cut to work for the service they love.

This has had a deep effect on the morale of the workforce and many people have contacted my office anonymously to share their grave concerns because their jobs are on the line. They tell me that ranger numbers have decreased by more than 30 per cent in recent years. In addition, more than 200 field-based staff have lost their jobs in the past 18 months, and there is more to come. The most recent cuts involve administration staff, public contact staff, and specialist and project staff whose roles now have to be picked up by overworked and understaffed rangers and field officers. The cuts have also been compounded by drastic reductions in direct, recurrent capital works and labour funding.

I have a long list of the negative impacts that have occurred as a result of the cuts to our national parks. They include an increased fire risk to life and property as a result of the loss of critical skills, experience and knowledge among staff; critically important pest and weed control programs have been discontinued; facilities such as picnicking and camping areas in national parks across the State are being decommissioned due to a lack of resources while facilities maintenance in some areas is almost non-existent; many threatened species protection projects are being discontinued across the State; a significant escalation in illegal activities has occurred, which can include risks to public safety as there are simply not enough staff for compliance operations, especially in remote areas; and rangers and field officers have their time taken up with administration and human resource functions that were previously undertaken by other staff.

Despite less resources, all field-based staff have been given significant increases in geographic areas of responsibility, leaving them stretched thin; rangers are facing reduced salaries and hard barriers in their career paths; and there have been significant cuts to travelling, camping and accommodation. That is important when we look at the vast area of national parks. Staff are not staying at swanky hotels; they are camping out. Many regional and area offices in national parks are being locked to the public due to the lack of public contact staff. The National Parks and Wildlife Service is 50 years old. It should be celebrated, not slashed to the bone by this Government.

ELECTRICITY SUPPLY

Mr JEREMY BUCKINGHAM (16:05): In June 1981 Sydney, Wollongong and Newcastle were plunged into darkness as coal-fired generators failed to keep up with surging demand. Generation units at the ageing Liddell and Wallerawang power stations failed. Further restrictions were necessary in November 1981 as three out of four generators at Liddell power station failed and had to be replaced or rewound by specialist technicians from the United Kingdom and the United States of America. What did the Wran Government and the Electricity Commission of New South Wales do? They invested in new power stations to ensure that supply kept up with demand and Mount Piper, Bayswater, Eraring were built. Fast forward 36 years and again New South Wales faces another shortfall in electricity supply.

Instead of investing in new power generation and storage in the form of solar, wind, pumped hydro and batteries, Federal and State governments are thrashing around powerless. Years of ideological posturing, privatisations and deregulation have left them with few options other than talking crossly to energy executives. They are crippled by manic ideological obsessions with coal by some members of the Liberal and Nationals parties. Prime Minister Turnbull is now trying to revive the same Liddell power station that caused city-wide blackouts in 1981. New South Wales energy Minister the Hon. Don Harwin pleads with households and industry

to reduce energy consumption and crowds about rebates for people struggling with skyrocketing energy bills and energy stamps for 900,000 households.

Demand management has an important place in energy policy. Every kilowatt not consumed is a kilowatt that does not need to be generated, but it is no way to deal with blackouts. Technology will increasingly make the smart management of energy an important tool in managing and reducing peak demand. However, demand management is not the long-term answer to the energy problem. The coming electrification of the transport sector will substantially increase electricity demand. The Greens may be against waste but we are also pro energy. Australia should be a renewable energy superpower. We have the sun, wind, waves and tidal power to generate as much power as we ever need. We have the cheap, open land necessary for renewable energy projects. We have the skills and ability to manufacture, build and maintain renewable energy. We have the mineral wealth that underpins the coming age of electric vehicles and batteries. Advances in storage technology mean that we can phase out polluting fossil fuels and have constant supplies of cheap energy without destroying the climate. The public know it and want it.

According to an Essential poll published in the *Guardian* this week, 86 per cent of Australians support the regulation of power prices and 81 per cent want more investment in renewable energy and storage. In 2008 David Spratt and Philip Sutton wrote a book called *Climate Code Red*. They argued that the threat to civilisation and other species was immediate and potentially catastrophic and that a warlike effort was needed to construct a post-carbon economy. We look to the United States and the effort it put in from 1941 in the Battle of Midway and D-Day. It took only a matter of years to overcome the threat of fascism.

We need a similar effort to overcome the threat of climate change. Since that time, thanks to The Greens and Labor, we have had some small steps—a carbon tax, a renewable energy target, and the Clean Energy Finance Corporation. However, the Liberals and Nationals have done their best to tear this down and create paralysis in the National Electricity Market. All the major players—AGL, Origin, EnergyAustralia—say that a failure of energy policy has led to a failure to invest in the renewables we need. New South Wales should be building renewable energy and storage infrastructure to ensure we have enough energy and we rapidly reduce our emissions. They should be doing it today.

This State has a \$4.5 billion surplus. Why is the Government not investing directly in renewable energy? Whilst I support the Minister touting demand management and pensioner rebates, he is missing the other half the equation—building new renewable energy supplies and storage. This Government should be announcing plans for solar photovoltaic [PV], solar thermal, wind projects, pumped hydro and battery storage. We can have a future where we have plenty of the energy required for modern life, but without polluting our atmosphere and contributing to climate change. When the Wran Government was confronted by blackouts, the publicly owned electricity utility built more power stations. We need a government with the vision to repower our energy sector and re-energise Australia. The Greens would welcome that trajectory from this State Government.

NORTH COAST SCHOOLS INFRASTRUCTURE PROGRAM

The Hon. BEN FRANKLIN (16:10): I do not think anyone disagrees that our children deserve the best education possible, but in higher growth regional areas it can sometimes seem as though investment in education struggles to keep up with enrolments. Last week was a huge milestone in education for the Ballina-Byron region. The Minister for Education, the Hon. Rob Stokes, and I highlighted a major schools infrastructure program for the area. In one go we managed to turn the first sod on the brand new \$50 million Ballina Coast High School as well as examine the major upgrades planned for Byron Bay and Lennox Head public schools. This represents a massive investment in the next generations on the North Coast and is the culmination of so much hard work by the New South Wales Government and residents of the North Coast. It is a testament to what a focused and responsible government can deliver when it listens to, and works with, the local community.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I remind the Hon. Lynda Voltz that she is on one call to order and that can quickly elevate to two calls.

The Hon. BEN FRANKLIN: As part of the \$4.2 billion package announced in the New South Wales budget, the brand new Ballina Coast High School is the program's flagship regional project. It is really exciting. It is a huge development for North Coast families and will boast the latest technology and innovative classroom design to ensure our students are learning in the best possible environments. Students will have brand new, modern facilities catering for science, vocational training, creative and performing arts, personal development, health and physical education [PDHPE] and special needs.

In 2015 we promised to build the Ballina Coast High School and now we stand ready with the development application approved, the tender for the main works finalised and demolition of the old classroom blocks complete. The funding has been delivered and construction will soon be underway for a world-class

campus. I cannot wait. Anyone who has seen the images of the new school will know how impressive it is. I was thrilled to turn the first sod for the school's construction last week with the Minister, the extraordinarily impressive school principal Janeen Silcock and two wonderful and talented year 7 students, Chloe Pratt and Arwen Casey. I congratulate the planners and designers on progressing the project to its current stage. I know parents, students, staff and the wider community are looking forward to its completion, which is due in early 2019.

It is a giant project, but for the North Coast it does not stop there. Last week we also unveiled the major upgrade to Lennox Head Public School, which will deliver eight new permanent classrooms in a two-storey building, a new administration building, a canteen, and an out of school hours [OOSH] and special programs room. This is a rare and significant upgrade for a public school and it will be a phenomenal boost to learning outcomes in the area. I was privileged to visit the school with Minister Stokes and get a first look at the new design. It is really exciting for the community and, of course, the kids. Some of the latest local and international elements of educational design are being incorporated and we expect significant improvement to the learning environment and the learning outcomes. But the school is already amazing. It boasts a wonderful culture, excellent educational outcomes and the best school community garden I have ever seen. I express my deep appreciation to principal Deborah Langfield and the very impressive school captains, Josh and Taylor, for hosting us on the day.

Further north we also unveiled the proposed major Byron Bay Public School upgrade. This was a really special moment for the community as it coincided with the school's 125th anniversary, which will be celebrated this Friday and Saturday at the school. Byron Bay Public School has been a pillar of excellence in the community throughout its history. This upgrade will ensure the eminence and longevity of the institution in the future. The project will deliver 10 brand new permanent classrooms in a two-storey building, which will give teachers flexibility and students a world-class learning environment. That is a wonderful outcome. I note that for all projects community consultation was a priority. Information booths for the Lennox and Byron upgrades have been held at the schools and in the community since August, and community feedback has been overwhelmingly positive. Likewise with the new Ballina Coast High School, cooperation between the Government, the school, the council and the community has seen everyone work as a team to pull this together.

Most of all, I acknowledge the teachers. As the son of two public school teachers, I will never underestimate or take for granted their dedication. All the years of hard work, stress and devotion to the job, while rewarding, is sometimes thankless. Our teachers provide an incredible and essential service in our communities. I hope that when we as politicians listen and deliver proper investments like these it makes their jobs a little easier. I congratulate the communities on the North Coast that will benefit from this major school infrastructure program. It is an exciting time for the North Coast. I promise that I will be there to see all construction completed and our children safe in their new learning environments. As a North Coast local, I cannot wait for it to be done.

CENTENARY OF ANZAC COMMEMORATIVE SERVICE

The Hon. LYNDIA VOLTZ (16:15): On 26 September this year as part of the Centenary of Anzac a commemorative service will be held to remember the Third Battle of Ypres, one of the bloodiest of the First World War with nearly half a million casualties. It holds particular significance, particularly Passchendaele, for both Anzac and Canadian service personnel. Many families in Australia, New Zealand and Canada count their family amongst those who served and died on this muddy stretch of Flanders Fields. My great grandfather, Private Denis Walsh, fought in the Third Battle of Ypres serving in the 36th Battalion. His medical records show the brutality of this battle and the desolation that it caused in Flanders.

On 9 June 1917, his casualty form shows him wounded in action in Belgium suffering from shell shock—almost as soon as he arrived at the front. Without doubt this was during the opening salvo—the assault on Messines. According to historian Paul Ham's account of Messines, the British assault opened up with an artillery barrage of 2,266 guns. During the next fortnight the British guns fired about 3.5 million shells into German lines, concentrating heavily on the Messines area. Possessing fewer guns, the German batteries responded by trying to pick off each British battery one by one. I quote from one British account of what happened when they were moving into attack formation:

Every German gun seemed to be pouring gas shells over, and the air was full of the whine peculiar to the aerial flight of a gas-shell. They burst all around the columns, and a number of men were killed or wounded by flying nose-caps. Occasionally the monotonous whine and pop of impact was relieved by a high explosive or an incendiary shell, and the casualties were fairly heavy. The remainder of the approach march was like a nightmare. A shell would burst in a platoon, the dead and wounded would fall, and the rest of the platoon would pull themselves together and move on.

Whilst the assault on Messines was a costly victory, General Haig counted on a demoralised enemy falling easily. This was despite the Germans having won all their battles, other than those of Vimy Ridge and Messines. General Haig's second prong, launched on 31 July 1917, faced unceasing rain and shellfire, which reduced the battlefield to a vast bog of bodies, water-filled shell craters and mud in which the attack ground to a halt. After months of fighting, Passchendaele ridge was still stubbornly held by German troops. According to the Australian War

Memorial, the Australian infantry divisions joined the Third Battle of Ypres in the Battle of Menin Road on 20 September 1917.

The side-by-side advance of the 1st and 2nd Australian divisions took them up to the splintered remnants of Polygon Wood, not far from Zonnebeke. The 4th and 5th divisions then took over and, as part of the wider effort, they attacked on 26 September. In both cases the fighting was bloody. German concrete pillboxes often blocked the Australians progress, and many men fell under shell and machine gun fire. Those systematic step-by-step advances pushed the line forward by a few kilometres, but this gain was made at a heavy cost. In just over a week there were almost 11,000 Australian casualties.

On 12 October another attack, involving the 3rd division assisted by the 4th division, was made against the village of Passchendaele atop the main ridge. In the face of heavy fire, the men fought in the mire while struggling to keep up with their artillery barrages. Ground was taken but it could not be held. In wretched conditions, with casualties mounting at an appalling rate, the Australians had to fall back. The troops were finally exhausted and could do no more. By 15 November they handed over to the Canadians.

Unfortunately for my shell-shocked great-grandfather, he was returned to the 3rd Battalion on 18 October. By 21 October, his medical record shows a self-inflicted gunshot wound to the left hand. No action was taken against him. Both General Monash, leading the Australian troops, and General Sir Arthur Currie, commander of the Canadian Corps, tried to resist the orders to send thousands of their soldiers to certain death at Passchendaele.

Whilst my great-grandfather returned home, to die eventually from the effects of gas, so many others did not. Many parents like Fanny Seabrook, who lost her three sons in a single action, never knew the fate of their family. Fanny Seabrook spent the next decade until her death believing her eldest son was alive as the army could provide no evidence of his remains ever being found. Such was the brutality of a war that those at home could not imagine. All up, the Allied British forces lost an estimated 275,000 casualties at Passchendaele to the Germans' 220,000, making it one of the war's most costly battles of attrition. Lest we forget.

JEWISH HOLOCAUST

Reverend the Hon. FRED NILE (16:20): Tonight I speak about an uncomfortable subject: the Holocaust—the murder of six million Jews. I am raising this issue tonight because in July I had the opportunity to visit the United States Holocaust Memorial Museum in Washington. The museum had a major impact on me. The historical accuracy of its videos, films and other items in that building show people and prove to people that the Holocaust did occur—there are Holocaust deniers. This visit brought back memories to me because in 1992 my first wife, Elaine, and I went to Poland and visited the concentration camps at Auschwitz and Belsen, which were the main Nazi concentration camps. Three million Jews were murdered at the Auschwitz camp.

Not having been there before I had no prior knowledge of what we would see, but in those camps was obvious evidence that the Holocaust occurred. At the end of World War II the SS guards and others ran away, so the buildings were still very much as they were left by the Nazis. At one camp there were big storage sheds on the site and one of those was filled with female human hair. The Nazis cut the hair off Jewish women before they were murdered and used the hair to stuff pillows and so on. There were piles and piles of suitcases. The Jews were taken to the camps in cattle trains and they were given polite instructions so that they were not frightened or alerted to what was going to happen. The SS and others in charge at the camps would say to them very gently, "Put your suitcases here. Remember where you put your suitcase because later you will come back and collect it." They pretended that nothing was going to happen to those Jewish people, that they were going to go somewhere but they were going to come back later. Obviously, they never came back.

The Jewish prisoners were taken to have a shower, or so they were told. The showers had been fitted out as gas chambers and instead of water coming out of the shower, gas came out and everyone in that shower facility was poisoned by the gas. Later, the Nazis would use Jewish prisoners to collect the bodies, which would be taken to incinerators and turned to ash. They were very powerful incinerators that completely destroyed the bodies so there was no trace of a human being—just ash. We saw lampshades that had been made out of human skin, I assume to amuse the staff at the camp.

As I said, I visited the United States Holocaust Memorial Museum in Washington with my new wife, Silvana, in July this year and that brought back all the memories of what I had seen in 1992 in Poland; those memories were still very vivid in my mind. I know there are Holocaust deniers and that sometimes they become infamous. Many countries, such as the United Kingdom, reject them and will not let them in when they want to visit to give lectures on denying the Holocaust. There is an attempt to stop that false teaching by those individuals who must have such a sense of hatred of Jewish people that they would spend their time denying the Holocaust.

I recommend to members a new publication, *The Holocaust* by Laurence Rees, a very well-written book that goes through the Holocaust in great detail, setting out all the facts. Not all members may have the opportunity to visit the concentration camps that still exist in Poland and this publication explains in detail the facts of the Holocaust through a process of asking questions and then answering them with historical facts and details. As members know, at the end of the war, General Eisenhower forced the German citizens to inspect the camps to see the horror of what had happened. Many said they had never been there before and were not aware of what had been happening, which may or may not be true. I understand that after they inspected the camps a number of senior people, including the mayor and his wife, went back to their homes and hanged themselves in shame at what they had just seen in the camps. May actions like the Holocaust never be repeated.

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

Motion agreed to.

The House adjourned at 16:28 until Tuesday 19 September 2017 at 14:30.