



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Wednesday, 11 October 2017

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 11 October 2017

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

The PRESIDENT read the prayers.

Bills

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

LOCAL LAND SERVICES AMENDMENT BILL 2017

First Reading

Bills received from the Legislative Assembly.

Leave granted for procedural matters to be dealt with on one motion without formality.

The Hon. DON HARWIN: I move:

That the bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second readings of the bills be set down as orders of the day for a later hour.

Motion agreed to.

Business of the House

ORDER OF BUSINESS

The Hon. DON HARWIN: I move:

That on Wednesday 11 October 2017 proceedings be interrupted at approximately 5.30 p.m., but not so as to interrupt a member speaking, to enable the Hon. Wes Fang, MLC, to make his first speech without any question before the Chair.

Motion agreed to.

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (11:02): I move:

That standing orders be suspended to allow Government Business relating to the Aboriginal Languages Bill to proceed as follows:

- (1) On Wednesday 11 October 2017 business be interrupted at 11.15 a.m. to allow Government Business Notice of Motion for leave to introduce the Aboriginal Languages Bill to be called on forthwith.
- (2) On the motion for leave to introduce the Aboriginal Languages Bill being agreed to, the President immediately leave the chair until the conclusion of an event to commemorate the introduction of the Aboriginal Languages Bill.
- (3) On the President resuming the chair following the commemoration of the introduction of the bill:
 - (a) two Aboriginal Elders be permitted to take chairs on the dais; and
 - (b) consideration of the Aboriginal Languages Bill continue.
- (4) During debate on the second reading of the bill, the Minister for Aboriginal Affairs be permitted to invite an Aboriginal languages stakeholder onto the floor of the House to speak in relation to the bill, either in Aboriginal language, in English, or in both, after which the Minister may continue her speech.
- (5) On the Minister having concluded the second reading speech, debate ensue as follows:
 - (a) the Leader of the Opposition be permitted to commence his contribution to the second reading of the bill for not more than 10 minutes;
 - (b) following the Leader of the Opposition, two crossbench members be permitted to commence their contributions to the second reading of the bill for not more than five minutes each; and
 - (c) at the conclusion of these contributions, the President adjourn the debate without a question being put, and set the resumption of the second reading debate as an order of the day for five calendar days ahead.
- (6) On resumption of the second reading debate of the Aboriginal Languages Bill:
 - (a) the Leader of the Opposition will be entitled to speak first and conclude his speech; and

- (b) the crossbench members who have previously spoken in the debate will be permitted to conclude their contribution at any time during the debate without interrupting another member speaking.
- (7) Time limits for debate on Government bills apply to this debate.

Motion agreed to.

Motions

FAMILY DRUG SUPPORT TWENTIETH ANNIVERSARY

Dr MEHREEN FARUQI (11:03): I move:

- (1) That this House notes that:
 - (a) Family Drug Support held its 20 year anniversary dinner at Parliament House on 15 September 2017;
 - (b) Family Drug Support is primarily made up of volunteers who have experienced firsthand the trauma of having family members with drug dependency; and
 - (c) Family Drug Support works to assist families throughout Australia to deal with alcohol and drug issues in a way that strengthens relationships and achieves positive outcomes.
- (2) That this House:
 - (a) congratulates Family Drug Support on its twentieth year anniversary; and
 - (b) expresses appreciation for the compassionate and invaluable work done by Family Drug Support staff and volunteers in supporting families at a very difficult time in their lives.

Motion agreed to.

COMPASS HOUSING SERVICES

Mr SCOT MacDONALD (11:04): I move:

- (1) That this House notes that:
 - (a) in 2016 Compass Housing Services was allocated funding of \$45,000 from the Social Housing Community Improvement Fund for the purpose of improving the physical environment and amenity for social housing tenants in the common areas of the Glendale social housing complex;
 - (b) Mr Scot MacDonald, MLC, Parliamentary Secretary for the Hunter, was pleased to represent the Hon. Pru Goward, MP, Minister for Family and Community Services, and Minister for Social Housing, at the opening of the "Gathering in the Gardens" project on Monday 19 June 2017 at the Glendale Crescent complex; and
 - (c) this project has improved the common area of the Glendale Crescent complex by providing low-maintenance landscaping, a communal barbeque and seating facilities to promote social and community connections.
- (2) That this House thanks Compass Housing Services for actively listening to the needs of the tenants and being innovative in helping them achieve their goals.

Motion agreed to.

EMMANUEL ANGLICAN COLLEGE YEAR 12 GRADUATION

The Hon. BEN FRANKLIN (11:05): I move:

- (1) That this House notes that the Emmanuel Anglican College in Ballina held its year 12 graduation ceremony on Thursday 21 September 2017.
- (2) That this House congratulates:
 - (a) all year 12 students from Emmanuel Anglican College on their hard work and dedication in completing six years of secondary schooling;
 - (b) Ella Webb and Kyle Underwood, the 2017 year 12 college captains, on their inspiring leadership over the past year; and
 - (c) Emmanuel Anglican College Principal Robert Tobias and all his staff on their support and commitment to the students and school over the past six years.
- (3) That this House wishes all year 12 students across New South Wales the best of luck in completing their Higher School Certificate exams and for their future careers.

Motion agreed to.

NSW YOUTH COUNCIL CONFERENCE

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

- (1) That this House notes that:
 - (a) the NSW Youth Council Conference was held in Ryde from 22 to 24 September 2017;

- (b) the conference was hosted by the Ryde Youth Council, and was held with the support of City of Ryde Council and Macquarie University;
 - (c) the theme of the conference this year was "Make IT Happen—Engaging young people and community through technology"; and
 - (d) the conference brought together young people from diverse backgrounds from across New South Wales to discuss a variety of topics including employment, education, technology, housing and regional issues.
- (2) That this House congratulates the organisers of this important conference for young people.
- (3) That this House reiterates its commitment to engaging young people in all aspects of politics, policymaking and governance.

Motion agreed to.

GRIFFITH SPRING FEST

The Hon. BRONNIE TAYLOR (11:06): I move:

- (1) That this House notes that:
- (a) Griffith Spring Fest runs from 8 to 21 October 2017;
 - (b) The Real Juice Company Citrus Sculptures are a famous element of the festival; and
 - (c) more than 700 volunteers from the local community construct the sculptures from more than 100,000 oranges and rubber bands.
- (2) That this House notes that the festival is unique in Australia and has grown from five sculptures in 1995 to 70 sculptures in 2017.
- (3) That this House celebrates the community spirit and creativity that are represented in the Citrus Sculptures Festival and commends the Griffith community for this great event.

Motion agreed to.

NSW TRAINING AWARDS TOP APPRENTICE IN VEHICLE TRADES

Mr SCOT MacDONALD (11:07): I move:

- (1) That this House notes that:
- (a) Mr Joshua Terras of Lake Macquarie was recognised as the Top Apprentice in Vehicle Trades at the recent New South Wales Training Awards;
 - (b) Mr Terras, who studied at TAFE NSW Kurri Kurri and works as a plant mechanic for Komatsu Australia, was one of 10 TAFE NSW winners at the ceremony;
 - (c) the prestigious awards, conducted by the NSW Department of Industry, recognise the many vocational education and training students, teachers, providers and employers working across the sector;
 - (d) after finishing school, Mr Terras studied a certificate III in automotive mechanical technology specialising in heavy vehicle mobile equipment, and last year he completed a certificate III in automotive electrical technology and a certificate III in mobile plant technology;
 - (e) in 2016 Mr Terras was awarded Komatsu Australia's fourth year Apprentice of the Year of New South Wales Award and Komatsu National Apprentice of the Year Award; and
 - (f) Mr Chris Daly, Komatsu Australia National Technical Capability Manager, said that "Josh's success is due to his dedication during his apprenticeship and his ability to manage himself in all situations with a positive attitude in whatever tasks he undertakes".
- (2) That this House congratulates Mr Terras on his outstanding achievements and on his success in winning the 2017 NSW Training Awards Top Apprentice in Vehicle Trades Award.

Motion agreed to.

BIALA SUPPORT SERVICES AND BIALA SPECIAL SCHOOL

The Hon. BEN FRANKLIN (11:08): I move:

- (1) That this House:
- (a) notes that the Biala Support Services inaugural black tie fundraising event was held at the Ballina RSL Club on Saturday 23 September 2017;
 - (b) recognises the important role that Biala has played in providing a range of support and education services for children and adults with a disability and their families and carers since 1969;
 - (c) congratulates Biala Support Services chief executive officer Linda Walsh, Biala Special School Principal, Bhavni Stewart, and all the team for their work in organising the successful fundraising event and providing exceptional support and education services to the Ballina community and surrounds; and

- (d) wishes Biala Support Services and the Biala Special School well for the continuation of their important work in the future.

Motion agreed to.

TRIBUTE TO DR FREDERICK SHAW BURTON

Mr SCOT MacDONALD (11:08): I move:

- (1) That this House notes that:
- (a) Dr Frederick Shaw Burton, Nelson Bay's first full-time dentist, sadly passed away on 27 September 2017 at 100 years of age;
 - (b) Dr Burton celebrated his 100th birthday on 21 January 2017;
 - (c) Dr Burton was an iconic figure of Nelson Bay;
 - (d) prior to moving to Nelson Bay, Dr Burton had worked in the Australian Army's Dental Corp rising to the rank of captain and had entered public practice in Sydney's central business district;
 - (e) Dr Burton relocated to Nelson Bay with his wife, Gloria, and their three children, Belinda Peachey, Jenny Hayes and Marie-Louise Parker (deceased);
 - (f) Dr Burton was assisted during his career by dental assistant Julie Monin;
 - (g) Dr Burton devoted his life to numerous community organisations, including helping to establish the Nelson Bay Baptist Church, serving as the president of the Port Stephens Probus Club, and volunteering for Royal Volunteer Coastal Patrol;
 - (h) in 2001 Dr Burton was honoured as the Royal Volunteer Coastal Patrol volunteer of the year; and
 - (i) Dr Burton was the grandfather of David, Andrew, James, Amanda, Timothy, Charlotte and John, and great-grandfather to his 10 beautiful great-grandchildren.
- (2) That this House acknowledges and commends the outstanding service that Dr Frederick Shaw Burton gave over many decades to the Nelson Bay community and extends its sympathy to his family and loved ones on their loss.

Motion agreed to.

NORTHERN NEW SOUTH WALES WOMEN'S FOOTBALL

Mr SCOT MacDONALD (11:08): I move:

- (1) That this House notes that:
- (a) female soccer players in northern New South Wales have been called to trial for the first ever Gold Coast Women's National Premier League [NPL] football club team;
 - (b) Mudgeeraba Football Club began trials on Thursday 21 September 2017, following the club being awarded one of 14 National Premier League Queensland Women's licences for 2018;
 - (c) Mudgeeraba Football Club aims to create a supportive and aspirational environment where talented young women can come together to develop their football skills; and
 - (d) Mudgeeraba Club Chairman John White has stated that "girls and women's football in Northern New South Wales and on the Gold Coast was in an exciting phase, with a groundswell of talent creating the need for an NPL team".
- (2) That this House congratulates Mudgeeraba Football Club on its efforts to encourage girls and women from the Gold Coast and northern New South Wales to aspire to reach the elite level of female football.

Motion agreed to.

WYONG WOMEN'S HEALTH CENTRE

Mr SCOT MacDONALD (11:09): I move:

- (1) That this House notes:
- (a) that the Central Coast Community Women's Health Centre at Wyong has been able to increase its range of services during 2017, with a new building for group activities on domestic violence prevention and support, anxiety and self-esteem;
 - (b) with concern that Wyong has one of the highest rates of domestic violence in New South Wales; and
 - (c) that other activities being run in the new building include yoga, a "mums and bubs" group, a menopause group and Pilates courses.
- (2) That this House acknowledges and commends the Wyong Women's Health Centre and its coordinator, Ms Paula Jarman, for their outstanding efforts in serving the needs and interests of victims of domestic violence and the Wyong community.

Motion agreed to.

KOORI KNOCKOUT RUGBY LEAGUE COMPETITION

Mr SCOT MacDONALD (11:09): I move:

- (1) That this House notes that:
- (a) at the recent NSW Aboriginal Rugby League Knockout, the Newcastle Yowies defeated Griffith Three Way United 22-4 in the grand final;
 - (b) in the women's league, the Redfern All Blacks won the grand final title against the Dunghutti Jindas 12-8;
 - (c) the NSW Aboriginal Rugby League Knockout, known to most as the Koori Knockout, has been held annually since 1971;
 - (d) the knockout grew out of a longstanding tradition among Sydney's Aboriginal community of playing and watching rugby league, starting in the 1930s with the formation of the Redfern All Blacks and the La Perouse Panthers;
 - (e) the first Koori Knockout match was held in 1971 at the Camdenville Oval in St Peters, with the Sydney teams training at Redfern and Alexandria ovals;
 - (f) in 1976 the knockout was played outside Sydney for the first time following a win by the Kempsey All Blacks and from this came the tradition of the winning team hosting the knockout the following year;
 - (g) since 1980 the majority of the matches have been held in regional New South Wales towns, including Dubbo, Armidale, Moree, Walgett, Bourke and Nambucca Heads;
 - (h) the competition has grown to become one of the largest Aboriginal events in the country, bringing together hundreds of teams from across New South Wales; and
 - (i) the Koori Rugby League Knockout was a great success and a four-day celebration of Aboriginal talent, family and culture.
- (2) That this House:
- (a) congratulates and commends the Newcastle Yowies and Redfern All Blacks on winning the 2017 men's and women's leagues of the NSW Aboriginal Rugby League Knockout; and
 - (b) acknowledges and commends the work and commitment of the organisers of the 2017 New South Wales Aboriginal Rugby League Knockout, the Redfern All Blacks Rugby League Club.

Motion agreed to.

Documents

TABLING OF PAPERS

The Hon. SCOTT FARLOW: According to the State Owned Corporations Act 1989, I table a Notice of Direction under section 20P to the Board of WaterNSW relating to the minimum targets set for construction of the Broken Hill pipeline, dated 27 September 2017. I move:

That the report be printed.

Motion agreed to.

UNPROCLAIMED LEGISLATION

The Hon. SCOTT FARLOW: According to Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 10 October 2017.

Committees

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**Report: Review of the Health Care Complaints Commission Annual Report 2015-16**

The Hon. LOU AMATO: I table report No. 2/56 of the Committee on the Health Care Complaints Commission entitled "Review of the Health Care Complaints Commission annual report 2015-16", dated October 2017. I move:

That the report be printed.

Motion agreed to.

The Hon. LOU AMATO: I move:

That the House take note of the report.

Debate adjourned.

*Petitions***PETITIONS RECEIVED****Makarrata Commission and Aboriginal Treaty**

Petition calling on the Government to commit New South Wales to establishing a Makarrata Commission and a treaty with Aboriginal people, received from **Mr David Shoebridge**.

*Bills***ABORIGINAL LANGUAGES BILL 2017****Introduction**

Bill introduced on motion by the Hon. Sarah Mitchell.

The PRESIDENT: According to the resolution of the House this day, I will now leave the chair until the conclusion of proceedings to commemorate the introduction of the bill.

The House resumed at 12:01.

The PRESIDENT: According to the resolution of the House this day, I invite Aunty Irene Harrington and Uncle Gary Williams to take their seats on the dais. I welcome into the Chamber Aboriginal elders and Aboriginal language stakeholders, and acknowledge the message stick ceremony participants.

First Reading

Bill read a first time and ordered to be printed on motion by the Hon. Sarah Mitchell.

Second Reading

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (12:03): I move:

That this bill be now read a second time.

I acknowledge the traditional owners of the land on which Parliament now stands, the Gadigal people of the Eora nation. I also pay my respects to their elders both past and present and extend that respect to the many first peoples of New South Wales who are here today. I will now invite Dr Ray Kelly into the House to translate this acknowledgement in Dhungutti.

Dr Ray KELLY: Ngay nirray Sarah Mitchell irri irri barri gandiya gadigal. Ngayya ngarra ngarra thurriyay Eora nation. Ngayya ma arri wiyan garr'kung marrurri galay, ngayya irri wiyan Gurri yayirri barray yayirri.

The Hon. SARAH MITCHELL: I also acknowledge the elders and the other participants in the message stick ceremony. Message sticks have been used by first peoples for thousands of years to communicate between nations and within clans, to share good news, to welcome and to pass on information. They were carried on long journeys and passed through generations. They are physical manifestations of the languages that this bill seeks to acknowledge, nurture and grow. Thank you Uncle Ray Davison, Ray Ingrey, Rhonda Ashby, Jaycent Davis, Aunty Di McNaboe, Uncle Gary Williams, Aunty Irene Harrington, Murray Butcher, Ronan Singleton and Aunty Maureen Sulter for being here today to support this bill, and for all your incredible work to support language revival in your communities.

The Aboriginal Languages Bill 2017 that I am introducing today reflects your passion and your love for your languages, and will provide tangible support for your efforts to reawaken and share your languages. You are true ambassadors for your language and culture, inspiring others on their own journey of cultural renewal. As the English flag was being raised not far from this Parliament in 1788, the Eora language would have been heard. Eora was just one of an estimated 35 first languages, and the more than 100 dialects of those languages, spoken on the lands of what is now New South Wales. First people's languages belong to the land, and to its custodians. Languages hold knowledge of country, the stories of its creation, its seasons, and first people's connections with and obligations to it. Languages also speak of first people's connections to each other. Languages are part of the songlines going across this State, connecting people, places and time, and connecting the current generations to the past, to their ancestors and to the future.

Past governments, through their assimilation policies and practices, tried to eliminate first people's languages. Speaking language was forbidden on Aboriginal reserves and missions, people were arrested for daring to speak their language in public, and children were removed because their parents or grandparents were heard uttering their language. During conversations on the draft bill Uncle George Fernando from Gingi Mission outside

Walgett recollected how old people were imprisoned for speaking Gamilaraay. At Wagga Wagga Dr Stan Grant Senior shared similar memories of police arresting his relative for being heard to speak Wiradjuri in public.

But while the land appeared to fall silent, the languages were only sleeping and awaiting reawakening. The languages continued to be passed on in secret through the generations. They were also recorded by well-meaning non-Aboriginal people, and kept for future generations by libraries and other cultural institutions. Reawakening languages has a ripple effect within families, extending through Aboriginal communities and out into the broader community. First people's languages are dynamic, from rebuilding the language from historical sources and remaining speakers right through to becoming an everyday language. First languages like Gamilaraay and Gumbaynggirr Ger have words for everyday things and are used in daily conversations, on the street and in social media.

Reawakening languages is neither a quick nor an easy task; it is a generation-long journey. Too often, those who started the journey do not get to see the destination. But their vision and their aspirations, personified in the message stick ceremony, remain strong. Last year the inquiry into reparations for the stolen generations tabled its report to this House. I was proud to be a member of the committee that conducted the inquiry. We heard firsthand how the loss of connection to culture and language caused trauma to the members of the stolen generations. We also heard of the healing power of reconnecting with culture and language. Rhonda Ashby, teacher at the Gamilaraay Aboriginal Language and Culture Nest in Lightning Ridge who participated in our message stick ceremony today, told the committee:

I think it's a part of our identity; it's a part of our soul. Language is a part of culture, culture is a part of language—the two are married. If we do not know where we come from, we do not know where we are going. It is like a tree without roots; it won't grow. We have lost our identity. That is why this language journey we are on is important. The healing power of learning and using languages is not limited to members of the stolen generations. For Aboriginal students, learning an Aboriginal language strengthens their identity and engagement at school and in learning. A more cohesive school environment is fostered by all students having an appreciation of Aboriginal language and culture. Despite the hard work, there is still much more to be done. According to the 2016 Census, across Australia only one in 10 first peoples spoke their language at home. Of the 170 first languages reported in the Census, only 69 first languages had at least 100 speakers and almost all first language speakers lived outside the capital cities. But there is some good news. In New South Wales about 1,800 first peoples spoke their language at home—an increase from about 1,200 in 2011—and Wiradjuri was the most widely spoken New South Wales first language, with 355 speakers, which is a significant increase from the 109 speakers in 2011.

First people's languages are also important to everyone in New South Wales. First language is a part of the shared history and heritage of this State; part of the oldest continuing culture in the world. First languages contain knowledge of the environment and the history of New South Wales, telling of ice ages and geological events from thousands of years ago. Our history did not begin with Europeans in wooden vessels, and our collective identity has long drawn on first people's culture and language. Our particular vernacular has incorporated terms from first languages, many of our place names have come from first languages, and first people's stories have become woven into Australian folklore.

The Government's positive journey to help reawaken first languages started in the early 2000s with two related initiatives: the funding of the local community language revival efforts, which led to the 2004 New South Wales Aboriginal Languages Policy and the establishment of the New South Wales Aboriginal Languages Research and Resource Centre; and the teaching of first languages within schools, which led to the introduction of the Aboriginal Languages K-10 syllabus of 2003. By the time the Ministerial Taskforce on Aboriginal Affairs conducted its statewide consultations in 2012, there was a strong groundswell to increase efforts to support communities to revive their languages and for greater opportunities for students to learn first languages within schools. In response, opportunity, choice, healing, responsibility, empowerment [OCHRE]—the New South Wales Government plan for Aboriginal Affairs—included the Aboriginal Language and Culture Nests initiative, to foster Aboriginal languages in Aboriginal communities, schools and the wider community.

The nests are networks of communities bound together by their connection to an Aboriginal language. Each nest has a base school, language teacher and tutors, schools teaching language and a keeping place to manage language resources. Aboriginal communities are closely involved in nest planning and decision-making. The five nests by location and language are: Dubbo, Wiradjuri; Coffs Harbour, Gumbaynggirr; Lismore, Bundjalung; Wilcannia, Paakantji; and Lightning Ridge, Gamilaraay. Across the five nests there are nearly 70 schools delivering Aboriginal language programs to more than 6,300 students, employing 55 language teachers and tutors—notably, the number of students has increased from 5,300 in 2016.

The bill also had its genesis in OCHRE, which committed to renewing the 2004 Aboriginal Languages Policy. Reviews of that policy, and a similar Federal Government policy, found that Aboriginal language policies were not achieving their objective because of a lack of accountability mechanisms and authority for the agency responsible for their implementation. Something more than policy was required to realistically achieve aspirations for reawakening, nurturing and growing New South Wales first languages. Overseas, our counterparts in New Zealand and Canada have enacted legislation to drive efforts to recognise and raise awareness and use of

their Indigenous languages. Visitors to New Zealand appreciate how widespread Maori language is in everyday life. Those laws provided the model for a proposal for a New South Wales Aboriginal Languages Act.

I take a moment to thank the former Minister for Aboriginal Affairs, Ms Leslie Williams, for bringing forward the proposal for this bill. In March 2016 the former Minister met with key language stakeholders and identified the need for this legislation. In November 2016 the New South Wales Government announced the drafting of a New South Wales Aboriginal languages bill. In January this year I became Minister for Aboriginal Affairs and since that time we have consulted widely on a draft bill. The initial draft bill had three parts: acknowledgement or recognition statements; development of a strategic plan; and a Centre of Aboriginal Languages in New South Wales.

The draft bill included statements that recognised the connection between Aboriginal language, culture and identity; the rights of Aboriginal people to learn and maintain their languages; the role of the New South Wales Government; and the need for action to revive Aboriginal languages. The draft bill also provided for the development of a five-year strategic plan to protect and strengthen Aboriginal languages through programs, partnerships and funding. There will also be annual reporting to Parliament on performance against the strategic plan.

Between May and August this year Aboriginal Affairs held community conversations on the draft bill to make sure that it met first people's aspirations. The community conversations took the form of 32 workshops in 16 locations across New South Wales in two rounds. Those 16 locations were: Lightning Ridge, Bourke, Moruya, Wilcannia, Broken Hill, Dubbo, Wagga Wagga, Griffith, Dareton, Tamworth, Lismore, Coffs Harbour, Taree, Sydney, Mount Druitt and Moree. Round one conversations were facilitated by independent facilitator Professor Jack Beeton and proceedings were recorded by Mr Joe Boughton-Dent. The round one workshops commenced with a demonstration of local language and culture to establish a positive and practical context for the workshop discussion, including original songs and storytelling in language; demonstration language classes; and students speaking about their experiences of learning a language, and what language and culture meant to them. Participants also told personal stories of the transformative effect of languages within them, their family and community.

Round one conversations attracted 269 participants and more than 60 media reports. There was strong support for legislation at the workshops and in the media coverage. However, there were concerns with the draft bill as it was written at the time. The draft bill used words that were not easily understood or were problematic such as "protection", which is burdened by its historical association with the Aborigines Protection Act. It was perceived as government taking ownership and control of languages. The term "recognise" was also seen as too closely associated with the campaign for recognition of Aboriginal and Torres Strait Islander peoples in the Australian Constitution. Workshop participants stressed that the bill must be easily understood and meaningful to Aboriginal communities. There were also concerns that the draft bill appeared to give the Government ownership and control of first people's languages. All workshops were unequivocal that Aboriginal ownership and control of Aboriginal languages must be fundamental to the bill.

The Government's role was to facilitate and resource local communities to further nurture and grow their languages, and to promote language use within government agencies and the wider community. Professor Beeton provided Aboriginal Affairs with an independent report on the round one conversations, which documented these concerns and recommended a number of changes to the draft bill. Aboriginal Affairs held a second round of community conversations to seek specific feedback on the proposed changes to the draft bill. The round two conversations attracted 108 participants. It also sought the views of the informal community advisory group established to guide the development of the bill and invited written submissions throughout the community consultation period.

The bill before the House today reflects the outcomes of community conversations to date—conversations that will continue after the bill becomes law. The objects of the bill are: to acknowledge that Aboriginal languages are part of the culture and identity of Aboriginal people; to establish an Aboriginal Languages Trust governed by Aboriginal people that will facilitate and support Aboriginal language activities to reawaken, nurture and grow Aboriginal languages; and to require the development of a strategic plan for the growth and development of Aboriginal languages. A preamble was preferred over recognition statements to give the bill a narrative. Dr Ray Kelly, Aboriginal author and academic from whom we heard earlier, provided a submission to Aboriginal Affairs to inform the development of the preamble. The preamble now provides:

WHEREAS

- (a) The languages of the first peoples of the land comprising New South Wales are an integral part of the world's oldest living culture and connect Aboriginal people to each other and to their land;

- (b) As a result of past Government decisions Aboriginal languages were almost lost, but they were spoken in secret and passed on through Aboriginal families and communities;
- (c) Aboriginal people will be reconnected with their culture and heritage by the reawakening, growing and nurturing of Aboriginal languages;
- (d) Aboriginal languages are part of the cultural heritage of all people in New South Wales; and
- (e) It is acknowledged that Aboriginal people are the custodians of Aboriginal languages and have the right to control their growth and nurturing. The preamble combines Dr Kelly's submission, feedback from the community conversations and the original acknowledgement statements. Preambles are rare in modern legislation, but in legislation that does include a preamble—such as the Aboriginal Land Rights Act 1983—it has both symbolic and practical meaning to all who read it. I also bring to the attention of the House the definitions of an "Aboriginal language" and an "Aboriginal language activity". An "Aboriginal language" is a language or a dialect of a language of the traditional custodians of the land comprising New South Wales. The community conversations raised two practical issues with this definition.

First, although Aboriginal languages cross State and Territory borders, this legislation remains focused on efforts within the borders of New South Wales. I hope, however, that our leadership in this area will lead other States and Territories to enact similar legislation in their own jurisdictions. Secondly, as well as New South Wales being multicultural in the global sense, New South Wales is also multicultural in the sense that many Aboriginal and Torres Strait Islander peoples now call New South Wales home. Aboriginal languages from outside New South Wales do not fall within the operation of this Act, and I understand that this broadly aligns with cultural protocols on using Aboriginal languages outside their homelands.

An "Aboriginal language activity" is defined as an activity intended to reawaken, grow, nurture, promote, or raise awareness of Aboriginal languages. The draft bill used various synonyms of revival or development to capture the broad spectrum of Aboriginal language activities. The community conversation shone a very narrow beam on the diversity of language activities occurring at the national, State, regional, and local levels. Some of these activities are funded by State or Commonwealth governments, some are funded by institutions such as universities, some are funded privately through fundraising, and others have no funding at all. Some languages are in the early stages of reawakening while other languages can be studied at tertiary level. Some activities are large linguistic research projects; others are a couple of elders meeting around a kitchen table to talk in and about language.

All activities are steps on the language journey, regardless of scale, and are not intended to be excluded by this definition. The draft bill proposed a centre for Aboriginal language in New South Wales within Aboriginal Affairs. Community conversations strongly supported an independent statutory entity, such as a trust, led by an Aboriginal board, instead of the proposed centre. Part 2 of the bill establishes the Aboriginal Languages Trust. The trust is constituted as a New South Wales government agency, the affairs of which are to be conducted on a not-for-profit basis, as per clause 4. The objectives of the trust are to provide a focused, coordinated and sustained effort in relation to Aboriginal language activities at local, regional and State levels, as per clause 5. The functions of the trust are:

- (a) to bring together persons with relevant professional qualifications in languages and persons with knowledge of Aboriginal languages to provide advice and direction for Aboriginal language activities,
- (b) to promote effective Aboriginal language activities,
- (c) to identify priorities for Aboriginal language activities,
- (d) to manage the funding for, coordination of and investment in Aboriginal language activities at local, regional and State levels,
- (e) to promote education and employment opportunities in Aboriginal language activities,
- (f) to develop resources to support Aboriginal language activities,
- (g) to provide guidance to the Government and its agencies on Aboriginal languages,
- (h) to liaise with the Geographical Names Board on the use of Aboriginal languages in the naming of geographical places,
- (i) to encourage the wider use and appreciation of Aboriginal languages,

The affairs of the trust will be managed by a board. The board will have between five and 11 members, who will be appointed by the Minister. The Minister can appoint only Aboriginal persons with relevant skills, expertise or experience and with appropriate standing in the Aboriginal community, as per clause 8 (2). This addresses two concerns raised in the community conversations: first, a lack of Aboriginal control over the implementation of the legislation apparent in the draft bill; and, secondly, a concern that the Minister would favour non-Aboriginal academics over Aboriginal people with connection to culture and community who do not have formal qualifications. There is also no requirement for appointees to represent particular organisations or professional disciplines. This is in keeping with good governance practice of appointing boards with a diverse range of skills and experience, rather than strictly subject matter experts.

The Minister retains certain oversight powers over the trust, which are exercised through appointing trust members, approving its strategic plan and issuing directions to the trust. Ministerial directions are to be published for transparency and to maintain the trust's independence. These powers provide appropriate ministerial oversight and accountability and should not undermine the objective of Aboriginal ownership and control. The trust will not be able to employ staff directly but, like similar statutory entities, staff will be employed to assist the trust to perform its functions. For the first two years Aboriginal Affairs staff will be provided to the trust. Aboriginal Affairs will also provide administrative and other practical assistance to the trust during its establishment phase. The trust will be required to prepare a five-year strategic plan for approval by the Minister for Aboriginal Affairs. The trust can determine the form and the content of the strategic plan, subject to any regulations made in relation to the strategic plan. The trust also prepares an annual report of its achievements against the strategic plan, as per clause 14.

The conversations emphasised the importance of resources for local language activities and Aboriginal workforce development as key elements of the strategic plan. Today is an historic day for this State, for our Aboriginal communities, and for this Parliament. I am so proud that this House is able to play a part in ensuring that the first peoples of this State have their languages acknowledged, reawakened and nurtured. It is with great pride and privilege that I commend the bill to the House. I will now introduce Dr Ray Kelly, an academic researcher of the Purai Global Indigenous and Diaspora Research Studies Centre at the University of Newcastle, to remark on what this bill means to the first peoples of New South Wales.

Dr Ray KELLY: I begin by acknowledging that I am speaking today on the land of the Gadigal people of the Eora nation. I pay my respect to elders past and present and to all other Eora people here today. I thank Minister Mitchell and the honourable members in this place for the opportunity to speak and to address them on this important occasion. Today we have heard about the historical dislocation and displacement of Aboriginal people from country, land and leadership. I do not want to dwell on that, but I will reflect on those people who are no longer with us in this journey. Over the years many sacrifices were made as elders in our communities with little or nothing continued to teach our kids and tell them about their sense of belonging and place in a country that, at times, did not honour that.

That is the essence of what this language bill is about. It is much more than just communicating; it is about talking about that which is us. We were once a people of a land who communicated across the country in ways that we are yet to rekindle. We gathered in kiparras, not unlike this, where people would rise and talk about the issues of their communities. We would send our representatives off to eastern kiparras, just like this place. What is obvious to us today is that we have work to do. We have been given a place to start from in this bill, which provides frameworks and financial support to get business going. But the business that we have to do belongs to us back out on country and back in our communities.

We talk about the issues that are affecting us. Today we heard the eloquence of my brother who spoke about disparity and about this being one of the richest States and countries, while our people are still on the fringe. This cannot continue to happen. We believe we have a way of finding solutions. It is about us talking amongst ourselves. It is about us finding the language, conversations and leadership to bring about change. We want to invest in children and in our young people. We want to give them the blue sky. We want to say, "Paint your vision; tell us what you want in the future and then we will build the framework to get you there." This is what we have been talking about forever, not just within the past five or 10 years. It goes as far back as the start of the Aboriginal Protection Board. This is that far back. So the work for us is going to be difficult—it is going to be a challenge. We have diverse issues in our communities that we will need to sit down to have conversations about. We will need to have, dare I say it, political arm wrestles. But we will find solutions because we know, from talking to each other, that we all hold the same principles.

The old people talk about the land, they talk about the mother in the land, they talk about the father, they talk about our sense of belonging to each other. We are hoping to rekindle and re-establish those songlines across this State and to talk about those relationships of family and kinship. We want to see our children uphold the concept of excellence. This is a part of our traditional teaching. To be smart, to be clever, is not to be mystical and magical. To be able to equate and to make something work, this is what our people did. This is how we taught our children—sometimes in reverse. My grandmother would say, "Ray, you can't see for looking, boy", and today I understand what she meant; I am a little older than that now.

I commend you all for the enacting and the carriage of this bill. I want to see it through. I want to do it because those people who gave their time, their effort and their lives for this important day have not lived to see it. But it is as if there is a chuckle in the back of the room; I believe their spirits are here with us—they are going to see us through and we are going to see major changes in our communities. Why? Because we are going to be in leadership. I am going to finish with a little song. It is a song about the seven sisters that travelled the entire

length of this country, but it certainly makes its pathway across our communities in New South Wales. It upholds the sense of the grandmother, and the grandmother in terms of law leadership.

♪ Ngun ngani bay, wurri nyirriya nayaga gay gaguu
Ngii yarri nga, marri yayirri burri yay guu
ngaru banggaru, wurri nyiya nayaga gay gaguu, ngi yarri nga
marri yayirri marri yayirri dhayyu gapa
Parra Yinnara ngurru ngurru barri ngarriya
wurri nyiya nayaga gay gaguu, ngi yarri nga
marri yayirri marri yayirri dhayyu gapa ♪

Ladies and gentlemen, thank you very much for this movement today.

The Hon. ADAM SEARLE (12:32): I speak in support of the Aboriginal Languages Bill 2017 on behalf of my party, the official Opposition, the alternative government of this State and the oldest political party in the country, the Australian Labor Party. I acknowledge that we meet on the lands of the Gadigal people of the Eora nation, and I pay my respects to their elders, past and present, and extend that respect to those first peoples of New South Wales who are also present with us today in this place, the Legislative Council of New South Wales—the first Parliament in Australia. It is fitting that this is where the parliamentary journey of this legislation commences. But, as Minister Mitchell outlined in her second reading speech, this is not where the story of this bill commences.

The governmental journey commenced with the funding of the local community language revival in the early part of the first decade of this century by the Labor Government, leading to the Aboriginal Languages Policy of 2004, the establishment of the Aboriginal Languages Research and Resource Centre, and the development of the Aboriginal Language and Culture Nests—a network of communities connected to a base school, united by a connection to an Aboriginal language, in five locations across the State. I note from the Minister's speech that the number of students receiving education in Aboriginal languages has increased by 1,000 in just the past year. That is not due to governmental action alone, but to a persistent desire of the first peoples of this land to know their language, despite all the hardship and dispossession that has been visited upon them by white European settlement.

We should remember that more than 250 Aboriginal Australian language groups were present on the continent at the time of European settlement in 1788. Today, only around 120 of those languages are still spoken, and many are at risk of being lost as elders pass away. Systematic attempts to deprive Aboriginal people of their languages has meant that the link between generations of speakers has often been broken, so that many children had little or no knowledge of their traditional language. Their parents were partial speakers and their grandparents were the remaining few speakers of a language that, as elders, they alone could pass down to the next generation. Today, Aboriginal and Torres Strait Islander people across Australia are speaking out about the need to strengthen their languages. People in many communities are working hard to learn more about language and to ensure it is passed on to the next generation before it is too late.

I note the contribution and presence today of many key language stakeholders including the New South Wales Aboriginal Land Council and too many others to list. I acknowledge the role of the former Minister for Aboriginal Affairs, Leslie Williams, in bringing forward the concept of this legislation in 2016, and that of the present Minister for bringing it to this, the next stage. I also acknowledge the hard work of my colleague in the other place the shadow Minister for Aboriginal Affairs, David Harris, MP, for his careful attention to this matter, for his work with a range of language stakeholders, for being part of this conversation, and for ensuring a cross-party approach is taken to these important matters, which should unite us and not divide us.

Language is central to the human experience in every place on this planet. It is how we describe and try to understand our experiences of the world around us, of other people and ourselves, and it is how we share that with each other and with the generations to come. We can see that in the songlines of the first peoples, connecting people to place, across time and generations, holding knowledge of country and its many stories, reflecting the special relationship of Aboriginal people with the land. Language is the gateway to culture; it is vital to developing and maintaining identity, as a people and as individuals within that context. Without it individuals are cut off, isolated, deprived of a sense of who they are. That is what white European settlement did or tried to do to the first peoples of this land to try to deprive them of their identity, commencing with silencing their language. How that can ever have seemed a kind or just course of action is, today, beyond all rational understanding.

In those places where language has been lost Aboriginal people experience a sense of grief and inadequacy due to the resulting loss of culture. This is one of many things that has substantially contributed to the disempowerment and disadvantaging of Aboriginal people in New South Wales and Australia. This legislation is but one measure—although an important one—along the long road back from this tragic, historic wrong. In one sense there is nothing in this legislation that could not be undertaken without there being a special Act of

Parliament; each of these steps could be taken by administrative action alone. But the fact of this bill and its contents, the fact that the collected, elected representatives of all the people of this land acting together are consciously willing these courses of action and are committing to them in the context of all that was done to destroy Aboriginal language, culture and identity in the past, this small step today has important symbolic resonance. However, let it not be merely symbolic.

Let us not, after the passage of this law, allow it to pass from conscious thought to become someone else's responsibility. Today, let each of us commit to be vigilant in support of this enterprise, and to commit those forces in society that we all represent to do the same in the time that is to come. The Minister pointed out that it is unusual in legislation to have a preamble, but for this legislation it is entirely fitting. I note the careful and diligent work of Dr Ray Kelly and others that has gone into this important aspect, which has both symbolic and practical meaning.

I will not read out the preamble because the Minister has already done so, but, as she drew it to our attention, we must never forget that speaking in language was once forbidden. People were arrested for speaking their language, and children were removed from family and from country because of it. We should be conscious that supporting Aboriginal people to know and to grow their language reconnects them with their culture and identity. This will continue to assist in building resilience, which in turn will be another small step towards practical reconciliation between our peoples. The choice of language, the use of words to describe what we do or what we want to do, is so important. It really frames how those actions are perceived and it influences how they are done.

I note that legislation does not seek to protect or to preserve Aboriginal languages, rejecting the language of past colonial injustice, but rather seeks to reawaken them, as if they were a strong flame that has been caused to die down to embers, but not extinguished, continuing to glow and to smoulder until given oxygen and nourishment, to be given support, they grow back into their full glory once more. I note the last part of the preamble, "It is acknowledged that Aboriginal persons are the custodians of Aboriginal languages and have the right to control their growth and nurturing." We must never forget the agency or the autonomy of Aboriginal people and the ownership they have and must have over their own language. This is the hope and the aspiration embodied in this legislation, for the estimated 35 first languages and the more than 100 dialects of those languages spoken across the rich wide lands of this State, which we all share.

Reverend the Hon. FRED NILE (12:40): Thank you for the opportunity to speak in support of the Aboriginal Languages Bill 2017. This is an historic moment, as the Minister said. The first historic point was when we passed the Aboriginal land rights legislation in 1983. I was pleased to be one of the members who enthusiastically supported the legislation and voted for it. I think I am the only member still in this House who was there in 1983. It was a battle, but thankfully the land rights legislation was passed and it brought into existence in New South Wales the Aboriginal Land Council. Even though obviously I am not an Aboriginal, I have sought to represent the concerns of the Aboriginal people in my 36 years in this upper House, to speak on behalf of them and consult with them about their concerns and to bring those concerns to the House.

As I was thinking of these words that I am sharing now, I thought that perhaps we should have had an amendment to our Constitution to allow for two Aboriginal representatives to be elected to serve in the upper House, so we have a voice for the Aboriginal people in this place—but that is another battle to be fought and hopefully won. I also had the privilege of serving on the inquiry into the stolen generation. Quite a few of the witnesses shared with us their concerns about language and told us how they were punished, as children, if they tried to use the Aboriginal language. There were various punishments; one was to take the child and chain the child to a tree in the grounds of the centre, and leave that child there overnight for using the Aboriginal language. They were forbidden to use their Aboriginal name and, to rub salt into the wound, not only were they not able to use their Aboriginal name but also they were given a number and told they had a number, not a name, which reminded me of previous totalitarian generations and nations that have treated people in the same way. I will not go into that today.

I also referred in the inquiry into reparations or compensation to Aboriginal people for the losses they have suffered—Aboriginal representatives here today have mentioned that—of the wealth within the nation and within the State and how little of that seems to have reached the Aboriginal people. That is another issue to be resolved. I was given a message by the New South Wales Aboriginal Land Council that had an embargo until 10.00 a.m. today, which raised a few of their concerns. I will conclude by putting these concerns on the record. Other speakers have referred to similar concerns. The land council was concerned that the Aboriginal community was to have control of Aboriginal languages. That must be a priority for the Government. Any legislation must involve full and proper consultation with the owners of languages, and that would be ongoing.

The land council was also concerned the legislation could seek to impose ministerial controls or intervention in relation to Aboriginal languages. There is some sensitivity in this area, even to the point that the

trust cannot employ staff, but only have staff allocated to it from Aboriginal Affairs. Even that seems to be an element of patronisation into which white people seem to slip, often without being fully aware of it. Aboriginal people have worked tirelessly to retain, teach and promote Aboriginal languages, in spite of the problems that they had to face. "The Government can never own or control our languages and its role must be to work in partnership with the Aboriginal interests." That is an important point I would like to make. I am pleased to support the legislation before the House. I will do all I can to make sure it is implemented successfully in this State.

Ms DAWN WALKER (12:46): I acknowledge the traditional owners of this land, the Gadigal people of the Eora nation, and pay my respects to elders past and present. This was, and always will be, Aboriginal land. I have come to this place from Bundjalung country and I am proud to speak on behalf of The Greens in debate on the Aboriginal Languages Bill 2017. The Greens welcome this commitment by the Government to protect and preserve Aboriginal language; language that has survived a long history of attempts to eliminate both it and its people. Our history is littered with attempts to silence and censor Aboriginal people. Since colonisation, we have lost more than half of Aboriginal Australian language groups. As we have heard, children were punished for speaking their traditional languages as recently as the 1960s. It is only because of the courage and the tenacity of Aboriginal communities to keep language alive that this bill is possible today.

I have had the great privilege of having local language shared with me by my community. Before this gift, I moved to a small coastal surfing town of Fingal Head, which is in northern New South Wales, but what I learnt and what I was taught by my local Aboriginal community is that the Bundjalung name for Fingal Head is "Booningbah", which means "place of the echidna". It is named after the unique basalt rock columns of the headland that resemble the spines of an echidna. The columns were formed by the lava flow from the prehistoric Tweed volcano, named by Captain James Cook as Mount Warning but known by the Aboriginal people as Wollumbin. This sacred mountain catches the first rays of sunlight to hit the Australian mainland every morning. Wollumbin is a powerful presence on the North Coast, a sacred site of great spiritual and cultural importance to local Aboriginal people. This mountain's majestic presence touches us all and reminds us that we live on Aboriginal land.

When I first moved to the North Coast I lived in Fingal Head and could see Mount Warning, but now I know I live in Booningbah, place of the echidna, under the powerful gaze of Wollumbin. The gift of maintaining this language in the face of such oppression and adversity, and then the generosity of the community in sharing it with me, cannot be explained. It is the gift of place, which I am so grateful to receive. This sharing has shown me the inherent link between language and culture. The way we communicate influences how we interact with the world and with each other. I hope that this bill means that no more languages are lost and that more Australians can participate in the great joy of communicating in a language that reverberates throughout the landscape.

Debate adjourned.

The PRESIDENT: I will now leave the chair. The House will resume at 2.30 p.m.

Questions Without Notice

ELECTRICITY PRICES

The Hon. ADAM SEARLE (14:30): My question is directed to the Minister for Energy and Utilities. Given that Cootamundra Citizen of the Year Kate Lonergan, who spent winter wrapped in a blanket rather than turning on a heater, has stated that she is unable to pay her electricity bill on time or meet the eligibility criteria for assistance provided by the Government, what steps will the Minister take to ensure that she can keep the lights on?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:31): I am disturbed to hear that Kate is in that position.

The Hon. Mick Veitch: She's not the only one.

The Hon. DON HARWIN: She is certainly not the only one. We have heard the message loud and clear that the people of New South Wales are hurting and we have responded. About a month ago the Premier and I announced a 20 per cent rise in all government rebates. That will make a big difference to a large number of people. About 900,000 residents of New South Wales are recipients of our programs, but many eligible people are not accessing the assistance that is available. I assume that Kate has made inquiries to be absolutely certain that she is not eligible. One of the good things our Government has done is to set up Service NSW, which is a one-stop shop. If people ring the Service NSW hotline on 13 77 88 the operators will detail the six government rebate programs, the eligibility criteria and amounts of assistance available.

Alternatively, people can perform a simple internet search on energy rebates in New South Wales and the information will be provided. It is often possible to apply on the spot online. Anyone who does not have

internet access can go to a community centre where people will be happy to help them apply. During the winter recess I visited a number of those centres, including at Armidale and Lismore. The Hon. Adam Searle made an important point, which is that while people in need can get some help through government rebates, plenty of other people are ineligible for assistance. We need to consider their situation very closely indeed.

As energy Minister, the most important thing I can do on behalf of someone like Kate is to keep on doing what I have been doing all year. That is to say that our broken National Electricity Market needs a sensible national plan to get on top of some of the serious systemic issues that are leading to higher prices. I do not want to apportion blame—I have deliberately tried to stay out of the finger pointing game because I do not think it is helpful. Frankly, there is plenty of blame to go around in both political parties State and Federal for the mess we are in and have been in for too long. People do not want their energy Ministers or government leaders to be apportioning blame or pointing fingers; they just want us to get on with the job of fixing it. On behalf of the people of New South Wales that advocacy is exactly what I am focused on with my colleagues on the Council of Australian Governments Energy Council and the changes we are making. [*Time expired.*]

ENERGY CONSERVATION

The Hon. CATHERINE CUSACK (14:35): My question is addressed to the Minister for Energy and Utilities. Will the Minister update the House on what the Government is doing to reward households and businesses that help save energy?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:35): This question relates to one of the practical things this Government has already achieved regarding the matters raised in the previous question. I thank the Hon. Catherine Cusack for her undoubted interest in this issue. During the millennium drought we learned to use water more efficiently. Because of that we set the foundation for lower water usage and lower water bills—and that is happening across the Sydney Water area of operation—as well as for lower infrastructure costs and lower usage costs. We need to learn the same thing about energy. It does not make sense to have spot prices reach \$14,000 per megawatt hour during a heatwave when we can avoid the need for that megawatt of power, and where we can avoid costly network upgrades too.

We can run a cheaper power network by being smarter about managing demand. New South Wales wants to reform the energy market and, because it is in a good position due to this Government's sound economic management, we can do more. This morning I met with Ms Audrey Zibelman from the Australian Energy Market Operator and Ivor Frischknecht from the Australian Renewable Energy Agency, along with Minister Josh Frydenberg, to announce the successful tenderers of the Demand Response Initiative. The winners, of course, are the households and businesses of New South Wales. This is the only State Government that is able to do that because our State is in great shape. Our \$7.2 million investment boosts the program to cover an eventual 200 megawatts of demand management, and our funding secured 61 megawatts of projects in New South Wales, ramping up to 80 megawatts. To put that in context, 200 megawatts is around one-quarter of the average hourly output of Liddell—quite a significant number.

Mr Jeremy Buckingham: It depends what day it is.

The Hon. DON HARWIN: I am talking about averages. New technology—batteries, smart meters and smart appliances—will expand this opportunity for households and businesses. In New South Wales these projects alone include: an AGL project that will reward with smart meters 10,000 New South Wales households that change their demand or utilise storage, and commercial and industrial customers who modify their demand; an Energy Australia project which will use remote monitoring for commercial, industrial and residential customers, and smart battery storage systems; an EnerNOC project which will help 20 large commercial and industrial users who can modify their demand; and a Flow Power project that will help 100 commercial and industrial energy customers, targeting manufacturing and agricultural businesses and cold storage.

This rewards households and businesses and it helps us all beat the peak. Modifying demand is the cheapest and fastest way to boost security. It was also a focus of our successful efforts on 10 February this year during the heatwave, and other countries do this on a huge scale. We want this initiative to work; then we want to roll it out. We want businesses and homes to get rewarded for their batteries and smart appliances to help save energy and money and boost energy security. [*Time expired.*]

The PRESIDENT: Order! I remind members of the ruling of former President Primrose that they should allow Ministers to answer questions without interruption, and that includes running commentary. Mr Jeremy Buckingham will cease his running commentary.

ENERGY BILLS

The Hon. WALT SECORD (14:40): My question without notice is directed to the Minister for Energy and Utilities, and Leader of the Government in this House. What advice does the Minister provide to the more than 145,000 households and small businesses in New South Wales that are unable to pay their electricity bills and find themselves in "energy debt", owing, on average, \$633 on their bills?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:40): There is absolutely no doubt that many people are facing this very serious situation. The annual report of the Energy and Water Ombudsman NSW released yesterday also had a bit to say about it. Pleasingly, the number of complaints shown in the report is lower than the number received in 2015-16. The report also highlights that complaints are decreasing in a number of key areas—for example, billing and disconnection complaints are lower than they were last year, and credit complaints have also dropped. However, there were complaints in a range of other areas.

One of the key issues identified in the report was that of energy affordability. Indeed, complaints about high bills and estimated bills accounted for the majority of complaints received by the Energy and Water Ombudsman NSW in the 2016-17 financial year. Sadly, the report noted that, after decreasing steadily for three years, customer complaints had increased slightly in the third and fourth quarters of 2016-17. To address this concern the Government recently announced the energy bill relief package. The key elements of the energy bill relief package are increasing the amount of all energy rebate payments by—

The Hon. Walt Secord: Point of order: My point of order relates to relevance. The Minister is talking about complaints and his claim that there has been a reduction in the number of complaints. My question was specific: What advice does the Minister provide to the more than 145,000 households and small businesses in New South Wales that are unable to pay their electricity bills and find themselves in "energy debt"? Whilst the Minister's response is interesting, it is not relevant to my question.

The PRESIDENT: Order! The Minister has been generally relevant to the question.

The Hon. DON HARWIN: I was coming to that exact point. However, contrary to what the Hon. Walt Secord said in his point of order, I did not suggest that complaints were dropping on this issue—quite the contrary. Assistance is available for those people who cannot pay their bills and who are in danger of having their electricity disconnected—namely, the Energy Accounts Payment Assistance [EAPA] Scheme. The EAPA scheme is one of the most important of the six rebate schemes available in New South Wales. Under that scheme there is a capacity to provide assistance to anyone who is in crisis and worried about imminent disconnection.

My advice to them is to raise this with an EAPA provider. They should ring the Service NSW hotline on 137788 to find out about the basic criteria of the scheme and where the EAPA providers are located. They will then need to see one of those EAPA providers. We have increased the number of EAPA providers across New South Wales and we have also made the assistance provided through that scheme much easier to obtain. I have spoken many times in this House about the benefits accruing as a result of EAPA going digital.

The Hon. WALT SECORD (14:45): I ask a supplementary question. Will the Minister elucidate his answer by spelling out how the criteria he referred to earlier work?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:45): The Energy Accounts Payment Assistance [EAPA] Scheme has traditionally been a voucher-based scheme, where people were able to get 10 vouchers worth \$50 each annually, but only five vouchers could be accessed on any one application.

Mr Jeremy Buckingham: Energy stamps.

The Hon. Niall Blair: Point of order: Mr President, you have ruled that Ministers should be allowed to answer questions without interjections and commentary. Mr Jeremy Buckingham is continuing to interrupt the Minister as he responds to the Hon. Walt Secord's question.

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

The Hon. DON HARWIN: I was explaining that the Energy Accounts Payment Assistance Scheme has traditionally been a voucher-based scheme, where people were able to get 10 vouchers worth \$50 each annually, but only five vouchers could be accessed on any one application. We have changed that. Now customers can get up to six vouchers per bill for either electricity or gas—a total of 12 vouchers per annum. That voucher scheme is available in more locations around the State than ever before and more customers are making use of this scheme to keep their lights on. This financial year more than 330 community groups and charities are issuing

emergency vouchers and these groups have additional information they can give to customers about rebates and other forms of assistance. In the number of places I visited over the winter recess I was most impressed by the work of EAPA providers. They take a holistic approach. They sit down with people and go through all their circumstances to work out what assistance is needed. [*Time expired.*]

NEPEAN HOSPITAL

Ms DAWN WALKER (14:48): I direct my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, representing the Minister for Health. In 2008 the status of Nepean Hospital was downgraded to a regional trauma centre, despite having the medical expertise and equipment of a major trauma centre. Under New South Wales trauma transfers protocols this is now effectively diverting patients to Westmead Hospital, resulting in further patient travel and paramedic fatigue in Western Sydney. Will the Government restore Nepean Hospital's classification as a major trauma centre to ensure that the people of the Nepean are not without their paramedics?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:49): I thank Ms Dawn Walker for her question to me, representing the health Minister in this House. It is a question that involves some history, detail and a response around what the Government may be proposing to do. So it is best that I take the question on notice, refer it to the health Minister for a detailed answer, and come back to the member in due course.

JOHN DUNPHY OFFSHORE ARTIFICIAL REEF

The Hon. BEN FRANKLIN (14:49): 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 progress of New South Wales' newest offshore artificial reef?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:50): I thank the member for his question about this exciting project, which is taking shape deep beneath the waves of Port Hacking. It is with great pleasure that I inform the House that the deployment of the State's largest offshore artificial reef has begun. Offshore artificial reefs are magnets for fish and sea life and create fantastic angling opportunities for the State's one million keen recreational fishers. The Attorney General and member for Cronulla, Mr Mark Speakman, and the member for Heathcote, Mr Lee Evans, joined me on the water off Port Hacking to watch as the barge carrying the concrete modules made its way into position. This new reef, which is also Australia's largest, will be a major attraction for the State's one million recreational fishers. The 36 individual modules, each weighing 25 tonnes and measuring five metres high by four metres wide, were constructed in Newcastle and were towed to the site before being deployed.

Projects such as this help cement our commitment to providing plenty of exciting opportunities not just for anglers in New South Wales but also for visitors to our State. This is the fourth offshore reef deployed by the New South Wales Government since 2011 and it has been formally named the John Dunphy Offshore Artificial Reef, after a pioneer of the fishing industry. John wanted to make sure fishing was a pastime that anyone could enjoy, and he would be proud to have such an exciting venture named after him. The New South Wales Department of Primary Industries is a world leader in the design and construction of these reefs, and Port Hacking is just the latest one to be deployed. We have five more in the pipeline to be constructed in the coming years, including reefs off Merimbula and the Tweed. I am excited to add Newcastle, Wollongong, and Jervis Bay to the list of locations that will also receive new artificial reefs. We cannot wait to see all the anglers up and down the coast having the opportunity to enjoy the spectacular fishing opportunities that these reefs have to offer.

The reefs remain productive for decades, are non-polluting and can withstand a one-in-100-year storm event. The modules provide the building blocks for a new fish community. Fish will rapidly colonise their new habitat, with the modules designed to provide shelter and protection for a wide range of species. The New South Wales Government thanks the Recreational Fishing Alliance of NSW, the Australian National Sportfishing Association, and the South Sydney Amateur Fishing Association for their efforts in securing the funding for the Port Hacking reef through the Transport for NSW Port Botany Boating and Fishing Infrastructure Fund. The New South Wales Government's offshore artificial reef program is a great example of how we are reinvesting the sale of recreational fishing licences into the recreational fishing sector.

John Dunphy was a pioneer of the recreational fishing industry in this country. He had a small tackle business and brought the Shimano Fishing brand to Australia. He was one of the first to put up his hand to serve on the Recreational Fishing NSW Advisory Council. He also started the Australian Fishing Trade Association. He gave back to the industry and was committed not only to recreational fishing, but also to habitat restoration. He was a keen fisher who contributed greatly to the sector. I attended a special occasion to honour his contribution at Shimano just a week prior to the deployment of this reef, at which his mother, widow and family were also

present. The event was attended by everyone who is anyone in the recreational fishing sector, celebrities, the media, and those who have contributed a lot to the industry. This reef is a fitting and everlasting tribute to John, whose plaque is on one of the modules now sitting on the ocean floor. I encourage everyone to get out and fish this reef.

CLEAN ENERGY TARGET

Mr JEREMY BUCKINGHAM (14:54): My question without notice is directed to the Minister for Energy and Utilities. Given the Federal Government has indicated it will not introduce a clean energy target and given that the Minister has said "a State-based clean energy target would be the second-best option," will the Minister now join with other States and Territories in implementing a State-based clean energy target, or does the Government agree with Tony Abbott's remarks that climate change is in fact a good thing?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:54): What a ripper of a question that is! Unfortunately, it is based on a series of mistakes. Would the honourable member mind letting me see his question?

The Hon. Greg Donnelly: Rip off the supplementary, Jeremy.

The Hon. DON HARWIN: I will not look at the possible supplementary question underneath. I have folded it under so I cannot see it—I promise. The first part of the question states that the Federal Government has indicated it will not introduce a clean energy target [CET]. This morning the Federal energy Minister texted me the speech that he gave—

The Hon. Niall Blair: Table it!

The Hon. DON HARWIN: I am not going to table my phone. I have read the speech very carefully and the honourable member is not entitled to make the assumption he has made in the question based upon what the Federal Minister said. The clean energy target has not been ruled out, although there is speculation that it has been ruled out by the Federal Government. This morning I saw the Minister again at the demand response initiative announcement at the Australian Renewable Energy Agency offices and he gave no indication to me that he had ruled out the CET. It is premature to make the observation contained in the question.

The second aspect of the question is that I have said a State-based CET would be the second-best option. I have said no such thing, and I suggest that the honourable member should not believe everything he reads in the Fairfax press. With his world view, he probably does not believe everything he reads in the News Limited press, but I suggest he should be a little sceptical about the Fairfax press as well. I did not say those words. There were several media reports this week concerning this issue that referred to my supposed position, arising out of a speech I gave at the *Australian Financial Review* energy outlook conference on Monday.

This is what happened. The Premier of South Australia, Jay Weatherill, and I gave speeches and then had a joint question-and-answer session. The facilitator asked Jay Weatherill about his proposal for a State-based CET and then pivoted to me and asked for my view. I said that the sort of thing Jay Weatherill was talking about would be a second-best option. That is all I said; I did not say what it is on this piece of paper. I wanted to make it quite clear that I considered what Premier Weatherill said to be an inferior approach to what New South Wales has always advocated, which is that we want a sensible national plan on this issue. We want a sensible, national approach to our broken national electricity market. We take the view that, given the Federal Government signs Australia up to its international obligations, it is the Federal Government's obligation— [*Time expired.*]

Mr JEREMY BUCKINGHAM (14:59): I ask a supplementary question. Will the Minister elucidate his answer by informing the House what prospect there is of a sensible national energy policy from the Federal Government?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:59): I thank Mr Jeremy Buckingham for his supplementary question. As I was saying, our preference is that there be a sensible, national approach to this issue because, after all, it is national governments that sign us up to international obligations. I believe it is crucial that the onus is on national governments to establish a trajectory to meet those international obligations. I take a pretty dim view of State governments that think they should run foreign policy. I do not believe State governments should run foreign policy; that is a matter for national governments. As it happens, I take the same view about other matters we deal with in this Chamber from time to time, but I am getting off the track.

Mr Jeremy Buckingham: What's the prospect?

The Hon. DON HARWIN: I am an optimist. It is never over until it is over, Jeremy. In relation to the last part of the question concerning Tony Abbott's remarks that climate change is in fact a good thing, I am sure

Tony was speaking personally. Tony and I have been known to disagree on things before and I am sure there will be many other things we disagree on. They are not my views. The State Government's position is quite clear as to the aspiration we have set that guides us in relation to our policy. The Federal Government has said that it intends to respond to the fiftieth recommendation in the Finkel review by Christmas, and I am hopeful that the Federal Government will respond in a way that will lead to a better situation than we have currently.

ELECTRICITY PRICES

The Hon. SHAOQUETT MOSELMANE (15:01): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Does the Minister stand by his comments yesterday that electricity prices are "already falling" and that the Liberal-Nationals Government is providing sufficient help for those struggling to pay their bills?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:02): I stand by the comments that I made in relation to the network component of electricity prices because they are factual. I will not take the House through this issue again because I have outlined it in some detail before. The network component of prices has been coming down but, most importantly, prices are legislated and are required to be lower in 2019 than they were in 2015. That was part of the commitment we made before we engaged in the electricity transactions that we undertook. But I will make it clear once again for the Hon. Shaoquett Moselmane what is happening. The 2017-2018 network prices for Endeavour Energy, Essential Energy and Ausgrid have recently been approved by the Australian Energy Regulator. From 1 July this year, network prices were 3 per cent lower for the average residential electricity customer in New South Wales. That is a fact.

KOORI KNOCKOUT RUGBY LEAGUE COMPETITION

The Hon. LOU AMATO (15:03): My question is addressed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on the 2017 Koori Knockout?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:04): Over the October long weekend more than 130 teams from as far west as Broken Hill travelled to Sydney for four days of fiercely contested, world-class rugby league known as the Koori Knockout. The New South Wales Koori Knockout began in Sydney in 1971. The knockout was intended to provide a stage for the many very talented Aboriginal footballers who, at the time, were overlooked by talent scouts and recruiters for racism reasons.

This year's round was the forty-seventh Koori Knockout, and the program continues to attract teams from right across the State, giving communities the opportunity to gather, be social and barrack for their hometown team. This competition is far more than a sporting event. The Koori Knockout is also a strong vehicle for Aboriginal social and cultural expression. It also gives young Aboriginal people the chance to display leadership skills. In 2016 the Sydney-based Redfern All Blacks won the knockout, which gave them the right and the great honour to host the event this year. This year the Redfern All Blacks hosted thousands of people, including women's teams and junior teams. Hosting the knockout is an important opportunity for communities to showcase, with immense pride, local talent and abilities on and off the field, and also to build community capacity and develop leadership skills.

The event also promotes keeping Aboriginal people fit and healthy; it is a non-smoking and alcohol-free event. It also provides business opportunities for Indigenous entrepreneurs and local businesses. I am told that this year's final was a nail-biter, fiercely contested by the Newcastle Yowies and the Griffith Three Ways. I take this opportunity to congratulate the Newcastle Yowies for taking home the title. I note the motion moved today by Mr Scot MacDonald and agreed to by the House to recognise the Newcastle Yowies for their victory. On a more serious note, with teams travelling from all over New South Wales to attend the Koori Knockout, I considered it an appropriate time to encourage conversations about safety, particularly on our roads. As the families hit the road to travel to Sydney for the event, it was a timely reminder that throughout the course of 2016 a total of 24 Aboriginal people lost their lives on the road. That is 24 too many.

I am proud that this year the New South Wales Government supported and promoted the safety of our Aboriginal communities at the Koori Knockout through travel subsidies and additional public transport options. We were determined for the best part of the weekend to be that everyone would return home to their families safely. The Government supported players and their families by providing financially and geographically disadvantaged people with the opportunity to be part of the gala event through travel grants. The grants were part of a \$160,000 commitment from the Government's Transport Access Regional Partnership Grants Program, for

which eligible organisations, including not-for-profit, community-based organisations and local councils, can apply. Individuals can also propose projects to Transport for NSW.

As Minister for Aboriginal Affairs, I am a strong advocate for anything that supports the cultural growth and expression of Aboriginal people. Every day it becomes more important for our State's First Peoples to be able to recognise their culture and to increase participation within their community. Events like the Koori Knockout are absolutely vital in encouraging Aboriginal people, especially young Aboriginal people, to get involved, to learn about their culture and to socialise with other communities. As I said, this year was the forty-seventh round of the Koori Knockout, and I am confident that the event will continue for years to come. The New South Wales Government will continue to promote and support community events like the knockout, and will continue to emphasise the importance of safety at these events.

ROZELLE INTERCHANGE AND IRON COVE LINK

Dr MEHREEN FARUQI (15:08): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, representing the Minister for Transport and Infrastructure. Now that the new, extended tender submission date of 15 September for the Rozelle interchange expressions of interest has passed, how many expressions of interest have been received for the Rozelle interchange and Iron Cove Link?

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

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:08): I am advised that the procurement process for the Rozelle interchange is in its early stages and that the Government is continuing to engage with potential consortia in the market and with parties who have expressed interest. Delivery of the interchange remains on track for 2023. While the registration of interest process attracted numerous respondents, only one response was received for the expression of interest. This was primarily due to general market conditions, given the significant amount of infrastructure that is being delivered in New South Wales at present.

The Hon. Niall Blair: Everyone is busy.

The Hon. DON HARWIN: Everyone is busy. In fact, it is well known that the amount of money being spent on infrastructure in New South Wales exceeds the amount of money—

The Hon. Walt Secord: But nothing for the bush.

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

The Hon. DON HARWIN: How wrong the Hon. Walt Secord is. The amount being spent on infrastructure in New South Wales exceeds the amount being spent in the other five States and the Territories combined. Roads and Maritime Services has decided not to progress the request for tender for the Rozelle interchange—

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

The Hon. DON HARWIN: with the sole expression of interest respondent as this is unlikely to deliver value for money for the taxpayer. Instead, Roads and Maritime Services and the Sydney Motorway Corporation will pursue a procurement strategy which ensures delivery of the Rozelle interchange with no adverse impact on the delivery program for WestConnex. It is a more flexible solution that will include broader engagement with local and international contractors. The solution will deliver value for money for New South Wales taxpayers and ensure delivery of this critical final stage of WestConnex. Procurement for the M4-M5 link mainline tunnel is progressing well and, as I said earlier, WestConnex remains on track to be fully delivered by 2023.

WYANGALA VILLAGE WATER SUPPLY

The Hon. MICK VEITCH (15:11): 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 reports that the water supply for Wyangala Village is no longer safe to drink, will your Government provide emergency drinking water for residents under a boil water alert and what steps has your Government taken to restore safe drinking water to this community?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:12): I thank the honourable member for his question in relation to Wyangala Village. I am very happy to take the question on notice and look at the details. As I said in response to a similar question yesterday, any community relying upon a safe and secure water supply receives funding from the New South Wales Government through infrastructure right across the State, and the Government also makes

sure that our water utilities are able to deliver high-quality drinking water to residents throughout New South Wales. In relation to any boil water alerts that may be issued, and the member is talking about Wyangala in particular, in early September this year Cowra Shire Council, as the local water utility, issued a boil water alert for the Wyangala water supply system because filtration and disinfection did not meet the recommendations of the Australian drinking water guidelines and standards that I referred to earlier. That water serves about 40 people in the village.

Cowra Shire Council has recently resolved to declare the Wyangala water supply as non-potable due to an ongoing issue with the supply not being able to meet the recommendations of the Australian drinking water guidelines. Residents have been advised that the water is unsafe to drink and should continue to be boiled before consumption. Crown Lands and Water will continue to provide regulatory oversight and technical support for the non-potable scheme through its regional team. Council is exploring options to provide potable water in the future, with the assistance of the Department of Industry and NSW Health.

Again, this is the role of the Government. When our water utilities are facing problems with their infrastructure or they need extra support such as technical expertise, that is when the Government can come in and speak to those water utilities and assist them. In this case, we see a problem with the infrastructure that services this community. That is why we have schemes like our \$1 billion Safe and Secure Water program. I can see the Hon. Trevor Khan up there nodding away, because he understands how good a program this is. When utilities throughout regional New South Wales get to a point where they need to upgrade their infrastructure, we know that sometimes they cannot fund the full cost of that infrastructure upgrade, which is why we have programs such as Safe and Secure Water.

We work hand in hand with these water utilities. I am proud that we have these different water utilities right around New South Wales. I remember when I worked in local government those opposite were looking at getting rid of these local water utilities when they were in government. What we are doing on this side is providing \$1 billion for the Safe and Secure Water program to support those local water utilities and make sure the infrastructure is available for them. That is the role of a good government. That is the role of this Government. We are here to help those regional communities, particularly in the Cootamundra electorate where my good friend Steph Cooke is fighting for the people of Wyangala Village and the people of Cowra, and she is going to take it up to those opposite this Saturday.

YOUNG REGIONAL ARTIST SCHOLARSHIP

The Hon. NATASHA MACLAREN-JONES (15:16): My question is addressed to the Minister for the Arts. Can the Minister update the House on what the Government is doing to support young artists in regional New South Wales?

The Hon. Greg Donnelly: Especially Bathurst.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:16): Glad you mentioned it.

The Hon. Walt Secord: Are you going to be in Cootamundra or Murray on Saturday?

The Hon. DON HARWIN: I am going to be in Bathurst, I tell you that. I would like to thank my colleague for the question and note the Hon. Natasha Maclaren-Jones' dedication to regional visual arts. I am pleased to announce that nine young artists from across regional New South Wales will share in \$90,000, which will enable them to undertake professional development as part of the Government's Young Regional Artist Scholarship. This highly coveted scholarship is available to regional artists aged 18 to 25 and covers all art forms, including dance, design, digital art, history, Aboriginal arts, literature, music, theatre, screen and the visual arts.

Each young artist will receive \$10,000 to help kickstart their career, which will support the artist's self-directed program, including a two-day professional development program conducted by Create NSW. It also enables young artists to develop important networks across the sector, undertake professional skills development and receive mentoring in their respective art form. Supporting young emerging artists, particularly in regional New South Wales, means we can continue to build a stronger and more diverse arts and cultural sector for the future. For the scholarship recipients, it means a once-in-a-lifetime opportunity for their professional development. It will mean that one of the scholarship recipients, Sophie Aked from Newcastle, will be able to develop her songwriting skills by travelling overseas for tuition. It will enable her to attend major music industry festivals and conferences in the United Kingdom and Europe.

Another scholarship recipient, Johanna Williams from Bathurst, will be able to hone her playwriting skills by undertaking an internship and attending a series of arts festivals and conferences. This will enable her to develop new work that will involve creative development and mentorships in Bathurst. I take the opportunity to

congratulate each of the nine scholarship recipients. They are: Sophie Aked from Cooks Hill, Jesse Alston from Mitchell, Deni Davidson from Albury, Timothy Eddy from Lennox Head, Rhiannon Ersser from Albury, Tyronne Hoerler from Mount Austin, Tayla Martin from Nyngan, Ben Rodwell from Bathurst and of course, Johanna Williams from Bathurst.

I look forward to meeting these worthy recipients over the coming weeks. I note in my diary that, as part of their program when they are hosted here in Sydney, I will meet them all at Carriageworks on 1 November 2017 and I invite all of you to come and join us if you would like to. I am pleased to announce that the next round of this exciting scholarship program for young regional artists is now open until 30 October 2017. This is yet another example of the strong level of investment by the Government in nurturing the emerging grassroots arts and culture sector in New South Wales. Further information about the Young Regional Artist Scholarship is available on the Create NSW website.

NATIONAL ENERGY STORAGE TARGET

Mr JEREMY BUCKINGHAM (15:20): My question without notice is directed to the Hon. Don Harwin in his role as Minister for Energy. The Greens recently proposed a national energy storage target, to be managed by the Australian Energy Market Operator, aimed at achieving 20 gigawatts of storage by 2030. Does the Government support such a scheme to increase the amount of energy storage in New South Wales and, if so, would the Minister please update the House on any progress the Government is making towards this type of goal?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:21): I commend The Greens for having some sensible policies. I think there are aspects of what the honourable member has just suggested that are worthy of further consideration. Of course, the biggest battery that is under consideration at the moment is not Premier Weatherill's big battery that he and Elon Musk are developing.

The Hon. Penny Sharpe: You are jealous of his battery?

The Hon. DON HARWIN: No, I have no need to be jealous of his battery because the biggest battery in Australia that is being proposed is, of course, Snowy Hydro 2.0—that is a battery, an absolutely enormous battery. As I have said before, it is a game changer and the New South Wales Government is very interested in the work that the Federal Government is doing on its feasibility. In response to the honourable member's statement about the capacity of the battery storage, let me just make this remark: I was told recently, by the representative of a very large manufacturer here in New South Wales, that what is self-described by Premier Weatherill as "the world's largest battery" in South Australia would keep their industrial facility here in New South Wales—a very significant one—going for 7.7 minutes. Paul Broad from Snowy Hydro told me—

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

The Hon. DON HARWIN: Paul Broad told me that Snowy Hydro 2.0 would keep that same facility going for seven days. So, 7.7 minutes versus seven days. I say that not to in any way be derogatory about the importance of battery storage. Battery storage is very good and is an area we are closely looking at right now. Battery storage is an essential part of the picture, just like demand response and all the other things that we are looking at. It is important also, as part of that picture, to realise the tremendous potential of Snowy Hydro. Seven days for Snowy Hydro; 7.7 minutes for Premier Weatherill's battery.

The Hon. Bronnie Taylor: Fact.

The Hon. DON HARWIN: "Fact", as the Hon. Bronnie Taylor interjects. We are looking forward to hearing from the Prime Minister and from Josh Frydenberg soon on how that feasibility study is going because that will be—

The Hon. Rick Colless: A game changer.

The Hon. DON HARWIN: A game changer and an enormous piece of battery storage. It would increase the generation of the Snowy scheme by 50 per cent, adding 2,000 megawatts of energy to the national electricity market. The additional generation would serve as flexible capacity to be used at times of peak demand, rather than serving as base load. And during times of intermittent supply, extreme weather events and generator outages, an expanded Snowy scheme would help stabilise electricity supply. Batteries have a great future. [*Time expired.*]

SPRING GULLY RESORT DEVELOPMENT

The Hon. PENNY SHARPE (15:25): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, representing the Minister for the Environment. Given there is a plan to develop a resort within Spring Gully and Bundeena, and the National Parks

and Wildlife Service is being asked to approve road access to the proposed resort through the Royal National Park, will the Minister rule out granting the requested road access licence under section 153C of the National Parks and Wildlife Service Act?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:25): I have to say, that particular section of the National Parks and Wildlife Service Act is not known to me, so I certainly do not intend giving a commitment to the Hon. Penny Sharpe in that respect in question time today, nor would it be appropriate given, as she correctly says, it is a matter for the Minister for the Environment. So appropriately I should take the question on notice and refer it to the Hon. Gabrielle Upton for a considered response at the appropriate time.

BUSHFIRE RISK MANAGEMENT

The Hon. DAVID CLARKE (15:26): My question is addressed to the Minister for Primary Industries. Will the Minister please update the House on the Department of Primary Industries preparations for the upcoming fire season?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:26): As I have said before in the House, most of New South Wales has endured an unusually dry winter with only patchy and well below-average rainfall. That has been compounded by frequent frosts which have affected much of the State. This has unfortunately meant an early start to the bushfire season, with fire danger expected to be high throughout the summer months. Bushfire is, of course, a significant community-wide threat. We need only to look back to 11 and 12 February this year, when New South Wales experienced catastrophic weather conditions, to see the dangers that we face.

On those days, fires caused significant loss of livestock and damage to farming equipment and infrastructure, dry land agriculture and range land grazing enterprises. The most devastating of these fires was the Sir Ivan fire which burnt for weeks, affecting 55,372 hectares and destroying 4,535 head of livestock and an estimated 5,800 kilometres of fencing across 142 properties. Both the Department of Primary Industries [DPI] and Local Land Services [LLS] staff played an essential role in the wake of the Sir Ivan fire. They were on the ground and ready to assist producers to manage animal welfare issues such as locating and assessing affected livestock, destroying badly injured animals and arranging for their burial.

Staff also coordinated the collection and distribution of thousands of tonnes of donated fodder and truckloads of fencing material. In fact, the DPI's Rural Resilience Program continues to work with affected farmers and stakeholders, linking farmers with relevant support. One of these support partners has been BlazeAid, a volunteer-based organisation, that not only clears and rebuilds fences, but helped hundreds rebuild their lives. BlazeAid was based at the Dunedoo showground for eight months from February through to September this year. Over that time 1,028 volunteers cleared 685 kilometres of burnt fence line and re-fenced a total of 760 kilometres. Each volunteer was fed three times a day with an incredible kitchen team coordinating an average 48 diners every night but sometimes reaching up to 100 people in one evening.

The commitment and strength shown by the BlazeAid volunteers over the past eight months is remarkable and something to be acknowledged and commended. Thank each and every person who was part of this incredible effort. Unfortunately, this will not be the last fire we see or the last fire that devastates a community. With a tough fire season ahead of us this Government is committed to working closely with farmers, industry and stakeholders to ensure they are prepared for bushfires, potential emergency situations and drought. The Department of Primary Industries [DPI] is in constant contact with the Rural Fire Service [RFS] to understand the conditions and is involved in State emergency management committee meetings to stay up to date with the seasonal operations outlook.

In the event of any emergency response, systems are ready to be implemented and the DPI website will be used to publish the latest updates and information. Once again I commend BlazeAid, the Department of Primary Industries, Local Land Services, Rural Fire Service and every single person involved with the emergency and the recovery effort. Every little bit helps in those devastating times, and each and every volunteer and worker made a difference in the rebuild of the community. It gives me great confidence as Minister knowing that we have people within the agencies who are at the ready in times of need. The role that agencies play during a bushfire to evacuate companion animals and livestock is often overlooked. I am proud of them. They are ready to go. Let us hope that the preparation does not need to be put into practice.

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

*Business of the House***POSTPONEMENT OF BUSINESS**

The Hon. SCOTT FARLOW: On behalf of the Hon. Sarah Mitchell: I move:

That Business of the House Notice of Motion No. 1 on the *Notice Paper* of Government business be postponed until a later hour of the sitting.

Motion agreed to.

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

The PRESIDENT: I report receipt of a message from the Legislative Assembly returning the abovementioned bill without amendment.

HEALTH PRACTITIONER REGULATION AMENDMENT BILL 2017**First Reading**

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Bronnie Taylor, on behalf of the Hon. Niall Blair.

Second Reading

The Hon. BRONNIE TAYLOR (15:33): On behalf of the Hon. Niall Blair: I move:

That this bill be now read a second time.

I am pleased to bring before the House the Health Practitioner Regulation Amendment Bill 2017. The bill makes a number of consequential changes to the Health Practitioner Regulation (Adoption of Law) Act 2009 and various other acts. The changes follow on from recent changes to the schedule of the Health Practitioner Regulation National Law Act 2009 of Queensland relating to the registration of health practitioners. The registration of health practitioners is achieved through the National Registration and Accreditation Scheme [NRAS].

The NRAS is implemented in New South Wales by New South Wales adopting the Queensland schedule as a law of New South Wales subject to various modifications set out in the Health Practitioner Regulation (Adoption of Law) Act 2009. The applied Queensland schedule, as modified by the New South Wales specific provisions, is known in New South Wales as the Health Practitioner Regulation National Law (NSW). All States and Territories have generally implemented the NRAS by adopting the Queensland schedule. New South Wales adopted the nationally consistent provisions relating to registration and accreditation, which involves the national board registering practitioners.

However, New South Wales is a co-regulatory jurisdiction. This means that New South Wales did not adopt the national provisions relating to conduct, health and performance and complaints handling by the national boards. Rather, New South Wales has its own specific provisions relating to conduct, health and performance and complaints handling, which includes the New South Wales Health Professional Councils Authority, the Civil and Administrative Tribunal of NSW [NCAT] and the independent Health Care Complaints Commission.

On 6 September 2017 the Queensland Parliament passed the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2017 which will amend the Queensland schedule. The Queensland amendments follow on from a national review of the NRAS and a decision by health Ministers to bring paramedics into the NRAS as the fifteenth registered health profession. The registration of paramedics is supported by NSW Ambulance, private providers of paramedic services and by the Health Services Union, which represents the paramedic workforce. In order to call oneself a paramedic a person must be registered by the new Paramedicine Board of Australia.

Registered paramedics will be subject to registration standards determined by the board. Complaints regarding paramedics will be dealt with under the New South Wales co-regulatory system through the Paramedicine Council of New South Wales and the Health Care Complaints Commission. This will bring paramedics in line with other registered health professionals in New South Wales, such as nurses and midwives, medical practitioners, dentists and pharmacists. Paramedic registration is due to commence in September 2018 and the new board will establish and oversee arrangements for existing paramedics to transition to registration between now and then.

In New South Wales paramedics are employed by NSW Ambulance and have been effectively regulated as public sector employees. However, the addition of paramedics to the NRAS will provide more effective regulation in the private sector. Further, inclusion of paramedics in the NRAS will extend the ability for paramedics to work across States and Territories through common national registration standards. I am sure members of the House will join me in welcoming paramedics as the fifteenth registered health profession under the National Registration and Accreditation Scheme.

Other amendments to the Queensland schedule follow on from the statutory review of the NRAS which was undertaken after five years of operation. The review was conducted by Mr Kim Snowball and included extensive consultation with jurisdictions and stakeholders. The review report was released in 2015 and contained 33 recommendations. The review addressed issues including consumer responsiveness to the NRAS, accreditation functions and governance arrangements. Health Ministers accepted, or accepted in principle, a majority of the recommendations from the Snowball report. A number of recommendations required further consultation with stakeholders. As such, implementation of the recommendations has been split into two tranches, with the recently passed Queensland bill implementing the first stage of the recommendations.

The changes to the Queensland schedule will automatically apply in New South Wales where the changes relate to registration and accreditation. The Queensland changes also include amendments to the complaints scheme, but as New South Wales is a co-regulatory jurisdiction these changes will not apply in New South Wales. The changes to the Queensland schedule that will apply automatically in New South Wales are as follows: the inclusion of paramedics in the NRAS; enabling regulations to be made to consolidate one or more national boards but requiring consultation before any consolidation can occur—I note there is no current plan to consolidate any of the boards; recognising nursing and midwifery as two separate sectors, both regulated by one board; allowing a board to obtain additional information about a practitioner's practice information; requiring the boards to keep a register of prohibition orders; and the inclusion of a new section 127A, which allows a New South Wales review body to take over the review of an interstate practitioner who is subject to conditions imposed by the board, if the practitioner moves to New South Wales.

As a result of the Queensland changes, a range of minor consequential amendments are required in New South Wales, which the bill seeks to implement. In the registration of paramedics, the bill will amend the Adoption Act to establish a Paramedicine Council of New South Wales. The new council will, together with the Health Care Complaints Commission, hear complaints against registered paramedics. The bill amends the Health Care Complaints Act to include transitional provisions relating to complaints. Currently, paramedics are non-registered health practitioners and are subject to the code for non-registered health practitioners. The code sets the standards expected of non-registered health practitioners. Breaches of the code can result in the Health Care Complaints Commission issuing a prohibition order against the practitioner. A prohibition order can prohibit the practitioner from practising or place conditions on their practice.

The transitional arrangements in the bill provide that if a complaint is made against a paramedic prior to the commencement of paramedic registration, the Health Care Complaints Commission will be able to continue to assess and investigate the complaint as though the paramedic was not registered. Further, the changes will importantly mean that if a paramedic is subject to a prohibition order prior to registration, the prohibition order will remain in effect unless and until it is removed by the Health Care Complaints Commission. The bill amends the Health Services Act to remove the current protection of title provisions relating to paramedics. This is because, once paramedics are a registered profession under the NRAS, the New South Wales national law will contain title protection provisions and only a registered paramedic will be able to use the title "paramedic". Existing provisions requiring a chief executive of a public health organisation to report suspected unprofessional misconduct or unsatisfactory professional conduct of registered health practitioners will also apply to paramedics.

The bill amends the Interpretation Act as a consequence of including paramedics in the NRAS. Currently, the Interpretation Act includes a definition of registered health practitioners, such as medical practitioner, dentist or pharmacist. The titles of each registered profession are already protected under the New South Wales national law. As such, rather than include a definition of each registered health practitioner in the Interpretation Act, the bill includes a provision in the Interpretation Act to define health practitioners by reference to the Health Practitioner Regulation National Law (NSW). This change will futureproof the Interpretation Act in case any further professions are added to the NRAS or the names of the registered professions are changed. The change to the Interpretation Act requires consequential amendments throughout the statute book, which are mostly set out in schedule 5 to the bill. The bill also makes consequential amendments following the changes to the Queensland schedule that will allow a New South Wales review body to review conditions imposed by a national board on a practitioner if that practitioner moves to New South Wales.

Under the new section 127AA of the New South Wales national law, the council will be able to undertake a review of the conditions either on application of the practitioner or on its own motion. The new section will also

allow a council to substitute any undertakings imposed by a national board for a condition that is in keeping with the inability of a New South Wales council to impose undertakings. The new section 127AA ensures that a council can review any conditions imposed interstate to ensure that the conditions are appropriate to New South Wales. While all changes in the bill are consequential to the recent passage of the Queensland Health Practitioner Regulation National Law and Other Legislation Amendment Bill, they are important changes that will ensure that paramedic registration can commence seamlessly in New South Wales and that New South Wales continues successfully as a co-regulatory jurisdiction under the NRAS. I commend the bill to the House.

Debate adjourned.

LOCAL LAND SERVICES AMENDMENT BILL 2017

Second Reading

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:46): I move:

That this bill be now read a second time.

I ask the House to consider the Local Land Services Amendment Bill 2017. This bill has two key purposes: First, it will strengthen the governance of Local Land Services to ensure effective service delivery for regional and rural communities, both now and into the future; and, secondly, it will improve pest management outcomes by ensuring funds can be targeted to regional pest priorities. When Local Land Services was formed in 2014, it represented the most fundamental change to regional service delivery since the 1940s. For the first time we had one organisation that provided biosecurity, natural resources management, emergency response and agricultural advisory services across the State.

Local Land Services is a customer-focused organisation. It supports communities across rural and regional New South Wales to improve primary production within healthy landscapes. The organisation is made up of 11 regions covering each corner of the State. Each region is overseen by a local board to ensure that services are delivered regionally and tailored to suit the needs of each community, industry and landscape. The central board, currently called the Board of Chairs, is comprised of chairs of each of the local boards and its own chair. The Board of Chairs is responsible for the delivery of statewide priorities in accordance with the Local Land Services State Strategic Plan. The Local Land Services model means we have people on the ground in every region of this State, providing face-to-face assistance to help rural and regional communities be profitable and sustainable into the future. I have seen firsthand the on-ground successes that have been delivered already out of this model for customers, communities and ratepayers.

Local Land Services has been operational for only a relatively short time. Its establishment involved combining three legacy organisations with very different organisational cultures into a single entity, implementing an evolved operational model, and establishing recognition of the new agency in the community. As such, it is reasonable to expect that some aspects of its governance arrangements are still maturing. The Government has been testing and reviewing the operating model for Local Land Services to ensure it can meet the needs and expectations of the communities it supports effectively.

Over the past two years, Local Land Services has undergone audits and reviews across a broad range of areas. This includes an independent audit of governance arrangements, which was conducted by the Natural Resources Commission at the request of the Government. The audit identified areas in which Local Land Services is doing well, such as the use of systems to promote ethical behaviour and manage conflicts of interest. It also recognised that Local Land Services is an organisation where staff are respected and the diversity of their skills is valued. The audit also identified opportunities for Local Land Services to make improvements, for example, through clarifying roles and responsibilities across the organisation and improving strategic planning processes.

The Government carefully considered the recommendations of the governance audit, and published its response in December 2016. The organisation model of central and local boards of the Local Land Services was designed to facilitate regional decision-making. This structure is unique, which meant it needed time to evolve, and to identify the governance practices that would best suit its business model and customers. The bill amends the Local Land Services Act to enhance strategic direction setting across the central board and the local boards. These changes will improve accountability and allow the local boards to concentrate on regional priorities. The changes will also provide greater clarity for staff so that the organisation is in a better position to deliver State priorities and Government reforms.

In addition to this bill, late last year I announced a comprehensive list of priorities for Local Land Services over the next three years. These priorities will implement the recommendations from multiple audits and reviews, and set up Local Land Services for the future. These priorities include: strengthening governance through an improved strategic focus, tighter board processes and improved communications about roles, responsibilities and

decisions; developing consistent approaches to branding, communications and stakeholder engagement across all regions; modernising customer service through a new delivery model; implementing a range of strategies to improve financial sustainability, including new sources of revenue, more efficient ways of operating and delivering services, and attracting funding; and partnering with the Department of Primary Industries to deliver new and improved programs and services across biodiversity, biosecurity and agricultural production.

These priorities have been well received by key stakeholders and local communities. I am confident that this bill, in conjunction with the actions I have just outlined, will strengthen the Local Land Services model and position the organisation to effectively meet the expectations of local stakeholders and the Government. In addition to strengthening the governance of Local Land Services, this bill will also deliver improvements to the funding framework for managing pest animals in our regions. Importantly, there will be no change to the pest management rate level resulting from the amendments in this bill. Under the Local Land Services Act 2013, a special purpose pest insect rate is collected from all ratepayers across the State, and used exclusively for locust management activities.

Pest insect rates have been collected by the New South Wales Government since 1934. The rate was introduced originally at a time when broadacre cropping was expanding across Australia. Unfortunately, this meant locust activity was also expanding, as their habitat increased. The Pest Insect Rate is expected to raise \$6.2 million for the 2018-19 year. The pest insect rate funds the purchase of insecticide for locust control, aerial surveillance and treatment, as well as operational expenses. It also funds the contribution of New South Wales contribution to the Australian Plague Locust Commission, which plays a critical role in the delivery of a coordinated response to locust plagues across State boundaries.

Locust plagues can have a devastating impact on primary producers and rural communities. Controlling large locust plagues is expensive, but the evidence shows that this investment is money well spent. In 2004 the Government spent \$23 million controlling a locust plague. The locusts consumed 1.4 million tonnes of vegetation but without the Government's intervention, more than 23 million tonnes would have been consumed. Furthermore, a cost-benefit analysis of control campaigns has shown that for every \$1 spent on controlling locusts \$20 in production is saved. Improvements in early detection and responses to locust outbreaks, coupled with the careful management of locust management funds, means that the Government currently has adequate resources to respond to future plague events. From this strong position, the Government is now able to put forward improvements to the pest management framework, to ensure that resources can continue to be used efficiently.

The pest management rate was introduced originally in direct response to the concerns of farmers about the impact that locusts were having on their crops. Fast forward 83 years, and the Government is again demonstrating that it is listening to the needs of our farmers. For the first time, funds will be available for the management of other priority pest animals, in addition to locusts. This means that all ratepayers will see a greater return on their rates, as their rates are invested into managing the pest priorities in their region. This is particularly important for ratepayers living in areas where locusts are not the primary threat to industries. This change was a key recommendation of the State-wide Review of Pest Animal Management of the Natural Resources Commission. This was also identified as a key issue in the review of the Funding Framework for Local Land Services of the Independent Pricing and Regulatory Tribunal [IPART].

Regions will now have the funds to help them manage other local pest animals, such as cattle tick and wild dogs. In some Local Land Services regions, wild dogs have a significant financial and emotional impact on sheep and cattle producers. In some cases, even best practice management by landholders, including coordinated baiting under local wild dog management plans, is not enough to manage problem wild dogs that have learned to avoid the baits. For situations like these, this additional funding could be used to engage the services of professional trappers to provide much-needed assistance to landholders. To ensure that our ability to respond to plague locust events is not compromised, I have asked the Plague Locust Management Group to oversee the expenditure of pest management funds.

The Plague Locust Management Group comprises Local Land Services, the Department of Primary Industries, and the NSW Farmers' Association. Each year, this group will determine how much funding is required for locust management. Based on this determination, residual funds will be available to fund regional pest priorities. This approach reflects the Government's position that locust management should remain the highest priority. I have also asked the Plague Locust Management Group to develop a framework for allocating pest management funds to Local Land Services regions. I look forward to receiving their recommendation. The State Pest Animal Committee will also play an important role in this framework. The committee includes representatives from Local Land Services, local government, the Department of Primary Industries and National Parks and Wildlife Service. It also includes key non-government stakeholders from NSW Farmers, Landcare, the RSPCA and the Nature Conservation Council.

The committee was established to provide coordination and leadership as part of an overall statewide biosecurity framework. This includes providing advice to the Minister on pest control actions to be taken under the Biosecurity Act. The committee structure and membership has been designed to ensure that this advice is developed through a consultative process. It also means that the on-ground expertise of officers from Local Land Services feeds up into this advice. One of the roles of the committee will be to oversee the development of regional pest animal management plans, which will identify the pest priorities for each of the Local Land Services regions. These plans will in turn be used to direct pest management funds to where they are most needed.

The Government also recognises that animal welfare is an important consideration in the management of pests. New South Wales is leading the nation in this space. Animal welfare is a key consideration in the assessment of all pest control measures used in New South Wales. Researchers from the Department of Primary Industries have led the way for the rest of the country, with the development of a humaneness matrix that is used to assess different pest control techniques. This approach delivers best practice pest animal management by enabling humaneness to be considered alongside other factors, such as efficacy, cost-effectiveness, practicality, target specificity and operator safety. The amendments in this bill will mean funds are available to address each region's specific pest priorities. These priorities will be identified in Regional Pest Animal Plans, which will be developed over the next eight months. The development of the plans, which will be released for public consultation, will be overseen by the State Pest Animal Committee.

I now turn to the detail of the bill. The Local Land Services Amendment Bill 2017 will deliver a more effective governance structure by changing the Act in a number of key ways. First, the bill separates the strategic functions of the central board and local boards from the operational responsibilities of Local Land Services under the current framework for the Local Land Services Act, the chair of the central board is responsible for both setting strategic direction and managing the day-to-day operations of Local Land Services. These dual roles impose competing demands and impede the chair's ability to deliver these responsibilities effectively. The bill will address this by introducing changes that will provide adequate separation between the strategic role of the central board and local boards, and the operational role of the Local Land Services executive and staff.

The amendments make it clear that operational management is not the role of the central board or local board. Instead, this will now be the responsibility of the newly created chief executive officer role. The chief executive officer will be appointed by the Secretary of the Department of Industry. The chief executive officer will be responsible for the day-to-day management of Local Land Services in accordance with the central board's policies and directives. Assigning these responsibilities to a chief executive officer will allow the chair and the central board to have a greater focus on critical statewide issues. This arrangement reflects a more orthodox corporate structure.

The key responsibilities of the chair are unique to this role and involve building and maintaining effective relationships with the 11 regional chairs and their board members. The chair is responsible for ensuring that Local Land Services is authentically grounded in local decision-making in its priorities and services. At the same time the chair must ensure that Local Land Services is efficient and effective in meeting statewide standards and targets for service delivery across the 11 regions, which has a total budget of \$225 million. This is in contrast to the local chairs, whose regions have an average budget of around \$14 million. The responsibilities of the Chair of Local Land Services Board are far greater than that of a local chair. In assessing appropriate pay scales, both positions have been through a rigorous independent evaluation process that describes the key functions and areas of responsibility, including budget responsibilities and decision-making powers.

While the Chair of the Local Land Services Board will be appointed by the Minister, the remuneration of the chair will be determined under the Government Sector Employment Act, which is an important reform passed by this Parliament in 2013 and implemented by the Public Service Commission. This framework provides a rigorous process for determining the pay band for senior executives, based on an evaluation of the nature and complexity of each job. This evaluation has been done for the role of the Chair of the Local Land Services Board and the band and remuneration level determined accordingly. This is a transparent and well-established process, and also applies to many other statutory office holders across New South Wales. The chair will be remunerated at a pay scale equivalent to a lower level band 1 senior executive and is expected to work in the role on a part-time basis. The bill also extends the maximum term of the chair and all local board members from three years to four years, which will provide continuity and help Local Land Services to retain important corporate knowledge.

The second main area of amendments in this bill relates to specifying the responsibilities of the central board, which is to be renamed the Local Land Services Board. While the Local Land Services Act 2013 currently sets out a prescriptive list of functions vested in Local Land Services, it does not clearly articulate the role of the central board. This bill specifically enshrines the strategic responsibilities of the Local Land Services Board in the Act to enhance clarity around its role and increase its accountability. Specifically, the bill sets out that the functions

of the central board are to determine the general policies and strategic direction of Local Land Services and to determine the policies, procedures and directions that will apply to local board functions.

Examples of the policies for which the central board will be responsible include organisational governance and strategy, risk management, service delivery priorities and community engagement. These amendments address the recommendation of the Natural Resources Commission's governance audit that the central Local Land Services Board have a strategic focus on critical statewide issues. Importantly, the changes allow local boards to concentrate on regional priorities. This strong regional focus was a key factor in the design of Local Land Services, and the Government remains committed to this decentralised model.

The third key area relates to the pest management funding framework and amends an existing provision of the Local Land Services Act 2013. The key change is that funds will now be available for managing all priority pest animals, not just restricted to locusts. This will mean that resources are more efficiently allocated across the State to address regional pest priorities. Despite these changes, the management and eradication of locusts will remain the first priority. This means that the level of funding available for managing other pests will be less in years where there is a locust plague event. The changes to the funding framework will not apply retrospectively. This means that the current balance of funds collected under the Special Purpose Pest Insect Rate—approximately \$24 million—will remain dedicated to locust management activities. The amount of funds available for locust management will be maintained at a level sufficient to respond to a large locust plague event.

The bill provides for the repeal of part 10 of the Local Land Services Act. This part will be repealed in the coming months when the biosecurity regulations are finalised and ready to come into force. I reassure the House that this will not erode pest control powers. Rather, the new framework will provide for equivalent arrangements in a more effective and enforceable way—for example, under the existing framework a declaration of pests is done by a pest control order. This is not necessary under the Biosecurity Act because pests can be effectively managed using a combination of other tools such as mandatory measures and the General Biosecurity Duty. That duty will require landowners to control pests on their land to minimise biosecurity risks to their own land and livestock, as well as their neighbours' land and livestock. Where a landowner is not meeting their general biosecurity duty in relation to a pest animal, an authorised officer, which includes Local Land Service officers authorised under the Act, will be able to issue a biosecurity direction requiring the landowner to take specific actions to manage that biosecurity risk.

The Government has undertaken targeted consultation with a number of key stakeholders on the amendments proposed in this bill, including the Natural Resources Commission, Public Service Commission and NSW Farmers' Association. Discussions have been held with these parties and other members of the original Local Land Services establishment reference panel, including Landcare NSW and Local Government NSW, to ensure that the changes proposed support the original intent of Local Land Services when it was set-up more than 3½ years ago. In addition, the Local Land Services Board has also been consulted and is supportive of the changes to the Local Land Services Act 2013. These changes will provide the clarity and direction that local chairs need now that the new boards are in place, after the recent board member election process.

The bill amends the Local Land Services Act 2013 to establish an effective functional structure for New South Wales Local Land Services and to deliver a more effective pest management funding framework. These amendments will strengthen the critical role that Local Land Services plays in delivering its core functions of agricultural advice, biosecurity and natural resource management, and emergency assessment and response. It demonstrates the Government's strong and ongoing commitment to Local Land Services, and to supporting our primary industries sector and regional communities. It will enable Local Land Services to build on the successes of the past 3½ years and to continue to deliver critical services that are valued by customers, ratepayers and communities. These changes will ensure that Local Land Services is able to better function as one cohesive organisation, delivering regional priorities under the umbrella of one statewide Local Land Services Board. I commend the bill to the House.

The Hon. MICK VEITCH (16:08): I lead for the Opposition in debate on the Local Land Services Amendment Bill 2017. From the outset, I commend the Minister for his detailed second reading speech on this bill. It was certainly much more detailed than the one delivered in the other place. It is important that we acknowledge when second reading speeches are done right. The objects of this bill are to amend the Local Land Services Act as follows:

- (a) to provide for the day-to-day management of Local Land Services to be carried out by a Chief Executive Officer rather than the Chair of the Board of Chairs,
- (b) to provide for the Chair to be appointed by the Minister,
- (c) to rename the Board and to clarify its functions,
- (d) to increase the maximum term of office of members of local boards from 3 years to 4 years,

- (e) to reinstate and extend a ministerial power to require Local Land Services to contribute to the cost of pest management,
- (f) to clarify an object of the Local Land Services Act 2013,
- (g) to make amendments in the nature of statute law revision.

I commend the member for Cessnock, who led for the Opposition in the other place, for his scintillating and riveting contribution regarding this bill. Last night, while I sat in on the debate in the other place, a number of interesting things were raised. It is important to mention that to set the context for the rest of my contribution about this bill. Farmers who make contact with my office or who pull me up on the street, including at pre-polling centres at Young and Cowra last week, say they have an issue with Local Land Services [LLS]. It is not the same issue all the time; they all have different issues. Some tell me it is a mess and some say that they have issues with pest management, which I will get into a bit further on. Some talk about weeds. Some talk about structure and some about the fact that they have to pay fees, charges and rates. But wherever I go in New South Wales, the farming fraternity want to talk to me about the ineffectiveness of Local Land Services. They have very clear views about what they see as its failures. That means that when amending bills like this are before the House we have to give consideration to those views and have an appreciation for the farming community.

The issues with Local Land Services are good examples of how not to implement public policy in New South Wales. It is not this Minister's fault. I have said in this House before that I have no doubt that Minister Blair, bright as button on his first day of work, walked into his brand new office as Minister and on the table was a steaming bucket of excrement marked "LLS". I am certain that Minister Blair is doing his best to fix up the mess that he inherited from previous Ministers. But the reality is that people in regional New South Wales are not happy about Local Land Services. This bill essentially arises out of a corporate governance audit. It would be fair to say that concerns were raised about the executive support and what will be called the centralised Local Land Services board. Concerns were raised about how much money is being put into that board, the increasing draw on funds and whether that money would be better spent in the regions on things such as pest and weed management. There is real concern and no doubt there will be farmers who will still be unhappy even with these changes.

It is pretty hard to stand here as the Opposition and say that we oppose the recommendations of the corporate governance audit that is aiming to improve the model. So I will say that we are not opposing the bill, but we have some concerns and issues, which we have raised. Again, I commend the Minister for sending staff to have a conversation with me about this bill. Arising out of that conversation came a clarification in the Minister's second reading speech about one of the clauses that I want to talk about a bit later on. I thank the staff for their consideration of my concerns. It is important I acknowledge that, because it does not always happen with other Ministers. In my view, Local Land Services is a problem in regional New South Wales at the interface with farmers. Local Land Services is not sufficiently resourced to do its work and the staff, although well intentioned, are operating under great stress and duress.

The Government is hanging too much weight on the LLS hook. The organisation is not resourced or geared to meet the expectations of the Government around biosecurity, biodiversity and other requirements. It concerns me that some of the important components of things such as the Government's biodiversity and biosecurity measures might fall over because of that lack of resourcing. I am concerned about the resourcing of LLS. Let us get to what this bill really says. Section 26, relating to functions of the board, is about creating the role of the board. It is important that any statutory, public sector or not-for-profit board has some clarity around its roles and functions. Whether that be about the general policy, strategic direction or determining procedures, it is very important to have it articulated somewhere. It is in this bill, which is important.

I hope that in communication with the farming sector that clarification is provided so that they understand the differences between the roles of the regional boards and the Local Land Services Board as it will be. There is confusion now. It is one thing to pass the bill, but the Minister needs to provide us with an assurance that the communiqués to the farming community will make clear the differences in roles between the regional boards and the Local Land Services Board. I will spend a little bit of time discussing new section 200A, relating to contributions towards the management of pests. I know Parliamentary Secretary the Hon. Rick Colless, who is sitting at the table, would appreciate plague locusts.

I am a bit of a vegetable gardener. I am not a successful one, but I have a crack at it. I remember in 2004 in Young watching bands of plague locusts essentially demolish everything in their path. I had about 4.8 acres on the outskirts of Young and the plague locusts pretty much demolished my vegetable garden. They did not go near the chilli plants but they got everything else. Last night the member for Wagga said that even the green shade cloth was not safe from plague locusts. In 2004 I had to drive from Young to Dubbo, which was in the middle of that big band of plague locusts.

Mr Jeremy Buckingham: Yeoval—that was where it was bad.

The Hon. MICK VEITCH: It was really bad there. I had my middle son with me in the car. Going across the top of the hill and down was like descending into a fog. I had to pull over because I could not see to drive. The number of city slickers who did not cover their radiators and were pulled over on the side of the road with a boiling engine really highlighted people's lack of knowledge about how to survive locust plagues. My thoughts at the time were with the farmers and they still are. Plague locusts are scary things for farmers. They know they are coming but there is not a lot they can do. They rely heavily upon the deployment of agencies to in some way address or attack the plague locusts.

I am glad to hear the Minister say that the sufficient reserve of funds that we have collected for plague locusts so far will remain for plague locusts. That is sensible and will ensure that there is a pool of funds available for the next plague locust occurrence, because, unfortunately, it will happen. It is sensible to enable the funds to be accessed for other pest controls. Last week there were discussions about mice plagues in Victoria. Just like plague locusts, plague mice are also scary. No-one can turn anything over because there are mice going in all directions.

The Hon. Rick Colless: In your undies drawer.

The Hon. MICK VEITCH: They are just everywhere. People have to live through that. The mice get into water tanks. It is amazing where they will be. It is a sensible move to allow the funds that have been collected to be used for other pest control mechanisms. The Hon. Scott Farlow is sitting at the table. Last week we were covered in bugs at a Young pre-poll—it was almost like a plague of insects going through the main street.

The Hon. Scott Farlow: They liked yellow shirts.

The Hon. MICK VEITCH: They did. I am not sure which political party was wearing the yellow shirts. I believe the Minister's initiative is sensible, and it is good to hear that the existing funds collected will continue to be quarantined. New section 3 of schedule 2A contains provisions relating to employment and remuneration for the chair of what will be called the Local Land Services Board. The first thing I will raise with the Minister is about the vacancy, and I hope he can address it in his reply. It is not an issue just with this piece of legislation; I have raised it before in the House with regard to other ministerially appointed boards or chairs. The time it takes to fill a vacancy when someone resigns, or is removed for whatever reason, is of concern to me. Nowhere do we provide that the vacancy is to be filled within three months, six months or 12 months; the legislation is always silent on how long it will take to fill the vacancy. That is a failing.

In the future the position of chair of the Local Land Services Board may become vacant and may not be filled. The legislation does not contain a provision to say, for example, that within 12 months it has to be filled or the Minister must make a statement to the House as to why it has not been filled. There should be some mechanism in place to cover that. We are not going to move an amendment of that nature—I have tried that before and have been knocked back. I accept that when you have been beaten once or twice you should pick other matters to pursue. I cannot chase every rabbit, but I will chase a couple of other rabbits in regard to this bill. I would like the Minister to address in his reply the proposals to ensure that the vacancy cannot be left open for an infinite period of time.

I now turn to remuneration. I will be moving an amendment on this matter but will make my comments now to assist in shortening the Committee stage. I know we are moving to a new model, but, according to a response to questions on notice, the former Chair of the Board of Chairs was being paid a salary package upwards of \$320,000 a year. That is more than the Minister is paid. How does that meet community expectations? How does that meet the fair and reasonable test? How does it meet the pub test? It is a lot of chaff. I know this bill says we will change that, but I still have an issue about how much we will be paying the new holder of the position of chair of the Local Land Services Board. As a part-time position I think it will be about \$143,000. Working 20 hours per week and getting paid \$143,000 is not a bad gig either.

How does it meet community expectations? The average wage of some people in places such as Crowther is about \$20,000 a year. Go and tell them that the part-time chair of the Local Land Services Board will be paid about \$143,000, or stand in Macquarie Street and tell people that is what is going to happen. It just does not pass the pub test. We will have a chief executive officer who is essentially responsible for running the organisation. One has to wonder what this chair of chairs is going to do. I am not saying that the regional chairs of the Local Land Services Board are being remunerated out of kilter with community expectations, but I think this is a problem. We have to admit that the former \$320,000 package was generous.

The Hon. Greg Donnelly: Was generous.

The Hon. MICK VEITCH: And maybe overly generous. Some Ministers or shadow Ministers who work really hard would look at that package and say, "Wow!"

Mr Jeremy Buckingham: Name them.

The Hon. MICK VEITCH: Me, for a start. Thank you for the acknowledgment of my hard work. I do not think it passes the pub test. The community is not saying that these chairs should be paid peanuts, but their remuneration has to be fair and reasonable. I understand there is a mechanism to say that this is how they will be paid and this is the benchmark, but it is still a lot of chaff. It is a lot of money to pay someone in that role. It will be a real problem that will need addressing. I will move an amendment in the Committee stage to at least try to put some reasonableness and fairness into the salary package paid to the new chair of the Local Land Services Board.

Corporate governance audits are very important; they often highlight a number of things that people do not like to hear. An organisation I was previously involved with conducted a corporate governance audit and some very sensible things were put forward. It is one thing to say that you will adopt recommendations; how you implement them is the real issue. In the briefing we received from the Minister's office it was said that the Government is adopting the recommendations, but I would like to hear how they will be implemented. When is the next review period? When will we get a chance to see if this has worked?

We are moving from three-year to four-year appointments and I know that Mr Jeremy Buckingham has an issue with that. We have had a lengthy conversation about that provision in the bill. What will be the timeliness of the next review to ensure that what we do is working? We do not want to put something in place that does not work and then continue to do the same thing. It would be prudent for the Minister to advise the House when he envisages the next review will take place, how that review will take place and if there will be some sort of a mechanism to provide information to the Chamber about the implementation of the corporate governance audit.

All in all, we will support the legislation, although we have an issue concerning remuneration that we will try to address in the Committee stage. There are some good things in this bill. I am glad that, following a request I made to his office, the Minister clarified part 10 of the Local Land Services Act for me. I still have some qualms about how it will work—especially concerning the transition to the new phase—but at this point in time I am satisfied with the Minister's explanation. The Opposition will support the legislation.

Mr JEREMY BUCKINGHAM (16:27): On behalf of The Greens I make a contribution to debate on the Local Land Services Amendment Bill 2017. I inform the House that we will be seeking to amend the bill but, on the weight of its content and on the basis of the briefing and the conversations we have had with stakeholders, we will support the bill overall because it makes some necessary changes to the operation of Local Land Services—a body that The Greens support. I remind the House that it was with the support of The Greens that we established Local Land Services in New South Wales under former Minister Katrina Hodgkinson. We certainly want Local Land Services to work, but I note with some concern the reports from the Natural Resources Commission [NRC] about its operations. I share the view of the Hon. Mick Veitch, Country Labor and the Labor Opposition that Local Land Services has an enormous and incredibly important job to do in extension services in agriculture, soil conservation, biodiversity and biosecurity. Those issues are episodic in nature in that no-one cares about them until everyone cares about them. A case in point is the Murray-Darling Basin. Issues about natural resource management that have long been a bugbear of governments, bureaucrats and communities disappear out of view and then re-emerge. I am sure the Hon. Mark Pearson will be raising animal welfare, which is another issue that grabs the headlines, disappears and then grabs the headlines again. It will only be resolved when a plan is puzzled out as to how best manage natural resources in this State. A Local Land Services [LLS] that brings together the objectives of catchment management authorities and other boards in one entity is probably the best form of management, but it will need resourcing and the attention of the Government and the House. This bill is part of that ongoing process of review. Its overview is as follows:

- (a) to provide for the day-to-day management of Local Land Services to be carried out by a Chief Executive Officer rather than the Chair of the Board of Chairs,
- (b) to provide for the Chair to be appointed by the Minister,
- (c) to rename the Board and to clarify its functions,
- (d) to increase the maximum term of office of members of local boards from 3 years to 4 years,
- (e) to reinstate and extend a ministerial power to require Local Land Services to contribute to the cost of pest management,
- (f) to clarify an object of the Local Land Services Act 2013,
- (g) to make amendments in the nature of statute law revision.

The Greens support the more important half of those amendments, which is why we are supporting the bill. We will be seeking amendments to the other areas. The bill is part of the Government's response to a scathing Local Land Services governance audit by the NRC in 2015 that exposed deep cultural governance issues in Local Land Services. In the review the commission found:

Evidence indicates that insufficient time and resources were given to establishing a sound governance framework with clear roles and responsibilities at the start of LLS. This has resulted in an ad hoc approach with confused roles and lines of accountability and has fostered mistrust between boards and management in some cases.

It also found:

Leadership and strong governance are also lacking in strategic direction setting, financial management and risk management. The strategic planning process was unsatisfactory, characterised by confused guidance and long delays from the Board of Chairs, and inconsistent implementation at the local level. Similarly, LLS has struggled to implement sound financial systems and financial responsibilities are unclear.

In that regard and with that background, this is an urgent matter. The year 2015 was some time ago, and we need to make sure that LLS is operating better than the NRC found. We are pleased that the Government has finally brought these changes, but we are very concerned that they do not go far enough and will not be enough to stop the rot at LLS. The NRC clearly recommended that the Government should add two independent members with appropriate corporate governance and public sector expertise to the Board of Chairs as a matter of urgency. The Government has still failed to implement that recommendation. To rectify this, The Greens will be moving an amendment to require the Minister to add two independent members. We will also introduce an amendment to the bill so that the new Chair of the Board of Chairs is appointed by the secretary, as is currently the case, rather than the Minister. The public is sick to death of roles like this simply being jobs for the boys and opportunities for National Party loyalists to be given well-paid sinecures.

The Hon. Mick Veitch: Very well paid.

Mr JEREMY BUCKINGHAM: Very well paid. A case in point is Land and Water Commissioner Jock Laurie. Has anyone seen him recently? It was going to be his job to puzzle out how to fix the conflagration between miners and farmers.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! The member is beginning to stray from the leave of the bill. I invite the member to return to the leave of the bill.

Mr JEREMY BUCKINGHAM: Is that a point of order?

The DEPUTY PRESIDENT (The Hon. Trevor Khan): It is my ruling.

Mr JEREMY BUCKINGHAM: I was just clarifying that. Thank you for your ruling. Appointees to these positions are very important, and many other appointees have been well paid in this State. There is some concern about how they are appointed, who is appointed and whether or not we get bang for our buck. I restate my view that not all of the appointees stand up to scrutiny. The NRC review found that the role of the Chair of the Board of Chairs needed to be taken much more seriously. Instead of that, the Minister is making it a part-time role for one of his mates.

The Hon. Rick Colless: Rubbish.

Mr JEREMY BUCKINGHAM: That is the case. It is a part-time role. The Chair of the Board of Chairs is a critically important role for a major agency in this State that deals with biosecurity, biodiversity and animal welfare, yet it is a part-time position. We will be introducing amendments to delete this "Jock Laurie clause" and ensure that the chair of the LLS board is a full-time position and not a political appointment. I note the interjections from the Hon. Rick Colless. He probably has his eye on the position, looking for something to do after his Legislative Council gig is up, but we need more accountability and fewer of these jobs for the boys positions—especially on boards such as that of the LLS. Regarding the changes to pest management, the NRC recently completed another scathing review that found:

Despite efforts to manage them, foxes, feral cats and carp are now widespread across the entire state, and populations of wild dogs, deer, feral goats, rabbits and feral pigs continue to increase in numbers and geographic distribution.

The Government's pest management approach to deer has failed. We are yet to see a cohesive and coordinated response to foxes and feral cats that are doing untold damage to our fauna and to the agricultural productivity of this State. These are not findings of The Greens but of those pesky people at the NRC who are auditing the efforts of LLS and looking at our biodiversity and agricultural production. As part of its response to this, the Government has introduced an amendment to the bill that will allow for part of the locust levy to be used for other pest animals. Philosophically, we do not oppose that. The levy raises approximately \$6 million per year from landholders and there is currently \$24 million in the fund as a contingency against a locust outbreak. The advice I received at the crossbench briefing was that a locust outbreak costs approximately \$20 million per year—but there are locust outbreaks and locust outbreaks. I join with the Hon. Mick Veitch in reflecting upon the locust outbreak of 2004. I was living in the Central West at the time. It was biblical; it was something to behold. People were talking about farming the insects, they were so enormous in number. The amount of biomass they consumed and converted into their swarms was prodigious. The locusts were a danger to motorists and to our native flora and fauna. I would be

surprised if \$26 million in today's money would deal with an outbreak of that magnitude. The loss to the agricultural sector was phenomenal. The plague wiped out winter crops. Oats, wheat, barley and all of the canola was shredded, causing a massive loss of revenue in communities that could not afford it. I remember the car being smothered as I was driving through Yeoval or those honourable members who do not know where Yeovil is, it is near Cumnock and Molong. It is a beautiful part of the world but it has been devastated. Those communities want to make sure that money is set aside in this levy to deal with locusts if they emerge from dormancy again in plague proportions.

The Government intends to use about half the money in the fund against other pests. While The Greens support having more money for pest eradication, I want to hear from the Minister as to whether the Government is committing to being the guarantor of the fund if the proposed changes mean that there will not be enough money into the future. If there is a net loss, will the Government make up the difference? In the event that the money has been spent on fox control, for example, but then there is locust plague, will the Government find the money in its back pocket for locust control? We want to hear from the Minister whether the Government will guarantee the net amount. What will happen if there are three locust outbreaks in three years and there are not enough funds? Will the Government commit to topping up the fund? It is hard to avoid the cynical interpretation that this change is simply creative accounting in order to hide a reduction in funding for pest management from general government revenue under this Coalition Government. I hope that is not the case, but we would feel much more confident if we had a guarantee from the Minister to that effect.

Other provisions the bill provides for that The Greens support include: clarifying the Local Land Services strategic role and function, with residual functions allocated to the local boards to remove ambiguity and improve accountability; transferring responsibility for the day-to-day operational management of LLS from the chair of the Local Land Services Board to the newly created position of chief executive officer; and clarifying that the operational management of planning functions is not the responsibility of local boards but that the role of local boards is to set the strategic direction at a regional level, which will enable a greater focus on regional priorities. Because of the weight of the changes before the House, we think they are good changes to the operation of LLS. We will support the legislation but we ask the Government and the Opposition parties to consider the amendments that The Greens will move in the Committee stage. Other than that, I commend the Local Land Services Amendment Bill 2017 to the House.

The Hon. MARK PEARSON (16:41): I speak to the Local Land Services Amendment Bill 2017. First, while the Animal Justice Party does not support the bill, I note that we oppose only one key section. That is the increased funding for killing so-called "pest species". We had hoped to propose some sensible and proactive amendments but, as this is a money bill, that can only be done in the other place. I will touch on those amendments a little later. In relation to the Animal Justice Party's concerns, my understanding is that the bill seeks to join general pest animal management funding with the existing locust fund, which generates its income from a levy placed on the landholders. While funding for locust control remains the main priority, residual funds will be used to target those species that are deemed to be pests with the cheapest, yet cruellest, forms of killing control—a control method that has been proven time and time again not to work in the end. In fact, it has the opposite effect in that mass slaughter provides only a quick, forced population control result.

Professor Tony English of the University of Sydney's Faculty of Veterinary Medicine stated that, despite 200 years of shooting, poisoning and trapping, feral animal numbers continue to rise. Feral animal populations have thrived not due to the setting aside of national parks, but due to the massive degradation and devegetation of the landscape that has compromised natural ecosystems and their native species, thus creating a niche for feral animals. Much research has been published about the crude killing methods of control. It reveals that removing an introduced species from an ecosystem that has adapted to its existence, to a point, has a negative ripple effect for other animals. A basic example is the wiping out of rabbits in certain areas. While farmers rejoiced, it caused a dramatic decrease in quoll numbers because our native raptors, rather than preying on defenceless, prolific rabbits, turned to preying on quolls. Quoll numbers decreased, raptors struggled for food, and more and more consequential changes occurred down the food chain.

We cannot go back to 1769 in relation to introduced species. Foxes, wild dogs, wild pigs, rabbits, cats, mice and rats have been born here for many generations and now fill an ecological niche. Given the massive habitat loss and changes in landscape, mostly due to agribusiness and the forestry industry, we must accept that our ecosystems are evolving and adapting. Rather than, as this bill appears to propose, providing a new avenue of funding for 1080 poisoning programs, mass slaughters, cruel hunting techniques and lethal viruses that cause long, lingering deaths, we should be investing in the research and development of more humane and non-lethal, but effective, control methods. While I note that there is a research and development area within the Department of Primary Industries, it is limited by general funding that is provided to the entire department. There is no designated fund to evolve the area past being more than a mechanism to support more profitable animal farming. Sadly, in regard to animal welfare it is merely a token gesture.

Our amendment idea is simple and, since I cannot move the amendment in Committee, I urge the Minister and the Government to think seriously about its intentions and desired outcomes. Simply put, we call for a proportion of the residual funds—that is, what is left once the allocation for locust control has been made—to go to funding specific research and development of more humane and non-lethal methods of introduced animal control. We propose that no less than 25 per cent of the residual funds be provided and utilised only for introduced animal control research and development, and for such programs that are shown to be effective in other parts of the world, such as immunosterility contraceptive methods. These methods are being used with wild horses in Canada and with elephants in Africa, and are being trialled with some success with possums in New Zealand.

But to ensure transparency and an accurate cost-benefit measurement, we also suggest that an annual report be provided outlining where the funds were spent and the outcomes and trials conducted as part of the specific introduced animal management plan. This report should also show the percentage of funding allocated in excess of the minimum of 25 per cent. Overall, our aim with this proposal is to ensure that introduced animal management provided by government tackles the long-term strategic view of genuine population control through humane and effective, non-lethal means. If funds are to be used to kill animals in the most barbaric and cruel ways, based purely on cost, it is only reasonable that a portion of those funds go into research and development of, not just more humane methods, but better long-term outcomes in reducing innocent introduced animal populations.

The Hon. PAUL GREEN (16:47): There are always those members who pop into the Chamber when it is their turn to bat, but who do not stay to hear the field. I was in the Chamber fielding while waiting for my turn to bat.

The Hon. Dr Peter Phelps: Which side are you batting for?

The Hon. PAUL GREEN: I bat for the people of New South Wales—the families of New South Wales. I speak today in debate on the Local Land Services Amendment Bill 2017. The Christian Democratic Party believes strongly that we are called to be good stewards of the land. As it says in Genesis:

In doing so we must work to protect, preserve and cultivate what we have been blessed with. Unfortunately, the introduction of particular conservation measures 20 years ago resulted in little support being given to our farmers, many of whom had their land sterilised. All the while, and most unfortunately, biodiversity in New South Wales declined. The conflicting interests ultimately pitted farmer against environmentalist when in fact agriculture and the environment are not opposed; they are co-dependent and farmers require the environment around their properties to do well in order to ensure the longevity and prosperity of their businesses from one generation to the next. I believe farmers are the best environmentalists.

In 2016 I was pleased to support the Biodiversity Conservation Bill and the Local Land Services Amendment Bill. The passage of these bills recognised farmers as the critical link in biodiversity management. The reforms recognised the importance of supporting our farmers to ensure that they can properly manage their land, crops and stock, while improving biodiversity on their properties. That allows them to continue to grow our food, generate an income for years to come and look after not only their family but also many families across New South Wales, Australia and the world.

The bill before the House today seeks to strengthen the governance of Local Land Services [LLS] to ensure effective service delivery for regional and rural communities, now and into the future. It will improve pest management outcomes by ensuring that funds can be targeted to regional pest priorities. Local Land Services was launched in January 2014 with the role of delivering quality, customer-focused services to farmers, landholders and communities across rural and regional New South Wales. Local Land Services is an organisation charged with the responsibility of bringing together agricultural production advice, biosecurity, natural resource management and emergency management. It is run by local people, employs local people and focuses on local issues and the delivery of quality services specific to the local region. The State of New South Wales is divided into 11 regions, each with its own board that is responsible for day-to-day operations and charged with setting strategic direction in order to achieve local and State priorities.

I turn to the detail of the bill. First, the bill introduces the role of chief executive officer [CEO] to Local Land Services. Under the current framework, the chair of the central board is responsible for setting strategic functions for central and local boards as well as the operational day-to-day functions of the Local Land Services. This can result in competing demands upon the chair. Separation of the role will strengthen the governance structure of Local Land Services. The CEO will be appointed by the Secretary of the Department of Primary Industries. The new role of the chief executive officer will be operational management of the LLS in accordance with the central board's policies and directives. The chair of the LLS central board will be appointed by the Minister and will remain responsible for the board maintaining a strong grassroots connection with the 11 regional LLS boards. This guarantees that the 11 LLS boards will have input into service priorities and ensures local decision-making for their region. This input directs the chief executive officer in the day-to-day operations.

Secondly, the bill specifically identifies and defines the responsibilities of the central board, which will be known as the Local Land Services Board. The previous Act sets out a prescriptive list, whereas this bill enhances clarity and increases accountability. Functions of the LLS board include determination of general policies and strategic direction. The LLS board will determine policy, procedures and directions that will apply to local board functions. This change will enable a local land board to concentrate on its region and priorities. The maximum term of the officers on local boards will be increased from three years to four years. The third key area of change in this bill relates to the pest management funding framework. The major change is that funding will now be made available for managing all priority pest animals.

While the management of locusts will remain the key priority and funds will continue to be prioritised towards locust management activities, each year the Plague Locust Management Group will determine how much funding is required for locust management and the residual funds will be available for regional pest priorities. This system is evolving. The Christian Democratic Party supports the changes for the benefit of regional communities and the primary agricultural sector. We commend the Hon. Mick Veitch for his considered thoughts about the bill as he knows the land well. However, this is a Liberal-Nationals Government and the Christian Democratic Party will support the way it wishes to do business on this occasion.

The Hon. RICK COLLESS (16:54): It is my turn to bat, as the Hon. Paul Green would say. I support the Local Land Services Amendment Bill 2017. The establishment of Local Land Services in 2014 was a once-in-a-generation reform. It brought together services supplied by three separate organisations to provide a one-stop shop for ratepayers in 11 regions across New South Wales. Since 2014, Local Land Services officers have built a solid reputation as experts in best-practice farm management. Local Land Services' strong focus on customer service has been key to the success of the regional service delivery model. Local Land Services connects customers with groups, information, support and funding to improve agricultural productivity and better manage natural resources.

Local Land Services is committed to the continual improvement of service delivery. That is evidenced by efforts to survey landholders and use the findings to set key performance indicators for future improvement. Local Land Services has demonstrated a commitment to delivering better value for money for ratepayers by implementing the recommendations of various reviews and audits. The bill before the House is a key step towards improving Local Land Services' governance framework. These changes are part of a range of priority actions that have been undertaken to ensure that Local Land Services can continue to deliver a superior level of regional services into the future.

The Hon. Mick Veitch: Point of order: I am trying to listen to the Hon. Rick Colless but conversations on both sides of the Chamber are making it difficult to hear his articulate dissertation on Local Land Services.

The Hon. Paul Green: To the point of order: In the outfield it is not unusual to have discussions.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! Members will extend courtesy to the Hon. Rick Colless.

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

The bill makes it clear that the central board is responsible for setting the strategic direction of the organisation. The central board will develop general policies related to statewide issues, such as organisational governance and strategy, risk management and service delivery priorities. Local boards are responsible for setting the strategic direction at a regional level. The importance of a strong regional focus was a key factor in the design of the decentralised Local Land Services model, and the Government remains committed to that model. The bill clarifies that operational management and planning is the responsibility of Local Land Services staff and management. As with the aforementioned changes, this clarification of roles and responsibilities will promote accountability and transparency of decision-making within the organisation.

The change to the maximum term of board members is another important improvement. Increasing the term from three to four years will provide boards with greater stability and allow for a staggered approach to board elections and appointments. It will ensure that the board retains critical corporate knowledge, which will promote better performance and decision-making in the long term. Another key change to the governance framework is

the creation of the new chief executive officer [CEO] position. The difference between the roles of a CEO and a chair are well recognised in the community. A chair is responsible for leading the board as it sets its strategic direction, whereas a CEO is responsible for managing the day-to-day operations of the organisation, its people and its resources.

Under the current legislation, the chair of the central board carries the responsibilities of the CEO in addition to those of the chair. The bill amends the Local Land Services Act to split those responsibilities between the two roles. Separating those responsibilities means that the chair will be able to have greater focus on building and maintaining relationships with each of the 11 local boards. The bill also provides for the chair of the central board to be appointed by the Minister for Primary Industries. The chair will be directly accountable to the Minister for the delivery of the Local Land Services State Strategic Plan, as well as the priorities outlined in the Minister's charter letter. In addition to these important improvements to the governance framework, the bill also provides Local Land Services with the flexibility to use pest management rates to address regional priorities. Considerable discussion about that has taken place today. It is another important change that delivers greater value for ratepayers, especially those who live in areas that are not affected by locust plagues. I commend the bill to the House.

Debate adjourned.

Mr Scot MacDonald: Mr Deputy President—

The Hon. Mick Veitch: I did not hear the Clerk read the order of the day.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I warn the Hon. Mick Veitch that he is not yet on a call to order, but that can change at any moment.

FAIR TRADING AMENDMENT (TICKET SCALPING AND GIFT CARDS) BILL 2017

First Reading

Bill introduced, and read a first time and ordered to be printed on motion by Mr Scot MacDonald, on behalf of the Hon. Sarah Mitchell.

The Hon. Mick Veitch: It is important to get that right, Scot, otherwise the bill has no standing.

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

Second Reading

Mr SCOT MacDONALD (17:03): On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a second time.

I am pleased to introduce the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017. The overall object of this bill is to put New South Wales consumers first by providing fairer access to the sale of sporting and entertainment event tickets. The bill also aims to provide greater protection for consumers who may be denied entry to an event as a result of purchasing tickets in good faith on the resale market. I will address the ticket scalping reforms contained in the bill first and then move to the reforms of the New South Wales Government on gift cards. The bill responds to growing consumer dissatisfaction with New South Wales ticket markets for sporting and entertainment events. There is a widespread feeling among members of the public who love sporting events and live entertainment that the ticketing game is rigged against them.

All too often fans log on to a ticketing website with great anticipation the second that tickets go on sale to the general public only to be met straightaway with the dreaded words "allocation exhausted". Those disappointed fans are then shocked when they find out that there are plenty of tickets available on ticket resale sites such as Viagogo, but for vastly inflated prices. Some of those prices can be quite staggering. A Choice survey found that Elton John concert tickets were marked up by more than 500 per cent, from \$129 to \$800. But it was the sale of children's tickets to a Geelong versus West Coast Australian Football League match that set the mark-up record, at 900 per cent, when tickets were being sold for \$70 after being bought for only \$7.

How do scalpers obtain these tickets when ordinary consumers cannot? The answer is increasingly by means of computer programs, or bots, that enable scalpers to buy tickets in super quick time. Ticketmaster reports that in 2016 alone it repelled more than seven billion bot attacks on its websites in 27 countries around the world. A key feature of the bill responds to this growing concern by banning the use of bots to cheat security measures on ticketing websites to purchase large numbers of tickets, which defeats ordinary consumers in the process. By buying tickets in this way, scalpers are not only blocking and fleecing ordinary fans but also taking a free ride on the back of event organisers who took the risk of staging an event and putting in the work to make it happen.

Failing to take action against scalpers also allows them to continue hurting the reputation of the sports club or performing artist by treating their fans like mugs.

The bill amends the State's flagship consumer protection legislation, the Fair Trading Act 1987, which incorporates the national Australian Consumer Law as a law of this State. These reforms proudly and unashamedly put consumers first. We are especially committed to providing fair access for ordinary, hardworking consumers and young people who cannot afford to submit to highway robbery to buy a ticket to see their footy club in the grand final or their favourite band in concert. At the same time, the Government welcomes the great support these reforms have already received from major sporting codes such as the National Rugby League, Cricket Australia and live performance industry participants such as Ticketek and event promoters. Those groups can be as angry as anyone about ordinary fans either missing out on tickets or for being fleeced by scalpers and paying hundreds of dollars more than they should.

I now turn to the five major aspects of the bill that aim to provide fair access to consumers: first, prohibiting price gouging via a 10 per cent cap on resale mark-ups; secondly, banning the use of bots in acquiring tickets illegitimately; thirdly, improving transparency in the resale market; fourthly, improving transparency in the primary market; and, fifthly, enforcement by industry participants and the State's consumer law regulator, NSW Fair Trading. It is important to note the types of event tickets to which the bill applies. The bill provides that new part 4A of the Fair Trading Act will apply to tickets for sporting or entertainment events held in New South Wales that are subject to a resale restriction. The term "resale restriction" is defined by new section 58B (2). A resale restriction is any term or condition imposed on a ticket that provides for the ticket to be cancelled or rendered invalid if the ticket is resold, or if the ticket is resold in certain circumstances. That definition will ensure coverage by the proposed ticket scalping laws for popular sporting or live entertainment events that have fallen prey to scalpers.

The definition has also been drafted so as to ensure local and amateur events are excluded from the provisions of the bill, which for the school play or the church fete would be onerous and inappropriate. For the large number of events that are captured under the bill, the Government's intention is to impose an appropriate limit on the mark-ups that can be sought or obtained in the ticket resale market. The bill allows the first reseller of a ticket to recoup the cost of the ticket plus the reasonable transaction costs incurred in acquiring the ticket. These include commissions, booking fees, payment surcharges and ticket delivery fees. However, the bill places a limit on the costs that can be recouped, by capping the allowable mark-up to the cost of the ticket plus 10 per cent.

In practical terms, if I buy a \$100 ticket then the original supply cost is \$100. If I am charged a booking fee of \$5 and credit card surcharges of \$3, then the transaction cost is \$8 and the original acquisition cost is \$108. I can legally resell my \$100 ticket for \$108, but no more than \$108, even though my mark-up stands at less than 10 per cent. By the same token, if my \$100 ticket attracted \$15 in booking fees and other charges, then my original acquisition cost is still only \$110, because the law caps it at a 10 per cent mark-up. In cases where a ticket is resold more than once, the bill provides that the second reseller must not resell the ticket for more than the first reseller could sell it for—that is, the cost of the ticket plus transaction costs, capped at a 10 per cent mark-up. This, however, applies only when the second reseller knows, or ought reasonably know, the original price and transaction costs of the first reseller.

New section 58H closes an important potential loophole in the prohibition on ticket resale profit, by making it illegal to make supply of a ticket contingent on payment to the supplier of any amount in consideration for the provision to the recipient of any other goods or services. The loophole this provision envisages is where a scalper, faced with a prohibition on anything more than a 10 per cent mark-up on the ticket itself, instead seeks to gouge super profits by claiming the large mark-up is not for the ticket but is for some other related purchase, such as hospitality offerings at the event. On its own, this would amount to a prohibition on any sort of package deal, such as dinner and show offerings at live entertainment venues, or group bookings at sporting fixtures. Accordingly, new subsection (2) exempts the supply of tickets under agreements that are authorised by the event organiser or under any other agreement of a kind prescribed by the regulations. This provision has received the support of major industry participants.

The bill not only focuses on individual resellers but also recognises the role of resale platforms in the scalping business, and makes it an offence to publish a prohibited ticket resale advertisement, whether that be on a website, or in a newspaper, magazine or other publication. A prohibited advertisement is one that specifies a price that is more than 10 per cent above the original supply cost. The bill provides that it is a defence to a prosecution for failing to prevent the publication of a prohibited advertisement if the publisher establishes that: the terms and conditions of use of the website clearly stipulate that advertisements featuring prices above the 10 per cent cap are prohibited; as soon as practical after becoming aware of a prohibited advertisement, they took reasonable steps to remove it; and they took such other steps as were reasonable in the circumstances.

The bill acknowledges that what is reasonable for one publication may not be reasonable for another. Some websites are in the sole business of facilitating ticket resale transactions, so it would be reasonable to expect the owners of those publications to monitor the content of advertisements and conduct regular compliance audits. However, there are others where ticket resale advertisements may be incidental to the overall content or purpose of the publication, such as Facebook. What is reasonable for a dedicated ticket resale site could be onerous for a publication such as Facebook, so the defences to a prosecution for a breach of this new section are drafted in the bill sensibly and flexibly.

While the bill will prohibit scalping, it recognises that there are often legitimate reasons why a consumer would need to re-sell a ticket if they can no longer attend an event. However, some ticket terms and conditions can include clauses that prohibit the resale of the ticket and allow cancellation of the ticket if it is resold at a profit, or at all. New section 58J therefore protects legitimate resale by providing that any ticket condition that allows cancellation of a ticket for being resold at or below 110 per cent of the original ticket price is void. This bill puts consumers first.

No ticket scalping legislation in this day and age would be complete without tackling the growing and egregious use of ticket bots in the online purchase and resale of tickets. The rise of the bots is widely acknowledged as a major reason why ticket scalping appears to have exploded in recent years, and genuine fans are finding it ever harder to get fair and equitable access to tickets. The Government notes the advent of anti-bot Federal legislation in the United States of America, similar moves in the United Kingdom, and calls within Australia for government intervention to outlaw this shady practice. Bots are simply computer programs that run automated tasks on a website, which, in the world of ticket scalping, can have a decidedly dark side.

Bots give ticket scalpers three main advantages. First, bots run the task of completing the online ticket purchase process in machine time, many times faster than ordinary human time. Secondly, bots contain deceptive elements that mask the identity of the user, enabling the scalpers to defeat the ticket website's security measures and purchase unauthorised numbers of tickets. Thirdly, and perhaps less well known, bots can launch cyber attacks on ticketing websites, disabling them for other ordinary users while the scalper purchases their tickets intended for resale at maximum profit. New section 58K (2) is drafted deliberately broadly to capture all these uses of bots, focusing on the use of bots to circumvent security measures of the website and to purchase tickets in breach of the terms of use of the site. I also wish to be clear that "website" should be read broadly to include other digital ticket-selling platforms, such as smartphone apps.

Industry participants do of course have their own sophisticated anti-bot measures in place, which are constantly evolving. That is why the bill includes a regulation-making power, so that the particular security measures of ticketing websites can be prescribed and added to over time. But in an evolutionary arms' race, the side with something to gain will always be looking for a new way to gain the upper hand. Many commentators believe, and this Government agrees, that enough is enough and it is time for a legislative response. It is time to ban the bots.

Misleading conduct in the ticket resale market has caused headaches for not only thousands of consumers in New South Wales and around Australia, but also consumer law regulators. The ticket resale site Viagogo has topped the Fair Trading consumer complaints register more than once and is being prosecuted in the Federal Court by the Australian Competition and Consumer Commission for alleged breaches of the Australian consumer law. Consumers who use sites such as Viagogo report that they were not aware they were buying a resold ticket or that the ticket price had been marked up from the original price. Consumers in the secondary market are also seldom provided with basic information about the ticket they are buying.

The bill therefore requires permitted ticket resale advertisements, which are those that advertise tickets below the 10 per cent price cap, to specify the original price of the ticket, and the details of the location from which the ticket holder is authorised to view the event. This would include, for example, any bay, seat or row number on the ticket. I note that new section 58F (3) (b) uses the term "any" to describe which information must be published in the secondary market. This means that if there is a bay, seat or row number or any other information about the location from which the ticket holder is entitled to view the event, then this must be included in the advertisement. Consumers should know what ticket they are buying, and they should be able to know all the information recorded on the ticket regarding the location from which they will be able to view the event. Consumers should be put first.

With regard to disclosure in the primary ticket market, the bill responds to a number of reports that have called for increased transparency. Consumer advocates also argue that some of the dissatisfaction and the sense of unfairness around ticket scalping might be reduced if, when they go online to buy their tickets, consumers were aware of how many tickets for popular events are actually available to the general public. The bill therefore provides that the Minister may, by order published on the New South Wales legislation website, require an event

organiser or class of event organisers to give public notice, at the time and in the manner specified, of the total number of tickets that are to be made available for sale to the general public.

The Government's intention is that these orders will be made only in the case of major events that are likely to sell out and to be the target of scalpers. The Minister may well make the order for an Ashes test match, a National Rugby League [NRL] grand final or a concert by a major international touring artist such as the Rolling Stones. The purpose of this power is not for it to be used for normal NRL matches, Sheffield Shield cricket, or small live events at a local pub. New section 58L (6) provides that:

The Minister may not make an order under this section unless:

- (a) the Minister is satisfied that each event organiser for an event to which the proposed order applies has been notified ... of the Minister's intent to make the order, and
- (b) the event organiser has been given a reasonable opportunity to make submissions in relation to the proposed order, and
- (c) the Minister has considered any such submission, and
- (d) the Minister is satisfied that it is in the public interest to make the order.

These requirements will ensure that the event organisers can make a case for any particular considerations that apply to their event and the order made by the Minister can take account of these. The Government intends that this power will be exercised reasonably and that any order can be complied with in practice. The Government has consulted with event organisers about these disclosure requirements and has ensured that in cases where an order is made the requirements are workable and do not impose an unreasonable burden. Tickets are defined as not being available for general public sale if the seller requires the person to pay a fine to acquire a ticket that is in addition to the price of the ticket and any associated transaction costs or register for access to any presale, publication, competition or other special offer. The regulations may also make provision for other circumstances in which a ticket is or is not taken to be available for the general public sale.

New section 58L (3) recognises that the number of tickets available to the general public for a given event can change as a result of factors such as changing stadium configurations or lower than expected pre-sales. They require an event organiser to provide a number that the organiser believes on reasonable grounds to be not more than 10 per cent greater or less than the total number of tickets that will be available to the general public. This means that the organiser can base the number on their reasonable expectations and can build a 10 per cent margin for error into their estimate. This is also important because industry participants have explained during consultation that event configurations can change after tickets go on sale—for example, a television station may need to have more seats empty near its cameras or a performer may decide to extend the size of the stage. Often these changes will lead to only small variations in the number of seats available for sale to the public. The plus or minus 10 per cent range will mean that the event organisers do not need to update their disclosure every time these small changes occur.

The final element of the ticket scalping reforms is enforcement. By inserting a new part 4A in the Fair Trading Act and providing that contravention of this part is a "local contravention", a number of remedies under the Australian Consumer Law are made available. In particular, part 5.2 of the Australian Consumer Law will apply to a court on the application of NSW Fair Trading or any other person to grant an injunction to prevent a person contravening the new ticket scalping provisions or requiring them to refund money. A person who has suffered loss or damage because of a breach of the new provisions will also be able to recover damages or compensation, and a court will be able to make a range of other orders, such as requiring community service or publishing certain information.

NSW Fair Trading will also be able to use its powers under the Fair Trading Act to enforce the new ticket scalping requirements. The penalties available for breaches of the prohibitions in the bill are the maximum allowable under the Fair Trading Act—200 penalty units for an individual and 1,000 penalty units for a corporation. That means the most egregious ticket scalpers could face price gouging fines of up to \$22,000 for an individual or \$110,000 for a corporation. We are sending a strong message that this Government has had enough of consumers being ripped off and we are serious about stopping ticket scalping.

I turn now to gift cards. This bill will put consumers first by introducing a minimum three-year expiry date on gift cards issued to a consumer in New South Wales and abolishing post-purchase fees that are eroding the value of gift cards. This Government listened when the community voiced concern and frustration about the difficulties they continually experience in redeeming gift cards because of varying expiry periods and industry practices. A review by the Commonwealth Consumer Affairs Advisory Council in 2012 into gift cards in the Australian market acknowledged that breakage—the value left on a gift card when it expires—was a transfer of wealth from the consumer to a business, as the residual value becomes the revenue of the business. At the time it recognised that monitoring in this space would be beneficial.

Importantly, it recommended that Fair Trading regulators revisit the issue after some years. Five years have passed since that review and the gift card market has evolved in many ways. This Government is revisiting this issue as it recognises the concerns of consumers who continue to reiterate the same problems and frustrations, despite the number of years that have passed. It is clear that gift cards are highly popular with both consumers and businesses, and make a valuable contribution to this State's retail sector. That is why it is important that we give consumers in New South Wales greater certainty about what they can expect when they want to redeem their gift card. We need to put consumers first. These reforms will streamline the currently diverse practices of businesses in setting gift card expiry dates, providing greater certainty and fairness for consumers about their rights and businesses about their obligations.

Popular with both consumers and businesses, the Australian gift card market is estimated to be worth \$2.5 billion annually. It is not surprising then that approximately 34 million gift cards are sold in Australia each year. This was reflected in the 2016 Australian consumer survey where around 69 per cent of the survey respondents indicated that they had purchased a gift card in the past two years. To many, consumers gift cards are appealing due to the convenience and flexibility they offer, with most retailers offering and accepting gift cards. When a consumer purchases a gift card they exchange money for the ability to buy a range of goods and services in the future, either for themselves or as a gift to others.

Gift cards can offer ease and convenience in choosing a suitable gift and allow the recipient the freedom to choose the gift they want. One can imagine the distress it can cause a gift giver to know that their present went unredeemed or was partially used because of the short expiry periods or where the enjoyment of the gift was cut short because of administration fees. With the ever-transforming state of technology, consumers and businesses alike are adapting to these changes. Consumers are adopting digital gift cards now more than ever, embracing the convenience of mobile apps and gift cards. Businesses are offering gift cards in different forms and varieties to enhance customer experience and convenience. Australia's growing digital gift card market has also seen an increase in e-gift cards, with many retailers offering the ability to purchase and redeem gift cards online. Many retailers have also teamed up with gift card purchasing and redemption apps that allow consumers to store and use their gift cards through mobile devices.

The diversity of the gift card market in Australia reveals the significant discretion that businesses currently have in practice. Businesses have significant discretion and apply various expiry dates to gift cards. There are also inconsistencies in industry practice in how gift card expiry periods are set and calculated. In some cases, a gift card is not valid until it becomes activated. Some gift cards are subject to post-purchase fees, which incrementally reduce the value of a gift card over time. With such diverse industry practices, consumers have become increasingly confused and frustrated when it comes time to redeem their gift cards. With the time range of expiry dates ranging vastly from three months to 12 months or more, consumers simply do not have enough time to redeem the full value of a gift card.

The amendments in this bill will put consumers first. Time and again, consumers have said that they are experiencing issues with gift cards expiring with value left on them. These issues are turning the delight of receiving a present on a special occasion into an unwelcome headache for recipients. This is not good enough. The 2016 Australian consumer survey named gift cards as a top 20 product where consumers had concerns. The Government recognises that although gift cards are meant to be convenient and easy to use, consumers sometimes find it difficult to redeem gift cards, having to overcome unnecessary hurdles only to be met with no positive outcome. Consumers have made it clear that they want to be able to use a gift card when it suits their lifestyle and commitments.

Many businesses value their customer relationships and try to do the right thing by allowing a grace period and honouring expired gift cards. This is not the case for all. For those consumers caught by these businesses, it means they lose the money remaining on a gift card. This must change. Consumers must come first. It is estimated that, collectively, New South Wales consumers could be losing up to \$60 million a year when gift cards expire with value left on them. This is a significant financial loss for New South Wales consumers, and people who are on a low income or from regional areas get hit hardest. Many standard retail gift cards are bound to certain stores or chains, which limits a consumers' ability to use it freely, particularly if their closest store is a couple of hours away. This is the reality for regional gift card recipients.

Complaints in New South Wales have been steadily increasing every year. Fair Trading has received more than 1,300 complaints about gift cards since 2012. A petition initiated by an Australian consumer in 2015 on the online platform *change.org* to stop gift vouchers expiring, received more than 8,000 signatures in support. Many consumers voiced their outrage over gift cards expiring and the inability to redeem them once this was the case. For many, gift cards are considered to be like cash, as they have been paid for and are worth a specific amount. Many believe cash has no expiry and that gift cards should not either. This sentiment has been expressed

time and again. Surveys run by Fair Trading, Australian consumer affairs regulators and advocates such as Choice, all indicate that consumers continue to experience a real financial loss.

Some in the retail sector characterise this transfer of wealth as just a part of doing business, and consumers should take responsibility for their own inaction. Consumer groups believe retailers are enjoying windfall profits at consumers' expense. It is not right that consumers should have to continue to bear this burden. This Government will lift that burden and put consumers first. A "standard practice" does not make it a fair practice. While technically this transfer of wealth is within the current rules of the law, consumers see this as bordering on the unethical. This is a type of practice where businesses obtain an unfair financial advantage from consumers that this Government believes is unacceptable. It is evident to us that consumers are not getting a fair go when it comes to redeeming some gift cards. We are calling it out and doing something about it.

We also recognise that there does need to be a balance in the market. This reform will allow consumers to have a more reasonable period to redeem their gift cards, whilst knowing that the value of the card will not be eaten away by fees. This Government wants to make sure that consumers are on an even playing field when it comes to what they should be entitled to, and that businesses are also accountable and aware of their obligations. This reform does just that and ensures that consumers are put first. It creates fairness for New South Wales consumers and protects them or their family and friends from missing out.

This reform will also bring New South Wales in line with international practices, including the United States, which has a national mandatory expiry period of five years. Some states of the United States have a longer expiry period of up to seven years, while others have banned expiry dates altogether. In the period between 2007 and 2011, all 10 provinces in Canada banned gift card expiry dates. The bill will put the State on a similar consumer friendly trajectory for gift cards as these other international jurisdictions. New South Wales will lead the way in Australia. As the gift card industry continues to evolve, so too should our laws to put consumers first. We must ensure that consumers are protected and get a fair go.

I now turn to the substance of the bill. The Fair Trading Amendment (Gift Cards) Bill 2017 makes the following specific amendments to the New South Wales Fair Trading Act 1987. The bill inserts new section 58M and new section 58N into Part 4A of the Fair Trading Act, which details the provisions to regulate gift cards sold to a consumer in New South Wales. The bill uses the term "consumer" throughout when dealing with gift cards. The word "consumer" can mean a few different things. It can mean a store's customer and it can mean the person who uses a product or service. In this case, there is a dual purpose to using the word "consumer". The first is to refer to the person who buys the gift card, irrespective of whether that person ultimately uses the gift card to buy goods or services. Of course, most gift cards are not redeemed by the purchaser as they are ultimately given as presents to others.

The second is to refer only to such purchasers who are also members of the public, rather than businesses buying gift cards to onsell in the course of trade and commerce. The purpose of this bill is to provide protections for everyday people. The clock should not start ticking on an expiry date from the point of a sale to a business in the supply chain; it should start only once the gift card is bought by an ordinary shopper. With these points in mind, it is appropriate to turn to new section 58M (1), which defines a "gift card" as a card or voucher, in hard copy or electronic form that is redeemable for goods or services in New South Wales. It is useful to give a few examples of the how the definition will operate.

The key concept is that the schemes operate only where traders are capable of satisfying their gift card obligations when their customer is in New South Wales. Accordingly, if a restaurant operates only in Tasmania, a gift card it sells to a consumer in New South Wales will not benefit from the scheme. This is because that transaction should be dealt with under Tasmanian law. Conversely, if the trader can redeem the goods or services in New South Wales, including by delivering the goods, then the scheme should and would apply. The provision also defines "expiry date" to mean the date on which the gift card ceases to be redeemable. It further defines "redeemable value" as the value of the goods or services for which the gift card is redeemable.

New section 58M (2) outlines the circumstances in which a gift card that is sold online or by phone is not considered to have been sold to a consumer in New South Wales. The purpose of the provision is to give businesses certainty about whether the gift cards they sell are covered by this new reform or not. New section 58M (2) states that a gift card is not sold to a consumer in New South Wales if the gift card is sold online or by phone and, first, the gift card is to be delivered to the consumer at an address that is outside New South Wales; or, secondly, the contact details of the consumer provided in connection with the sale of the gift card include a residential address that is outside New South Wales.

For example, a business could rely on new subsection (2) as a defence to show that a gift card that it sold online was not sold to a consumer in New South Wales because a delivery address outside New South Wales was provided. In this way, the provision gives businesses certainty when they are selling gift cards online or by

telephone and are unable to verify where their customer is at the time of purchase. Of course, businesses that do not seek address information from their customers will be unable to avail themselves of this new section.

New section 58N (1) states that a gift card must not be sold to a consumer in New South Wales with an expiry date that is earlier than three years after the date of the sale of the gift card. This provision is meant to apply to sales of gift cards to the ordinary consumer—that is, the member of the public who buys a gift card. This provision will give consumers in New South Wales certainty and the ability to use a gift card for at least three years from the date of sale, which gives them enough time to use up the full value of the card as they see fit. This will also introduce some consistency in the minimum expiry date periods that are applied. If a gift card is sold to a consumer in New South Wales with an expiry date that is less than three years from the date of sale, it will be an offence. Businesses may face a penalty notice or a maximum penalty of 50 penalty units.

New section 58N (2) provides that a business that sells a gift card to a consumer in New South Wales or that has agreed with the seller to redeem that gift card, must not impose any administrative charge or fee in connection with the redeeming of the gift card, which has the effect of reducing the redeemable value left on the gift card. In other jurisdictions, administrative fees are incurred post-purchase on an annual basis. Such fees degrade the value of the gift card over time. The purpose of this provision is to prohibit such fees being imposed in New South Wales. Accordingly, a business will now no longer be able to impose a post-purchase fee on a gift card, which will reduce its value over time. This provision will apply to businesses that sell gift cards directly to consumers or who give gift cards to other third parties to sell the cards on their behalf. This provision will stop consumers from losing any of the value on a gift card through such unnecessary fee gouging. If this provision is not complied with, businesses may face a penalty notice or a maximum penalty of 50 penalty units.

New section 58N (3) states that a term or condition of a gift card sold to a consumer in New South Wales is void to the extent that it would make the sale of the gift card, or the imposition of a charge or fee, an offence under this section. This means that the term or condition that violates this new reform will be void and cannot be applied. This new subsection does not affect any of the other terms and conditions of that particular gift card. These remaining terms and conditions are intended to continue to operate. New section 58N (4) states that if the expiry date on a gift card is void because of new section 58N (3), the expiry date is taken to be three years after the date of sale of the gift card. This provides consumers the benefit of the three-year expiry date period automatically and is intended to give a consumer with a gift card the comfort of knowing the law is behind them if they need to speak to a business about the card's status.

Finally, new section 58M (3) provides the Government with the ability to make regulations to prescribe classes of gift cards and persons, as well as any circumstances, that the section will not apply to. This recognises that the gift card market and retail sector are evolving continuously, and enables the reform to be flexible and adapt to market changes. To complement this section and allow for further clarification of the types of gift cards that the reform will not apply to, the Fair Trading Regulation 2012 will also be amended. A new section 23A will be inserted and lists the class of gift cards that the reforms will not apply to. These are: gift cards or vouchers that are issued as store credit, prepaid cards or vouchers that are redeemable for phone credit or internet access or the like, debit cards, credit cards, prepaid travel cards or any similar product supplied by a financial institution, and those that are a part of a customer loyalty program.

Before the scheme commences, the regulations will also be amended to record that gift cards associated with a discount will not be captured by the scheme. These cards will not be covered as they do not fall within the meaning of a standard retail gift card, as compared with a discount voucher. Further to new section 23A, subsection (2) outlines the penalties a person would face, should the provisions not be complied with. This bill demonstrates the Government's commitment to putting consumers first. It provides transparency and certainty to consumers. They deserve the ability to use up the full value of a card, without it deteriorating, in a reasonable period. New South Wales consumers deserve protections that allow them to be on a level playing field with businesses, which already benefit from selling a card. The bill addresses the concerns that New South Wales consumers have voiced and continue to voice. This bill is about putting consumers first. I commend the bill to the House.

Debate adjourned.

Members

INAUGURAL SPEECH

The PRESIDENT: Before I ask the Hon. Wes Fang to commence his speech, I remind all honourable members that the Hon. Wes Fang is about to make his first speech in this place. I ask members to extend to him the usual courtesies. I also take this opportunity to welcome into my gallery members of the Hon. Wes Fang's family, all of whom are in the House today for the member's first speech. They include his wife, Dr Natalie

Snyman; his mother, Mrs Zanette Fang; his mother-in-law, Mrs Elizabeth Snyman; and, of course, his three beautiful children, Caspar, Atticus, and Audrey. I also acknowledge the Deputy Premier and members from the other place. I take this opportunity to acknowledge two of our former members: the Hon. Duncan Gay and the Hon. Jenny Gardiner.

The Hon. WES FANG (17:38): After I was preselected to fill the casual vacancy in this place, the NSW Nationals released a short article about my selection. It was titled "The boy from Uranquinty". It was a rather apt title, as despite all the things I have done throughout my career, I still see myself as a boy from Uranquinty. I often wonder how it came to pass that I stand here, in the Legislative Council, as a representative and proud member of the NSW Nationals. Never in his wildest dreams did that boy from a small village just outside Wagga Wagga ever imagine he would be standing here today.

The story of my journey starts well before I was born. I guess it really begins when a young Zanette Smith, a girl from West Wyalong, arrived in Singapore in the early 1970s after she had enlisted in the Australian Army. She was deployed to Singapore to join a detachment as a signals operator. My mother had a friend, also in the army, who wanted to buy a motorbike to get around the island. They decided to head to the best motorcycle store in Singapore, which happened to be Looi's motors. In the store worked a dashing young mechanic, who also happened to be one of Singapore's champion motorcycle racers and a pretty damn good chef. The store also happened to be owned by this young man's father—and the House will note further on that child employment is a common generational theme in this story.

When mum returned to Australia, dad followed. Dad's immigration was not without problems. He had a kidney issue and could not pass the medical, but, after having numerous knockbacks, dad had a friend hide in the bathroom of the medical centre in Singapore to take his urine test for him. He passed. When securing his visa for Australia proved difficult, it was helpful that my grandmother used to be Al Grassby's secretary. As he was the then immigration Minister, dad was soon on his way. They originally settled in Sydney, but the fast-paced life did not really suit either of them, so they moved to Wagga Wagga. They purchased a bare quarter-acre block in the village of Uranquinty, about 10 minutes from Wagga Wagga. They built a small house and set about making a home.

By the time they sold the house in 1996, they had turned the bare block into an oasis and it was as tropical as Singapore—or at least as much as the harsh Wagga climate would allow. I was born in December 1977. My sister, Kylie, was born not long after. We had an exceptionally happy childhood. I often describe it as a humble upbringing, but always feeling rich. My sister and I never wanted for anything, which was a feat my parents achieved without us realising. If we were out for dinner and I had finished my meal but was still hungry, my dad would say how full he was and give me what he had not finished. It was not until much later on in life that I realised he was not full but he was giving it to me so that I did not have to go without.

We were also privileged by having an exceptional education. We were both products of Uranquinty Public School and Mount Austin High School. While they may not have the reputation of some of the more prestigious schools, what they lacked in facilities they made up for in dedication. To say I was a good student would probably be a gross exaggeration. While I was in high school my parents came back from a parent-teacher interview and said that two comments stood out. The first one was the PE teacher saying "Oh, you're Wes' parents. I pity you". Needless to say, at 125 kilos I was not exactly a superstar at physical education. The second comment was my chemistry teacher saying, "Wes is so lazy he would marry a pregnant woman."

I was not too worried about the comments as I had begun to develop a fairly thick skin while growing up. As I am sure everyone can imagine, as a fat Asian kid in regional New South Wales during the eighties and nineties, I copped a fair amount of ribbing from other children. Kids can be cruel, especially to people who are different—even slightly different. It took a while, but I finally learned to ignore the comments and let them wash over me. In so many ways, I now see this as a strength, especially in this new role and—as my wife sometimes observes—it was perhaps a motivator for me. Those days also taught me the value of real friendships and lifelong friends, some of whom are here today. I have never been one to have hundreds of friends or to surround myself with an entourage. In fact, I quite often enjoy a little bit of solitude. However, the friendships I formed at school, at university and throughout my career are so valuable. They are undoubtedly part of the reason I am in this place. Those friends know who they are, they know the role they have played, and they know how much I thank them for helping me on my journey.

I was probably considered an average student because I spent most of my time outside of school with dad, working in restaurants. It would be no surprise to anyone who understands our culture to hear that the eldest son of an Asian chef would be working alongside him in the kitchen. I look back now and realise two things. The first is that I learned the value of hard work. Both my mother and father had an incredible work ethic and it was this that saw them succeed later in life. The second is how valuable that time with dad was. I can tell the House

something else: Just when you think you have reached the bottom of the bag and peeled the last potato, there is always another bag.

Despite not being the best student, I had the help of many wonderful teachers. There are too many to name individually, but, again, they know who they are and I thank every one of them. Without them, I would not be here today. I was fortunate never to be pressured by my parents but for one simple rule: "You will go to university". I was the first member of my family to go to university, and while these days we do not always advocate for everyone to seek a tertiary education, I have no doubt of the enormous influence this edict has on my life. After school I started a science degree at the University of Sydney. I soon decided that life in a white lab coat was not for me, so I transferred to the University of New South Wales and completed a degree in aviation and also gained a fixed-wing commercial pilot licence.

While most of my compatriots went on to successful careers in the airlines or corporate aviation, I decided to follow a different path. I wanted a career helping people, so I joined the Australian Army as a pilot. If I have to choose a pivotal moment in my life, it would have to be this. It was in the army that I learned to grow up and accept personal responsibility. While I understood friendship, I learned the value of esprit de corps and the meaning of mateship. I was a specialist service officer, which meant we did an abridged course at Duntroon. While we did not have the in-depth knowledge of a regular army officer, as one of my instructors said, "With the uniform on, you cannot tell the difference, so you have to conduct yourself the same way".

I completed Duntroon, then went on to Tamworth to complete the fixed-wing tri-service course. It was brutal and we lost more than half of our course mates by the time we had finished. It was then off to Oakey in Queensland to commence helicopter school at the School of Army Aviation. I completed the helicopter conversion course and then the helicopter tactics course on the Kiowa. I graduated, along with my five other course mates, and, in what I would count as one of my proudest achievements in life, we earned our "wings". I was selected to transition to the Blackhawk.

I completed the Blackhawk conversion course, and then it was on to the final tactics course before becoming fully operational. However, during the regimental officers basic course we soon discovered that I could not fly the Blackhawk using night vision goggles, particularly formation flying. It is fair to say it is a somewhat important skill for a Blackhawk pilot, but despite numerous attempts and incredible support from the army, it is something I just could not do. To say I was devastated is an understatement, but I made the decision that I wanted to continue flying and making a difference in people's lives. When I am asked to speak at an event, I will often use this example to highlight the acceptance of setbacks or disappointment, and not letting it stop you achieving your goals.

With the help of my commanding officer at the time, I transitioned my military qualifications to a civilian licence. I landed at Child Flight, flying its rescue helicopters. This was possibly the best job I will ever have. Not only did I have the opportunity to make a difference to the lives of young children and their families by bringing critical care to remote and regional areas of New South Wales, but also it gifted me one of the most important things in my life—my wife. Nat was a doctor in the back of the helicopter, and because each other's story of how we first met differs, I will not recount it now for the record. I did so on our wedding day and she has never forgiven me. It was not until more than a year after we first met that we started dating. She is a slow learner and I am a patient man. It has become a handy skill in our relationship. But I digress.

We moved back to Wagga Wagga in 2008. Nat had the opportunity to become a consultant paediatrician and I relished the chance to be closer to Mum and Dad and to try my hand at small business while still working at Child Flight. I became involved in politics after we moved back to Wagga and just after our first son was born. Being responsible for ensuring the safety and wellbeing of another generation really focuses the mind and it is what drove me to become involved. I chose The Nats for one simple reason: Unlike most other political parties, we are a party based on geography, not philosophy. I am someone who grew up and again resides in a regional community, with family living in rural and regional areas across New South Wales. I believe the party, whose sole purpose is ensuring those communities are represented in Parliament and receive their fair share, is the one that is best placed to represent us.

There is no escaping a strong belief amongst many in the electorates that we are the party for farmers and rural communities—and we are. But we are so much more than that. In so many ways, the face of modern rural and regional Australia is changing. More young professionals are calling the regions home, and so too are increasing numbers of families from different ethnic backgrounds. Regional Australia is becoming increasingly broad and diverse. In so many ways my family and I represent this change—two professionals, one born overseas and the other with a mixed heritage, who choose to raise their family in regional New South Wales, away from the city.

I am the first to admit that I am far from the stereotypical National Party representative, but in diversity lies political resilience. I am proud of the fact that I am the first person of Asian-Chinese heritage to represent the NSW Nationals in this place. I may be the first, but I am certain I will not be the last, and in the same way our regional communities are changing, so too does our party reflect that. I am proud of this increasing diversity within the NSW Nationals and I am pleased to be a part of that change. I am also grateful for the fact that, despite this, our core values and principles have not changed. Our party was built on these tenets and I have no doubt they will hold us in good stead for the future.

I have to thank the people who helped me along my political journey. I must thank all the members of the Wagga Wagga branch of the NSW Nationals, along with the Wagga Wagga State Electoral Council and the Riverina Federal Electoral Council, of which I have had the privilege of being chairman for the past six years. I will not name all the members individually, as I will inevitably forget somebody and it is a rather extensive list. I do, however, want to thank three people in particular: Gretchen Sleeman, Margaret Hill and Barney Hyams, who are the secretary, treasurer and chairman of Wagga Wagga State Electoral Council respectively. They have kept the whole show running in the Riverina for as long as I have been involved and I could not have done it without them.

I also have to thank the NSW Nationals' Central Council, including the past and present members. Members like Ruth Strang, the kind of grassroots supporter our party was founded on, and Andrew Fraser, the wise parliamentary head, are always willing to guide new Central Council members when they start. Thanks must also go to the State directors I have worked with, Ben Franklin and now Nathan Quigley, who was actually my first contact with the party and encouraged me to join, along with the head office staff and volunteers who have provided me guidance throughout my roles within the NSW Nationals. I must also thank Will Coates for agreeing to come and work with me. I am looking forward to all the fantastic things we are going to do together for our community.

I am fortunate to have had a number of political mentors. Michael McCormack suggested I put my hand up for the Riverina chairmanship after he became the member for Riverina. We have always had a fantastic working relationship and we know we can be frank with each other and disagree at times, without it affecting our friendship. His wise counsel is always welcomed. The three chairmen I have served under during my time on the Central Council—Christine Ferguson, Niall Blair and Bede Burke—along with their vice chairs, in particular Grant McMillan and Dom Hopkinson, have always been there to guide and advise me. Jenny Gardiner has always given me wise counsel when I have asked for it or, more often than not, when I have needed it.

I was lucky enough to have been included on a Nationals' leadership program in 2011. I sat next to an amazing young lady on the bus, heading to one of the events in Canberra and we instantly bonded. We formed a friendship that lasts to this day. Her name is Bronnie Taylor and I know that I would not be here without her. I must also thank the Deputy Premier, John Barilaro, as well as his predecessors Troy Grant and Andrew Stoner, along with Deputy Prime Minister Barnaby Joyce and Warren Truss, who I have also had the pleasure of knowing. As a Senate candidate last year, Senators Fiona Nash and Wacka Williams dedicated a huge amount of time to supporting me through that process and it was always much appreciated.

I cannot go without mentioning the person whose vacancy I filled. Duncan Gay was a giant of this place and we have developed a friendship and mutual respect over the years. We have not always agreed, but we have always had a respectful debate and he has always been so generous with his time to help me. I know I have to honour his legacy in this place, as well as forging one of my own.

My greatest thanks of all, however, goes to the finest person I have known in politics. She is somebody who has supported me throughout my involvement; not always telling me what I wanted to hear, but what I needed to hear and not being afraid to tell me when I am wrong. It was when she announced her retirement from politics that my involvement started. Our first meeting was the day before the preselection and I remember it vividly. You have never met somebody who loves their community more, who would fight tooth and nail to ensure they did not miss out and was never afraid to do what is right. I lost that pre-selection convincingly, but Kay Hull and I formed a friendship that is as strong now as ever. She has helped in so many ways, and if I can be half as good at this as she is I think I will do okay. I would not be here without her.

It would be remiss of me to not thank the Clerks and staff in this place who have helped me immensely, as well as my new colleagues whom I have not already mentioned. I include not only The Nats in the Legislative Council and the Legislative Assembly but also our Liberal partners in Coalition, as well as all other members in this Chamber. I believe, no matter what side of politics we are on, we all put ourselves forward to do this because we are genuinely here to serve our communities. I thank those members from all parties who have welcomed me and I look forward to working with them for however long I serve in this place.

It is often said family is everything. I am lucky to have the most amazingly supportive family to be able to do this. I have no doubt this life is harder for rural and regional members due to the time away from our families. We are so fortunate to have the best supportive network in Wagga Wagga. My mother-in-law, along with my mother, lives three kilometres away from us in the same village. Without her constant help, it would be impossible for my wife and me to hold professional careers. We cannot thank Heila enough for everything she does. The entire Snyman family is here today, and I appreciate the effort they have made and how welcoming they have been to me since I became part of their family.

My grandparents, Daisy and Looi Im Heok in Singapore and Mavis and the late Bill in West Wyalong, provided me the best of both worlds. I was lucky enough to experience both the Australian and Asian cultures when I was growing up, and this has helped to shape me into the person I am today. My aunts and uncles have always been there for me when needed, but in particular I have to thank my dear Auntie Shirley, who had me moving in and out of her house on and off during my university years. She was a very patient lady. My sister, Kylie, is a very special person. In so many ways we could not be more different, yet in many other ways we are the same. She is smart, funny, studious, applied, dedicated and loyal. I will let you choose where we are the same and where we are different, but I am fortunate to have such a wonderful sister.

As I touched on earlier, I was lucky to meet one of the most amazing and special people I have ever known while at Child Flight and I convinced her to marry me. I must say she looked damn cute in her flight suit. How she manages to hold a professional career as a paediatrician while raising our three children, with me being away as often as I am, is still an amazement to me. She is the ying to my yang, often balancing out my crazy ideas with a healthy dose of reality but never discouraging me and always backing me 100 per cent. Nat is as amazing as she is talented and I know how lucky I am to have her in my life.

Our three children, Caspar, Atticus and Audrey—otherwise known as Waspy, Patty and Butter—are the most important things in our lives and each has their own special place in our hearts. They are wonderful kids, who have to deal with a very busy mummy and a daddy who is away quite a bit. They are amazing, resilient and each of them has their own unique and special personality. Most important of all, they know how much we love them. I cannot wait to see the fantastic people they will become when they grow up; I just hope it does not happen too quickly.

There are two more people I want to mention before I finish. One is here, the other is here in spirit. There is no doubt I inherited my mother's sense of activism and interest in politics. Growing up, I was so lucky to have somebody who always put my needs first. That is not a figure of speech. My sister and I always had whatever we needed, whenever we needed it, even if it meant my mother went without to provide it. When I was young, I took it for granted. Now I am an adult, I look back, and realise what it meant and how fortunate I was to have somebody as dedicated as my mother. It was not just monetary items either; my mother left her career to dedicate time to my sister and I in the same way she now dedicates time to her grandchildren so Nat and I can continue our careers. I would not be where I am without her, and I can never thank her enough.

Miss Audrey FANG: Is daddy finished yet?

The Hon. WES FANG: Almost. The one person who would have loved to be here more than any other is the one person who cannot be—my dad. When I was growing up I had friends, but my best friend was my dad. As I became an adult, friends came and went, but the one thing that never changed was my best friend. Dad was your typical proud parent, the one who was always talking about the achievements of their children and, like Mum, he would sacrifice anything for us. Dad was there when I started my political journey. He always told me he thought I would make it when I was not sure I would. He would have given anything to be here today, as I would give anything for him to be able to see his son—the son of a migrant who arrived with a few dollars and a couple of changes of clothes to his name—stand in the Legislative Council making his inaugural speech. Unfortunately, Dad passed away at the end of 2013 after a long and brave battle with cancer. He is not here today, and I am not a spiritual person, but wherever you are, Dad, thank you for everything.

I make no promise of the things I will achieve while in this place, other than to say I will always fight for what I believe in and I will do my best to deliver for the people of rural and regional New South Wales. I believe we should all try to leave a place a little better than we find it and I hope that, in the future, I am able to say that I played my part in shaping our communities for the better. Our rural and regional areas of New South Wales are the most amazing places and it is a privilege to come to this place and represent them. Mr President and fellow members, thank you.

Members stood in their places and applauded.

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

Debate resumed from an earlier hour.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (18:04): In reply: I thank the Hon. Mick Veitch, the Hon. Rick Colless, Mr Jeremy Buckingham, the Hon. Mark Pearson and the Hon. Paul Green for their contributions to this debate. The Local Land Services Amendment Bill 2017 amends the Local Land Services Act to deliver a stronger governance framework and provide for improved pest management outcomes. The bill clarifies the key functions of the central board and in doing so improves accountability regarding roles and responsibilities. Importantly, it also allows for local boards to concentrate on regional priorities. The Government recognises that there has been some confusion surrounding the functions and roles of local board members in the past. For this reason Local Land Services has developed induction materials and conducted extensive training sessions across the State for new and returning board members. I am pleased to advise that these training sessions have been very well received and will continue in the future.

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

In relation to some of the points raised by the Hon. Mick Veitch about the timing of the next review of Local Land Services, I can advise that the Natural Resources Commission conducts audits of Local Land Services on a regular basis. Audit priorities are developed in consultation with key stakeholders and the Government will ensure that the honourable member's comments will be considered. In response to the concerns about the lengthy vacancies in the position of chair, I assure the honourable member that this Government is committed to filling any vacancy as quickly as possible and recognises the importance of having a chair in place. Indeed, the bill provides for the appointment of a temporary chair in the event of unexpected illness, absence or vacancy. I add that it is because of some of these vacancies that the Government is looking at the governance structure and is taking action to have better governance provisions in place that will hopefully lead to fewer vacancies occurring.

In response to Mr Jeremy Buckingham's concerns about the availability of funds for future plague events, the Government is committed to ensuring that its ability to respond to plague events is not compromised. As I have mentioned, the funds previously collected for locust management will remain dedicated to that purpose. This fund will be maintained at a sufficient level to respond to a large plague outbreak. In the event that the cost of responding to an outbreak exceeds the balance of the fund, the Treasurer may approve an advance of additional funds.

In response to the Hon. Mark Pearson's concerns about investment in research and development into humane methods of pest control, the Government acknowledges the honourable member's concerns around welfare. The Government recognises the importance of tackling all facets of pest management, including research and development. The Department of Primary Industries Vertebrate Pest Research Unit is the nation's leading research provider of applied vertebrate pest management solutions. I reiterate that animal welfare is a key consideration in the assessment of all pest control measures used in New South Wales.

This bill provides for a stronger Local Land Services governance framework that will improve service delivery and ensure resources are used efficiently. The changes to the pest management framework will deliver more effective pest management outcomes and provide even greater value for Local Land Services ratepayers across New South Wales. Some of the things that caused us to introduce this amending bill were initiated by the Government in order to ensure the longevity and survival of a unique agency in this country.

I note that Mr Jeremy Buckingham made reference to the Natural Resources Commission [NRC] in his contribution. The member was only able to read those reviews because this Government, through me, asked the NRC to look at governance structures and provide recommendations that would drive amendments to improve the legislation. I note that The Greens are supportive of Local Land Services as a concept going forward. The Government will improve on that structure. It is a unique agency. In conclusion, the uniqueness of this agency must be maintained while enhancing local decision-making. A strong governance structure and leadership will

allow autonomy. There is a resurgence of the Local Land Services in this State. There have been elections resulting in new board members.

Board members appointed by the Government and a suite of general managers across the State are bringing new ideas, diversity and leadership to the organisation. The bill provides the governance structures to ensure that services are a success. Others jurisdictions and States are looking at what we have done in New South Wales and asking, "How did you do it? Tell us about it? We are interested because it is unique." These adjustments to the legislation will ensure its longevity. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. I have two sets of amendments: The first is Opposition amendments on sheet C2017-071 and the second is The Greens amendments on C2017-082C. The Greens amendments were received last, but they relate to matters earlier in the bill. There being no objection, I will invite Mr Jeremy Buckingham to proceed.

Mr JEREMY BUCKINGHAM (18:13): I move The Greens amendment No. 1 on sheet C2017-082C:

No. 1 **Qualifications for appointment to Local Land Services Board**

Page 3, Schedule 1. Insert after line 22:

[10] Section 25 (2) (b1)

Insert after paragraph (b):

- (b1) 2 other persons appointed by the Minister with:
 - (i) expertise in corporate governance, and
 - (ii) experience in the public sector,

[11] Section 25 (3)

Insert "(b1) or" after "subsection (2)".

This amendment seeks to implement a key recommendation of the Natural Resources Commission [NRC]. I note the contribution of the Minister and concur that this process is about improving the governance of the Local Land Services. It is an ongoing process for an important agency and one that The Greens support. Our support is based on proper service delivery and good outcomes for natural resource management, biodiversity, and the like. This amendment will ensure that there are two independent persons on the Local Land Services Board. That was a key recommendation of the NRC, and described by it as "urgent". Following paragraph (b) the amendment inserts in section 25 (2) (b1) the provision that two persons be appointed by the Minister with expertise in corporate governance and experience in the public sector.

It is not onerous. It was a wise and reasonable recommendation of the NRC and will only help to improve governance of the board as LLS responsibilities grow. The board will experience teething issues and having members with corporate governance and public sector expertise at that high level is important to achieving good outcomes. The NRC and broader environment movement would welcome that. Ratepayers of the Local Land Services and the wider New South Wales community would welcome this amendment. I commend the amendment to the Committee.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (18:15): The Government opposes The Greens amendment No. 1. I will relate my response to the Natural Resources Commission [NRC] recommendation that Mr Jeremy Buckingham referenced. That audit was done at a time when the boards that we see now were very different. Twelve months ago this amendment would not have been necessary as its provisions would have been incorporated within the bill. The Government considered this issue carefully. Constitution of the boards has moved on in the 12 months since the NRC audit. There are new members of local boards and the central board with expertise and experience in the areas that the member spoke of.

Previously the boards were lacking that expertise, which is one of the reasons the NRC made that recommendation. If the NRC were to conduct that review today the recommendation would not be required because the expertise presently exists on the boards. The Government believes the amendment is not necessary. The new boards should be allowed to continue on their journey. Those boards are audited independently and, if necessary, the issue can be considered at a later stage. The issue was considered carefully, but in light of the

expertise that is in place and the need for boards to start delivering, the Government opposes The Greens amendment.

The Hon. MICK VEITCH (18:17): There is a degree of merit in the amendment put forward by The Greens. Corporate governance is an extremely important matter and this bill has come about because of corporate governance issues. I take a degree of comfort from the Minister's assurances that if the structure in place falls over, or is in the process of falling over, there will be a chance to look at it again. On balance, the Opposition opposes The Greens amendment.

The CHAIR (The Hon. Trevor Khan): Mr Jeremy Buckingham has moved The Greens amendment No. 1 on sheet C2017-082C. The question is that the amendment be agreed to.

Amendment negatived.

Mr JEREMY BUCKINGHAM (18:18): By leave: I move The Greens amendments Nos 2 and 6 on sheet 2017-082C in globo:

No. 2 **Appointment of Chair by Secretary**

Page 4, Schedule 1 [11], line 7. Omit "Minister". Insert instead "Secretary".

No. 6 **Appointment of Chair by Secretary**

Page 5, lines 21, 26 and 36 and page 6, lines 15, 19 and 21. Omit "Minister" wherever occurring.

Insert instead "Secretary". As I said in my speech during the second reading debate, The Greens believe best practice is that the secretary appoint the chair rather than the Minister. There are concerns about jobs for the boys. It is an incredibly well-remunerated position. We think a much better process is to keep some distance between who appoints the chair and the appointee as applies for the position of chief executive officer. The Greens think this is a reasonable amendment that deals with some of the concerns that people in the community have about probity. I commend The Greens amendments Nos 2 and 6 to the Committee.

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (18:20): The Government opposes The Greens amendments Nos 2 and 6, which state that the Chair of the Board of Chairs should be appointed by the secretary. These amendments are not appropriate. Establishing the chair as a statutory office appointed by the Minister provides independence from the operational management role of the chief executive officer. This arrangement adequately separates the strategic role of the board from the operational roles of the Local Land Services [LLS] executive and staff. This arrangement also reflects a more conventional organisational structure and best-practice governance, which is suited to the unique organisational structure and business model of the Local Land Services. It is offensive to those who have served in the role of chair to say this position is a job for the boys. It is a blight on the name of some people who have dedicated themselves to the LLS, particularly Alex Anthony and Richard Bull, who are in this organisation for the best reasons.

Some of those people have dedicated themselves to natural resource management, agricultural extension, emergency response or biosecurity advocacy for their local areas. When Alex Anthony stepped up to be the chair, Richard Bull then stepped into the chair of the Murray board. He did an exceptional job and he has gone from the chair of a local board into the chair of chairs. He has dedicated himself to the greater cause of his local community, and without question he has done it exceptionally well. I understand the temptation to say that this is a job for the boys. But when we are speaking about the people in this organisation I will not allow that comment to be made without a response. The structure currently in place is the best structure for the LLS. Mr Jeremy Buckingham should come up with a better reason other than saying it is a job for the boys. That is not the track record of this organisation and it is not the track record of the people in the LLS. This change is necessary for the best role of governance for this organisation. That is why we oppose The Greens amendments Nos 2 and 6.

The Hon. MICK VEITCH (18:22): When considering The Greens amendments Nos 2 and 6, it is human nature that we will look at incumbents as we work through our decision. The reality is that we make laws for the future. We must consider the roles separately to the people currently in them, otherwise it will taint our views. When we are remunerating people for these positions, the community expects that there will be some transparency around the appointment process of those individuals. I am certain that the community wants to know that that process is robust and rigorous. It is easy to fall into the trap of making decisions based on existing incumbents, which is dangerous territory. We must look to the future when making a decision on The Greens amendments Nos 2 and 6 concerning the appointment process. We must ensure it is a robust and rigorous process and that the community can have faith in it. It is my view that the best way forward for this process is to have the secretary make those appointments. The Opposition supports The Greens amendments Nos 2 and 6.

Mr JEREMY BUCKINGHAM (18:24): In reply to the comments of the Minister, I was at pains not to say anything about current or former chairs of the Board of Chairs. I did not, have not and will not reflect on

them in that way because that is not my view. I do not think the Minister has done them a service in mentioning those gentlemen in that context.

The Hon. Niall Blair: And lady.

Mr JEREMY BUCKINGHAM: And lady. I do not know whether the Minister mentioned a lady.

The Hon. Niall Blair: Alex Anthony.

Mr JEREMY BUCKINGHAM: I did not know she is a lady. As the Hon. Mick Veitch has stated, The Greens amendments Nos 2 and 6 are not a reflection on the current personnel or the way in which they have been appointed. But there is a possibility in the future that the appointment could be made based on a job for the boys. We are setting up a framework for the best possible standards of governance for this organisation going forward. The Minister cannot say that in the history of New South Wales there have not been instances when political appointments have occurred. We have seen it occur—and I can list a range of them. I have mentioned Jock Laurie.

The Minister said that these amendments are about having a separation between the board and the chair and the executive officer and the chair. That is not our concern. The Greens are concerned about having a separation between the Chair of the Board of Chairs and the Minister. That is why we are concerned about whether an appointment by the Minister is in the best interests of the Local Land Services and the taxpayers of New South Wales or some other interest that may have a political purpose. I thank the Opposition for supporting The Greens amendments Nos 2 and 6. I urge the Government to consider voting for them.

The CHAIR (The Hon. Trevor Khan): Mr Jeremy Buckingham has moved The Greens amendments Nos 2 and 6 on sheet C2017-082C. The question is that the amendments be agreed to.

Amendments negatived.

Mr JEREMY BUCKINGHAM (18:27): I do not intend to move The Greens amendments Nos 3 and 4. I move The Greens amendment No. 5 on sheet C2017-082C:

No. 5 **Full-time appointment**

Page 5, Schedule 1 [19], lines 17 and 18. Omit "may be a full-time or part-time office, according to the terms of appointment". Insert instead "is a full-time office".

This amendment is self-explanatory: It seeks to make the position of Chair of the Board of Chairs a full-time position. This person is receiving remuneration for the responsibility of administering an incredibly important agency across 11 boards of New South Wales with broad objectives such as natural resource management, animal welfare, biodiversity, biosecurity, emergency response et cetera, and it should be a full-time position. The Greens believe the remuneration reflects the importance and magnitude of the role. It should be a full-time appointment, especially if Opposition amendment No. 1 is not successful, because the person in the role is getting good coin to do it.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (18:29): The Government opposes The Greens amendment No. 5 because it is not appropriate or necessary. The bill provides for the role of the chair to be filled on a full-time or part-time basis in order to provide flexibility if the requirements of the role change over time. That also means if a person is a part-time worker they will receive remuneration on a part-time basis. The Greens amendment means they will have to be full time. The Hon. Mick Veitch has foreshadowed that he will move an amendment and, if that were to proceed, The Greens would advocate that the chair would have to be full time and be paid at the same rate as a local chair, which does not make sense.

The bill as drafted provides the flexibility to be part time or full time, and to be paid accordingly. The flexibility is in the bill and it is not necessary to suggest that it has to be a full-time position. The organisation and the chair can fulfil the roles in a part-time capacity. To be realistic, they may only be part time but I am sure that if they are asked they will probably say they get paid for the number of hours they claim but they actually work above and beyond that—like all good, dedicated people. We have all seen such people go above and beyond. The Greens should allow the flexibility to remain in the bill as drafted. The Government opposes the amendment.

The Hon. MICK VEITCH (18:31): As well as flexibility, the issue is about circumstance. And with this amendment the circumstance is sought to be predicted. In two years time the position may become available again within the realms of the appointment process, and the circumstance may determine whether it is a full-time or a part-time position. On that basis, the Opposition will not support The Greens amendment No 5.

Mr JEREMY BUCKINGHAM (18:31): The point of the amendment is that The Greens believe there should be a person carrying out this role on a full-time basis. We are talking about the Chair of the Board of Chairs

of the Local Land Services of New South Wales. It would be a surprise to The Greens if the chair of a board that is overseeing the administration of natural resources, biodiversity, biosecurity, agricultural extension and billions of dollars worth of government spending and private sector investment is a part-time role. We want Local Land Services to succeed, and we think the chair of chairs should be a full-time position. As the Minister said, it is probably a full-time position, even if a person works part time, because of the enormous amount of other work, travel and the requirement for them to be across their brief. They must set the strategic direction of a whole range of incredibly important natural resources, economic and societal issues, and they should be in a full-time position. That is why The Greens have moved this amendment.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (18:32): Mr Jeremy Buckingham just hit the nail on the head; that is the whole reason we are here tonight. We have looked not only at the structure but also at the functions. Mr Jeremy Buckingham should read what we have said tonight. The chief executive officer is the full-time employee running the organisation day to day. The chair oversees the strategic direction, which Mr Jeremy Buckingham just acknowledged. The chair is not the hands-on, day-to-day operator of the organisation. That was the problem before and we are trying to fix it now.

There was confusion about whether the chair was responsible for the day-to-day operations or it was the senior executive officer within the agency. The Natural Resources Commission acknowledged that there was confusion regarding the roles. That is why the Government says that there may come a time, as the Hon. Mick Veitch said, when the chair needs to be a full-time employee, and we have provided for that in this bill. But at the moment it is working quite well with a chair who is looking at the strategic direction and providing guidance to the organisation. It does not mean the chair has to be around to sign time sheets every day. That is the role we are creating in this bill, and that is why The Greens amendment No. 5 is unnecessary.

Mr JEREMY BUCKINGHAM (18:34): I understand why a chief executive officer would have the day-to-day role of running the operation. The chair and the board have the following functions: to determine the general policies and strategic directions of Local Land Services [LLS] in New South Wales, which is a big job; to determine the policies, procedures and directions of Local Land Services in accordance with which a local board must exercise its functions, another big job; and such other functions as are conferred or imposed on it by or under this Act, or any other law, or the Minister. Without limiting this new section, it also refers to organisational governance and strategy, risk management, service delivery priorities for the Local Land Services and community engagement, which are massive jobs. I think that would be a full-time job. The Greens believe the LLS should be successful in this massive and diverse State. The role refers to biodiversity, biosecurity and strategic direction in this State, which we think is a full-time role.

The CHAIR (The Hon. Trevor Khan): Mr Jeremy Buckingham has moved The Greens amendment No. 5 on sheet C2017-082C. The question is that the amendment be agreed to.

Amendment negated.

The Hon. MICK VEITCH (18:36): I move Opposition amendment No. 1 on sheet C2017-071:

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

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

- (3) Despite any other provision of this clause, the remuneration of the Chair is to be the same as the remuneration of a chair of a local board from time to time.

I spent a fair deal of time addressing this matter in my contribution to the second reading debate so I do not believe I need to pursue my argument again. I repeat that I am attempting to insert some fairness and reasonableness around the remuneration process so that it meets community expectations. Right now, I think the punters of New South Wales would say that it does not, and that is why the Opposition has moved this amendment.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (18:36): The Government opposes Opposition amendment No. 1. There has been a lot of debate about this issue in this Chamber and in the lower House. I think some of the debate in the Legislative Assembly was confusing because of the numbers that were used. They used the figure that was attached to the role of the previous chair, which this bill addresses. Certainly some of the arguments in the Legislative Assembly were way off the mark. Overseeing the Local Land Services \$220 million record budget and 11 different regions is a critical and strategic role. We cannot compare a region with a budget of approximately \$14 million and the statewide role with a budget of \$225 million. There is a difference between a local board chair and the chair who is responsible for the central board of the organisation.

We believe the matter has been assessed adequately; it was covered in the second reading debate. The remuneration compares to other agencies. We will not send a message that we believe chairs who are in charge of

a whole range of other government agencies are okay to be assessed and to be within the band width, but because these chairs look after an agency that serves rural and regional New South Wales we should click their ticket and they should be paid the same as they were when fulfilling a role on the local board. Why would any local chair put up their hand to assume the central function? We need to make sure that we attract the right people, who have the skills to understand what happens not only at the local level but also across the State and who will help to set the strategic direction. Therefore, the Government believes the remuneration that is attached to this role—which is less than is in the existing provisions—is fair and should not be changed by the Opposition amendment.

Mr JEREMY BUCKINGHAM (18:39): The position of Chair of the Local Land Services Board is incredibly important. It would be hypocritical of me to say that The Greens think it should be a full-time position because it is of critical importance to the function of the Local Land Services and that the person should not be appropriately remunerated. The Greens will not support this amendment because we are convinced by the Minister's argument that we should not hold the view that the person performing this job should be paid less than other people in comparable agencies. They should operate within a band. I again make the point that it is incredibly important that the remuneration reflects that, and we contend that it should be a paid position.

The Hon. MICK VEITCH (18:40): It would be remiss of me not to engage the Minister on his comments about the other place. I thought the debate in the other place last night was edifying, intelligent, articulate and carried the whole scenario quite well.

The CHAIR (The Hon. Trevor Khan): The Hon. Mick Veitch has moved Opposition amendment No. 1 on sheet C2017-071. The question is that the amendment be agreed to.

The Committee divided.

Ayes 10
Noes 24
Majority 14

AYES

Donnelly, Mr G (teller)
Moselmane, Mr S
(teller)
Searle, Mr A
Voltz, Ms L

Graham, Mr J
Pearson, Mr M

Secord, Mr W

Mookhey, Mr D
Primrose, Mr P

Veitch, Mr M

NOES

Amato, Mr L
Clarke, Mr D
Farlow, Mr S
Franklin, Mr B (teller)
MacDonald, Mr S

Martin, Mr T
Nile, Reverend F
Shoebridge, Mr D

Blair, Mr N
Colless, Mr R
Faruqi, Dr M
Green, Mr P
Maclaren-Jones, Ms N
(teller)
Mason-Cox, Mr M
Pearce, Mr G
Taylor, Ms B

Buckingham, Mr J
Fang, Mr W
Field, Mr J
Harwin, Mr D
Mallard, Mr S

Mitchell, Ms S
Phelps, Dr P
Walker, Ms D

PAIRS

Houssos, Ms C
Sharpe, Ms P

Ajaka, Mr J
Cusack, Ms C

Amendment negatived.

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

Motion agreed to.

The Hon. NIALL BLAIR: I move:

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

Motion agreed to.

Adoption of Report

The Hon. NIALL BLAIR: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. NIALL BLAIR: I move:

That this bill be now read a third time.

Motion agreed to.

The DEPUTY PRESIDENT (The Hon. Paul Green): I will now leave the chair until 8.15 p.m.

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

Second Reading

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (20:18): I move:

That this bill be now read a second time.

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

When the Baal Bone, Cullen Valley and Invincible mines closed and Centennial decided in October 2014 to place its adjoining Angus Place mine on care and maintenance, Springvale's role became critical to the region. In the last financial year, the Springvale mine sent around 87 per cent of its coal to the nearby Mount Piper Power Station. As Mount Piper Power Station is 100 per cent dependent upon the coal supplied by the Springvale mine, the supply of power from the Springvale coalmine is critical to the ongoing operation of Mount Piper Power Station. Mount Piper's existence is also essential to this equation as it contributes to around 11 per cent of New South Wales electricity on the grid. As the months get warmer in the lead-up to summer, the Australian Energy Market Operator projects risks of load-shedding, which may affect more than 400,000 households across the grid.

For energy security the message is crystal clear. Without Mount Piper we face almost certain blackouts this coming summer. Even if the court delays its orders until after this summer, the threat to power supplies will only be deferred. At the local level, closure of the mine would most likely have serious implications for the nearly 400 people employed by the Springvale mine. In addition, if the Mount Piper power station has to reduce its operations, or even possibly close, a further 197 local jobs would be at risk as well as up to 80 contractors based predominantly at the power station. This is more than 600 jobs for the community should the mine and subsequent shutting of Mount Piper take place. These jobs are critical to the communities surrounding the mine and are a driver of the local economy. In 1992, the Minister for Planning approved underground coalmining at Springvale, located north-west of Lithgow.

Mining operations began in 1995 and were allowed to continue until September 2015. On 21 September 2015, the Independent Planning and Assessment Commission approved a State significant development application to extend the existing mine, including by allowing it to continue operations until December 2028. The commission's decision followed two thorough reviews and public hearings. The assessment of the proposal by the Department of Planning and Environment gave detailed consideration to the water quality impacts and required a significant reduction in water pollution limits when compared with the discharge allowed under existing approval. The commission's decision was challenged on the basis that it could not have been satisfied that the Springvale extension would have a neutral or beneficial effect on water quality. The department argued that the test should be based on the levels of discharge that were allowed under the existing mine approvals. The Land and Environment Court agreed with the department's approach and dismissed the challenge.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! We will get through this without editorial comment.

The Hon. DON HARWIN: The Land and Environment Court's decision was then taken to the Court of Appeal. On 2 August 2017 the Court of Appeal overturned the Land and Environment Court's decision and held that the approach to applying the water quality test was incorrect. The court observed that the basis for the water quality test must be the actual water quality before and after the proposed development, and that the actual water quality would not include the current mining activities, which were due to cease under the existing approvals. In the Court of Appeal's view the commission needed to consider what would happen at the Springvale mine if the proposal was refused. Unusually, in this case the Court of Appeal did not declare the development consent to be invalid. Given the potential adverse consequences for the current mine operations and users of the coal supplied to the mine, the court instead gave the final orders back to the Land and Environment Court. The Land and Environment Court is due to hear submissions from 16 October 2017.

I have heard reports that there will be amendments to the bill—it is no secret—so I will address some remarks at this stage to those amendments. The bill principally clarifies the application of the water quality test for development that is extended or expanded, like mining or other resource projects. It does this by allowing a State environmental planning policy [SEPP] to deal with the application of the test to continuing development. Continuing development is development that is limited by time, area or intensity, but that is likely to be extended or expanded in the future. Mining projects are one example of continuing development. The bill then clarifies how the water quality test is to be undertaken for this type of development by amending the existing SEPP for the drinking water catchment. For continuing development, the basis for determining the effect on water quality should be the new development—that is, the extended or expanded part of the proposal and not the development that is already authorised by an existing approval—even if it is time limited.

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

Environmental protection conditions are also imposed on the approval by the Environment Protection Authority and the Commonwealth under the Environmental Protection and Biodiversity Conservation Act 1999. This reflects the department's longstanding practice of comprehensively assessing the water quality impacts of significant developments like coalmines. I can also confirm that the State significant development consent for the Springvale mine prohibits mine water discharge from the main discharge point after 1 July 2019. After this date mine water can be treated at the water treatment plant to satisfy the obligation. This condition was added to the Springvale consent as part of the 2017 modification. If the water treatment plant is not operational by 1 July 2019 any mine water discharged from the main discharge point will be done in breach of the development consent. This is an offence that could carry the highest possible penalty under the planning legislation—\$5 million, with an additional daily penalty of \$50,000 if the offence continues.

Finally, the bill will validate the State significant development consent for the Springvale mine extension project and ensure the clarified water quality test applies to previously approved projects. This will allow the mine to continue operations subject to the strict conditions set by the independent Planning Assessment Commission. There are fewer than 50 days until the start of the summer season, which officially starts on 1 December 2017. We need to act now. This bill provides assurance to all parties and will remove the significant uncertainty hanging over the electricity market—indeed, the whole national electricity market. It will provide a clear signal that New South Wales believes in removing risks to electricity security this summer. By introducing this bill, the Government has acted swiftly to address job uncertainty and secure the coal supply to the Mount Piper power station, but I firmly believe this ultimately is a win for the environment and a win for Sydney's drinking water catchment. I commend the bill to the House.

The Hon. ADAM SEARLE (20:31): I lead for the Labor Opposition in debate on the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017. I state at the outset that the Labor Opposition will be supporting the measures in this bill that secure the supply of electricity to the State. The problem this State is facing is largely one of the Government's own making—a theme that I will develop during my contribution. The object of the bill before the House is to amend the Environmental Planning and Assessment Act 1979 and the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 to do three things. First, it will validate the development consent granted on 21 September 2015 relating to the Springvale mine extension. The Labor Opposition wholeheartedly supports this measure. Secondly, the bill will

validate any other development consent that would have been valid under the test as the bill purports to clarify, or in reality will have been changed by, this legislation.

Thirdly, the legislation claims to be clarifying the application of the neutral or beneficial water quality test—the so-called NorBE test—in the case of a development application for the continuation of development under an existing development consent relating to the Sydney drinking water catchment. However, in reality it is not clarifying the application of that test; it is changing the law. It is changing the State environmental planning policy and it is changing the authorising legislation in section 34B of the Environmental Planning and Assessment Act. The Labor Opposition does not support the second and third measures for reasons that I will outline. We will move amendments that seek to remove those provisions from the bill.

It is useful to understand how we came to be in this situation. Springvale is an underground mine about 15 kilometres north-west of Lithgow, near the Blue Mountains where I live. I am happy to declare that interest. It undermines the Newnes State Forest on the edge of the Blue Mountains World Heritage area. It mines 4.5 million tonnes of coal per year, using longwall techniques and supplies coal, as the Minister outlined, to Mount Piper power station, as well as to the Port Kembla coal export terminal. As the Minister also outlined, in recent years several other mines in the area that could have supplied coal to Mount Piper have closed, as has the Wallerawang power station. Springvale is now the only local source of coal for Mount Piper and, with that power station, is the largest local employer. The mine and the power station each employ roughly 300 full-time equivalent staff—600 in total. That is without taking into account the so-called downstream effects of the expenditure of local incomes in the local economy. Taking a conservative estimate, if those jobs were to be taken out of the local economy the direct hit for local businesses would probably be something like \$15 million and the multiplying effect could be as high as \$100 million. On any analysis, that would be devastating to not only the social fabric of the community but also the local economy.

In 2006 the Environment Protection Authority [EPA] instructed the mine to begin transferring wastewater to Wallerawang Power Station for treatment and reuse to avoid dumping it in the Sydney drinking water upper catchment and the Greater Blue Mountains World Heritage Area. When Wallerawang closed in November 2014, the water treatment plant was decommissioned and the environment protection licence for the mine was altered to allow the water to be discharged instead. Springvale is now licensed to discharge 19 megalitres of water from its discharge point into Sawyers Swamp Creek and the Coxs River—the second largest stream flowing into the Warragamba Dam, which supplies Sydney's drinking water. This water comes from the coal seams being mined. It is highly saline and contains heavy metals. On a number of occasions the EPA has found Springvale to be in breach of its licence for exceeding limits on various forms of discharge, not only saline.

In 2014-2015 the mine sought and received approval to expand. Because of its location within the Sydney drinking water catchment, the mine was subject to the provisions of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011—the so-called Catchment SEPP—which in clause 10 (1) prohibits the granting of development consent unless the consent authority "is satisfied that the...proposed development will have a neutral or beneficial effect on water quality", which is the NorBE test. The environmental assessment for the expansion found that it would cause a significant increase in the salinity in the swamp and creek immediately downstream and that the discharge would increase the salinity of Warragamba Dam by up to 6 per cent. That is from the Planning Assessment Commission Review Report on the Springvale extension project, dated May 2015.

In June 2014 the EPA commented on the environmental assessment for the Springvale extension and said that Centennial had failed to adequately assess the impact of the mining expansion on water quality and, "This is a major concern to the EPA". The EPA described the contaminant load as a major issue, stating that the potential salt load alone of 7,500 to 13,000 tonnes per annum is "extremely large for a freshwater system". That can be found in the NSW Environment Protection Authority letter to Howard Reed at the Department of Planning and Environment, dated 3 June 2014.

The Sydney Catchment Authority said at the time that the project should be refused consent unless a requirement were imposed that the discharged water be treated. It was quite obvious that something like a water treatment plant would be needed, even at that point. Without this requirement, the mine would not achieve the test of having a neutral or beneficial effect on water quality in the catchment. It would be downgrading the quality of the water flowing into Warragamba, making it saltier, adding heavy metals to it and contributing to the toxicity of the aquatic environment which, of course, is quite delicate. The approval was granted in September 2015 with a condition that by July 2017—that is, the July just gone—the mine had to significantly reduce the salinity of the water it was discharging into the Coxs River and progressively reduce the acute toxicity of the downstream environment from the measurement, which was 20 per cent above the allowable limits set by the EPA.

The mining company agreed to the time line but it was clear within a year or so that there was no other way to address that development consent without constructing an extremely expensive water treatment plant. I think Centennial Coal thought, not unreasonably, that it should not shoulder the burden of this alone. Centennial

and the operator of Mount Piper, Energy Australia, were in this together. Although the two companies obviously had some difficulties working out the financing arrangements, they nevertheless agreed to a joint venture project and have obtained planning consent for it as well as raised the necessary finance. However, by July 2017 construction had not commenced and so, as the Minister has outlined, the proponent, Centennial Coal, as the operator of the mine, had to approach the regulatory authorities to seek a variation to extend the deadline for the construction of the water treatment plant until June 2019. That variation was granted.

The Planning Assessment Commission made it clear in granting the approval that the discharge into Sawyers Swamp Creek and the Cocks River was to be an interim solution only and that action must be taken to treat the water and send it instead to the Mount Piper Power Station. As I indicated, Centennial Coal did gain development consent for the plant, but it has not commenced construction. Pretty much as soon as the Planning Assessment Commission had approved the consent, environmental group 4nature Inc. lodged a challenge against the mine approval on the grounds that the Planning Assessment Commission had failed to correctly apply the crucial mutual and beneficial effect test.

As the Minister outlined, the applicant was unsuccessful in the Land and Environment Court before Justice Pepper, but on appeal to the Court of Appeal on 2 August the applicant was successful. The Court of Appeal handed down a unanimous decision that the applicant's construction was correct and that the construction contended for by Centennial Coal was not correct. The Court of Appeal found that the Planning Assessment Commission should never have approved the proposed expansion to the Springvale coalmine, because the law prohibits the approval of developments within the Sydney drinking water catchment unless the consent authority is satisfied that it would have a neutral or beneficial impact on water quality.

The crucial question is where to start making that comparison. I understand that Centennial Coal proposed to the Planning Assessment Commission, supported by submissions from the Department of Planning and Environment, that the comparison be between the proposed extended mining activity and the current activity, whereas the Court of Appeal found that that was not correct. It would not be quite correct in saying that the Court of Appeal found that the test was to compare the proposed new mining activity with no mining activity, but certainly in assessing the impact on water quality the decision-maker had to take into account that the mining consent was not permanent—in fact, mining was likely to come to an end, probably very shortly. That meant that the decision-maker had to turn his or her mind to a range of considerations, but did not. In the wake of the Court of Appeal ruling, the matter was sent back to the Land and Environment Court.

Interestingly, for some reason Centennial Coal thought that planning issues could be sorted out at that level, and I think at some stage the successful applicant thought so too. But it was quite clear within a reasonably short period that that was not going to fly and that although the court had some discretion about how much time the mine could be given, ultimately the Land and Environment Court could only decide on what date the mine should be closed. That uncertainty is taking a terrible toll on the people whose livelihoods are being affected and is creating uncertainty in the electricity market, not because there is a shortage of supply but simply because of the risk of a shortage of supply.

At the point when it was clear that the parties and the court were not able to work through the problem through the court process and reach a solution for the benefit of themselves and the State, a responsible and responsive government should have reached out to the parties to the litigation, to the affected workforce and to the community in and around Lithgow as well as to the operator of the Mount Piper Power Station, Energy Australia, to get the parties around the table to try to find a solution that could be effected in short order. The Government should have explored that route, but it did not do so. I know the Government spoke with the two companies, but it did not speak to those who had brought the case or the affected communities and their representatives, the council and the union. I know the local member was reported in the media as talking up a big game, but he did not front his constituents—in fact, the contribution of the member for Bathurst to this debate in public was to float the prospect of invoking the essential services legislation.

What people thought of that proposal I will leave for the Chamber to decide, but I doubt it was a serious proposal. I note that the Premier had time in her diary to attend the Bathurst car races last weekend. Good luck to her. She declined an invitation to meet with the Lithgow council, nor did she have time to stop off at Lithgow on the way to or from that particular fixture. That is not acceptable. The behaviour of the Government in not addressing this matter with urgency to allay uncertainty has placed the State's electricity supply in crisis. It has put more than 600 local jobs at risk and it has failed to address the long-running environmental issue of untreated water flowing into the Sydney water catchment.

The bungling of the Berejiklian Government over the validity of the Springvale mine has put jobs, power and water quality at risk all in one go. That is some achievement. The current Premier and her ministry have left the State exposed to an over-reliance on coal-fired power by failing, during this Government's six years in office, to support the adequate development of new electricity generation projects for New South Wales. It is actually

worse than that. Why is the potential closure of or interruption of service from Mount Piper so potentially devastating for the State of New South Wales? I will explain.

Mount Piper currently provides 10 to 15 per cent of the State's electricity, or an average of 11 to 13 per cent depending on the day. Taking that offline and out of the market, whatever anybody else says, will place massive upward pressure on the cost of electricity and will stretch the system as we approach summer. Why is it a problem? On Monday, the Leader of the Opposition, Mr Foley, and I visited the site to address the workers. We stood at the entrance to the mine in the shadow of what had been the Wallerawang Power Station. Those opposite privatised the Wallerawang Power Station and sold it to EnergyAustralia. Having purchased the power station EnergyAustralia promptly closed it. It cost New South Wales 1,000 megawatts of energy and placed upward pressure on prices due to a lack of supply.

Mr Jeremy Buckingham: And cost jobs.

The Hon. ADAM SEARLE: I acknowledge that interjection. It cost jobs. It elevated the risk of events such as we are discussing to the rest of the State's power supply. The fragility of the New South Wales power system, the situation in which we now find ourselves, was brought about by the Liberal-Nationals Coalition and their privatisation mania. This side of the House will continue to work to reduce the risk to the State by advocating and promoting the rapid growth of renewable energy for the State and supporting a transition to a clean energy future. There is less risk with a diversity of sources. It includes supporting the objective of Australia as a whole achieving 50 per cent of its energy from renewable sources by 2030. The Leader of the Opposition and I have outlined in public those and other measures.

I note the contributions made by my colleagues in the other place, my local member of Parliament, the member for the Blue Mountains, Trish Doyle, the member for Summer Hill, Jo Haylen, and other Labor members. Given the uncertainty caused by the court case and the inability of the parties to sort it out between themselves with a legally effective result, NSW Labor proposes a commonsense solution to ensure the mine remains open. Labor supports guaranteeing the State's electricity supply, securing the more than 600 jobs in and around the Lithgow area, and protecting drinking water by accelerating construction of the approved \$150 million water treatment plant. On radio a few weeks ago I indicated that if the parties, the State Government and court were unable to solve the problem NSW Labor would support other necessary measures.

As a matter of logic and common sense, this included having to legislate if necessary to ensure the mine remains open, subject to commitments to guarantee and accelerate the delivery of the necessary protections for our drinking water. We made this clear when we met at the request of the council and the union last Friday and agreed to the invitation to travel to Lithgow this Monday to meet with mine and power station workers and their families. As I have indicated, the Premier had declined requests to meet with the leaders of Lithgow City Council and the representatives of the Springvale workforce, and in desperation they sought the assistance of the Labor Opposition. This Government sat on its hands for 10 weeks. For 10 weeks it talked only to the companies and not to the workforce or the litigant who brought the case to see whether it could be brought to a satisfactory conclusion. But as soon as word got out that the Leader of the Opposition and I were going to Lithgow to address the workforce and outline our plan to keep the mine open to secure the State's power supply, the indecent haste with which this Government rushed to the papers on Monday to announce that it was going to do something could not be constrained. At least late is better than never.

The fact is that the Government should have acted earlier to try to sort this out, and it should have done so openly and transparently with everyone affected, not only the companies involved. It was simply unacceptable that the State's newest and most modern coal-fired power station, Mount Piper, was facing the likelihood of no longer having a supply of coal. As the president of the Construction, Forestry, Mining and Energy Union [CFMEU] in that district, Andy Honeysett, put it, it should not have taken the intervention of the Labor Opposition to prompt the Government into action.

The Hon. Shayne Mallard: But it did.

The Hon. ADAM SEARLE: I acknowledge that interjection, but the Government had made no comment earlier. The Opposition had spoken to the Government to ask what it was doing, but "No answer" was the stern reply. The Government certainly did not talk to the workforce, the council or the other litigant involved in the case to try to sort it out. The Government has announced legislation, but that legislation is not properly focused on simply securing Springvale and Mount Piper as it ought to. It also proposes reducing important environmental protections that are now in place, courtesy of the Court of Appeal ruling and the State environmental planning policy for the assessment of projects being renewed or extended in the Sydney water catchment.

Given that the legislation will immediately address the issues of energy security for the State and the 600-plus direct jobs in Lithgow, the Labor Opposition will support these moves by the New South Wales Government. But we will also act in this Chamber to ensure there is no reduction in protection for our drinking water. As I indicated earlier, it simply should not have come to this. The State cannot afford to lose more than 10 per cent of its power supply, but the Government dithered and has now overreached. I understand that the proposals in the legislation have caused people in the community—not only environmentalists but also regular citizens—to be concerned about the quality of our drinking water.

The fact is if we shut down or even put at risk 10 to 15 per cent of the State's power supply, community support for environmental protection, strong action on climate change and the transition to a clean energy future would be destroyed overnight. This is about energy supply in the immediate term. It is about keeping the lights on and also about preserving several hundred jobs in Lithgow. It is neither fair nor reasonable that the Government is trying to invite the Parliament to make a false choice between either keeping the lights on or protecting drinking water. The fact is that both are necessary, and both can and should be achieved.

Energy Australia and Centennial Coal must accelerate the delivery of the water treatment plant they promised, because clean drinking water is non-negotiable. The problem created by the Court of Appeal decision is that even if the court were to delay the implementation of the final orders and allow Centennial to go back to the planning system, that would take time and lead to further uncertainty and it would push back even further the construction of the water treatment plant, which is necessary to protect the water impacted by the past actions of the mine as well as the future activities proposed.

That is also not fair and reasonable. The company will not spend \$100 million plus while there is any uncertainty about the approval of the mine, which is rational. I acknowledge that; it is fair and reasonable. Ensuring that the Springvale coalmine stays open is necessary, not only to keep hundreds of workers in jobs and the lights on but also because it is essential for the company to deliver on its promise to construct a water treatment plant. As the Deputy Leader of the Opposition in the other place said in debate on this legislation, the bill should deal only with the Springvale coalmine issue but it goes further and tries to weaken the legal protections and standards of the quality of Sydney's drinking water catchment. We will oppose this course of action.

NSW Labor is proud of its record of improving the quality of Sydney's drinking water and we are proud of our role in building on environmental protections in this State. If the legislation is passed by this House without the foreshadowed Labor amendments, the next Labor Government will restore those protections to the legislation to ensure that the proper protections for our drinking water are in place. We are committed to reinstating the proper standard of environmental assessment of projects in the Sydney drinking water catchment if the legislation is weakened this evening, although we earnestly hope it is not.

This legislation should deal with one matter only, which is to ensure that Springvale coalmine stays open and the supply of coal to Mount Piper remains flowing. We make no apology for supporting the necessary action to keep the mine open because we understand that, while there should be a transition to a clean energy future, it has to be a managed and just transition, and we will propose a transition authority to ensure that no worker and no community impacted by changes in technology or the energy mix are left behind. As I said, it is a false choice to force the Parliament to choose between keeping the lights on and protecting our precious drinking water. Both objectives can and should be achieved. Playing political games and using this opportunity as a Trojan horse to try to weaken the protection of our drinking water, as the Government proposes, will be condemned by the community.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! The debate will proceed without conversations occurring across the Chamber.

The Hon. ADAM SEARLE: As I outlined, I have been reasonably critical of the Government's handling of this matter, questioning its competence. But we have to question whether the Government knows what the bill before the House does. The Premier's contribution to this debate was printed in the *Australian Associated Press* yesterday and in the *Australian* today. She said:

The legislation will make sure that the water quality has to be at least as good as what was there before the mine so we're putting in stringent environmental safeguards, which is a plus for the community.

We agree with the Premier. Those comments from the Premier show that she clearly agrees with the New South Wales Court of Appeal. It seems that the Minister opposite and the Minister in the other place do not agree with the Premier, because that is not what the bill before this House does. I will come to that. The bill is in two parts. The first part validates the Springvale development consent subject to the environmental protections put in place by the Planning Assessment Commission, including the requirement to treat the salinity, which means invoking the water treatment plant approval. That is done and dusted in schedule 1. There is no issue about Springvale or the impact on the water as a result of schedule 1. But schedule 2 does not clarify the NorBE test. It changes

section 34B of the Environmental Planning and Assessment Act and rewrites part of the catchment State environmental planning policy [SEPP] to get around the ruling of the Court of Appeal.

What will that mean? It means that all the mines operating before 2011 and other forms of development activity taking place in the Sydney water catchment that come up either for renewal or expansion will have to make those applications and be subject to the NorBE test, which will increase the level of environmental protections required of those activities. But the standard that the Court of Appeal says has to be complied with is significantly higher than the standard that the Government says was "settled law" prior to the Court of Appeal ruling. What the Government is now seeking to do is a special sweetheart deal for the resources industry to say, "As you have to renew your projects or you seek to expand them, we are going to put a limit on the environmental standards that you will have to comply with to protect Sydney's drinking water. We are not going to have the standards high; we are going to have them significantly lower." That is not fair and reasonable.

The history of environmental protection in this State is one of incremental improvement: Each generation has higher standards than the one before. Surely it is beyond partisan politics that the vital drinking water that we all depend upon should have the highest and strictest standards applied to it. But that is not what the Government is doing. Apparently that is what the Premier wants, but it is not what the Minister and the Government are doing. We do not think schedule 2 is necessary. It is certainly not necessary to secure Springvale or Mount Piper or the 600 local jobs. The Government should understand this and jettison schedule 2. If it thinks the standards of environmental protection need to be explored we will certainly look into that, but do not rush at it like this.

I now turn to the issue of whether the higher standard articulated by the Court of Appeal should have taken the Government by surprise. I have read all the documents I can lay my hands on in relation to this matter. I have read the Land and Environment Court decision and the Court of Appeal decision. The first thing the Chamber should know is that the Court of Appeal is not a bunch of Green, left, weakling activists.

The Hon. Taylor Martin: Are you sure?

The Hon. ADAM SEARLE: I am asked from the other side whether I am sure. I am absolutely certain of that proposition. In so saying, I do no disrespect to the honourable judges.

The Hon. Don Harwin: Who sat on it?

The Hon. ADAM SEARLE: The President, Margaret Beazley, Justice Leeming and Justice Basten. I know what the Minister is going to say. Some things are quite clear when one reads the decision. The Minister referred to the independent Planning Assessment Commission. What a load of rubbish. The Planning Assessment Commission was anything but independent in this process. Interestingly, it gave no reasons for its decision. It was not asked for any, but it certainly did not provide them, despite the magnitude of what it was doing. It simply issued a two-page outcome. It adopted completely all the propositions advanced to it by Centennial Coal and by the Department of Planning. The court was left in the position of having to infer as to what the Planning Assessment Commission took into account and what it did not.

In the event, that was not too difficult because of the document trail. It was quite clear, as Justice Leeming articulates succinctly and very clearly, that the decision-maker, the Planning Assessment Commission, did not look at the impact on water quality with and without mining activity, both before and after any proposed extension of the mine. To put it in very simple terms that administrative lawyers like to use, it did not do the job it was asked to do by answering all the questions it was asked. When one reads the decision, one finds the flaws in the current Planning Assessment Commission process laid bare.

First of all, it does not appear to have had the requisite complete independence from the executive arm of government. Of course, legally it is really an adjunct of the Executive and it did not produce reasons which could be clearly read and understood to work out whether it was doing its job properly. But returning to the issue of whether it was settled law, the fact is the NorBE test had never before been articulated or called into question in a court so the decisions of the Land and Environment Court and the Court of Appeal are the first legal decisions. It may be true that the Department of Planning was applying it in a way approved of by the Government, but it was not a test that the law required.

I am not an administrative lawyer; I am certainly not a specialist in environmental and planning law but I just do not see how those mistakes could have been made because catchment SEPP, clause 10, which is the test to be applied by the Planning Assessment Commission, was in almost identical terms to section 34B of the Environmental Planning and Assessment Act. The Act requires the form in which the SEPP had to be cast and I think the test was quite clear. I understand that the Government finds the higher standard insisted upon by the Court of Appeal to be inconvenient—and I am sure that those in the resources industry who are facing having to comply with higher environmental standards for our drinking water, as they seek to extend or renew existing developments in the Sydney water catchment, would find it convenient to have to comply with that higher

standard. But surely when it comes to our drinking water we should all insist upon the highest standards to make sure that there are no risks.

The Hon. Don Harwin: We have the highest standards of drinking water.

The Hon. ADAM SEARLE: I acknowledge the interjection by the Minister, but why is the Government walking away from its own SEPP and its own legislation? The legislation does not clarify; it rewrites. The bill the Government has proposed changes section 34B of the Environmental Planning and Assessment Act and rewrites the catchment SEPP, or the relevant part of the catchment SEPP. The Government is not clarifying it; it is rewriting it. The Government is changing it to provide, on any analysis, a lower standard of environmental protection for our drinking water than the standard the Court of Appeal found was in this Government's SEPP. I think I am right in saying, but I am not certain, that the NorBE test was put in place by the current Government. It was certainly put in place in 2011 and, given that the 2011 election was in March, it is fairly unlikely the Labor Government would have put it in place. The Court of Appeal has upheld it as the highest standard and now those opposite and the Government of this State are proposing to walk away from it and to weaken those protections.

We are all concerned with the fate of the coalmine and the fate of the power workers and we are very concerned for the energy security of the State. The Opposition supports the measures that address that. We support most of what is in schedule 1 to the bill, and that is all this Parliament needs to do tonight. Schedule 2 goes much further. It actually does not affect Springvale and its surrounds at all because that is all looked after by schedule 1 and by the environmental protections approved by the Planning Assessment Commission and the water treatment plant proposal. Schedule 2 to the bill goes to the rest of the Sydney water catchment and will have effects far and wide on other matters, other mines and other activities, but not Springvale.

If the Government's motivation is to secure Springvale and Mount Piper, schedule 2 is not needed. If the Government does not like the cut of the jib of the SEPP, or the way in which the Court of Appeal has interpreted it, let us have an inquiry, a full investigation and a proper public debate about what form the SEPP should be in, and not rush through this legislation as the Government is proposing, because it is not needed to secure the objectives upon which all reasonable members in this House will agree. I foreshadow that the Opposition will propose amendments which strip out schedule 2 and those parts of schedule 1 that are dependent upon it. We want no risk to the State's electricity supply and we make no apologies for standing up for that or for the livelihoods of the workers who are affected, but we will also stand up to protect our drinking water, and the integrity of the Sydney water catchment.

No matter how this Government tries to dress it up, the Court of Appeal has made the first authoritative ruling about what the catchment SEPP means. The Government does not like the ruling and wants to weaken it because it is inconvenient. I invite Government members to think again and to embrace the Premier's words and the objectives that she says publicly she wishes to achieve. I invite them to accept the Opposition's amendments in the spirit of cross-party cooperation. We can work on the objectives with which we all agree and consider those with which we cannot agree at a more leisurely pace. The Opposition will move its amendments and invites members to give them earnest consideration. Government members can join the Opposition in passing what is necessary and setting aside that which is not to ensure that our pristine drinking water is protected to the highest environmental standards.

The Hon. PAUL GREEN (21:10): I speak on the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017. We have just heard an incredible dissertation from the Hon. Adam Searle, and the Minister has put the Government's position, which was also clearly stated. They were very interesting speeches, and I am sure we will be enlightened by Mr Jeremy Buckingham.

The Hon. Dr Peter Phelps: I am not so sure about that.

The Hon. PAUL GREEN: I acknowledge that interjection. The Christian Democratic Party believes that we must work to ensure that our environment remains clean, green and pristine. While we always aim for the highest standards, we know that we cannot always achieve them. The Springvale coalmine at Lithgow provides 87 per cent of its coal to the Mount Piper Power Station—in fact, it provides all the coal that is required to run the power station—and the power station provides approximately 11 per cent of this State's electricity.

This bill is designed to provide energy security and to ensure that electricity is available and affordable for the people of New South Wales. While the Planning Assessment Commission and the Land and Environment Court agree that the mine water output now meets strict international drinking water standards, this bill is about matching the law with long-held government departmental practice. The Court of Appeal has taken the view that the neutral or beneficial effect test—otherwise known as the NorBE test—must be carried out on water quality prior to development and post development. The court has effectively ruled that the NorBE test cannot be carried

out on the current permissible level; that is, a level that meets international standards of discharge from the mine. However, it has also ruled that the decision to grant State significant development consent was not lawfully made.

The matter has been remitted to the Land and Environment Court and hearing dates have been set. The key matter that the court must decide is how soon the Springvale coalmine must cease operating. The outcome of the Court of Appeal decision and the orders to the Land and Environment Court have placed more than 600 regional jobs at risk. I appreciate the Hon. Adam Searle's comments about those jobs and what that means for the region. The approach taken by the environmental group that pursued this issue is a good example of people not liking the referee's decision and taking the matter to another referee for adjudication. I understand that the environmental group took the issue to the Land and Environment Court and lost, and that it has now taken it to the Court of Appeal. The Land and Environment Court is a specialist court in this area and it upheld the consent.

According to the Australian Energy Market Operator, Mount Piper Power Station has only two to three months of coal available to meet normal generation requirements. Should the Mount Piper Power Station close it could affect the electricity supplies of between 400,000 and 600,000 homes. Although this might be acceptable to The Greens, it is very worrying for families across New South Wales. The flow-on effect of the loss of this energy asset will mean that mums and dads will not be able to power fridges, air conditioners, hot water services or even cook dinner in some places. It is imperative that our energy supply is secure, especially as we come into the warmer months when the demand for energy in our homes and businesses will increase. The Christian Democratic Party is committed to ensuring that energy for all residents in New South Wales is secure and affordable.

It is well known that coal is the bedrock of Australia's electricity grid. It provides a reliable supply of electricity to millions of residents and businesses, and ensures a high-quality standard of living while keeping regional jobs secure. Coalmining has been occurring since settlement. The coal industry, which has been around for hundreds of years, has been faithful and prosperous for both the State and national economies. Mining centres have been established regionally across the State, including at Newcastle, Broken Hill, Wollongong, Cessnock, Muswellbrook, Lithgow, Orange, Gunnedah and Cobar.

Mr Jeremy Buckingham: Coalmining at Orange?

The Hon. PAUL GREEN: I said "mining", if the member had been listening.

Mr Jeremy Buckingham: Mining?

The Hon. PAUL GREEN: The member should know that—he is from Orange. The Hon. Rick Colless has gone there now. The Nationals have gone across there to look after them. Across those towns hundreds, if not thousands, of businesses rely on mining and its ancillary businesses. Earlier this year the chief executive of the Council of Small Business Australia is reported to have said:

What we're hearing is terrible. We're seeing closures have already started, I fully expect there will more closures and staff put off. When you're running a small supermarket, where do you find an extra \$70,000?

You find it by cutting employees, and that is the last thing regional Australia needs. The quote continues:

The price hikes hitting businesses of up to 120 per cent—dwarfing the 20 per cent increase faced by households—have been partly blamed on the closure of cheap coal-fired power stations, including Hazelwood in Victoria and Playford in South Australia.

I acknowledge that our economy is transitioning from relying so heavily on mining and coal, but we do not want to rip the foundations away from businesses that are continuing to build, grow and deliver jobs and investment in this State and nationally. The object of the bill is to amend the Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. The bill will validate the development consent granted to the Springvale mine extension and subsequent lease. That consent is taken to have been lawfully granted on 21 September 2015.

The bill clarifies the application of the neutral or beneficial effect on water quality [NorBE] test—I again acknowledge the Hon. Adam Searle has said this might be the first legal test of that definition—for development that is extended or expanded in mining and other resource projects. This will include amendments to section 34B of the Environmental Planning and Assessment Act 1979, as well as to the Catchment State Environmental Planning Policy [SEPP]. Section 34B of the Environmental Planning and Assessment Act will be amended to specifically allow a SEPP to deal with the application of the NorBE test. The Catchment SEPP will clarify the NorBE test to ensure that proposed development will have a neutral or beneficial effect on water quality, if the impacts are the same or less adverse than they would be if the development was continued under the existing consent. The application of the NorBE test is limited to "continuing development", which is development that has a time-limited approval and is likely to extend or expand in the future.

I note we did ask for some representation from different stakeholders about the previous consent, which was a 1992 approval that predated integrated development and had very basic conditions that have been modified

subsequently several times. Under the existing Environment Protection Authority [EPA] licence, Centennial can currently discharge up to 30 megalitres of water a year from licenced discharge point 9. Of course, this water comes from the Angus Place and Springvale mines. The licence also sets water quality limits for a range of pollutants, more information of which can be found in condition L2.9 of that finding. It was noted that the 2015 Springvale consent required the allowable salinity discharge to be halved by 2019. Once again, the Hon. Adam Searle spoke about the treatment plant that would need to be put in place to do that. With the approval of the water treatment plant, that requirement has now been updated so that there will be no discharge at all once the water treatment plant is constructed. There is a table on the sheet that compares the 2015 salinity and toxicity consent conditions with the updated 2017 conditions.

I refer to some of the water quality issues we have dealt with in the Shoalhaven from Manildra Group operations. With some of the effluent from the plant that was coming down the river, that operation could have been shut down. But that would have meant jobs in many areas would have been lost. Instead of shutting down an industry, people worked together to make sure that the industry changed practices and was able to treat the water with great outcomes. Now, finally, that water is going to farmland and farmers are raising stock on it, so there is value added. Businesses need to be given the opportunity to get to a place where they can do the right thing at the right time for the right reasons, including through meeting funding need. It is not unreasonable that the 2015 Springvale consent required the allowable salinity discharge to be halved by 2019. As a result, the mine is going to do the right thing by the people of New South Wales because that it is in the consent.

As previously stated, my colleagues and I are committed to ensuring that our environment remains clean, green, and pristine. We are always aiming for the highest standard where it is feasible and achievable, given all the things that must be considered to achieve this goal. Further to this, the Christian Democratic Party is committed to ensuring ongoing energy security and affordability. The hottest issue across New South Wales right now is probably that people cannot afford their electricity and businesses are suffering greatly. Although we are investigating clean energy sources and want to do a lot of good things with renewable energies, we sometimes need to be responsible, and our first priority must be to look after our people and ensure that they can afford to pay for their electricity bills. The first priority is people's needs. People's needs are real and we must address them. Families must have access to secure and affordable energy, and we must meet their energy requirements. We support the families who rely on Mount Piper Power Station, as well as the local jobs and businesses in the Lithgow community and beyond that are fuelled by both the power station and the mine. We commend the bill to the House.

Mr JEREMY BUCKINGHAM (21:23): On behalf of the Greens and most sane people in this State I oppose this ridiculous legislation, the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017, in its entirety. Most people in this State agree on one thing: The State's electricity supply is hanging by an absolute thread. We are a moment away from a catastrophe. The farce that coal is affordable or reliable has been laid bare. The absolute unmitigated policy failure of the Government to invest in renewables has led solely to this disaster. The reason we have skyrocketing electricity prices and vulnerability in supply is the ideological battle waged by the right wing—the likes of the Hon. Dr Peter Phelps, the parliamentary friends of coal and the former Prime Minister Tony Abbott—against renewable energy. We are now relying on an extremely ancient coal fleet and a power station whose closure would be, in the Minister's own words, a disaster.

The power station is completely reliant on the vagaries of the geology and hydrology of one coalmine. If the Minister for Resources and Minister for Energy and Utilities, Don Harwin, knows anything about mining in this State, he would know that they flood, collapse and end in an instant. That is the history of coalmining, especially in the Lithgow area. The Springvale mine is producing 20 million litres of saline water every day—that is how much water is pouring into the mine that needs to be pumped out. We are talking about an absolute torrent—20 million litres that they are pumping into the second largest creek that feeds Lake Burragorang and Warragamba Dam. That is how they operate. If they open up that longwall and break through into another water seam, the mine will close. According to the Minister, 10 per cent of the electricity supply in this State—

The Hon. Don Harwin: Eleven per cent.

Mr JEREMY BUCKINGHAM: Eleven per cent of the electricity supply in this State will be wiped out. There is only a wafer-thin buffer at Mount Piper. Vales Point, built in 1978, which is producing another 1,000 megawatts, could close on the whim of its owner.

The Hon. Don Harwin: Very unlikely.

Mr JEREMY BUCKINGHAM: "Very unlikely," says the Minister. We will see what the owner says.

The Hon. Don Harwin: I do not think Delta Electricity's Trevor St Baker will shut that one.

Mr JEREMY BUCKINGHAM: I note the interjection from the Minister—he has a commitment from Trevor. Good on you, Trevor. Liddell Power Station is the Hillman Hunter of technology—the chitty chitty bang bang of power generation. It is held together with asbestos and gaffer tape and depends on the faith and good work of those power station workers who put their lives on the line when they go anywhere near it. It is an absolute bomb. It is highly likely that those power stations could blow up or catch on fire and those coalmines could flood at any moment.

The Government has failed. It is sitting and waiting for a reasonable national electricity policy and a reasonable national government while billions of dollars of renewable energy that would make this debate redundant have been left to rot—billions of dollars and thousands of jobs. The Government talks about jobs but it made no mention of jobs when Wallerawang shut down and 400 jobs were lost. When Angus Place Colliery shut down no-one in this House mentioned it—an event that had a comparable impact on the Lithgow community. How do I know that? Adam Bandt, the member for Melbourne, and I went to Lithgow in July.

Our political party went to Lithgow in July, sat down with mineworkers and met with the mayor before those opposite were even awake to the issue. We went there and said, "What is going on?" They said, "This mine is hanging by a thread. It could quite reasonably fail because of the geology. We are very worried about what will happen as an result of what comes before the courts." They knew it. We said, "What is the transition plan for this community?" There was none. EnergyAustralia told us that it was hanging by a thread and that it was at war with Centennial Coal—it is not operating a joint venture there.

For 30 years our plan has been to invest in renewable energy. The Government says, "What are we going to do?" Australia's Chief Scientist, Alan Finkel, and everyone who was at the *Australian Financial Review* energy conference are saying we need a just transition. To its credit, the Labor Opposition is now saying we need a transition commission—and the rest—and The Greens believe it. We are jumping from one disaster to another: Liddell shutting down and problems with gas supply brought about by rushing into gas export, and now we have a power station hanging by a thread with days worth of supply.

The Hon. Rick Colless: But what are you going to do?

Mr JEREMY BUCKINGHAM: What we would do is roll out billions of dollars of high-tech renewable energy that is approved. I notice the Hon. Taylor Martin is scoffing. What would he know? How well is Vales Point going? How well is Eraring going? Those power stations are twice as old as he is, and those power stations are about to come to an end. When Adam Bandt and I met with representatives from Origin Energy they said that they are preparing to sell that power station, that they will sell it off to someone who might just run it or might just shut it down. Who benefits when they shut down these power stations? The power station operators. Suddenly, AGL is getting price spikes.

The Hon. Dr Peter Phelps: You want to shut them down.

Mr JEREMY BUCKINGHAM: We want a managed transition. Former member of The Greens the late Dr John Kaye said exactly that in this place 10 years ago, and he was scoffed at by fools. This Government is being held over a barrel with this concocted crisis about coal supply, which throws out 30 years of good work since the inquiry into incremental catchment management improvement. I agree with the Hon. Adam Searle about schedule 1 to the bill. We will not support it; it is clear what that part does in giving the approval to Springvale. We will not support it because there is an alternative.

The Hon. Dr Peter Phelps: You want to shut it down.

Mr JEREMY BUCKINGHAM: I bothered to go to Mount Piper four weeks ago and I visited its facility which takes coal by road. It has a facility that is ready to go to take coal by road, but it is more expensive. That is what it is about. In 2015 Springvale had an approval to expand and, as part of that, to build a water treatment plant, but it did not build it because it was too expensive. That was a business decision by EnergyAustralia and by Centennial Coal, but the Government was too afraid to stand up to them and too incompetent, as the Hon. Adam Searle said, to sit around a table and discuss this issue which has been coming for years. It was too afraid to strike a deal to sort this out. This is a concocted crisis. The environment group 4nature is prepared to sit down with the miners and the power station and come to a negotiated agreement. No-one wants to see the power station shut down but the Government has created a—

The Hon. Dr Peter Phelps: You do.

Mr JEREMY BUCKINGHAM: Not this week, not now.

The DEPUTY PRESIDENT (The Hon. Paul Green): Order! Interjections are disorderly and it is also disorderly to respond to interjections.

Mr JEREMY BUCKINGHAM: The policy of The Greens is to move to 90 per cent renewable energy by 2030; that is our transition plan—one that is recognised as the most sensible by business and—

The Hon. Don Harwin: Ninety per cent by 2030?

Mr JEREMY BUCKINGHAM: Yes, absolutely; it is completely achievable. Those opposite scoff just as they scoffed in 1996 when founder of The Greens Bob Brown said in the Senate that climate change was real, and just as they scoffed at Dr John Kaye when he said that we should be moving to renewable energy and that privatising the power stations, the gentraders and the transmission lines would be a disaster. We know that we had it right about the transition that was coming. We were the ones who bothered to go to Lithgow and meet with the mayor, Stephen Lesslie. He said, "We know that these coalmines are going to close". Where was the outrage when Cullen Bullen and Angus Place and all those other coalmines closed? Fifteen thousand jobs have been lost in the coal sector in the past five years. There is not a mention from the parliamentary friends of coal lamenting that, and there is not a mention of a transition plan for Muswellbrook.

Basically, the Government is throwing out the protections for drinking water that are built into the State environmental planning policy [SEPP]. The Government is using this opportunity—this confected crisis—to throw out those protections. Current law says that any development in Sydney's drinking water catchment must be either neutral or beneficial to the quality and quantity of water. This legislation guts that protection by ensuring that the baseline used for assessing the neutral or beneficial effect [NorBE] test for any extensions to existing developments will no longer be the health of the catchment; instead it will be a comparison with the impact of the existing development on the catchment. The Government is saying that that is the status quo, but it is not the expectation of the community. Members of the community want the vast Sydney drinking water catchment that stretches from Cooma-Monaro to up behind Lithgow and the Blue Mountains protected to the highest standards. They do not want this grandfathering clause—

The Hon. Dr Peter Phelps: Cooma?

Mr JEREMY BUCKINGHAM: The map shows that it goes from the upper Shoalhaven River—

The Hon. Dr Peter Phelps: That is not near Cooma.

The Hon. Bronnie Taylor: That is not the Monaro.

Mr JEREMY BUCKINGHAM: I think you will find it is. The Hon. Dr Peter Phelps lives there but he does not know. Members on the other side of the Chamber do not even know the regions they live in. They do not know how big the catchment is. It is half the size of the Australian Capital Territory. In that area the Government is benefiting people who have an existing development. An existing development no longer has to conform to the higher standards of the NorBE test of health; it only has to conform with the approvals that were in place prior to 2011. That is a major retrograde step in incremental environmental approval. It is an absolute disaster.

This test does not apply just to coalmines. As someone who cares about the health of the Shoalhaven River, Deputy President the Hon. Paul Green would be worried about the upper Shoalhaven where there are piggeries, abattoirs, chemical plants, other mines, mine processing operations and residential subdivisions. All other State significant developments will no longer be judged against the SEPP provisions of the NorBE test—the higher standard—because the Government is enshrining this retrograde step in legislation.

If an application is made for an extension to a coalmine which was approved more than 20 years ago, with shocking conditions attached, the Planning Assessment Commission now only has to apply the neutral or beneficial effect test. As an example, when the Springvale mine was approved in 2015 the condition, effectively, was that the mine should have water treatment to prevent discharging. The mine did not meet that condition. Now the mine can go through another approval process that meets that NorBE test with respect to water and fail to do it again. What is the penalty for Centennial Coal not putting in that water treatment plant? It is the Government changing the legislation for the entire catchment for the mine's benefit.

This catchment serves the millions of people who live in Sydney, supplying them with high-quality drinking water. It has not always been the case. In 1998 the cryptosporidium and giardia outbreaks made water quality the number one issue for the people of Sydney. There were "Boil your water" alerts across the suburbs. That is why the NorBE test was initiated. That is what the community expects. The people of Sydney recognise that coalmining is very marginal—that it has a limited future. Clean water will be absolutely essential for every major city on this earth as we deal with climate change, but the Government is gutting the protections.

I join with the Hon. Adam Searle in making a commitment: in the future The Greens in this place will act to reinstate these protections because they are absolutely critical for millions of people—not just Centennial Coal. The Government should be ashamed because it has been sold this pup, this lie. The Court of Appeal found that the Planning Assessment Commission had completely misinterpreted or ignored "volumes of evidence" in

that case and had, for no reason, only taken account of the submissions of the Department of Planning and the proponents. What they did enshrined a poor practice. The quality of water in that catchment before the mine existed should be the standard, not what exists now.

The Greens believe the Government has been sold a pup. Neither in the shameful and juvenile contribution by the Minister for Planning in the other place nor in the contribution of the Minister in this place has the Government given one coherent reason why this is applying to all development and not just to coalmining. The Government is expanding the provision because it never misses the opportunity to make use of a crisis. Government members are using a crisis to slip this through because they know that it will apply to other coalmines. No-one is going to build a new coalmine in the drinking water catchment. I would be very surprised if new greenfield coalmines go ahead in this State.

New mines would be disadvantaged because they would be subject to the NorBE test, but all existing mines such as Dendrobium and significant coalmines in the Illawarra escarpment now have to meet a much lower test. They get to dodge what was a good ruling in the Court of Appeal and proceed with a much lower standard. The Springvale mine should not be rewarded. The Centennial Coal Company has had 913 breaches of its environmental licences since 2000. Wastewater from the mine pollutes the Cops River. The mine water is so saline that it has an electrical conductivity of between 1,100 and 1,200 EC when the Environment Protection Authority long-term goal for salinity is 350 EC. We are talking about the second biggest body of water in the catchment. Therefore, I move:

That the question be amended by omitting "be now read a second time" and inserting instead "be referred to Portfolio Committee No. 6—Planning and Environment for inquiry and report".

This is another sad example of governments too close to industry being stared down. It happened at Warkworth and at Cadia. Following a concocted crisis at the eleventh hour they rushed in and got a government to do their bidding to prioritise coal over clean water. What a disaster. We remember Barry O'Farrell standing on the Central Coast wearing his bright red T-shirt that read "Water Not Coal". He said, "...no ifs, no buts, a guarantee." That seems like a million years ago. I remind the Government that the last State election was fought on the environment. It was the second biggest if not the biggest issue. Coal, water and energy will be the big issues at the next State election. The Greens will be reminding Government members of that all the way to March 2019 and they will be thrown out of government because of it.

The Hon. PENNY SHARPE (21:43): I point out that the Environment Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017 should not be before the Parliament at all. The fact that it is here is in an indictment on the Liberal-Nationals, who boast that they are somehow governing this State with competence. It is a rare and special talent to have been in government for more than six years and to have delivered an outcome where a regional community is on the brink of losing 600 jobs, the State is facing electricity blackouts during our ever increasingly hot summers, electricity prices are spiking and the quality of the water that more than seven million people rely on is deteriorating. But here we are.

We are here because for six long years this Government has dithered about the need for this State to get serious about transitioning to a lower carbon economy. The hostility to clean renewable energy is not an illusion; it can be felt every day in this Parliament. Indeed, we know that for many in the Liberal-Nationals Coalition there is still a debate about whether climate change is real. It is not just the most recent cash-for-comment ramblings of our failed ex-Prime Minister. Let us not forget that it was the New South Wales State Liberal Party Conference that wanted to have forums on the science of climate change. The Nationals are riddled with climate change sceptics, including some in this Chamber, but the approach now championed by their leader, John Barilaro, is to advocate for locations around regional New South Wales where a government could consider putting a nuclear power station.

Without acceptance of the reality of climate change, without a commitment to a plan to transition New South Wales away from its over-reliance on coal-fired power, without a commitment to diversify our energy towards renewables backed by a commitment to storage, these problems are going to continue. What Labor understands, but some of those opposite do not, is that climate change is real and that we need to massively increase the contribution of renewables to our power generation. Labor understands that there are jobs in renewable energy that have been lost in New South Wales because of this Government's failure to act. The most recent data from the Australian Bureau of Statistics shows that in 2015-16 New South Wales has lost 1,000 jobs in renewable energy.

Labor understands the need for proper planning, proper consultation with coal-dependent communities, and concrete and detailed plans for a just, fair and equitable transition for those jobs that are declining as our economy becomes less reliant on coal. Labor will not support 600 jobs in Lithgow being lost before Christmas. We will not allow power blackouts over the coming summer. We will not allow electricity prices to further

increase as the State is forced to rely on electricity from other States and/or gas peaking plants if Mount Piper cannot operate. We also will not allow the Government to overreach and use this problem—a problem entirely of its own making—to erode the standards required to keep the water in the Sydney catchment safe and clean. The object of this bill is to amend the Environmental Planning and Assessment Act 1979 and the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 so as:

- (a) to clarify the application of the neutral or beneficial effect on water quality test in the case of a development application for the continuation of development under an existing development consent relating to the Sydney drinking water catchment—

That would be Springvale—

- (b) to validate the development consent granted on 21 September 2015 in relation to the Springvale mine extension, and to validate any other development consent that would have been invalid under the test as so clarified.

My colleague the Hon. Adam Searle has outlined in detail Labor's position in relation to this bill. I am not going to go through that again. I do, however, wish to speak about the issue in relation to water. In relation to this bill though we also have to understand a bit of the history. I know that some members have already gone through that. In 2006 the mine was instructed by the Environment Protection Authority [EPA] to begin transferring wastewater to Wallerawang power station for treatment and reuse to avoid dumping it in the upper catchment of Sydney's drinking water in the Greater Blue Mountains World Heritage Area. When Wallerawang closed in November 2014 the water treatment plant was decommissioned and the government protection licence for the mine was altered to allow the water to be discharged instead.

Springvale is now licensed to discharge 19 megalitres—that is 19 million litres—of water from its discharge point into Sawyers Swamp Creek and the Coxs River, the second largest stream flowing into the Warragamba Dam. The water comes from the coal seams being mined, is highly saline and contains heavy metals. I have been down the Springvale mine and I have seen this in action. The Springvale mine has repeatedly been found by the EPA to be in breach of its licence for exceeding limits on arsenic discharged via Discharge Point 9. There has been an impact on the river. Testing carried out by the Blue Mountains Conservation Society found that the upper Coxs River had high levels of heavy metals, including zinc, copper and manganese, 125 times more sulphate than surrounding streams, and only 5 per cent of the oxygen that fish require. This is in our World Heritage area, on the doorstep of our city.

In 2014 the mine sought and received approval to expand. Because of its location in the Sydney drinking water catchment, the mine was subject to the provisions of the catchment State environmental planning policy [SEPP]. The environmental assessment for the expansion found that it would cause a significant increase in salinity in the swamp and creek immediately downstream and admitted that the discharge would increase the salinity of Warragamba Dam by 6 per cent. In June 2014 the NSW EPA's comments on the environmental assessment for the extension said that there had been a failure to adequately assess the impact of the mine expansion on the water quality. The EPA said that it was a "major concern".

The EPA described the contaminant load as a "major issue", stating that the "potential salt load alone (7,500 to 13,000 tonnes per annum)" is "extremely large for a fresh water system". The Sydney Catchment Authority said at the time that the project should be refused consent unless a requirement were imposed that the discharged water be treated. Without this requirement, the mine would not achieve the test of having a neutral or beneficial effect on water quality in the catchment. It would be degrading the quality of water flowing into Warragamba, making it saltier, adding heavy metals to it, and contributing to the toxicity of the aquatic environment. The approval was granted in September 2015 with the condition that there be a water treatment plant.

Everyone in this place supports the water treatment plant because we know it will have a good outcome for water quality. However, this bill seeks to secure the future of the Springvale mine at the same time as degrading the environmental standards for all mines and other developments that impact on Sydney's water catchment. This is a sneaky attempt to erode environmental protections, and Labor will move, as we did in the other place, to stop this massive overreach. The 2016 audit of the Sydney water drinking catchment points to significant problems with Sydney's water supply. The audit reveals that the Coxs River flows into a lake that had the poorest standard for surface flows. The audit reveals a significant increase in bushfire-affected lands, with a subsequent negative impact on water quality. The audit also points to increased impacts from coalmining. In response to that audit, the Minister for Resources, and Minister for Energy and Utilities noted that:

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

That is not what is happening here tonight. What the Government is doing is trying to water down protections for the water catchment. The State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

prohibits the granting of development consent unless the consent authority is satisfied that the proposed development will have a neutral or beneficial effect on water quality. The issue turns on what the baseline measurement is. This test is currently required to be applied to the baseline quality of water prior to the operation of the mine or development. This bill seeks to shift that goalpost. If this part of the bill is supported, it would mean that the neutral or beneficial effect test would be applied against baseline water quality after the operation of the mine has commenced. Will the Minister stop interjecting?

The Hon. Don Harwin: Now the member knows what it is like in question time because she has been interjecting for six years.

The DEPUTY PRESIDENT (The Hon. Paul Green): Order! The Minister knows it is disorderly to interject. Given he is the senior role model in this place, I expect him to act accordingly.

The Hon. PENNY SHARPE: Given that there is a solution for Springvale but not any other mine, this means that any other mines or developments could argue that the impact is neutral or would not necessarily be required to put in place water treatment to stop pollution of rivers and streams feeding the water catchment. Labor does not support this, and we will seek to move amendments to remove these from the bill. I also restate the commitment from the Labor leader, Luke Foley, that if our amendments are unsuccessful, a future Labor government will reinstate the proper protections for the Sydney Water Catchment.

In my concluding comments, I wish to acknowledge the work of those who continue to raise the issues and campaign to protect our water supply and the integrity and beauty of the Blue Mountains World Heritage Area. It is important work, and I thank them for continuing to raise with me the issues around these matters and taking the time to show me the problems that we should all seek to work together to address. When future generations look back at this bill they will scratch their heads about how this Government could get to this position. Those who are impacted now will judge this Government in 2019 based on the level of incompetence in this matter, which is simply breathtaking.

The Hon. Dr PETER PHELPS (21:53): I did not plan to speak in debate on the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017. However, the contributions of two previous members have forced me to place on the record a correction of a number of erroneous comments that have been made. Mr Jeremy Buckingham suggested that the catchment area for the Shoalhaven River was "near Cooma". If that were true, the catchment area is also near Michelago, Bredbo, Jerangle, Captains Flat, Queanbeyan and the industrial suburb of Fyshwick in Canberra, all of which lie outside the catchment area and all of which are closer to the western edge of the catchment area than is the town of Cooma. The reason is that they are in different catchment areas entirely.

I refer the honourable member to a website called *waternsw.com.au*, which has the map for him to see. Alternatively, he could go to the *waternsw.gov.au* website, which lists the major towns in the catchment area as being Nowra, Bomaderry, Braidwood and Berry. Given that Cooma is larger than Bomaderry, Braidwood and Berry, one would expect that *waternsw.gov.au* would know whether Cooma was in the catchment area—and it is not. Mr Jeremy Buckingham shows that he is keen to make a political point but he does not know his basic facts. The Hon. Adam Searle suggested earlier that it was immoral for the Government to make a change to the 2011 State environmental planning policy [SEPP] in relation to the Sydney drinking water catchment.

The Hon. Adam Searle: I did not say that.

The Hon. Dr PETER PHELPS: You implied it was immoral for the Government to change the SEPP.

The Hon. Adam Searle: I did not say it was immoral; I said you were walking away from it.

The Hon. Ben Franklin: Point of order—

The DEPUTY PRESIDENT (The Hon. Paul Green): Order! The Hon. Dr Peter Phelps will resume his seat.

The Hon. Ben Franklin: Mr Deputy President, you chastised the Minister—

The DEPUTY PRESIDENT (The Hon. Paul Green): Order! I did not chastise the Minister.

The Hon. Ben Franklin: Mr Deputy President, you ruled earlier that the Minister had interjected inappropriately. The Leader of the Opposition has interjected continually, and I ask that he be directed to cease.

The Hon. Adam Searle: To the point of order: I was responding politely to the Hon. Dr Peter Phelps' attack on me from across the Chamber.

Mr Jeremy Buckingham: To the point of order: The Hon. Dr Peter Phelps was directing his remarks to the Hon. Adam Searle and not through the Chair, which is disorderly at all times.

The DEPUTY PRESIDENT (The Hon. Paul Green): All remarks must be directed through the Chair, and I encourage the Hon. Dr Peter Phelps to do that.

The Hon. Dr PETER PHELPS: I am sure the *Hansard* record will show exactly what the Hon. Adam Searle said when he talked about the Government changing the SEPP in 2011. The SEPP commenced on 1 March 2011, some 25 days before the State election that saw the triumphant victory of the Coalition Government. The Hon. Adam Searle, who said he has read everything in relation to this matter, could not be bothered doing what I did while sitting in the Chamber, which was a four-word Google search for the words "drinking water catchment SEPP". That took me to a WaterNSW website, which indicated that the SEPP he falsely attributed to this Government was put in place by the previous Labor Government. Crossbench members would do well to remember that those who seek to influence votes but who do it through false, deceptive and misleading arguments deserve no respect.

Mr DAVID SHOEBRIDGE (21:58): I speak on behalf of The Greens to the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017, and indicate that we oppose the bill.

The Hon. Walt Secord: You guys voted for it in the other place.

The DEPUTY PRESIDENT (The Hon. Paul Green): Order! The Hon. Walt Secord will come to order.

Mr DAVID SHOEBRIDGE: The Greens will oppose the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017. This bill confirms how anti-environment and short-sighted the Coalition Government is. It comes as a surprise to members of the Government that mining and burning coal produces a substantial amount of environmental damage. From start to finish, the process is deeply environmentally damaging, and the Springvale mine is proof positive of that. In September 2015 the Planning Assessment Commission granted approval to extend the life of that mine in the beautiful Blue Mountains—in the heart of a World Heritage area and the heart of Sydney's water catchment area—for another 13 years during which time the mine can produce some 4.5 million tonnes of coal every year. Not only will the burning of 4.5 million tonnes of coal per year greatly aggravate the global climate catastrophe we are facing, but also the mining and dewatering of the coal will also produce a large amount of contaminated water that goes straight into the Coxs River and runs into the lake that forms the largest part of Sydney's drinking water catchment.

The PRESIDENT: Order! It being 10.00 p.m., proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

The House continued to sit.

Mr DAVID SHOEBRIDGE: Which pollutants go into the contaminated water from the Springvale mine? The mine's own expert evidence made it very clear to both the Planning Assessment Commission and the Land and Environment Court that the water that gets pumped out of the mine and straight into Sydney's drinking catchment contains nitrates, phosphates, zinc, nickel and a series of other contaminants that collectively will greatly increase salinity in the major catchment area and major dam that supplies Sydney's water, seriously damaging Sydney's future water supply and the beautiful Coxs River—all in the heart of a World Heritage area.

This information came before the Planning Assessment Commission, which the Government constantly tells us is a group of independent planning experts who can make, with pretend rigour, planning decisions in New South Wales. The Planning Assessment Commission stuffed up the law and, of course, did so in favour of the fossil fuel proponent. The Planning Assessment Commission approves applications between 96 per cent and 98 per cent of the time. A proponent would practically have to set itself on fire in the hearing to lose a case before the Planning Assessment Commission. The commission got out its great, big 98 per cent approval rubber stamp, as it always does, and stamped this application as approved. "We don't care what the law says, even though the proponent has to prove that the impact on the drinking catchment will be either neutral or beneficial," said the Planning Assessment Commission.

As it turns out, the Planning Assessment Commission has not cared about what the law says on this key test for about a decade. It has been getting it wrong year in, year out. Every time an application comes before it, the Planning Assessment Commission is so keen to use its 98 per cent approval stamp that it does not bother to read the law. It finally received a lesson on the law from the Court of Appeal, which said that the Planning Assessment Commission not only had got the Springvale development approval wrong but also had been getting it wrong for years. The Court of Appeal told the proponent to go back to first base, as it could not prove on the evidence before the court that the impact on Sydney's catchment water would be neutral or beneficial.

What happened then? The 4nature group—those amazingly courageous and absolutely indefatigable environmentalists who are concerned about the Coxs River, Sydney's drinking water and the World Heritage

area—is now back in the Land and Environment Court talking with the proponent, Springvale. I understand that the Government is welcome to attend but it often does not. 4nature is asking, "What do we do now?" As we know, if the mine closes tomorrow—and it will not—there will not be supply to Mount Piper beyond three months. There is three months worth of coal stockpiled there. 4nature and the environmental groups supporting it have told the proponent that they do not want to shut the mine immediately. They have said that it will take six to nine months before the orders come into effect, in addition to the stockpile of three months worth of coal that is already there, meaning there is 12 months to sort this out.

The Government comes to this Chamber with a confected crisis that the lights will go out over summer because it says there is only three months supply of stockpiled coal. It says that unless we rush this legislation through Parliament with less than 24 hours of scrutiny the lights will go out over summer. It is nonsense—a confected crisis. We know we have at least 12 months to get this right. Instead of properly putting the legislation out for scrutiny and talking with Sydney Water and the people of Sydney about the damage that will occur to the Sydney water catchment, they want to rush it through Parliament with less than 24 hours notice. It is a shameful abuse of parliamentary process by this Government. It is predicated on a big, fat lie that unless we approve this bill tonight, somehow the lights will go out over summer. That was never going to happen and it never will happen.

This legislation is untimely and is being rushed through Parliament. It has not been put through the proper scrutiny process. Worse still, the Government has attached another limpet to the bill that not only will there be a watering down of the test that allows the increased contamination of Sydney's water from the Springvale mine to continue, but it also wants it to apply to approximately eight other coalmines in the Sydney drinking water catchment across the Southern Highlands and in the western area of the Greater Sydney Basin.

This Government is not missing an opportunity to help out its fossil fuel mates. It has seen an opportunity to help out its mates at Centennial Coal and its Springvale mine, and it has also attached a second part to this bill and said, "By the way, we will help out all our mates in the fossil fuel industry across the Sydney drinking water catchment." Where is the excuse for rushing that legislation through in 24 hours? Is it simply about the donations that are given federally by the fossil fuel industry? Is it about the jobs that many politicians get in the fossil fuel industry when they leave this place, or is it about the lunacy and idiocy we see from Federal members of the Liberal Party such as former Liberal Prime Minister Tony Abbott, who made an unhinged, science-denying rant in London? The tragedy is that a bunch of Coalition members in this Chamber agree with Tony Abbott.

The Hon. Shayne Mallard: Name them.

Mr DAVID SHOEBRIDGE: I will name one—the Hon. Dr Peter Phelps. There are plenty more and you know who they are because they live in your party room, denying science and loving their crazy—

The PRESIDENT: Order! I call the Hon. Dr Peter Phelps to order for the first time.

Mr DAVID SHOEBRIDGE: This bill is being rushed. It has massive overreach. The bill is designed to damage Sydney's drinking water. The bill is required only because for six years this Government has been denying the need to build substantial amounts of renewable, clean energy so we can get off the ever-polluting cycle that is mining, burning and dewatering such as the coalmine operations we see in Springvale. Four and a half million tonnes of coal is being dug out every year in the middle of our World Heritage area. The mine is being dewatered of millions of litres of water that is full of nickel, phosphates and nitrates that is going straight into our drinking water catchment.

The PRESIDENT: Order! I remind the Hon. Dr Peter Phelps is he is on a call to order.

Mr DAVID SHOEBRIDGE: It may not matter to the Hon. Dr Peter Phelps, who does not live in Sydney most of the time, that Sydney's drinking water will be hideously contaminated. He can sit on the backbench and chuckle and chortle and not care about Sydney's drinking water being contaminated because he does not live in Sydney.

The Hon. Dr Peter Phelps: Point of order—

Mr DAVID SHOEBRIDGE: He does not care and his obscene interjections—

The PRESIDENT: Order! Mr David Shoebridge will resume his seat.

The Hon. Dr PETER PHELPS: Mr David Shoebridge stated I am either chuckling and/or chortling up the back. I am neither chuckling nor chortling. I am trying to listen to him and not interject on the rambling dissertation that he is giving to this House this evening.

The PRESIDENT: I remind honourable members of the ruling of former President Primrose that members should allow other members to speak without interjecting. I also remind honourable members of the ruling of former President Johnson that it is not in the interests of a member who is speaking to encourage such

interjections. Mr David Shoebridge has a right to be heard in silence. I ask the Hon. Dr Peter Phelps to cease interjecting. Mr David Shoebridge will direct his comments through the Chair.

Mr DAVID SHOEBRIDGE: The last point is that this kind of legislation that seeks to overturn a decision of the Court of Appeal, to reverse the law because the Government does not like it, attacks the rule of law in New South Wales.

The PRESIDENT: Order! I call the Hon. Dr Peter Phelps to order for the second time.

The Hon. Dr Peter Phelps: Point of order: Mr David Shoebridge has sought to undermine the authority of this House. It is quite clear from President Kirby's decision in BLF No. 2 that the Parliament of New South Wales has the ability to override the decisions of courts, not only after the decision has been reached but even during the process of judicial hearing. For him to suggest that it is somehow outside the bounds of this Parliament is an infringement on the privileges of this place.

The Hon. Adam Searle: To the point of order: While the Hon. Dr Peter Phelps is clearly right about the law, I do not think Mr David Shoebridge was doing any such thing. I think Mr David Shoebridge was suggesting that we ought not do that, a matter with which I disagree with him on this occasion, but I think that is what he was in fact saying.

Mr DAVID SHOEBRIDGE: To the point of order: I am not suggesting the House has not got the power to do this dastardly act. I am suggesting it should not.

The PRESIDENT: I was listening carefully to what Mr David Shoebridge was saying. It was clear that Mr David Shoebridge is being generally relevant to the long title of the bill. I do not uphold the point of order.

Mr DAVID SHOEBRIDGE: This bill is a direct attack on the rule of law in New South Wales. If any fair-minded observer has watched what has happened in the last two months, or takes their mind back to September 2015, they will see this kind of kneejerk reaction by a government—within a matter of weeks after a Court of Appeal decision it does not want—attempts to reverse the law, to change the law to remove the kind of certainty that citizens normally have from the rule of law. The Parliament makes the laws, the courts interpret the laws, and that provides certainty for citizens and the State for their actions.

In this case a group of citizens challenged a determination by the Planning Assessment Commission and it turns out that the Planning Assessment Commission has been getting the law wrong year after year. The matter went to the Court of Appeal, the highest court in the State, and the court has determined the nature of the law and said that the Planning Assessment Commission has been getting it wrong. That determination has made clear the way the law should operate. Rather than accept the umpire's call and allow for the rule of law to operate, where citizens can have their disputes determined by an independent court and have the matter settled, this Government—because the decision prejudiced the interests of the fossil fuel industry—seeks to change the law and undermines the integrity of our legal system.

This discourages litigants from challenging bad decisions and bad laws, because if they succeed in our independent court system they know that the Executive will meet and direct this Parliament—through the majority it holds in the other place and because of the compliance of the conservative crossbenchers in this place—to reverse the law, to change the law and to kill off an independent legal system. That is what this kind of decision does. That is what this kind of legislation does. It kills off the independence of our legal system. This is not the only time we have seen it done. We saw it done recently in relation to heritage, with the Government trying to reverse some decisions of the court that it did not like that protected the iconic Sirius building.

It is a dangerous precedent for this Government to continue with. And this comes from the so-called conservative party, which is meant to be upholding the rule of law. Yet in this case, because the rule of law has been found to prejudice the interests of the fossil fuel industry, it says, "Bugger the rule of law"; it can get whatever it wants through a change of the legislation in this House. It is bad for the environment and bad in the long run for the people of New South Wales in terms of electricity prices, because we are going to be stuck for another 11 years on high cost and environmentally damaging coal, rather than moving to renewable energy. This is also bad for the rule of law and bad for stability in this State.

Mr Jeremy Buckingham: Point of order: My point of order is taken under Standing Order 89. I seek to explain a matter on which I have been misunderstood.

The PRESIDENT: Standing Order 89 states:

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

The member may proceed on that basis.

Mr Jeremy Buckingham: On that basis, mindful of Standing Order 89, the Hon. Dr Peter Phelps misunderstood me when he claimed that I said the township of Cooma was within the Sydney drinking water catchment. I did not say that. I said the Sydney drinking water catchment, as outlined on the map, is an area that goes down to the Cooma-Monaro region—there is no place named Monaro and I also said Blue Mountains, which are regions. I said it was a large area that extends from Lithgow all the way down to the Illawarra escarpment, the hinterland behind Shellharbour, Wollongong, the upper reaches of the Shoalhaven and down to the Cooma-Monaro region. The Hon. Dr Peter Phelps was mistaken when he claimed that I said the township of Cooma was within that area.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (22:16): In reply: I thank all members for their contributions to this important legislation, the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017. I will respond to the main points raised in debate on this bill. The Government has been engaging extensively with the relevant parties over the past 10 weeks. The Government may not have drawn attention to its meetings and conversations, but it has been listening and talking to local communities, councils and other key stakeholders. There are several over-riding reasons for the Government introducing this legislation. First, the legislative cut-off date is fast approaching and it is not prepared to risk an adverse Land and Environment Court finding without the ability to introduce legislation to secure the future of the Springvale mine. Second, the court is not a consent authority and cannot change the existing Springvale development consent. The Government's advice is that the court is only able to invalidate the consent; the only question is when that invalidation would take effect and, therefore, Springvale will have to close.

That point has been conceded in debate by the Leader of the Opposition who, at the same time, accused the Government of not sitting down and negotiating. What exactly is there to negotiate when the only course of action open to the courts is in fact to work out when to shut the mine? The Government really had only this course of action. Third, the arrangements needed to secure finance for the water treatment plant to meet the mid-2019 deadline for completion, requires certainty on the future of the mine. They are the reasons the Government is introducing this legislation and taking this decisive action to keep the lights on, prevent electricity price hikes and prevent workers being forced onto the dole queue. If that certainty is not provided, it risks having the water treatment plant built in time, and therefore—

Mr Jeremy Buckingham: Point of order: I am finding it very difficult to hear the Minister's contribution over my breathing.

The PRESIDENT: Order! I remind Mr Buckingham that he is on two calls to order.

The Hon. DON HARWIN: To the point of order: I fully appreciate that Mr Buckingham might be having difficulty hearing. However, that has nothing to do with my volume but rather with the two people sitting next to him conversing and making a lot of noise while he is trying to listen.

The PRESIDENT: Order! I have made it clear. I again remind Mr Buckingham that he is on two calls to order. He does not want to be called to order for the third time.

The Hon. DON HARWIN: As I said, these are the reasons the Government has introduced this legislation and taken this decisive action to keep the lights on, to prevent electricity price hikes, and to prevent workers being forced into the dole queue. If that certainty is not provided, there is a risk that the water treatment plant will not be built in time and that improved environmental outcomes will not be delivered. It has been claimed that the proposed changes to the application of the neutral or beneficial effects test will have consequences for any kind of development in the Sydney water catchment. That is simply not true.

The proposed changes apply only to a limited class of continuing development. Any new greenfield development will be subject to the test as laid down by the Court of Appeal. It has been said that the Government is responsible for higher power prices. We have these sorts of debates regularly in question time. I could give an extended explanation as to why that is not true, but I will not detain the House, given the time. Curiously, some Opposition members have said that the Government's response has been delayed and others have criticised it for introducing the bill so quickly.

The PRESIDENT: Order! I remind the Hon. Walt Secord that he is on a call to order.

The Hon. DON HARWIN: The Leader of the Opposition said that the Government needed to introduce legislation this week to secure the future of the Springvale coalmine. That is precisely what we have done, but, of course, not in response to the Leader of the Opposition. This legislation has been introduced after extensive engagement with Centennial, EnergyAustralia and other stakeholders assessing the options and risks, and the range of possible solutions. Environmental groups have also claimed that there is plenty of stockpiled coal at Mount Piper Power Station to last throughout the summer. Mr Jeremy Buckingham certainly said that during the

debate. If they are so sure about that, they should present their evidence to the Australian Energy Market Operator [AEMO]. AEMO assesses future generation and capability, and that is why it has indicated there is a real threat of blackouts this summer because Mount Piper may not be available. I will listen to the independent energy market experts on fuel supply.

I spoke to Audrey Zibelman at the Australian Renewable Energy Agency as recently as this morning, and she said she was extremely grateful that the Government had acted by introducing legislation this week. This bill is the way to provide certainty and clarity to allow the Springvale coalmine and its jobs to continue, to allow the Mount Piper Power Station and its jobs to continue, to prevent blackouts, and to prevent electricity price rises. It is also the way to ensure that the water treatment plant is built to deliver a significantly improved environmental outcome for the Cocks River; that is, zero discharge from the mine once the treatment plant is built and a reduction in water withdrawals by Mount Piper Power Station. This bill validates the State significant development consent for the Springvale mine extension. Ensuring steady power supply underpins the energy security of the State.

By passing this amendment, the Parliament will ensure the continued supply of coal to the Mount Piper Power Station, which is critical for local jobs, and for energy affordability and security for the people of New South Wales. As the months get warmer in the lead-up to summer, the Australian Energy Market Operator projects risks of load shedding. This may affect more than 400,000 households across the grid because of the situation in the National Electricity Market across the eastern States of Australia. The energy security message is crystal clear: Without Mount Piper we face almost certain blackouts this coming summer. Even if the court delays its orders until after this summer, the threat to power supplies will only be deferred. At the local level, the closure of the mine, as we have heard, will have serious implications for around 600 people directly employed in that area. These jobs are critical to the communities surrounding the mine and are a driver of the local economy. It should be remembered that the uncertainty caused by this case is already resulting in higher prices in the forward electricity market.

For the Springvale mine, the assessment of the proposal by the Department of Planning and Environment gave detailed consideration to the water quality impacts and required a significant reduction in water pollution limits when compared to the discharge allowed under existing approval. The department argued that that test should be based on the levels of discharge that were allowed under the existing mine approvals. The Land and Environment Court agreed with the department's approach and dismissed the challenge. The bill principally clarifies the application of the water quality test for development that is extended or expanded, like mining and other resource projects. It does this by allowing a State environmental planning policy [SEPP] to deal with the application of the test to continuing development. Continuing development is development that is limited by time, area or intensity but that is likely to be extended or expanded in the future. Mining projects are one example of continuing development.

The bill clarifies how the water quality test is to be undertaken for this type of development by amending the existing SEPP for the drinking water catchment. For continuing development, the basis for determining the effect on water quality should be the new development—that is, the extended or expanded part of the proposal and not the development that is already authorised by an existing approval, even if it is time limited. The existing impacts form part of the current water quality levels that will need to be compared. That is how the water quality test was understood to operate prior to the Court of Appeal's decision and is consistent with the interpretations of the Planning Assessment Commission and the Land and Environment Court.

Importantly, nothing in the bill will result in a reduction in the level of water quality currently required by the planning legislation or development consents. Development in the Sydney drinking water catchment will still need to have a neutral or beneficial impact on water quality in order to be approved. This reflects the department's longstanding practice of comprehensively assessing the water quality impacts of significant developments like coalmines. Under this bill the mine will continue its operations subject to the strict conditions set by the Planning Assessment Commission. We need to act now. The bill will provide assurance to all parties and remove the significant uncertainty hanging over the National Electricity Market. It will provide a clear signal that this Government and this Parliament is removing risks to electricity security this summer. By introducing this bill, the Government has acted swiftly to address job uncertainty and to secure the coal supply to the Mount Piper power station. I commend the bill to the House.

The PRESIDENT: The Hon. Don Harwin has moved that this bill be now read a second time. Mr Jeremy Buckingham has moved an amendment that the question be amended by omitting "be now read a second time" and inserting instead "be referred to Portfolio Committee No. 6—Planning and Environment for inquiry and report." I propose to put Mr Jeremy Buckingham's amendment first. The question is that the amendment of Mr Jeremy Buckingham be agreed to.

The House divided.

Ayes6
 Noes30
 Majority.....24

AYES

Buckingham, Mr J
 Pearson, Mr M

Faruqi, Dr M
 Shoebridge, Mr D
 (teller)

Field, Mr J (teller)
 Walker, Ms D

NOES

Amato, Mr L
 Colless, Mr R
 Franklin, Mr B (teller)
 Harwin, Mr D
 Maclaren-Jones, Ms N
 (teller)
 Mason-Cox, Mr M
 Moselmane, Mr S
 Phelps, Dr P
 Secord, Mr W
 Veitch, Mr M

Blair, Mr N
 Donnelly, Mr G
 Graham, Mr J
 Khan, Mr T
 Mallard, Mr S

 Mitchell, Ms S
 Nile, Reverend F
 Primrose, Mr P
 Sharpe, Ms P
 Voltz, Ms L

Clarke, Mr D
 Farlow, Mr S
 Green, Mr P
 MacDonald, Mr S
 Martin, Mr T

 Mookhey, Mr D
 Pearce, Mr G
 Searle, Mr A
 Taylor, Ms B
 Wong, Mr E

Amendment negatived.

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

The House divided.

Ayes30
 Noes6
 Majority.....24

AYES

Amato, Mr L
 Colless, Mr R
 Franklin, Mr B (teller)
 Harwin, Mr D
 Maclaren-Jones, Ms N
 (teller)
 Mason-Cox, Mr M
 Moselmane, Mr S
 Phelps, Dr P
 Secord, Mr W
 Veitch, Mr M

Blair, Mr N
 Donnelly, Mr G
 Graham, Mr J
 Khan, Mr T
 Mallard, Mr S

 Mitchell, Ms S
 Nile, Reverend F
 Primrose, Mr P
 Sharpe, Ms P
 Voltz, Ms L

Clarke, Mr D
 Farlow, Mr S
 Green, Mr P
 MacDonald, Mr S
 Martin, Mr T

 Mookhey, Mr D
 Pearce, Mr G
 Searle, Mr A
 Taylor, Ms B
 Wong, Mr E

NOES

Buckingham, Mr J
 Pearson, Mr M

Faruqi, Dr M
 Shoebridge, Mr D
 (teller)

Field, Mr J (teller)
 Walker, Ms D

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. I have two sets of amendments. The ones received first in time are Opposition amendments on sheet C2017-079C and the second are The Greens amendments on sheet C2017-081E. I will first call upon the Leader of the Opposition.

The Hon. ADAM SEARLE (22:41): I seek leave to move Opposition amendments Nos 1 to 5 on sheet C2017-079C in globo.

The CHAIR (The Hon. Trevor Khan): The Leader of the Opposition has sought leave to move Opposition amendments Nos 1 to 5 in globo. Opposition amendment No. 4 as circulated seeks to omit schedule 2 to the bill. Specifically, the amendment provides:

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

In the Legislative Council it is the generally accepted practice that where members have sought to omit a schedule from a bill the Chair puts the question that the schedule as read stand a schedule of the bill, and for members to vote no to that question. This approach has been adopted in amendment sheets circulated by Parliamentary Counsel. It is understood that on this occasion the Hon. Adam Searle has requested that Opposition amendment No. 4 be in the form it is drafted and that he regards all five amendments on sheet C2017-079C as inextricably linked. There is logic to that approach. As such, the honourable member wishes to move the amendments in globo, to speak to them and to have them voted on as a package. Because of the logic behind that, and at the request of the Hon. Adam Searle, we understand that Parliamentary Counsel has therefore drafted the amendment in the form "omit all words".

If the Committee grants leave for the honourable member to move his amendments in globo as circulated, that is how the Committee will proceed. In other words, how we proceed is a matter for this Committee rather than, for instance, the Clerks or me to predetermine. We are mere servants of the House. However, at the end of the debate on the amendments I will put the question, "That the amendments, including an amendment which if agreed to will have the effect of negating schedule 2, be agreed to", thereby removing it from "the bill be agreed to". Before I ask whether leave is granted to the Hon. Adam Searle to move his amendments in globo, I seek confirmation that no other member proposes any amendment to schedule 2. I do so because if Opposition amendment No. 4 is agreed to, schedule 2 will be omitted and no amendment to schedule 2 will thereafter be able to be moved. Are there any amendments to schedule 2?

Mr JEREMY BUCKINGHAM (22:44): I inform the House that despite having circulated an amendment that amends schedule 2, I will not be moving The Greens amendment No. 4 nor amendments Nos 1, 2, 3 and 5.

The CHAIR (The Hon. Trevor Khan): That clarifies the position. There are, therefore, no other amendments to schedule 2. Is leave granted to the Hon. Adam Searle to move his five amendments in globo? There being no objection the member can proceed.

The Hon. ADAM SEARLE (22:45): By leave: I move Opposition amendments Nos 1 to 5 on sheet C2017-079C in globo:

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

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

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

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

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

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

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

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

No. 5 Long title

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

These amendments, as I foreshadowed in my contribution to the second reading debate, remove schedule 2 from the legislation. They remove from the legislation what the Opposition regards as an unwarranted reduction in the legal protections for the drinking water of the Sydney catchment. That is effected by amendment No. 4. Amendment No. 5 is consequential on that. Amendments Nos 1, 2 and 3 are amendments to those parts of schedule 1 that are related to the amendment to section 34B of the Environmental Planning and Assessment Act and the catchment State environmental planning policy [SEPP]. The amendments are all inextricably linked but directed to one aim; that is, to restrict the legislation to validating the Springvale mine extension consent, and to that matter only.

I will not labour the point. I take this opportunity to note that in my efforts to get my head around the proceedings of the Planning Assessment Commission decision and the litigation in the Land and Environment

Court and the Court of Appeal I endeavoured to read everything. In the debate I certainly assumed that the catchment SEPP may have been enacted by this Government but I was not firm on that point because I did not know. I left the door open in my contribution. The Hon. Dr Peter Phelps, in his enthusiasm, put my position a bit more strongly than I did. I did not seek to mislead the House. Nevertheless, that matter was not material, in my view; this legislation weakens the SEPP and the Environmental Planning and Assessment Act and should not do so. We should be requiring the highest and most stringent standards of protection for our drinking water and for the catchment. We should be raising the standard, not lowering it.

If the Court of Appeal has in its interpretation set a higher standard than the Government and its agencies expected, that is the standard to which we should adhere, for the good of everybody. Rejecting these amendments will set us on the course to grandfathering the lower standards of environmental protection for our drinking water that were agreed to prior to 2011 and will fail to raise the bar, which is what we should be doing. We should be doing better than previous generations in terms of the quality of our drinking water and in terms of environmental protection more generally.

I urge honourable members to reflect on that carefully and to join with the Opposition. Members of the Opposition agree with the Government and other members in this place about the need to secure the mine, the need to secure the supply of coal to the power station, the need to secure the supply of power to the State, and the need to secure up to 600 jobs in the Lithgow area. There is no debate about that. This amendment does not in any way affect the Springvale mine or Mount Piper or jobs. It is simply aimed at not diminishing protections for our water in the rest of the water catchment. Schedule 2 has no application to the Springvale mine. It is only about the rest of the catchment and other projects and developments. I would urge honourable members to join with the Opposition and focus the bill on the relevant matter.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (22:49): The Leader of the Opposition's amendments on behalf of the Opposition have in fact been the central focus of most of the second reading debate. I do not think it is unfair to characterise that because at least between the Government and the Opposition there is agreement about the other major aspect of the bill. As such, I have canvassed the reasons as to why the Government cannot and will not support these amendments both in my second reading speech and in reply. It is, of course, no disrespect to the House not to go through all the arguments again, only to say that they have been exceptionally well canvassed.

At the heart of it, this is all about where we apply the baseline. The Government believes that the approach that the Planning Assessment Commission has consistently taken, and which was upheld by the Land and Environment Court in the first instance, is the correct approach. It has been the settled approach and, in our view, the only practical approach. The argument that by continuing that approach there will be damage to Sydney's water quality, in my view, does not stand up. Therefore, the Government will not be supporting these amendments.

Mr JEREMY BUCKINGHAM (22:51): The Greens will be supporting the Labor Party's amendments. In fact, we had circulated amendments to the same effect. We do not agree with the representation of these matters by the Minister that this is a settled matter. It is always the right of individuals and community groups to test in court the application of the laws. It clearly is not settled because that is what has happened in this matter. The Greens welcome the fact that Yes to Nature did so because it revealed a failure of the Planning Assessment Commission, a body that The Greens and the community have many concerns about in terms of how it has operated.

I accept the arguments of the Government and the Opposition that these are two separate matters. There is the validation of the Springvale consent, which is dealt with in one part of the proposed amendments, and the change to the neutral and beneficial test. The perverse outcome of this test and where the logic in the Minister's argument falls down is that this allows developments that already have an approval to apply a lower standard. That is the key point. It is a disincentive for people to do better because someone coming along with a new development has to pass a much higher test. The Minister has not said it in his contributions to debate on the amendments or in his second reading speech but this applies to a whole range of State significant developments that require consent. This bill grandfathers developments that are locked in time at a lower standard. It creates an incentive to purchase, for example, an abattoir that is operating poorly and then expand it. It gives approval to meet a much lower test.

The incentive is to buy it out, allowing it to be operated at a much lower standard, rather than set up a new development that must operate at a much higher standard—a standard that the community expects. A commonsense reading of the neutral or beneficial test is that it is neutral or beneficial in relation to water quality, not neutral or beneficial in relation to poor water quality in a development or an existing low standard. That is the key difference here. We believe we should be improving standards incrementally. This locks in a poor standard for a range of massive developments in our catchment—namely, mining.

Mines in some of the largest mining regions in the State—the Western Coalfield, the Illawarra, the Southern Highlands—have approvals through existing licences. That baseline is now locked in at a worse standard than would be the case if we adopted the approach taken by the Court of Appeal. For that reason, this matter will be revisited because the community's expectation is that the neutral or beneficial test is on the understanding that we assess these matters as if the mine or the development had not been there and the land was in its natural state. For those reasons, we will be supporting Labor's amendment.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (22:56): I do not disagree with anything that Mr Jeremy Buckingham said, except his conclusion. His conclusion is that the standard should not be a standard that has been well understood to be the standard: the understood application of the test as it has been applied by the Planning Assessment Commission [PAC] and supported, even in this case, at first instance by the Land and Environment Court. We take the view that that application of the test is the baseline, based on the existing level of development, and the only practical way that one can approach a neutral or beneficial test. Mr Buckingham says he would like a higher standard. With respect, if he wants a higher standard it is a recipe for doing things like shutting down Springvale—which is what his agenda actually is.

The Hon. ADAM SEARLE (22:57): I take issue with the contribution just made by the Leader of the Government. First, the outcome of applying the standard as set out by the Court of Appeal is that we have something like the water treatment plant at Springvale mine, which emerged directly from even the lower neutral or beneficial effect [NorBE] test as applied by the Planning Assessment Commission. It resulted in the water treatment plant. So what the Leader of the Government says is not correct as a matter of fact. Secondly, it is not settled because this is the first time the matter has been tested in a court of law. Thirdly, it is not even settled within his own Government because the Leader of the Government has not responded to what I put to the House about the position of the Premier.

The Premier said, "The legislation will make sure that the water quality has to be at least as good as what was there before the mine." I agree with the Premier, and so does the Court of Appeal and so do the environmentalists. The Minister is undermining his Premier and failing to implement what she clearly wants to achieve—unless the Leader of the Government is saying that the Premier is trying to misinform the community about her position. Let us refocus the legislation. Let us deliver what the Premier says she wants and what the Premier thinks she is delivering. Let us put this right. Let us put this beyond argument. Let us secure the coalmine, the power station and the jobs at Lithgow but let us not weaken the legal protections for our precious water catchments.

The CHAIR (The Hon. Trevor Khan): Order! Before I call Mr Jeremy Buckingham, I point out that this issue has been well ventilated in speeches during the second reading debate. I am prepared to sit in this Chamber for as long as consideration continues, but I have not heard any new arguments.

Mr JEREMY BUCKINGHAM (22:59): I will respond directly to the further contribution of the Minister. He put forward the view that if the Opposition amendments were passed the State would no longer have coalmining. The Greens believe there should be areas of the State where coalmining is ruled out, which is the same view that was held by former Premier Barry O'Farrell. He said that there are places in this State where mining should not occur, including in our precious water catchments. We are not talking about prohibiting mining in all of the State; we are talking about an area that supplies the people of the Illawarra with their precious drinking water. That is why the neutral or beneficial effect standard has been developed and should be applied, as ruled by the Court of Appeal.

The vast majority of this State does not have to comply with this rule, so we are not trying to shut down coalmining. Instead, we believe if there is a proposal for the development, the modification or the extension of a coalmine in a drinking water catchment it should meet the neutral or beneficial effect test, as the community expects. Next time there is a pollution incident at Springvale—and I remind members that there have been 913 such incidents, some of them significant—

The CHAIR (The Hon. Trevor Khan): Order! Mr Jeremy Buckingham must speak to the amendments before the Committee. The amendments deal with schedule 2 to the bill, not with Springvale.

Mr JEREMY BUCKINGHAM: The amendments deal with coalmining and developments in the catchment, and an example of a development in a catchment is Springvale. I believe when the community is affected by pollution from a development such as Springvale, people will ask why the Government allowed the operation to continue and will hold the Government to account. People will prioritise clean water over coalmining in our catchments every day of the week.

The CHAIR (The Hon. Trevor Khan): The question is that Opposition amendments Nos. 1 to 5 on sheet C2017-079C be agreed to.

The Committee divided.

Ayes 16

Noes 19

Majority.....3

AYES

Buckingham, Mr J
Field, Mr J
Moselmane, Mr S
(teller)
Searle, Mr A
Shoebridge, Mr D
Wong, Mr E

Donnelly, Mr G (teller)
Graham, Mr J
Pearson, Mr M

Faruqi, Dr M
Mookhey, Mr D
Primrose, Mr P

Secord, Mr W
Voltz, Ms L

Sharpe, Ms P
Walker, Ms D

NOES

Ajaka, Mr J
Clarke, Mr D
Franklin, Mr B (teller)
MacDonald, Mr S

Amato, Mr L
Colless, Mr R
Green, Mr P
Maclaren-Jones, Ms N
(teller)

Blair, Mr N
Farlow, Mr S
Harwin, Mr D
Mallard, Mr S

Martin, Mr T
Nile, Reverend F
Taylor, Ms B

Mason-Cox, Mr M
Pearce, Mr G

Mitchell, Ms S
Phelps, Dr P

PAIRS

Houssos, Ms C
Veitch, Mr M

Cusack, Ms C
Fang, Mr W

Amendments negatived.

The CHAIR (The Hon. Trevor Khan): There is one further Greens amendment upon which it is anticipated there will be a division. I encourage members to remain in the Chamber in order to conclude the matter quickly.

Mr JEREMY BUCKINGHAM (23:10): I move The Greens amendment No. 1 on sheet C2007-081E:

No. 1 **Commencement of Act**

Page 2, clause 2, line 6. Omit all words on the line. Insert instead:

This Act commences on a day to be appointed by proclamation, being a day that is after 1 November 2017.

This amendment delays the commencement of the Act. The reason for this was articulated by Mr David Shoebridge: We should respect the rule of law and the courts in this State when it comes to these matters. There is enough time to see the outcome of the next hearing of the Court of Appeal, which has been set for Monday 16 October and Tuesday 17 October to bring the parties together to make orders in relation to its judgement. At that point the court, if it is allowed to, will make a reasonable judgement and orders in relation to these matters. The expectation of the mine owner and the power station was that the court would give them another nine months to advance these matters and move towards constructing the water treatment plant. The appellant in these matters has said that it is open to negotiation in that regard.

This amendment gives the court the time to do what it is supposed to do: bring the parties together to make orders. The mine will not have time to meet the demands of the power station; the power station has said it has 50 days in the worst case scenario, or three months or eight months, depending on whom one believes. This is a reasonable amendment that protects the rule of law and the role of the Court of Appeal. All it says is that the

amended Act should be commenced after 1 November to give the court time to have a hearing and make orders as it sees fit.

The Hon. ADAM SEARLE (23:13): I dealt with this matter fairly directly in my contribution to the second reading debate. I am probably one of the people in this Chamber who is most attached to the rule of law, and I am all for letting the legal processes play themselves out, except that in this situation the effective legal determination of these issues was made by the Court of Appeal on 2 August. What has been remitted to the Land and Environment Court is the making of formal and final orders. While I accept that there is some discretion in the Land and Environment Court as to the time frame, that would be problematic for a number of reasons.

Even if it were nine months before the coalmine had to close, thus giving Centennial Coal time to make a planning application to regularise the position, that uncertainty would still cause spiking in the wholesale electricity market. It would continue to cause those 600 workers to be uncertain about their jobs. Absolutely no work would commence on the water treatment plant, not because Centennial Coal or EnergyAustralia are trying to hold people to ransom, but simply because their financiers would not be advancing money to construct the water treatment plant until there is a secure approval for the coalmine. There must always be some doubt when going through an approval process whether the approval is granted. If no coalmine is approved there will be no need to have the water treatment plant and money will not be advanced to construct it.

If I thought The Greens amendment No. 1 had any practical utility I would have no issue with it. Regrettably, it has no practical utility. I wish I could find it in me to see a different approach. The court, in hearing the evidence, could make some findings about certain factual matters that remain in dispute between the parties, but that does not go to securing the coalmine, the power station, jobs or water quality as a result of the Springvale project. On this occasion the Opposition will not support The Greens amendment No. 1.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (23:15): I do not disagree with any of the remarks that were made clearly by the Leader of the Opposition and indeed adopt them. The Government opposes The Greens amendment No. 1.

Mr David Shoebridge: Mr Chair—

The CHAIR (The Hon. Trevor Khan): I know you are not bound by what Mr Buckingham said, but the suggestion was that this amendment would not take long. However, I cannot hold you to it.

Mr DAVID SHOEBRIDGE (23:16): One of the most offensive parts of the bill is clause 9, which talks about the validation of the Springvale mine extension. This section will cut directly across the current legal proceedings before the court because clause 9 validates the unlawful consent in subclause (1). Subclause (2) states that any other thing done or omitted to be done after the purported consent of the Planning Assessment Commission on or after 21 September 2015 is considered as valid, which undercuts the legal proceedings currently underway before they are completed. It effectively cuts the litigant off at the knees in the middle of legal proceedings. Subclause (3) states that this clause—which validates, authorises and legitimises the challenged approval—has effect despite the existence of any proceedings pending in any court immediately before the commencement or any other proceedings that happen. Clause 9 literally chops the litigant off at the knees.

To confirm the damage it is doing to our basic rule of civil law in this State, subclause (4) states that the litigant might be chopped off at the knees and that the whole legal proceedings might be cut off midstream before final orders are made and before there is a chance for the litigant to crystallise his or her right to costs and the usual protections that a successful litigant would have. Subclause (4) then says, "Do not worry, on advice from the Attorney General, the Treasurer has a discretion to pay some of the costs of the litigant", but only the amount that the Attorney General thinks is appropriate. Clause 9 literally obliterates the existing civil rights of a successful litigant. It removes them entirely and then hands over a general discretion to the Treasurer who may or may not determine to pay the costs.

The Opposition says that this does not interfere with the rule of law because a judgement had been given. I know the Hon. Adam Searle is fully cognisant of the fact that litigation is not concluded and no judgement has effect until formal orders are issued. Those orders will not be handed down by the Land and Environment Court until the parties can meet next week. This bill is a vicious attack on the rule of law. Mr Jeremy Buckingham's amendment would allow those legal proceedings to conclude, for the orders to be granted and for the rights to costs to be crystallised before this bill comes into effect. I commend him for moving the amendment.

The CHAIR (The Hon. Trevor Khan): Mr Jeremy Buckingham has moved The Greens amendment No. 1 on sheet C2017-081E. The question is that the amendment be agreed to.

The Committee divided.

Ayes6

Noes30
Majority.....24

AYES

Buckingham, Mr J
(teller)
Pearson, Mr M

Faruqi, Dr M

Shoebridge, Mr D
(teller)

Field, Mr J

Walker, Ms D

NOES

Ajaka, Mr J
Clarke, Mr D
Farlow, Mr S
Green, Mr P
Maclaren-Jones, Ms N
(teller)
Mason-Cox, Mr M
Moselmane, Mr S
Phelps, Dr P
Secord, Mr W
Veitch, Mr M

Amato, Mr L
Colless, Mr R
Franklin, Mr B (teller)
Harwin, Mr D
Mallard, Mr S

Mitchell, Ms S
Nile, Reverend F
Primrose, Mr P
Sharpe, Ms P
Voltz, Ms L

Blair, Mr N
Donnelly, Mr G
Graham, Mr J
MacDonald, Mr S
Martin, Mr T

Mookhey, Mr D
Pearce, Mr G
Searle, Mr A
Taylor, Ms B
Wong, Mr E

Amendment negatived.

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

Motion agreed to.

The Hon. DON HARWIN: I move:

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

Motion agreed to.

Adoption of Report

The Hon. DON HARWIN: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. DON HARWIN: I move:

That this bill be now read a third time.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

COOTAMUNDRA BY-ELECTION

The Hon. MICK VEITCH (23:25): Recently I spent some time in the Cootamundra electorate and will now refer to some of the matters that were discussed with me.

Mr Jeremy Buckingham: I thought you live there, Mick.

The Hon. MICK VEITCH: I live in the Wagga Wagga electorate. In fact, I live in Tumut these days. One of the issues that has been raised with me in the lead-up to the Cootamundra by-election is electricity prices. This occurred when I was doorknocking, phone banking and when several members in this Chamber and I were at pre-polling booths. I did not expect some members to turn up—the Hon. Taylor Martin did—and others stood

out like a sore thumb in regional New South Wales. But I will not mention names. It is fair to say that people in Cootamundra are not happy with their electricity bills as they are very high. Individuals tend to engage with members of Parliament who are at pre-polling booths. It may be in an attempt to stop us from handing out papers but it is great that they engage with us as we need to hear what they are saying about electricity prices.

The issue of the proposed amalgamation of Cootamundra Local Area Command was also raised with me. If it were such a good idea it would have occurred before 14 October. On the last day that I was at a pre-polling booth the sale of the old Gundagai Hospital was raised with me. This matter was raised again this week. I am concerned about that sale. Members of this House would know that I have pursued this matter for a number of years. A few years ago the hospital site was sold for \$110,000 but 16 months later it was sold for \$650,000—a tidy little sum. Something was not right about that sale and the people of Gundagai want to know what happened.

The community wanted to use that site for an aged care facility. The Government handed over a site for about \$1 in Parkes and that is what could have occurred in Gundagai. The community wants to know more about the sale. I want to know what happened with that sale as something was not quite right. Harden did not have a pre-polling booth but if there had been one I am certain we would have heard a lot about the council amalgamation process. In Gundagai people still engage with me on that issue. The Cootamundra by-election gives people an opportunity to have their say and to voice their concerns about that matter. Voters in the Cootamundra electorate are disenchanted and angry—something about which all political parties should take note. People are not happy with the political process and the system as a whole which sends a message to us all.

A by-election provides people with the opportunity to ensure their message is heard, and I am sure that will happen on Saturday. Many volunteers assist parties at pre-polling booths, but the exercise can be interesting for those of us who are paid to help out as members of Parliament. I know the punters are taken aback by the banter between members. However, I congratulate the members from all sides of politics who participated. Our behaviour was exemplary, and it was a good example for other members. Having said that, I will be glad when 14 October has come and gone.

PARLIAMENTARY DEMOCRACY

Reverend the Hon. FRED NILE (23:30): I draw the attention of the House to the important role of minor political parties in this Parliament. Minor political parties have recently come under renewed scrutiny. Much of the criticism naturally comes from the major parties, which do not appreciate having their control of the political process challenged in any way. Some minor parties have been described derisively as being obsessed with single issues. Of course, that is grossly unfair and portrays a fundamental misunderstanding of the state of modern politics in Australia and throughout the Western world. Of course, Australia is no exception to this global trend; the popularity of minor parties is a democratic phenomenon. Parties such as the Christian Democratic Party, the Shooters, Fishers and Farmers Party, the Animal Justice Party and The Greens provide a voice that would otherwise be silenced in the political process. Pressing concerns felt by the community are often not addressed by the Coalition or the Labor Party for a variety of reasons, and it is only fitting that minor parties are better represented in this House of review.

I note with interest that although the Christian Democratic Party is perceived as a conservative force in New South Wales, I managed to achieve more during the 16 years the Labor Party was in government than I have since the Liberal-Nationals Government was elected. I recall, for example, the tobacco legislation reform bill that would not have been possible if the Christian Democratic Party had not been involved in the legislative process. Likewise, important issues that touch upon ethics and civil rights have been spearheaded by my colleagues in the aforementioned parties. These issues may not have received the prominence they deserved if it had not been for the tireless work of members who represent non-mainstream views.

An issue on which a party is founded may also have substantial implications for the broader legislative process. This means that the minor parties provide a unique and valuable perspective on the great debates of the day. Today in this House we witnessed the passage of history-making legislation dealing with the promotion and protection of Aboriginal languages. I and other members are proud of our work in helping to alleviate the disenfranchisement felt by Aboriginals—our fellow Australians—with the passage of legislation such as the Aboriginal Land Rights Bill in 1983. Much of this work was achieved when it was not expedient for the major parties to address these issues. This is a legacy of which we as the oldest democracy in Australia and one of the oldest parliaments in the world can be proud. Our traditions have survived the test of time and we have a rich history that is testament to the success of responsible government in New South Wales.

Minor parties are inseparable from that legacy and enrich that tradition. Attacks on them simply because they are minor parties are an insult to the goodwill of the people of New South Wales. They do nothing but undermine and impoverish the vibrant and dynamic democracy that we all enjoy today. We look forward to further growth of and response to the minor parties. Perhaps we will see that in the three by-elections that will be held

next weekend. The major and the minor parties can provide greater opportunities for people to express their will through the democratic process of voting at the ballot box.

UNIVERSITY OF SYDNEY BUSINESS SCHOOL

The Hon. Dr PETER PHELPS (23:34): It was 165 years ago this day that the University of Sydney was inaugurated but, like Mark Antony, I come to bury the University of Sydney, not to praise it. In fact, I go deeply into its decline and descent into irrelevance. I am not talking about the Sydney Peace Prize, which is an annual festival where lefties get patted on the back—the great and good: Hanan Ashrawi, John Pilger, Noam Chomsky, Julian Burnside, Naomi Klein, and in 2017 the award is being given to a bunch of race-baiting, grievance mongers in Black Lives Matter. No, I do not talk about that. Nor do I talk about the creation of the Centre for Counter Hegemonic Studies by Tim Anderson and Luis Angosto-Ferrandez, also headed by Drew Cottle—a noted communist from the University of Western Sydney. Dr Anderson is also a friend of President Bashar al-Assad and the North Korean regime. No, I do not talk about them. Nor do I talk about the ridiculous "Unlearn" campaign that has suddenly emerged.

A university saying that we should unlearn things is a rejection of enlightenment thinking. I could certainly understand it if they said, "It is time to learn new things. It is time to revise the way you think." But to suggest that one goes to university to unlearn is such a breach of the basic concept of university that I find it hard to believe they would do such a thing. Nor do I talk about the ridiculous INSPIRED campaign, which could not find a single conservative from the University of Sydney alumni to celebrate it. I talk about the University of Sydney Business School—one of the places I would have thought there would have been some reasonableness, but not so. We are told through a press release put out on 3 October:

Universities must help students and the community more generally, to "unlearn" the traditional profit oriented purpose of business ... Associate Professor Dr Ranjit Voola, who has developed a postgraduate course called Poverty Alleviation and Profitability, says that the popular view that the role of business is to maximise shareholder value must change.

This was endorsed by the Dean of the Business School who has now said that the basis of their courses will be the United Nations sustainable development goals. This from a business school? I thought it had to be some sort of hoax played by a mischievous student. I went to the Sydney University Business School website to try to find a copy of the media release but, of course, I could not find it. Instead, there was one on Australian farmers being urged to be more resilient, one about robots not threatening the world, and another about an exceptional University of Sydney team that won a prestigious real estate competition. I then thought it might be on the main University of Sydney media page, but the only thing I could find for 3 October was a press release headed, "Eat, drink and learn something new."

We do not need to learn something new because we know exactly what the University of Sydney has done—it has appealed to a small elite left-wing clique but it does not want to lose its funding from the corporates, so it has decided to excise that particular press release from its websites. It is almost a Stalinist disappearance of a primary document; it has been written out of the record. What else can we say? We can say that the whole unlearn campaign is quite interesting. I could understand it if it was a revivification of turgid 1990s Postmodernism, where all knowledge is inscrutable because all language is inscribed with power so we cannot know anything; therefore, we can unlearn stuff because we never knew anything in the first place. Maybe that would be the case. More than enough sideshow semiotic charlatans have joined the detritus of 1970s Marxists as tenured radicals at our universities, not least of which in the humanities departments of the University of Sydney. Where does this unlearn come from? I think it comes in this instance from a document from 1949 where a person wrote:

Only when there is the people's state, is it possible for the people to use democratic methods on a nationwide and all-round scale to educate and reform themselves, to free themselves from the influence of reactionaries at home and abroad (this influence is at present still very great and will exist for a long time and cannot be eliminated quickly), to unlearn the bad habits and ideas acquired from the old society and not to let themselves travel on the erroneous path pointed out by the reactionaries but to continue to advance and develop towards a socialist and communist society.

Where does that passage come from? It comes from Mao Zedong who in 1949 wrote, "The Dictatorship of the People's Democracy". These are the depths to which the university has sunk. Cheapjack opportunists, led by Michael Spence, have turned this once great university into the laughing stock of the nation. [*Time expired.*]

AFFORDABLE HOUSING

WORKERS COMPENSATION SCHEME

The Hon. DANIEL MOOKHEY (23:39): Sydney remains the second most expensive city in the world to buy a home. The median house price in Sydney is still an incredible \$1.15 million. The price-to-income ratio is more than 12. It has doubled in the past two decades. This is not just a capital city problem. The 2016 Domain Group property study said Wollongong is the third most expensive city in Australia. The NAB Housing Market

Report shows house prices in the Illawarra region rose 13 per cent last year. Unless all governments take action, owning a home in Sydney will become an elite pursuit. A policy that could make a meaningful difference would be for the New South Wales Government to embrace inclusionary zoning. This policy is common overseas. It has become the centrepiece of New York Mayor Bill de Blasio's plan to keep his city affordable for middle and working class Americans. In this country the Western Australian, South Australian and Australian Capital Territory governments have all set modest inclusionary zoning targets.

The Sydney Alliance, through a genuine grassroots campaign that has united churches, unions, think tanks and developers has demanded our Government follow suit. Its call to action is for the New South Wales Government to set aside a fixed percentage of all housing developments as affordable housing as a planning condition and to hand them over to community housing providers to manage. NSW Labor has answered the call. We have announced an inclusionary zoning policy. We will start by requiring that 15 per cent of all private sector developments are affordable and we will make sure that a quarter of all housing developments on government land are affordable homes managed by community housing providers. That is a clear policy that would make a big difference. It is open for the Government to match it, but my worry is that it will not. I am worried because of the comments the Premier made to key stakeholders who asked her position. She reportedly said that she views any government action above meeting its social housing obligations as "middle-class welfare."

I say to the Premier that when a nurse on a middle-class income cannot afford to live anywhere close to where he or she works, when a tradie who earns a healthy profit from a self-owned small business is expelled from Greater Sydney by the city's high housing prices, and when a first home buyer in our regions cannot get a latch on the housing ladder because prices are rising faster than his or her savings, we are past the point of name calling. We are at the stage of action. The Premier should act by implementing a real inclusionary zoning policy.

By the end of this year, close to 4,500 people currently receiving compensation payments for injuries sustained at work will have lost them. They are the first victims of the five-year limit on workers compensation payments that this Government introduced for all injured people after 2012. These people are not nameless; they have families and responsibilities. They are people like Duane Hayes. He was proud to work as a garbage collector right up until he injured his back in early 2013. Unfortunately for him, it was just after Parliament passed its so-called workers compensation reforms. Duane cannot stand for long, nor can he sit—let alone hop on or off a moving garbage truck—without writhing in agony. Back injuries bar blue collar workers from all kinds of work. From bricklaying and plumbing to truck driving and construction, if one works with one's hands or body, injuring one's back is career ending. So it is not surprising that Duane has not worked since 2013.

He has done rehabilitation programs and has completed insurer-required work capacity assessments. No one doubts Duane's ongoing impairment, which is no mean feat in this Government's workers compensation system. Yet Duane will lose the benefit he uses to raise a disabled son. Duane will try for a disability support pension from Centrelink, as will 4,000 other injured workers. The point of a workers compensation system is to restore an injured worker to health and then to work. For those who cannot be rehabilitated, its purpose is to preserve their dignity and the living standards they were accustomed to and earned as full-time workers. It is not charity or welfare; it is a moral obligation. Duane and the thousands of other injured workers set to lose their benefits are entitled to feel like that obligation has been breached. Today the scheme is in surplus, with 127 per cent of expected liabilities funded. The time is coming to make a key decision. The Government must hand back this surplus to employees like Duane or let them go to Centrelink.

ADANI CARMICHAEL COALMINE PROPOSAL

Mr JEREMY BUCKINGHAM (23:44): I make a contribution in the adjournment debate relating to the Stop Adani protests that were conducted around this nation on Saturday 7 October. They were a proud visual manifestation of the concern that so many reasonable people in Australia have about the Federal Government's and the Queensland State Government's blind support for the Adani Carmichael coal project. It is a coalmine that puts at risk the very survival of the Great Barrier Reef and one of the great agricultural regions of Australia. It is a coalmine that puts at risk the Great Artesian Basin. It is a coalmine that the people of India do not need. It is a coalmine that is supported and pushed by a Federal government that is willing to bend over backwards—or bend over forwards, maybe—to give this project free money, free water and a green light in environmental regulation and planning approval.

The Premier of Queensland, Anastacia Palaszczuk, should be condemned for her blind support and her spouting of Adani's lies that this is about tens of thousands of jobs for regional Queensland. It is no such thing. It is an absolute farce and a climate catastrophe. The people of Australia know it. They turned up on beaches and in parks and all kinds of areas across Australia to represent the view that this is a stupid coalmine and that it should be stopped and they are calling on politicians to listen. The very fact that so many people from around the country, separated by thousands of kilometres, have expressed their concern is an indication of the scale of damage that

will be caused by this mine, with 60 million tonnes of coal being mined and exported every year. It will have a devastating and globally significant impact.

It shows how poor the policy debate in Australia is at the moment. The policy debate is being led by a stupendous idiot like Tony Abbott, who turns up in London and says 90 per cent of scientists voted and had come to a consensus on climate change. He thought they had all come together like druids around some weird stones, casting rocks or chicken bones, and had decided. He does not realise that those scientists have put their bodies and careers on the line to put their view forward based on decades of research. As we speak, scientists are putting their bodies and lives on the line in the Antarctica at places like the Thwaites Glacier. If anyone does not know what the Thwaites Glacier is they are missing the news. The Thwaites Glacier is a massive glacier in west Antarctica. It is the last place that the former United States Secretary of State John Kerry went to before he lost his job.

The Hon. Niall Blair: Well, I'm not going.

Mr JEREMY BUCKINGHAM: I am not asking the Minister to go; I am asking him to read up on it. The inertia in that glacier is gone and it is starting to move. If that glacier melts, we will see catastrophic impacts on coastlines and on our climate around the world because the volume of water in the glacier is enormous. The scientists are ringing the alarm bells and saying that if the west Antarctica begins to melt, as they say it will, we are in real trouble. The fact that there is anyone even listening to Tony Abbott at this stage is enormously alarming.

The Hon. Dr Peter Phelps: You're listening to him.

Mr JEREMY BUCKINGHAM: I read two paragraphs. The fact that we have a Federal government supporting the madness of Adani is an absolute disgrace. The people of Australia know it, and they turned up en masse to say they want their climate protected, they want an end to coal and they want it soon.

MARRIAGE EQUALITY PLEBISCITE

The Hon. TREVOR KHAN (23:49): I speak in this adjournment debate on the last day of my sixtieth year, and it is fitting that I speak on an issue that has been important to me for much more than a decade. Recently, a Federal Nationals senator opined that marriage equality advocates needed to, in his words, "grow a spine". This same Nationals senator expressed on ABC's *Q&A* this week that he thinks "there's delicate little flowers on both sides who can't seem to just be able to accept some people have a different view to you". This entreaty arose from concerns expressed about the impact of the current same-sex marriage survey on members of the lesbian, gay, bisexual, transgender and/or intersex [LGBTI] community, and in response to a question from a member of the *Q&A* audience who described himself as a "young gay man" and detailed his experience being harassed and bullied for being gay at school.

I know this senator to be one of the bright lights of the Federal Nationals team. I am therefore saddened that he made the observations he did. It is appropriate, therefore, that he be reminded of some facts, particularly as they relate to LGBTI youth. It is a fact that 24 per cent of gay, lesbian and bisexual Australians meet the criteria for experiencing a major depressive episode. It is a fact that same-sex attracted Australians have up to 14 times higher rates of suicide attempts than their heterosexual peers. It is a fact that the average age of a first suicide attempt is 16 years—often before coming out. It is a fact that the statistics are even worse in rural and regional Australia. These statistics are facts, not blackmail.

Amongst the same groups, mental health outcomes and alcohol and drug abuse are also higher. Studies repeatedly demonstrate that these poorer outcomes are as a result of feelings of isolation, a fear of discovery, as well as physical, verbal and emotional abuse, and not as a result of their sexuality. When the Federal senator therefore tells marriage equality supporters to grow a spine, he is telling at least some of them that their past experiences are as a consequence of their own inadequacies. Not only is that ill-informed but also it is cruel. Quite simply, it is not the time for hyper masculinity or bravado; it is a time for empathy.

The simple reality is that the current debate is forcing many very private men and women who happen to be gay to disclose their sexuality to their family, friends, work colleagues and even strangers. They do this because of a fear that a loss of the survey will again reinforce the very feelings of isolation and ostracism they have experienced in the past. They know that a loss will mean that LGBTI youth will be even more fearful of discovery by family and classmates. All too often these issues are discussed in the abstract. It is "they", "the gay lobby" or "the militant gays" that are spoken of in the media. That, sadly, is not the truth.

This is a living story of fellow Australians. It is a story of doctors, nurses, teachers, police officers and Armed Forces members. It is a story of plumbers and builders. It is a story of everyday Australians who are dragged into a battle that many do not wish to have. These same Australians are now faced with the Australian community being asked to judge their suitability to marry, and that makes the survey extremely confronting.

Social change never comes easily. To members of the LGBTI community who are hurt and disheartened by the words of that senator and of others who have been outspoken on this issue I say: you are loved, you are accepted, and you are valued.

The DEPUTY PRESIDENT (Dr Mehreen Faruqi): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 23:54 until Thursday 12 October 2017 at 10:00.