



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Tuesday, 17 October 2017**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Tuesday, 17 October 2017**

**The PRESIDENT (The Hon. John George Ajaka)** took the chair at 14:30.

**The PRESIDENT** read the prayers and acknowledged the Gadigal clan of the Eora nation and its elders and thanked them for their custodianship of this land.

## *Bills*

**ROAD TRANSPORT AMENDMENT (DRIVER LICENCE DISQUALIFICATION) BILL 2017**

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

**LOCAL LAND SERVICES AMENDMENT BILL 2017**

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

## **Assent**

**The PRESIDENT:** I report receipt of messages from the Lieutenant-Governor notifying His Excellency's assent to the abovementioned bills.

## *Commemorations*

### **CENTENARY OF FIRST WORLD WAR**

**The PRESIDENT (14:32):** In October 1917, the Australian Flying Corps became involved in fighting on the Western Front for the first time when the Second Squadron engaged with a German patrol near St Quentin in northern France with the loss of one aircraft. The corps had been established in 1912 as a branch of the Australian Army and had been involved in operations in the Middle East from late May 1915 taking on reconnaissance and light bombing raids. However, on the Western Front the corps became much more involved in frontline action. The corps participated in air combat, air and bombing raids, and provided close air support for infantry operations during the final phases of the Passchendaele campaign.

Australian pilots undertook dangerous low-level attacks that were highly praised by the commander of the Royal Flying Corps, but which also resulted in heavy losses. The technology of aerial warfare was new and most of the corps' pilots had no previous experience. Training was almost as hazardous as combat. More than a third of all the corps' wartime fatalities occurred in Britain during training. Two and a half thousand men served in the Australian Flying Corps during the war. One hundred and seventy-eight were killed. Their pioneering efforts lay the foundations for the Royal Australian Air Force. Lest we forget.

## *Motions*

### **TRIBUTE TO MS CLARE MCCABE**

**The Hon. LOU AMATO (14:34):** I move:

- (1) That this House notes that:
  - (a) on a recent international netball test series, Camden resident Clare McCabe was reindorsed by the International Federation of Netball with the International Umpires' Award, which is the highest and most prestigious umpiring qualification in the world;
  - (b) Ms McCabe was awarded the All Australian Umpires badge in 2000 and was initially awarded the International Umpires' Award in 2005 before being re-endorsed in 2009, 2013, and again in 2017, making her one of Australia's longest-serving umpires with international endorsement;
  - (c) Ms McCabe has also been selected by the International Netball Federation to officiate at numerous events, including:
    - (i) 2017—Quad Series (Brisbane, Australia; Auckland and Invercargill, New Zealand);
    - (ii) 2016—Fast 5 Netball Series (Melbourne, Australia);
    - (iii) 2015—Test Series (Fiji-South Africa versus New Zealand);
    - (iv) 2014—Commonwealth Games (Scotland);
    - (v) 2013—Test Series (New Zealand versus Malawi-New Zealand);

- (vi) 2013—Test Series (Jamaica versus England-Kingston, Jamaica);
- (vii) 2012—Fast 5 Netball Series (Auckland New Zealand);
- (viii) 2012—Test Series (Fiji versus Singapore-Fiji);
- (ix) 2012—Pacific Games (Fiji);
- (x) 2011—World Championships (Singapore);
- (xi) 2011—Test Series (South Africa versus Trinidad and Tobago-Cape Town, South Africa);
- (xii) 2010—Test Series (Jamaica versus England-Kingston, Jamaica);
- (xiii) 2010—Test (New Zealand versus Samoa-Porirua, New Zealand);
- (xiv) 2009—World Youth Championships (Cook Islands);
- (xv) 2008—Test Series (Barbados versus South Africa);
- (xvi) 2005—World Youth Championships (Florida, United States);
- (xvii) 2005—Test Series (England versus New Zealand—New Zealand);
- (xviii) 2003 and 2004—New Zealand National Championships;
- (xix) 2001—South Pacific Games (Norfolk Island);
- (d) at a national level, Ms McCabe has officiated at:
  - (i) 2000—2006 Commonwealth Bank Trophy Competition Australia;
  - (ii) 2009/2010/2015-2016—ANZ Championships;
  - (iii) 2008—Australian National League, after returning from living in the United States; and
- (e) apart from her busy netball career, Ms McCabe donates extensive time to Camden Meals on Wheels, Camden Chamber of Commerce and inspiring and mentoring fellow business women.
- (2) That this House acknowledges and commends Ms Clare McCabe for her continued outstanding achievements in netball and for her dedicated service to volunteer organisations in the Camden community.

**Motion agreed to.**

**CAMDEN MEALS ON WHEELS**

**The Hon. LOU AMATO (14:35):** I move:

- (1) That this House notes that:
  - (a) on Friday 11 August 2017 at Belgenny Farm, the Camden Meals on Wheels Inc. held a celebration to honour its outstanding work in the Camden community and raise much-needed funds;
  - (b) special guests at the event included:
    - (i) Angus Taylor, MP, Federal Assistant Minister for Cities and Digital Transformation and Federal Member for Hume;
    - (ii) Councillor Theresa Fedeli, Deputy Mayor of Camden;
    - (iii) Councillor Rob Mills;
    - (iv) Councillor Cindy Cagney;
    - (v) Councillor Ashleigh Cagney;
    - (vi) Councillor Eva Campbell;
    - (vii) Councillor Vincent De Luca, OAM;
    - (viii) Mr Ron Moore, General Manager of Camden Council; and
    - (ix) Mr Tyler Dennawi of Channel 9's *Here Come the Habibs*.
  - (c) the fundraising committee consisted of:
    - (i) Mr Gary De Jong, Manager, Camden Meals on Wheels;
    - (ii) Ms Robyn Hartley, Community Program Coordinator, Camden Meals on Wheels;
    - (iii) Mr Bill Rooney;
    - (iv) Ms Deb Vardy;
    - (v) Mr Bruce Schell;
    - (vi) Mr Aaron Oswald;
    - (vii) Ms Leona Triggs; and

- (viii) Ms Clare McCabe.
- (d) sponsors of the event included Camden RSL Club, Vintage FM, and the Macarthur Credit Union.
- (2) That this House acknowledges and commends the Camden Meals on Wheels Inc. for its continued outstanding service to the Camden community.

**Motion agreed to.**

**SUTHERLAND HOSPITAL SPRING CHARITY FUNDRAISER**

**The Hon. LOU AMATO (14:35):** I move:

- (1) That this House notes that:
  - (a) on Sunday 24 September 2017, the spring charity fundraiser for Sutherland Hospital was held at the Manta Restaurant, raising more than \$40,000;
  - (b) the long-term annual event was traditionally organised by the late Bruno Riccio, OAM, and this year was again organised by Councillor Marie Simone and Mr Riccio's daughters, Leeanne and Danielle Riccio;
  - (c) Mr Riccio's grandson internationally renowned opera singer Mark Vincent provided entertainment at the event;
  - (d) Mr Craig Bennett of Channel 10's morning show *Studio 10* acted as master of ceremonies;
  - (e) special guests in attendance included:
    - (i) the Hon. Mark Speakman, MP, Attorney General and member for Cronulla;
    - (ii) Councillor Vincent De Luca, OAM;
    - (iii) Councillor Daniel Nicholls;
    - (iv) Ms Maria Venuti, AM;
    - (v) Mr Nat Zanardo, OAM; and
    - (vi) Dr Alys Swindlehurst, Staff Specialist Paediatrician.
  - (f) sponsors of the event were Sylvania BMW and Anne Macpherson.
- (2) That this House acknowledges and commends:
  - (a) Councillor Marie Simone who has been a part of the organising committee for the event for 17 years;
  - (b) the Riccio family, Leeanne and Danielle Riccio and Mr Mark Vincent, for their continued devotion to raising funds for Sutherland Hospital and continuing the legacy and generosity of their late father, Mr Bruno Riccio, OAM; and
  - (c) Mr Craig Bennett for his contribution to the spring charity fundraiser.

**Motion agreed to.**

**BARKER MARITIME SCHOLARSHIP RECIPIENT MS ALIDA VAN DRIEL**

**Mr SCOT MacDONALD (14:35):** I move:

- (1) That this House notes that:
  - (a) Ms Alida van Driel of Medowie, was recently honoured with the Hunter TAFE Foundation's Barker Maritime Scholarship;
  - (b) Ms van Driel's scholarship is sponsored by the late Don Barker and his wife, Annette Lynch;
  - (c) Ms van Driel currently works as a general purpose hand for Newcastle Ferries and was one of the first two women to work for the organisation;
  - (d) Ms van Driel one day hopes to become the Port of Newcastle's first female Harbour Master; and
  - (e) TAFE NSW Head Teacher of Maritime Studies, Mr Glenn Hunter, stated that Ms van Driel's "determination and skill set would take her a long way in a traditionally male-dominated industry" and that in his 30 years of sailing "I've worked with less than five women".
- (2) That this House congratulates Ms Alida van Driel on being one of the first two women to work for Newcastle Ferries and on her being awarded the Hunter TAFE Foundation's Barker Maritime Scholarship.

**Motion agreed to.**

**TRIBUTE TO JAMES PHILLIP MCAULEY**

**The Hon. MARK PEARSON (14:36):** I move:

- (1) That this House notes that:



- (a) today commemorates 100 hundred years since the birth of one of Australia's greatest poets, James Phillip McAuley (12 October 1917 to 15 October 1976);
  - (b) an Australian academic, poet, journalist and critic of literature and politics, Peter Coleman stated that "no-one else in Australian letters has so effectively exposed or ridiculed modernist verse, leftie politics and mindless liberalism";
  - (c) James McAuley was born in Lakemba, educated at Fort Street High School and then attended Sydney University where he majored in English, Latin and philosophy;
  - (d) in 1943, McAuley was commissioned as a lieutenant in the Australian Army;
  - (e) McAuley came to world attention in the aftermath of the 1943-44 Ern Malley hoax, when with fellow poet, Harold Stewart, he satirically constructed 16 nonsense poems in a "pseudo modernist style";
  - (f) the poems were then sent to the editor of the literary magazine "Angry Penguins", raced to publication, and Australia's most celebrated literary hoax was set in motion;
  - (g) from 1961, James McAuley was Professor of English at the University of Tasmania where he died of cancer in 1976, at the age of 59, in Hobart, and
  - (h) it was McAuley's opus *Generations*, a collection of selected poems from Chaucer to the present day, which greatly informed me of some of the most profound and beautiful poetry of all time.
- (2) The House will no doubt be delighted to lend its ear to one of James McAuley's own great works, *Mating Swans*:

A pair of black swans on the lake  
Twine their necks in amorous play.  
The cob turns in a swirling wake;  
Treading the maze of love's delay  
Till she receives him, sinking low;  
Then both their urgent necks lift high  
United in a strident cry  
Forced from love's exultant throe;  
Parting as excitement ebbs;  
They fuss their plumes with busy nebs;  
Shake them smooth, and gently glide  
On the water side by side.  
They crease the angle of their wake  
Along a liquid depth of sky;  
White clouds inverted in the lake  
Quiver as they paddle by  
Towards a reed-fringed island, where  
Green willows arch their springing shoots  
And a frog croaks beneath the roots;  
And shags hold synod, beaks in air.  
Soon the swan will heap her nest;  
Drawing reeds against her breast;  
While the watchful cob near by  
Forbids the world with bright red eye.

**Motion agreed to.**

### NETBALL UMPIRE JORDON KISS

**Mr SCOT MacDONALD (14:36):** I move:

- (1) That this House notes that:
  - (a) at a recent Netball NSW premier league match, Jordon Kiss of Terrigal and the Gosford Netball Association, became one of the youngest people ever to be awarded the Netball Australia "A" Grade Umpires Badge;
  - (b) Jordon Kiss commenced playing netball in 2006 for the Terrigal Wamberal Netball Club and since 13 years of age has excelled in umpiring, umpire coaching and mentoring and rules lecturing;
  - (c) in 2015 Jordon Kiss was honoured at the Sport NSW Community Sports Awards with the Young Official of the Year Award, while a member of Northern Valleys Netball Club;
  - (d) in 2016 Jordon Kiss was awarded the Central Coast Hearts Netball Umpiring Scholarship, which provides a localised training platform for eligible aspiring local umpires to receive expert coaching, education sessions as well as on court training and mentoring sessions to develop their umpiring abilities; and
  - (e) Jordon Kiss has officiated at the men's and mixed International and National Championships, NSW Metro League and NSW State Championships.
- (2) That this House congratulates and commends Jordon Kiss for being awarded the Netball Australia "A" Grade Umpires Badge and acknowledges her continued outstanding contribution to netball.

**Motion agreed to.**

## MAITLAND REGIONAL SPORTSGROUND COMPLEX

**Mr SCOT MacDONALD (14:37):** I move:

- (1) That this House notes that:
  - (a) on Monday 18 September 2017 Parliamentary Secretary for the Hunter Mr Scot MacDonald, MLC, announced that Clouston Associates was the successful tenderer to oversee stage two of the development of the Maitland Regional Sportsground Complex;
  - (b) the Government will contribute \$5.5 million to Maitland's new complex;
  - (c) by funding the construction of this state-of-the-art sportsground, the community of Maitland will receive a massive boost and a vital piece of infrastructure to support its future growth;
  - (d) stage two will involve the construction of a synthetic athletics track surrounding a turf field, along with track and field facilities, floodlights and modern amenities;
  - (e) these works are largely funded by the Government's Restart NSW Hunter Infrastructure Investment Fund, with \$5 million also provided by Maitland City Council, which is managing the project;
  - (f) Maitland City Council ALP Mayor Loretta Baker stated:
    - (i) "this project will improve the liveability of Maitland for the wider community"; and
    - (ii) "the sportsground will provide better access to sports and leisure facilities for children, young people, athletes and the general public, encouraging Maitland locals to live healthier, more active lifestyles";
  - (g) the project is expected to have a significant impact on local jobs and growth with estimates suggesting it will create an additional output of \$18.4 million for the local economy, and generate 48 new jobs during the construction phase as well as attract more visitors to the Hunter; and
  - (h) the Hunter Infrastructure Investment Fund has committed \$50 million to enhancing infrastructure and supporting growth across the Hunter region.
- (2) That this House acknowledges that the funding of \$5.5 million by the Government for Maitland's new Regional Sportsground Complex will provide state-of-the-art facilities and better access to sports and leisure facilities, enhance the local economy and promote jobs.

**Motion agreed to.**

## REGIONAL ACADEMIES OF SPORT AWARDS

**Mr SCOT MacDONALD (14:37):** I move:

- (1) That this House notes that:
  - (a) on 19 September 2017 at Parliament House, the Regional Academies of Sports Awards were presented;
  - (b) the event was hosted by the Speaker of the Legislative Assembly, the Hon. Shelley Hancock, member of Parliament, and the Minister for Sport, the Hon. Stuart Ayres, MP;
  - (c) other dignitaries included:
    - (i) Mr Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter;
    - (ii) Mr Thomas George, MP, Deputy Speaker and member for Lismore;
    - (iii) members of Parliament from across New South Wales;
    - (iv) Mr Brett O'Farrell, Chairperson, Regional Academies of Sport (NSW);
    - (v) Ms Samantha Poolman, Greater Western Sydney Giants Netball;
  - (d) talented athletes who received awards from the Central Coast, Far West, Hunter and North Coast Academies included:
    - (i) Brooklyn O'Mara—Central Coast Academy, Netball;
    - (ii) Nathan Ward—Central Coast Academy, Swimming;
    - (iii) Dougall Tyrwhitt—Far West Academy, Tennis;
    - (iv) Brij Ingrey—Hunter Academy, Golf;
    - (v) Grace Wrixon—Hunter Academy, Softball;
    - (vi) Georgie Breward—North Coast Academy, AFL;
    - (vii) Grace Wrixon—Hunter Academy Softball;
    - (viii) Abby Holmes—Illawarra Academy, Rugby Sevens;
    - (ix) Bilyana Milevski—Illawarra Academy, Netball;

- (x) Tyler Donovan—North Coast Academy, AFL;
  - (xi) Alice Arnott—Northern Inland Academy, Hockey;
  - (xii) Krystal Jessup—Southern Sports Academy, Fencing-Foil;
  - (xiii) Amy Sligar—South West Sydney Academy, Netball;
  - (xiv) Natalie Sligar—South West Sydney Academy, Netball;
  - (xv) Tyler Puzicha—Western Region Academy, Cycling;
  - (xvi) Jack Connors—Western Region Academy, Para-Sports Athletics;
  - (xvii) Lauren Woods—Western Sydney Academy, Netball; and
  - (xviii) Joshua Gadd—Western Sydney Academy, Golf.
- (e) regional academies were initially established more than 25 years ago by the Government, with the role of acting as conduits between grassroots sports participation and the pre-elite levels of sport representation;
  - (f) since that time, the 11 academies have evolved into independent, community based organisations with vital links between all levels of sports participation and development;
  - (g) academies provide an insight into the skills, knowledge and personal attributes talented young sports people need to progress to the elite levels of their chosen sport, and provide a range of development opportunities in each of these key areas; and
  - (h) collectively, regional academies provide more than 2,000 scholarship opportunities per annum, across a range of 26 different sport disciplines.
- (2) That this House:
    - (a) congratulates all award recipients; and
    - (b) acknowledges the outstanding work of the Regional Academies of Sport to develop; foster and mentor New South Wales' future elite athletes.

**Motion agreed to.**

**GFG ALLIANCE**

**Mr SCOT MacDONALD (14:38): I move:**

- (1) That this House notes that:
  - (a) on 6 September 2017 an event was held for employees and guests in Newcastle to hear about the future of value-added steel and steel-based products and services in the region, secured by the GFG Alliance;
  - (b) the GFG Alliance is an international grouping of businesses, founded by the Gupta family, which encompasses mining, energy generation, metals and engineering, along with financial services, a property portfolio and an education-focused charitable foundation;
  - (c) the Executive Chairman of the GFG Alliance, Mr Sanjeev Gupta, addressed the event as well as the Parliamentary Secretary for Planning, the Central Coast and the Hunter, Mr Scot MacDonald, MLC;
  - (d) special guests also included Mr Tim Crakanthorp, MP, member for Newcastle, and Lord Mayor of Newcastle Mayor Nuatali Nelmes; and
  - (e) the Government's record investment in State and regional infrastructure is helping to support the use of Australian steel industry products and services.
- (2) That this House:
  - (a) congratulates Mr Sanjeev Gupta and the GFG Alliance management team on its foresight in maintaining its operations and jobs in the Hunter Region; and
  - (b) acknowledges that GFG Alliance's focus across its supply chain represents significant opportunities for the region and the State.

**Motion agreed to.**

**DEVELOPMENT AND RELIEF AGENCY**

**Mr SCOT MacDONALD (14:39): I move:**

- (1) That this House notes that:
  - (a) the Development and Relief Agency's [DARA] mobile food van, in partnership with Orange Sky Laundry, travelled to Port Stephens on Monday 9 October 2017 to help those in need of free food, laundry services and an empathetic ear;
  - (b) DARA's van is expanding its valuable service, which it has been operating in a limited format over the past five years;

- (c) the hosting of Orange Sky's mobile laundry service into Newcastle has facilitated a broader reach, which will include Raymond Terrace and two services in the Maitland area, one of which will be an exclusive service for women and women with children;
  - (d) the mobile laundry was established in 2014 by friends Mr Lucas Patchett and Mr Nic Marchesi, Young Australians of the Year 2016, with the pair putting two washing machines and two dryers in a van and offering a free laundry service to homeless people;
  - (e) DARA identifies, reaches out to and supports those in the community who are disadvantaged, marginalised, oppressed or isolated by cultural, ethnic or religious differences;
  - (f) DARA provides practical assistance, an opportunity for socialisation and a pathway to integration via access to educational and vocational programs; and
  - (g) the service expanded into the Hunter Region in August 2017.
- (2) That this House:
- (a) acknowledges and commends Mr Lucas Patchett and Mr Nic Marchesi on establishing the Orange Sky Laundry to assist disadvantaged people;
  - (b) acknowledges and commends Mr Barry Urwin, Chief Officer, DARA, and the team at DARA for their continued outstanding service to the community, particularly to those who are disadvantaged, marginalised, oppressed or isolated by cultural, ethnic or religious differences; and
  - (c) acknowledges and commends the teams of generous volunteers, sponsors and suppliers who enable these valuable services to continue.

**Motion agreed to.**

**MADISON FITZPATRICK HOCKEY AUSTRALIA SQUAD SELECTION**

**Mr SCOT MacDONALD (14:40):** I move:

- (1) That this House notes that:
- (a) Madison Fitzpatrick, a Tweed hockey player, has been named in Hockey Australia's 18- member Hockeyroos squad for the upcoming Oceania Cup;
  - (b) Ms Fitzpatrick, originally from the Casuarina Hockey Club, will also seek selection for the Commonwealth Games team during the Oceania Cup;
  - (c) Mr Paul Gaudoin has been appointed coach of the Hockeyroos; and
  - (d) the Hockeyroos are ranked fifth in the world.
- (2) That this House congratulates Madison Fitzpatrick on her selection into Hockey Australia's squad and extends its best wishes to coach Paul Gaudoin and the Australian team for a successful 2017 Oceania Cup campaign.

**Motion agreed to.**

**HUNTER TAFE FOUNDATION SCHOLARSHIPS PRESENTATION**

**Mr SCOT MacDONALD (14:40):** I move:

- (1) That this House notes that:
- (a) the Hunter TAFE Foundation's scholarships presentation was held on 20 September 2017 at the Hunter Valley Hotel Academy Kurri Kurri Campus;
  - (b) dignitaries present at the presentation included:
    - (i) Greg Hopper, Director—Hunter TAFE Foundation;
    - (ii) Roger Hale, Director—Foundation Skills and Pathways;
    - (iii) Melissa Ford, Coordinator—Foundation and Alumni;
    - (iv) Sue Cassell, Foundation Relationship Coordinator and Communications and Marketing;
    - (v) Lillian Gordon, Aboriginal Learning Circle;
    - (vi) Annette Lynch, presenter of Barker Maritime Scholarship;
    - (vii) Ben Burns, Hotel Manager—Crowne Plaza Hunter Valley;
    - (viii) Jude Healey, Human Resources Manager—Crowne Plaza Terrigal;
    - (ix) Deanne Sullivan, Manager—Newcastle City Council Learning and Organisation;
    - (x) Darren Hope, donor and presenter of Moreen Edith Fashion Scholarship;
    - (xi) Scott Walkom, donor and presenter of Sonia Walkom Memorial Scholarship;
    - (xii) Pam Roberts, Zonta Club of Hunter Newcastle; and

- (xiii) Zoe Ngaheu, guest speaker and recipient of the 2016 Indigenous Scholarship.
- (c) scholarship recipients comprised:
  - (i) Crowne Plaza Hunter Valley Scholarship—Taleah Putan, completing the Diploma of Events online through Hamilton Campus and currently working as a Trainee Events Officer with Lake Macquarie City Council;
  - (ii) Crowne Plaza Terrigal Scholarship—Madison Ritchie, completing the Diploma of Hospitality Management at Ourimbah Campus;
  - (iii) Barker Maritime Scholarship—Andrew Dobbie, currently employed with Port Waratah Coal Services as a Service Assurance Officer;
  - (iv) Barker Maritime Scholarship—Alida Van Driel, currently employed as a General Purpose Hand at the ferries section of Keolis Downer Hunter;
  - (v) Indigenous Scholarship donated by Newcastle City Council's Aboriginal Employment Strategy—Brooke Cameron, currently studying Certificate II in Aboriginal Cultural Arts at Newcastle Campus;
  - (vi) Indigenous Scholarship—Brett Edwards, currently studying Certificate IV in Community Services at Hamilton Campus;
  - (vii) Moreen Edith Fashion Scholarship—Olivia Halle, currently studying an Advanced Diploma at Newcastle Campus;
  - (viii) Sonia Walkom Memorial Scholarship—Tracey Bailey currently studying Certificate IV in Property Services (Real Estate) at Newcastle Campus;
  - (ix) Study Assistance scholarships were awarded to: Raygan Massaro-Davis, currently studying Diploma of Nursing at Newcastle Campus; Tahlia McGowan, currently studying the Diploma of Early Childhood Education and Care at Ourimbah Campus; Lawrence Roberts, currently studying the Diploma of Laboratory Technology at Newcastle; and Tina Szerszyn, currently undertaking the Diploma of Early Childhood Education and Care at Glendale Campus; and
  - (x) Zonta Club of Hunter Newcastle TAFE Scholarship: Amrit Pal, currently studying the Certificate III in Early Childhood Education and Care at Newcastle Campus; and Kimberley Horne, currently studying a Certificate IV in Leisure and Health at Newcastle Campus.
- (2) That this House:
  - (a) acknowledges the outstanding work and contribution of the Hunter TAFE Foundation in supporting and encouraging students to achieve their goals;
  - (b) congratulates and commends all recipients of scholarships for their achievements and wishes them every success for the future; and
  - (c) acknowledges and commends all sponsors of the scholarships.

**Motion agreed to.**

**TOUCH FOOTBALL NATIONAL YOUTH CHAMPIONSHIP**

**Mr SCOT MacDONALD (14:40):** I move:

- (1) That this House notes that:
  - (a) Tweed River High School year 12 students Olivia Attenborough-Doyle and Tarryn Aiken played an integral part in the New South Wales Combined High Schools [CHS] team winning the National Youth Championship in touch football, recently held at Kawana, Queensland;
  - (b) New South Wales won every match, defeating Tasmania 15 to 3, Victoria 12 to 1, North Queensland 9 to 3, the New South Wales development side 8 to 3 and the Sunshine Coast 9 to 3;
  - (c) the New South Wales team was coached by Kingscliff High School teacher Les Watego;
  - (d) Tarryn Aiken, an Australian representative player in 2016, was named player of the tournament and New South Wales' most valuable player, while Olivia Attenborough-Doyle was given the honour of being State captain; and
  - (e) Olivia Attenborough-Doyle and Tarryn Aiken were the only girls from the Tweed region selected for the New South Wales team.
- (2) That this House:
  - (a) congratulates the New South Wales CHS women's touch football team on winning the 2017 National Youth Championships;
  - (b) acknowledges and commends the dedication and service of Les Watego, New South Wales coach; and
  - (c) congratulates and commends Olivia Attenborough-Doyle and Tarryn Aiken on their continued extraordinary performance in touch football and their achievement in winning the national title.

**Motion agreed to.****HASTINGS VALLEY NETBALL ASSOCIATION****Mr SCOT MacDONALD (14:41):** I move:

- (1) That this House notes that:
  - (a) at the recent Netball NSW State Cup, held at the Genea Netball Central Centre, Hastings Valley Netball Association won the open age competition;
  - (b) the Hastings Valley State Cup winning team consisted of:
    - (i) Shannon Noble [captain];
    - (ii) Kelly Mann;
    - (iii) Jen Glover;
    - (iv) Sally Jenkins;
    - (v) Gabby McInherny;
    - (vi) Kate Bell;
    - (vii) Monique Copelin;
    - (viii) Maddy Major;
    - (ix) Molly Styles;
    - (x) Michelle Marino [coach]; and
    - (xi) Jodie Burge [primary care];
  - (c) Hastings Valley Netball Association's win is a monumental achievement for this regional netball association that was founded in 1977 beginning with eight senior teams under acting President Leslie Rosenbaum;
  - (d) Hastings Valley Netball Association had grown to more than 1,300 members by 2004;
  - (e) in recognition of their outstanding service to Hastings Valley Netball Association, life membership has been conferred upon:
    - (i) Lyn Relf;
    - (ii) Bev Greco;
    - (iii) Shirley Burton;
    - (iv) Kath Nardella;
    - (v) Julie Batchelor;
    - (vi) Narelle Stokes;
    - (vii) Denise Hillier;
    - (viii) Carole Field;
    - (ix) Lyndall Lett;
    - (x) Kerry Austin;
    - (xi) Rosemary Miller; and
    - (xii) Donna Lewis.
  - (f) the association is ably served by its hardworking executive committee comprised of:
    - (i) Helen Miles, president;
    - (ii) Steve Mullin, treasurer;
    - (iii) Rosemary Miller, secretary;
    - (iv) Cathy Glover, senior vice president;
    - (v) Denise Hillier, junior vice president;
    - (vi) Carole Field, senior registrar;
    - (vii) Lyn Sparenburg, junior registrar;
    - (viii) Donna Lewis, umpires coordinator;
    - (ix) Michelle Marino, coaches coordinator;
    - (x) Linda Dewbery, publicity officer; and
    - (xi) Ann Heaton, minute secretary.

- (2) That this House:
- (a) congratulates the Hastings Valley Netball Association on its win at the Netball New South Wales State Cup; and
  - (b) acknowledges the hard work of the many volunteers that have helped develop Hastings Valley Netball Association from its humble beginnings in 1977 to the successful association it is today.

**Motion agreed to.**

*Committees*

**LEGISLATION REVIEW COMMITTEE**

**Report: Legislation Review Digest No. 45/56**

**The Hon. GREG PEARCE:** I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 45/56", dated 17 October 2017. I move:

That the report be printed.

**Motion agreed to.**

*Documents*

**TABLING OF PAPERS**

**The CLERK:** I announce receipt of a report of the Department of Education entitled "Report on the review of the Universities Governing Bodies Act 2011", dated September 2017, received out of session and authorised to be made public this day.

*Visitors*

**VISITORS**

**The PRESIDENT:** I invite attention to the presence in my gallery of the Honourable Simon Pentanu, Speaker of the Autonomous Region of the Bougainville House of Representatives, one of the two Parliaments twinned with the Parliament of New South Wales.

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

That the Hon. Simon Pentanu, Speaker of the Autonomous Region of the Bougainville House of Representatives, be invited to take a chair on the dais.

**Motion agreed to.**

**The PRESIDENT:** I invite the Hon. Simon Pentanu to take a chair on the dais. I welcome the Speaker to our Chamber. [*During the giving of notices of motions*]

*Notices*

**PRESENTATION**

**The PRESIDENT:** I ask members not to have conversations across the Chamber. We want to set wonderful example for our guest, the Hon. Simon Pentanu.

[*Later,*]

**The PRESIDENT:** For the benefit of members, and in particular Mr Jeremy Buckingham, I will examine the motion of which notice was just given and seek advice from the Clerk as to whether any amendment is required before it is printed in the *Business Paper*.

*Business of the House*

**POSTPONEMENT OF BUSINESS**

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

That Government Business Orders of the Day Nos 1 and 2 on the *Notice Paper* of Government business be postponed until a later hour of the sitting.

**Motion agreed to.**

*Announcements***COMMONWEALTH PARLIAMENTARY ASSOCIATION AUSTRALIA AND PACIFIC JOINT REGIONAL CONFERENCE**

**The PRESIDENT (14:58):** Earlier this year the Parliament of New South Wales hosted a very successful Presiding Officers and Clerks Conference. Next week the Parliament of New South Wales will host a further important conference: the Commonwealth Parliamentary Association [CPA] Australia and Pacific Joint Regional Conference. This is an annual conference and is alternately hosted by either an Australian or Pacific CPA Branch.

According to the established rotation, this year that role falls to the New South Wales branch. More than 50 members of Parliament and officers from parliaments throughout Australia and the Pacific, together with observers from as far afield as Pakistan, Guernsey and Jersey, will participate in this year's conference. I ask all members to make our guests welcome. The conference theme is engagement. The conference will provide a forum for both professional development and the discussion of matters of mutual interest, such as engaging with remote and isolated communities and with young people.

I thank those members of both Houses who have agreed to participate on panels for the conference. I particularly thank the members representing the electorates of Fairfield, Holsworthy, Ku-ring-gai, Newtown and Parramatta, who will host conference participants in their electoral offices as part of the engaging with constituents segment. Later today the conference program will be circulated to all members. Members of the Parliament of New South Wales are most welcome to attend and participate, free of charge, in any session at Parliament House. However, if members intend to participate in a session they should contact the conference secretariat before the end of this week. As with the Presiding Officers and Clerks Conference, the CPA Regional Conference is possible only as a consequence of the contributions of and collaboration between staff in all three parliamentary departments. I thank them for their assistance.

*Visitors***VISITORS**

**The PRESIDENT:** I again thank our guest the Hon. Simon Pentanu for joining us. I look forward to catching up with him shortly. The Hon. Simon Pentanu will now leave the dais. I ask all members to acknowledge and thank the Hon. Simon Pentanu for his participation today.

*Bills***FAIR TRADING AMENDMENT (TICKET SCALPING AND GIFT CARDS) BILL 2017****Second Reading****Debate resumed from 11 October 2017.**

**The Hon. PETER PRIMROSE (15:02):** Having spent last Saturday handing out how-to-vote cards at Gundagai High School, I am particularly pleased to lead for the Opposition in debate on the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017. The recent by-elections put me and other members of the Labor Opposition in an excellent mood. Once again the Legislative Council is presented with a bill that seeks to intervene in markets in response to technologies that have disrupted traditional markets—in this case the buying and reselling of tickets to various events for profit, referred to in economic terms as "arbitrage" and more commonly known as "ticket scalping". For decades ticket scalpers were part and parcel of events. Many of us would recall attending events with scalpers out the front touting admission tickets to willing purchasers. This practice was curtailed in the 1980s through government intervention on the basis of a fair go for consumers.

That secondary market did not disappear. In recent years the emergence of online activities has resulted in many more opportunities for scalping that present genuine challenges to consumer rights and the regulatory environment that seeks to protect consumers. Online arbitrage, through platforms such as Viagogo, enables bots to purchase a large number of tickets that are onsold later with a significant mark-up in price. This bill will disrupt that market by achieving a positive outcome for consumers wishing to purchase tickets to an event. A number of issues affect consumer rights and protections in these markets such as an increase in prices when a ticket bought for \$100 is onsold for hundreds of dollars more; ticket cancellations when consumers who bought tickets on the secondary market find out at an event that their tickets are not valid; and ticket fraud when a ticket bought on the secondary market is fraudulent.

This bill seeks to disrupt these activities in the hope that consumers are able to purchase their tickets from primary market sellers—event organisers, sporting venues and concert halls. Accordingly, the Opposition will not be opposing the bill. However, Opposition members note that the bill will not directly address instances of fraud



and presents only an opportunity to disrupt sophisticated online ticket reselling platforms. This bill is no silver bullet. The maxim "caveat emptor"—let the buyer beware—still applies in the case of purchasing tickets online in secondary markets. The bill will amend the Fair Trading Act 1987 with respect to the supply of tickets to sporting and entertainment events. The bill will prohibit the resale of certain tickets to events for a profit, prohibits the publication of advertisements for the resale of event tickets for a profit, prohibits the use of software to bypass the security measures of a ticket website in order to purchase tickets, and requires certain event organisers to publicly disclose the number of tickets made available for general public sale for certain events.

The bill will amend section 58 of the Fair Trading Act to enable the Minister to resort to provisions in that Act relating to major sporting and entertainment events. New sections 58E and 58F prohibit the resale of tickets bought on the secondary market for more than 10 per cent of their original supply cost, that is, not inclusive of booking fees and other fees and charges. New section 58G imposes penalties of up to 1,000 penalty units for corporations and 500 penalty units for individuals for breaching the new laws. New section 58H prohibits the scalper from claiming that the ticket price mark-up is for additional offerings, such as hospitality, yet exempts the supply of such packages authorised by the event organiser.

New section 58K tackles the scourge of ticket bots, prohibiting certain conduct relating to a ticketing website, which is defined as the use of any software to enable or assist the person to circumvent the security measures of the website and to purchase tickets in contravention of a website's terms of use. New section 58 deals with the resale of tickets on various platforms, prohibiting the advertisement of any resale on any platform, newspaper, magazine or website that is more than 110 per cent of the original supply cost with a defence for some platforms whose purpose is not directly to facilitate the buying and selling of goods and services, such as Facebook. New section 58L requires the publication of ticketing information to specified events where the total number of tickets must be a number that the event organiser believes on reasonable grounds is not more than 10 per cent greater or less than the total number of tickets that are to be made available to the general public.

This bill focuses primarily on regulating the secondary market. The 2014 inquiry was convinced of the need for a secondary market, in part due to features of the primary market and the ticket selling strategies. This has not been addressed in this bill. Some transparency measures in this bill affect the primary market, such as division 4, which deals with the public disclosure of ticketing information where the total number of tickets to be sold for public sale must be notified by the organiser plus or minus 10 per cent, although there are concerns that primary market sellers can still operate with a degree of opaqueness. The Opposition believes that opaqueness in the primary market is a cause for concern in relation to consumer rights and protections. The Opposition supports greater transparency in all markets and will keep a watching brief on how practices in the primary market impact consumers. There is also no recognition of efforts in the secondary market to improve standards through codes of conduct and the like.

While operations like Viagogo are the obvious focus of the bill, other operators have sought to develop codes of practice and ethical business standards to provide greater consumer protection. The Opposition notes the codes of ethics developed by the Ticket Brokers Association and the consumer protections advanced by organisations such as TicketHub, where money is not exchanged until an event is attended by the secondary purchaser. However, at the end of the day, the practice of ticket reselling operates in a legislative grey area and there is nothing in this bill that outlaws or effectively legitimises the practice. The Opposition would appreciate advice from the Minister, through the Parliamentary Secretary, about whether the Government believes stronger regulation of the secondary market is the way to promote greater transparency across both the primary and secondary markets.

The Opposition is also concerned that the Government's primary response is to impose a cap, which was not recommended by the 2014 upper House inquiry and which is a reform whose longer term impact is unknown. Many members will support this bill which places price caps on a market but they will not consider caps in other areas of the social economy such as housing, power or other life necessities. That presents an intriguing state of play within the Liberal and The Nationals parties. These members hold the allocative efficiency of the market almost as an article of faith, but they will now support the imposition of a cap. The Opposition is still seriously concerned about the practice of cancelling tickets by event organisers and believes more needs to be done in this area. It is also concerned that a central focus of consumer complaint—namely, fraud and ticket cancellation—is not adequately addressed by this bill.

While reselling tickets heavily marked up is of concern, it is also a long-established market dynamic. If I were to buy a ticket on an international flight leaving for London tomorrow, I would expect to pay a higher price than if I had bought it weeks ago. The important issue is tickets being illegitimately purchased through an online bot before I had the chance to purchase one. The Opposition contends that someone—for example, a massive fan—buying a ticket for \$500 is a reflection of demand. The critical issue is that having purchased the ticket at an

inflated price I should be sure it is genuine and will not be cancelled. This is perhaps the more critical issue at play, and it goes back to the need for transparency and certainty in the two markets.

The Opposition believes that this bill does not address those issues and cautions the event-going public to exercise caution when buying tickets online. This is the second time that a bill of this nature has been introduced, and the Opposition is concerned that it still does not get the balance right. However, given the urgent need to disrupt the business of TicketBots, many in the industry have sought another inquiry in addition to the 2014 inquiry. I note that the Government members involved in that inquiry wrote a dissenting report. Whether or not this legislation disrupts the business model of the likes of Viagogo remains to be seen.

The Opposition is concerned that the use of caps in the secondary market may have unintended consequences. It is also concerned that there is less regulatory intervention in the primary market, all of which means fewer rights and less information for the consumer. As such, the Opposition will not oppose the Government in its attempts to ameliorate some of the negative impacts of online ticket scalping. However, it will move in the Committee stage for a statutory review of this legislation to be undertaken within the first three years of its operation. The advance of technology and the instinct for profit are powerful forces and mean that we should keep a close eye on this aspect of the bill to ensure that consumers get the best deal.

I now turn to the reforms proposed to the sale and longevity of gift cards. The Opposition welcomes these reforms and believes there are no issues of concern. Lengthening the expiry date of gift cards to three years makes sense and is a positive for the consuming public. Retailers make their money when the gift card is originally purchased, so to lengthen their validity to three years simply requires some accounting measures. The Opposition notes that the reforms do not apply to cards supplied in exchange for goods, prepaid cards or vouchers redeemable for phone credit, internet access or the like, debit cards, credit cards, prepaid travel cards supplied by a financial institution, or cards or vouchers supplied as part of a customer loyalty program.

The Opposition strongly supports that aspect of the bill and wants to see it implemented as quickly as possible. In this day and age, such reforms can be implemented by businesses relatively seamlessly. To that extent, the Opposition will be seeking the support of the Committee of the Whole to insert a provision that will ensure these changes apply to any relevant gift card bought from 1 December this year; that is, in time for the upcoming Christmas season. Government members had no concerns about extending the number of shopping days during the Christmas season, so I cannot seriously believe they would have any objection to allowing people who receive these cards at Christmas time to enjoy the benefit of the validity extension to three years.

The Opposition strongly supports many aspects of this bill, particularly the efforts to smash the business of TicketBots and the gift card reforms. However, it has genuine concerns about the elements dealing with ticket resale. While the Opposition will not oppose the bill, it will be maintaining a watching brief. When we interfere with a complex market such as ticket resale—involving not one but two markets, primary and secondary—we could end up with situations that are neither anticipated nor welcomed regarding consumer rights. That is why we should review the operation of the legislation after three years. As I said, the Opposition will not oppose the bill.

**Reverend the Hon. FRED NILE (15:16):** The Christian Democratic Party supports the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017. I congratulate the Government on part 2 of the bill, which contains the ticket scalping provisions. As members know, I have raised this issue in question time in this House and have called for urgent action to prevent the use of bots and other mechanisms involving scalpers buying 1,000 or 2,000 tickets in bulk and reselling them at a huge profit. A ticket can be sold in the primary market for \$65 and it might be advertised by a scalper for \$270—four times the original price. Because the scalper has purchased 1,000, 2,000 or 5,000 tickets and no more are available, patrons are forced to buy from ruthless individuals who are undermining sporting and entertainment events in our State.

The bill bans the use of software bots that circumvent the security features of ticket-selling websites. It will also prevent price gouging and secondary market sales and will ensure transparency because fans should know how many tickets are available. The bill also contains enforcement provisions allowing affected parties to commence proceedings against people using software to circumvent website security mechanisms, selling tickets for more than the 10 per cent cap, or hosting or publishing advertisements in breach of the cap. NSW Fair Trading will have the power to enforce this legislation. The bill also introduces provisions dealing with gift cards. Gift cards valued at \$10, \$50 or \$100 are worthless when they expire. We commend the Government for providing in the legislation for expiration dates of no less than three years. That is reasonable. Companies can adjust their accounting system to cater for the payout for those gift cards over a three-year period. I am pleased to support the bill.

**Mr JUSTIN FIELD (15:19):** On behalf of The Greens I speak in debate on the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017 and support the bill.

**The Hon. Dr Peter Phelps:** Hear, hear!

**Mr JUSTIN FIELD:** I acknowledge the interjection of the Hon. Dr Peter Phelps. This bill will go some way towards improving consumer protection when purchasing event tickets or gift cards and participating in the vibrant sporting and event culture of this city and this State. However, the bill could go further. I will speak later about amendments that The Greens will move in Committee. We share some of Labor's concerns about the implementation of some arrangements in this bill. This is not the first time the Parliament has investigated this issue. Legislation was referred to a committee in 2014 but an inquiry did not proceed. We still have questions about the enforceability of some of these arrangements and their impact on secondary markets.

I will speak to those issues later but first I will address the issue of gift cards. The Greens wholeheartedly support a minimum three-year expiry period for gift cards. As has already been said in this debate, New South Wales consumers lose up to \$60 million each year on expired gift cards, which is unfair. Consumers paid for those gift cards and the money belongs to them. Gift cards are as good as cash and it is not appropriate for that money to be forfeited due to unfair rules associated with the expiry dates of those cards. We will move amendments which will require large businesses and big retailers to have open-ended expiry dates. Essentially, those gift cards should not expire and should be treated as cash. It makes no sense for them to expire. Too many people have been ripped off, in particular, by large retailers, when they have found that a gift card is not honoured by a retailer because of an unfair expiry period.

Moving to the more substantial and detailed part of the bill, many people have been burnt by the ticket sales industry. People are particularly keen to see the gift card issue dealt with but the issue of ticket sales requires more attention from the House. The bill seeks to address a series of issues such as the banning of bots. Bots are used, essentially, to game the system. They are used to purchase a large number of tickets and then to make those tickets available on a secondary sales site at an inflated price. This frustrates sports lovers and others who want to attend big sporting or music events. It is unfair that they have to pay inflated prices to those who are abusing the system. I support this bill and acknowledge that people in the industry support the idea of banning bots. How will the Government enforce these arrangements? Many of the secondary retail sites and the people who operate bots are based overseas.

It would be useful to have this legislation in order to take legal action to change this behaviour but first we must recognise the challenge that governments face in trying to reach into the opaque global world of online ticket purchasing and reselling to address this concern. Considering the amount of money that goes into events in this country and the size of the primary ticket-selling businesses, it is unbelievable that their information technology [IT] systems are so vulnerable. I have heard that as many as 40 per cent or 50 per cent of tickets are being picked up by bots. These companies need to invest in protecting their intellectual property, their property rights and the consumers who trust them. They need to do a better job of stopping these bots. It will be difficult for governments to pursue these businesses through the courts to achieve that outcome, but we support the bill and are interested to see the enforceability of those arrangements.

Price gouging is a contentious question and was discussed by the 2014 parliamentary inquiry into the Fair Trading Amendment (Ticket Reselling) Bill 2014. The inquiry did not recommend capping resale prices. We should be honest. This will destroy the business model of businesses such as Viagogo and Ticketmaster Resale. They will no longer be in the business of secondary ticket resale. There will either be no mark-up for them or it will come at the expense of the person who initially purchased the ticket forgoing some of the money paid in order to provide for the ticket reseller's profitability. In effect, this legislation will make eBay the dominant secondary ticket reseller, which is probably okay.

**The Hon. Walt Secord:** He is going to move an industry adjustment package for scalpers.

**Mr JUSTIN FIELD:** Probably not, but it is important for us to acknowledge the effect of this proposed legislation. There will be a primary market, but for people who are not scalpers or bot operators and who for whatever reason legitimately cannot attend the event but instead want to resell their ticket Gumtree and eBay will become the secondary market. We should be honest about this because recently there has been a lot of lobbying. We should stop pretending that this bill is not targeted at those big online secondary ticket sellers who are used to a large degree by scalpers and bot operators to sell off their tickets. This seems patently clear to me when reading the legislation and the discussion around it.

With regard to secondary market transparency, The Greens support having more information so that consumers who are buying tickets—primarily on eBay—will be provided with enough information for them to know what they are buying up-front. It is reasonable that the Government should be able to reach out to eBay when it sees that the system is not working and take steps to ensure that people are following the law. These transactions happen pretty quickly. We will need a few people working on it. The sentiment in this bill is that that

market will be small and limited to people who are legitimately trying to resell their tickets because they cannot use them, not because they have been scalping the market.

I have concerns about primary market transparency. We should be clearer about which events will require information to be published about the number of tickets that will be made available for sale. The bill allows for the Minister's discretion. I have spoken to the Minister about the Government's thoughts on these issues and I appreciate his time. This legislation could last beyond one government and it would be good for us to clarify the nature of events. Will this legislation apply only to grand finals or big music events? Let us be clear about it because the discretion sits with the Minister. This Government talks a lot about transparency, so clarity about this legislation would be a big selling point for it. Let us be transparent about which events will attract the focus of this legislation.

I will speak more in Committee about enforcement. As mentioned in the 2014 inquiry and in the contributions of *Choice* to a 2010 Federal discussion paper, there is concern about the value of the secondary market in ensuring that the primary market provides options for consumers. There are some questions about how this will work in practice, which is why The Greens support Labor's proposed amendments to look at this bill down the track. The Greens strongly support principles of consumer protection for those buying tickets to attend our major sporting, entertainment and cultural events, and in particular for changes to the expiry regime for gift cards, which will create much more fairness in the market for those who purchase tickets for events and for those who purchase gift cards for their families, friends and loved ones. The Greens support the bill.

**The Hon. MATTHEW MASON-COX (15:29):** This is a very good bill. I come from a background in which reforms like this are only brought in when there is market failure. This is a very clear case of market failure. Gift cards have been a perennial issue in Fair Trading. I acknowledge the wonderful officers of Fair Trading in the gallery. The issue of gift cards has been going on for years. It costs consumers in the order of \$60 million every year in lost gift cards. In the past we have brought in apps to remind people of when their gift card expiry date was coming up so they could be cognisant of these issues and spend the money before the gift card expired. That works up to a point, but the reality is that a lot of people are missing out.

The question was always going to be whether to extend the gift card expiry date from one year to two or three years or to have an unlimited expiry date as they do in other jurisdictions. Where should the balance lie? On reflection, the Minister has got the balance pretty right. Three years is certainly an extended time for consumers to have the opportunity to use a gift card. An unlimited expiry date for gift cards would have been taking it a step too far. Three years is about right. I congratulate the Minister and the hardworking staff of Fair Trading who take a lot of these complaints on their hotline.

Indeed those staff have solved a lot of these problems in the past by picking up the phone, talking to the retailer concerned, and saying, "We have a complaint about this gift card expiry date. Would you honour it anyway?" And 99 times out of 100 they do because, by and large, retailers want consumers to be happy. It is in their interests to ensure that consumers come back to their stores and support their businesses. When all is said and done, the money has been paid, so it is commonsense to honour the gift card beyond a year or whatever the expiry date might be, depending on the retail outlet. Extending it to three years gives everybody a fair chance to exercise their rights in that regard.

Ticket reselling was an issue in 2014. I think it started during the Hon. Anthony Roberts's time as Minister for Fair Trading. He brought forward a bill and we had a good look at it during my tenure as Minister for Fair Trading. The Hon. Adam Searle referred it to a committee and a very good report was written in that context in 2014. There were some issues then. It is interesting to reflect on the pace of technological change in this area and the bots that have come forth. The market at that stage was relatively immature. There was some hope that the secondary ticket market might drive down some of the exorbitant prices at the time, with more competition and more secondary ticket resellers coming in, but that has not been the case. Instead we have seen bots come into the market and take a big slice of very popular venue events and sell them at significantly increased prices on the secondary market. That is not in the interests of consumers.

There are some instances in the secondary market of mark-ups of more than 300 per cent, and Ticketmaster's website was hit by seven billion attacks by bots in the past financial year. Those sorts of figures show how out of control this market has become and indeed the penetration of the bots, which in some circumstances might take up 50 per cent of the available tickets and then look to resell them at an increased profit. Those sorts of things have pushed the hand of government to intervene in this regard. The Minister and the team at Fair Trading have got this right. It is certainly due. It is a very measured response. In due course we will see what happens with some of the issues raised by The Greens in particular about the impacts on the secondary market. Consumers need to be protected from a rampant secondary market. In the end, it will be interesting to see what happens to that secondary market. Obviously it is going to be severely affected, that is correct, but consumers who legitimately cannot make an event will resell their tickets on eBay at the ticket price plus 10 per cent, as

required under the legislation, and they will be legitimate resellers rather than people taking advantage by scalping tickets en masse, which unfortunately has become the status quo. This is a very balanced response by the Minister and I congratulate him for it. It is good reform and I am very proud to support it.

**Mr SCOT MacDONALD (15:35):** On behalf of the Hon. Sarah Mitchell: In reply: I thank the Hon. Peter Primrose, Reverend the Hon. Fred Nile, Mr Justin Field and the Hon. Matthew Mason-Cox for their contributions to the debate on the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017. With regard to the issue raised by the Hon. Peter Primrose about the secondary market, the bill does not address fraud, but fraud is already illegal and action can be taken against scalpers who defraud consumers. A ban on selling a ticket for more than 110 per cent of its original price should give people less incentive to commit fraud.

This bill is very different from the 2014 bill. It reacts to different circumstances. The New South Wales Government is aware that consumers in the secondary market need information. That is why the bill requires ticket resale advertisements to disclose information to consumers, including the original price and seating information. NSW Fair Trading and the Minister for Innovation and Better Regulation have also warned consumers about the dangers of buying from unauthorised sellers. The bill also requires disclosure of the number of tickets available to the public for events, subject to ministerial declaration.

As members have heard, the Fair Trading Amendment (Ticket Scalping) Bill 2017 will put consumers first and introduce measures to improve information transparency in the primary and secondary ticket markets; prevent price gouging by dishonest scalpers; and ban the use of bots to buy tickets in breach of a website's terms and conditions. Ordinary sports and live entertainment fans are finding it harder and harder to access tickets to see their favourite sports team play or a performance artist in concert. Often the only way they can access tickets is to pay exorbitant prices charged by scalpers in the resale market.

The Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017 will prohibit profiteering from the resale of sporting and entertainment event tickets. It will prohibit anyone from reselling a ticket to a New South Wales event for more than the original sale price or "face value" plus any transaction costs, capped at a maximum of 10 per cent of the original sale price. Such a measure will allow ordinary consumers to resell their tickets should they no longer be able to attend an event after purchasing tickets, and it will stop ticket scalpers from profiteering at the expense of ordinary fans.

Fans also should know what they are buying when they transact in the secondary market. For this reason, the bill increases the information that must be included when a ticket is being resold. For example, details of the ticket such as bay, seat and row numbers and the original sale prices are now required to be included. In an Australian first, the New South Wales Government will be cracking down on bots—security manipulation software that allows scalpers to buy tickets in unauthorised large quantities. The new laws will make it illegal to use a bot to cheat the system and purchase more tickets than the ticketing site allows.

Fans also should know how many tickets are available for sale to the public. The bill confers on the Minister a new power to require event organisers to publicly disclose the number of tickets available for sale. The power is intended to be used only for major events where it is in the public interest to disclose the number of tickets that are available. By improving the information available to consumers in both the resale and official ticket markets, the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017 will protect consumers and provide greater transparency.

The new bill also will have improved enforcement powers that provide parties with the ability to commence proceedings against people using software to circumvent website security mechanisms, reselling tickets above the 10 per cent cap, or hosting or publishing advertisements in breach of that cap. NSW Fair Trading also will have enforcement powers to stop ticket scalpers. If a prosecution is brought against scalpers for a breach of these provisions, the remedies under the Australian Consumer Law include injunctions, orders for compensation and adverse publicity orders. The bill also provides for substantial maximum penalties for breaches of the new anti-scalping laws, being a \$22,000 maximum fine for an individual, and a \$110,000 maximum fine for a corporation.

As members have heard, the Fair Trading Amendment (Gift Cards) Bill 2017 will put consumers first and set out provisions for gift cards to have a minimum gift card expiry period of three years and no post-purchase administrative fees. Consumers have been suffering a significant financial loss for quite some time, due to gift cards expiring with value left on them. A mandatory minimum period of three years will enable consumers to maximise the full value of a gift card, by allowing them sufficient time to redeem a card. Gift cards sold for a period shorter than the minimum expiry period will be void, and there are penalties for those who do not comply with the provisions. These provisions will enable New South Wales consumers to redeem the full value of a gift card with the certainty of the value remaining the same, as any post purchase administrative fee is prohibited during the three-year expiry period.

These reforms exclude certain gift cards, including gift cards issued in exchange for returning goods or services, prepaid internet or phone cards, cards issued by financial institutions such as debit, credit or travel cards, and cards offered as part of a customer loyalty program or promotion. These reforms will be the first of their kind in Australia, with New South Wales leading the way. It will put us in line with international jurisdictions that already have gift card regulations, allowing us to continue to thrive in a popular market whilst ensuring that consumers have strong protections. It is another example of the New South Wales Government putting consumers first. I commend the bill to the House.

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

**Motion agreed to.**

### **In Committee**

**The CHAIR (The Hon. Trevor Khan):** There being no objection I will deal with the bill as a whole. There are two sets of amendments: first, Opposition amendments on sheet C-2017-085A; secondly, Greens amendments on sheet C2017-090. We will proceed with the Opposition amendments first.

**The Hon. PETER PRIMROSE (15:43):** By leave: I move Opposition amendments Nos 1 and 2 on sheet C2017-085A in globo.

**No. 1 Commencement**

Page 2, clause 2, line 5. Omit all words on that line. Insert instead:

- (1) This Act commences on 1 December 2017, except as provided by subsection (2).
- (2) Schedule 1 commences on a day or days to be appointed by proclamation.

**No. 2 Statutory review**

Page 6, insert after line 42:

**58M Review of Part**

- (1) The Minister is to review this Part to determine whether the policy objectives of the Part remain valid and whether the terms of the Part remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 3 years from the day appointed by proclamation for the commencement of this Part or, if more than one day is appointed, the first of those days.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the review is completed.

Opposition amendment No. 1 can best be characterised as the "anti-Scrooge amendment". It calls upon gift card elements of the bill to be in place by 1 December this year, in time for Christmas. It is now the Government's decision as to whether or not this good reform, which the House has endorsed, will be available to consumers in time for Christmas this year. I certainly hope that in the best interests of consumers at that time of year the Government will not play Scrooge and will make this available. Amendment No. 2 calls for a statutory review of ticket scalping elements within three years. Effectively, in his reply, the Parliamentary Secretary on behalf of the Government said—I will paraphrase him—that this bill is different from the 2014 bill and responds to different circumstances. That was three years go. We are talking about different circumstances now.

The Opposition proposes that circumstances will continue to change and that in three years from now, given the massive and significant ongoing disruptions to markets, this will be a complex marketplace. We are uncertain of the impacts on consumers. We know that there is still a lack of transparency in the primary market and we need to see whether anything further can be done to address fraud and consumers being ripped off by things that we cannot now foresee being in the marketplace then. The Parliamentary Secretary indicated that we did not know back in 2014 what would happen in 2017.

**Mr SCOT MacDONALD (15:45):** I will deal with Opposition amendment No. 1 first. The Government will not support this amendment. The bill provides for commencement on proclamation, which gives the Government flexibility to consult with retailers, and especially small business, about when the reforms should commence. Small business will need some time to manage the operational impact of the reforms. Business will need time to reprint cards, adjust their online systems, redraw advertising material, revise staff training, review accounting ledgers and so on. Again, the Government is about putting consumers first and doing its best to bring the business community along with it on this important reform. Mandating a commencement date in the Act is not the most practical way to go about this reform. I assure the House that the Government will seek to have these reforms commence as soon as possible.

The Government will not support Opposition amendment No. 2. NSW Fair Trading handles around 50,000 consumer complaints every year, undertakes thousands of compliance and enforcement actions and maintains constant engagement with key stakeholders right across the consumer marketplace and in regulated industries. Fair Trading also actively engages and collaborates with all other consumer law regulators across Australia at State, Territory and Commonwealth levels. Put simply, Fair Trading has its fingers on the pulse and advises the Government accordingly. The effectiveness and relevance of all laws administered by Fair Trading are constantly being evaluated, and these new ticket scalping protections will be no exception. If there are indications that the new ticket scalping laws are not working as effectively as intended, the Government will not wait three years for a statutory review to commence. Instead, the Government will listen to consumers, industry and other experts.

**Mr JUSTIN FIELD (15:47):** The Greens support both of the amendments moved by Labor. It makes sense. The Government has been crowing publicly about the importance of reform to change the expiry regime for gift cards to three years. We know that \$60 million a year is spent on gift cards, and that between now and Christmas millions and millions of dollars worth of gift cards will be sold. We could assume that half of the annual loss would probably be experienced by people purchasing cards in that time. So consumers would be well served by the Government's fast-tracking the implementation of these changes. It makes sense to get the changes in place by 1 December to ensure that the many gift cards purchased before Christmas and offered as gifts will be subject to these reforms.

I note that a number of retailers already have open-ended gift cards, so it is clear that big retailers have the resources in place. The vast bulk of gift cards purchased by consumers would be from big retailers. With regard to the statutory review, we have heard, even from members of the Government, that there is some uncertainty about who will be impacted by this legislation—whether the bot tactics will work, whether the secondary market will be affected in the way I suggested in my speech during the second reading debate and how the 10 per cent cap works for the legitimate resellers. It makes sense to now put in place a review so there is some certainty that the review will take place, but that does not prevent the Government from initiating an earlier review if circumstances change. I do not think the Government advances a fair argument to oppose the amendments. The Greens will support the amendments.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Peter Primrose has moved Opposition amendment Nos 1 and 2 on sheet C2017-085A and has requested that the questions be put seriatim. The question is that Opposition amendment No. 1 on sheet C2017-085A be agreed to.

**Amendment negatived.**

**The CHAIR (The Hon. Trevor Khan):** The Hon. Peter Primrose has moved Opposition amendment No. 2 on sheet C2017-085A. The question is that Opposition No. 2 on sheet C2017-085A be agreed to.

**Amendment negatived.**

**Mr JUSTIN FIELD (15:50):** By leave: I move The Greens amendments Nos 1 to 4 on sheet C2017-090 in globo:

- |       |   |
|-------|---|
| No. 1 | <b>Gift cards</b><br>Page 8, Schedule 2.1 [1], proposed section 58N, line 25. Omit " <b>of less than 3 years</b> ".   |
| No. 2 | <b>Gift cards</b><br>Page 8, Schedule 2.1 [1], proposed section 58N (1), line 26. Insert "(other than a public company gift card)" after "gift card".   |
| No. 3 | <b>Gift cards</b><br>Page 8, Schedule 2.1 [1], proposed section 58N. Insert after line 28:<br><br><div style="margin-left: 40px;"> (2) A person must not sell to a consumer in New South Wales a public company gift card with any expiry date.<br/><br/> Maximum penalty: 50 penalty units.<br/><br/> (3) A <i>public company gift card</i> is a gift card that is redeemable for goods or services supplied by a public company or a subsidiary of a public company. </div> |
| No. 4 | <b>Gift cards</b><br>Page 8, Schedule 2.1 [1], proposed section 58N (4), line 37. Insert "(other than a public company gift card)" after "gift card".   |

The Greens' four amendments will do one simple thing—make gift cards that are issued by big retailers open-ended. The amendments will remove the provision of a limit of three years for public companies, which is

most of the big retailers. It is important to note that a number of retailers—Bunnings is a classic example—already have open-ended gift cards. As I stated during my second reading debate speech, gift cards should be treated as cash. Consumers hand over the cash to get the cards and they should be redeemed for that value. There is no reason the cards should expire. Big businesses have the capacity to implement regimes. As I mentioned, Bunnings is a classic example. There is no reason that that could not be extended. They merely extend the value that the Government has been championing in these reforms by ensuring that consumers are treated fairly in the purchase and honouring of gift cards. I commend the amendments to the Committee.

**Mr SCOT MacDONALD (15:51):** The Government will not support The Greens amendment Nos 1 to 4 on sheet C2017-090. The Government thanks Mr Justin Field for his interest in the bill. The amendments propose to eliminate expiry dates on gifts entirely. However, the Government remains committed to the bill in the form in which it was introduced. The bill gives certainty to businesses while giving a big win to consumers. This is nation-leading reform that has been supported by the consumer group Choice. The Government thinks it has the balance right between certainty for business and consumer protection rights. The Government rejects the public company amendment because it is unclear what a public company is. It is not clearly defined. It is not clear whether the amendment refers to a publicly listed company or to a public company within the meaning of the Corporations Act.

**The CHAIR (The Hon. Trevor Khan):** Mr Justin Field has moved The Greens amendments Nos 1 to 4 on sheet C2017-090 in globo. The question is that the amendments be agreed to.

**Amendments negatived.**

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

**Motion agreed to.**

**Mr SCOT MacDONALD:** On behalf of the Hon. Sarah Mitchell: 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**

**Mr SCOT MacDONALD:** On behalf of the Hon. Sarah Mitchell: I move:

That the report be adopted.

**Motion agreed to.**

#### **Third Reading**

**Mr SCOT MacDONALD:** On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a third time.

**Motion agreed to.**

### **HEALTH PRACTITIONER REGULATION AMENDMENT BILL 2017**

#### **Second Reading**

**Debate resumed from 11 October 2017.**

**The Hon. WALT SECORD (15:55):** As the shadow health Minister and Deputy Leader of the Opposition in the Legislative Council, I lead for Labor in debate on the Health Practitioner Regulation Amendment Bill 2017.

**The PRESIDENT:** Order! If members wish to have conversations, they should do so outside the Chamber. The Hon. Walt Secord has the right to be heard in silence.

**The Hon. WALT SECORD:** On that note, I report to the House the significant swing against The Nationals in the area of health at the recent by-election. There was a 40.8 per cent swing at the Deniliquin Dental Clinic against The Nationals.

**The Hon. Don Harwin:** Point of order: I almost think that the Hon. Walt Secord was inviting a point of order to take up time before question time. The bill relates to health practitioners.

**The PRESIDENT:** Order! The Hon. Walt Secord will resume his seat. If he does not I will call him to order.



**The Hon. Don Harwin:** The psephology of Deniliquin—which I know well, my parents having lived there—has absolutely nothing to do with the bill before the House.

**The Hon. WALT SECORD:** To the point of order: I beg to differ with the Minister. Dentistry has a good deal to do with the health and hospital system. The result in the Deniliquin Dental Clinic gives us a view of country families and how they feel about the health and hospital system in New South Wales, which is lurching from crisis to crisis.

**The PRESIDENT:** Order! The Hon. Walt Secord is making a debating point, not a point of order. The long title of the bill states:

An Act to amend the Health Practitioner Regulation (Adoption of National Law) Act 2009 consequential on changes made to the Health Practitioner Regulation National Law by the Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017 of Queensland; and for other purposes.

I find it incredibly difficult to see how the comments made by the Hon. Walt Secord are within the ambit of the long title of the bill.

**The Hon. WALT SECORD:** The long title of the bill is a bill for "An Act to amend the Health Practitioner Regulation (Adoption of National Law) Act 2009 consequential on changes made to the Health Practitioner Regulation National Law by the Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017 of Queensland; and for other purposes." As for the main objects of the bill, it recognises paramedicine as a registered health profession and sets up the Paramedicine Council of New South Wales which, together with the Health Care Complaints Commission, will hear complaints against registered paramedics. 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.

Second, the bill will allow national boards for each health profession to be consolidated so that a single national board may cover more than one health profession. Third, it will separate the single health profession of nursing and midwifery into two health professions. Fourth, it will enable a national board to obtain additional information from a health practitioner about the health practitioner's practice. Fifth, it will make it an offence to breach a prohibition order made in any jurisdiction. Finally, it will permit a New South Wales health professional council to review conditions imposed on a practitioner's registration in another jurisdiction, if the practitioner moves to New South Wales.

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

*Questions Without Notice*

**MURRAY AND COOTAMUNDRA BY-ELECTIONS**

**The Hon. ADAM SEARLE (16:00):** My question without notice is directed to Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, and Deputy Leader of the Government and Leader of The Nationals in this place. Will the Minister take responsibility for the massive swings away from his party that occurred at the weekend in Murray and Cootamundra and admit that they were due to his failure to properly investigate Murray-Darling water theft by northern irrigators?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:00):** I thank the member for a question that gives us an opportunity to reflect on the results of the by-elections in Cootamundra and Murray over the weekend.

**The PRESIDENT:** Order! The Hon. Walt Secord will not acknowledge interjections by the Hon. Dr Peter Phelps. If either member interjects again he will be called to order.

**The Hon. NIALL BLAIR:** I would love to take responsibility for the success of Austin Evans and Steph Cooke in being elected as members of Parliament, but that would mean I would be taking the credit for the victory which was a culmination of an enormous effort by many people intent on securing the seats of Cootamundra and Murray for The Nationals. I am proud of the efforts of all members on this side of the Chamber and our party organisation. I am sure those opposite—

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

**The Hon. NIALL BLAIR:** —put in a great deal of effort and money to try to win the seats, and I know that they would be disappointed with the return of investment that they made at the by-elections. They spent a bucketload of money that could have been better spent on their 2019 campaign. They spent a hell of a lot of

money to get a pretty poor result; their vote dropped although they spent a bucketload. Every one of the shadow Cabinet—

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

**The Hon. NIALL BLAIR:** The Labor Party spent a bucketload of money, rolled out all of their shadow Ministers, but their vote went backwards. The Nationals held the seats of Cootamundra and Murray, and the new members will continue to advocate on behalf of those communities. I will not take the credit for that success because many people contributed to the success of campaigns in those electorates. It was a worthwhile investment, which is more than the Labor Party can say. It spent a bucketload but went backwards. Those opposite, more than anyone else, should be worried about those results.

### STATE ELECTRICITY MARKET

**The Hon. SCOTT FARLOW (16:04):** My question is addressed to the Minister for Energy and Utilities. Will the Minister update the House on the status of competition in the New South Wales electricity market?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:04):** We need to make sure that competition works for consumers and that consumers benefit from new energy products and services. That is why we need to keep a close eye on markets to make sure that we are improving competition. We are aware of the difficulty facing consumers, and the Independent Pricing and Regulatory Tribunal [IPART], in its role as market monitor, has confirmed what we have been saying about price rises.

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

**The Hon. DON HARWIN:** Whilst the network component of bills has gone down, the wholesale component—the energy itself—has gone up. That is due to national factors that need national market reform. IPART has released its draft report on its annual review of the retail electricity market in New South Wales. It asks the question: Are those changes reflecting efficient costs in a competitive New South Wales electricity market? Competition in the market is growing, with 26 retailers now active as opposed to 15 in 2013-14, and more customers are switching away from the big three. One of the key findings made by IPART is that there are still a number of customers who could save. While electricity prices increased this year, customers on standing offers could still save up to 25 per cent by switching to a better deal. Standard offers are the legacy of old regulated tariffs, the sort liked by those opposite.

The savings that customers can make by switching to a better deal reflect the fact that competition works. The New South Wales Government's commitment to lowering network prices has helped. Compared to 2013-14, the average bill increase for residential customers in New South Wales is only 2 per cent. I am very disappointed that our good job on network costs has been undone by the national market failings. For residential customers, the network component of bills has fallen by as much as 33 per cent, or \$510 in Essential Energy's area. In addition to reporting on electricity prices, I also asked IPART to review gas price movements. Regional communities such as Queanbeyan are starting to see opportunities to save money by switching. IPART raised the need to help people shop around and look at consumer protections for those who onsold their power.

**The PRESIDENT:** Order! If my maths is correct, both the Hon. Penny Sharpe and the Hon. Mick Veitch have interjected nine times since they were called to order. I warn them that I will not tolerate any more interjections.

**The Hon. DON HARWIN:** I welcome this contribution, and we will examine it closely. I would encourage all New South Wales households and businesses to visit the free and independent *Energy Made Easy* website to compare energy offers. This report is a timely reminder of the benefits of competition and practical ways to improve it.

### STATE BY-ELECTIONS

**The Hon. WALT SECORD (16:08):** My question is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. Given that the Government presided over massive swings in the by-elections in Manly, North Shore, Gosford, Murray and Cootamundra, why does the Government believe that an advertising campaign promoting the "real Gladys" is the answer to problems in New South Wales?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:09):** It is very simple: there have been four by-elections this year and the result in all four of

them was the same. The Liberal-Nationals Government has held all four seats where there were vacancies. The runs are on the board; that is all that matters.

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

**The Hon. DON HARWIN:** By-elections can be tough for any government, but let us focus on what happened on Saturday, which the Deputy Leader of the Government made very clear in his earlier remarks. In Cootamundra, the Labor Party campaigned with its candidate and its vote went down. In Murray, the Labor Party campaigned, pushing a message and trying to push voters in a particular direction—

**The Hon. Walt Secord:** Point of order: My point of order is that the Leader of the Government is addressing the Government backbench. All questions and answers should be put through the Chair.

**The PRESIDENT:** It has been ruled on a number of occasions that the member speaking should address the Chair, but the member speaking is not required to actually look at the Chair. That is the past ruling of a number of Presidents. If I recall correctly, I have also ruled that way previously. The Leader of the Government has the call.

**The Hon. DON HARWIN:** As I was saying, the Labor Party campaigned in Murray and made suggestions to its voters as to how they should direct their preferences, and it was ignored. The result on the weekend was that the Labor Party's own voters rejected it. They swung against the Labor Party in Cootamundra; they ignored it in Murray. That is the take-out from the weekend.

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

**The Hon. DON HARWIN:** The Government has faced four difficult by-elections this year and it has won all four of them. The results are on the board and every member of the Government is absolutely delighted.

### GUN CRIME

**The Hon. ROBERT BORSACK (16:11):** My question is directed to the Minister representing the Minister for Police. Yesterday Federal Minister for Justice Michael Keenan announced that the Federal Government will introduce mandatory minimum sentences for illegal firearms trafficking. In making this announcement, Minister Keenan stated that a vote against mandatory minimum sentences for gun smugglers is a vote in support of more illegal guns on our streets. In light of yesterday's announcement, will the New South Wales Government support my bill calling for mandatory minimum sentences for gun crime?

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:12):** I thank the member for his question. I am happy to take the question on notice on behalf of the Minister for Police and return to the member with a detailed response.

### GONE FISHING DAY

**The Hon. RICK COLLESS (16:12):** My question is addressed to Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on the recent Gone Fishing Day?

**The Hon. Walt Secord:** Lismore, gone. Upper Hunter, gone. Fishing, gone.

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:13):** Fishing will never go in this State because it is a fantastic pastime. I am pleased to say that on Sunday 15 October the third annual Gone Fishing Day was held and has again proven to be very successful. Gone Fishing Day aims to encourage people of all ages, cultures and backgrounds to celebrate one of life's great pleasures: fishing. Whether from a beach or boat, out at sea, by a river or from a wharf or jetty, the experience of fishing can be enjoyed by everyone. This year the New South Wales Government joined with the national recreational fishing sector to deliver even more activities and information as part of Gone Fishing Day events across New South Wales. We also supported the day by waiving the usual requirement for fishers to carry a valid recreational fishing licence.

Through the Recreational Fishing Trust, the New South Wales Government sponsored more than 40 fishing clubs, from Evans Head to Eden and Broken Hill to Botany Bay, to deliver workshops and activities for local communities. This was a great boost for local fishing clubs. I am delighted to inform the House that New South Wales is the leading State in Australia when it comes to participation in national Gone Fishing Day. Whether you have never fished before or you are the keenest of anglers, Gone Fishing Day offers something for everyone. I thank the 80 or more staff of the NSW Department of Primary Industries [DPI] who so generously gave up their Sunday to help promote this wonderful and healthy sporting pastime. The DPI held free community

fishing events at Botany Bay, Coffs Harbour, Nelson Bay, Lake Illawarra, Albury and Inverell to mark the occasion and celebrate our love for recreational fishing in New South Wales.

More than 20,000 people attended one of the six events, and activities included how-to-fish workshops, casting competitions, fish cooking demonstrations, expert fishing tips, a boat safety stand and much more. There were also loads of kids' activities, but a particular highlight was an appearance from Snappy, the New South Wales crab mascot. Events like Gone Fishing Day are a wonderful opportunity for the NSW DPI to foster new and ongoing participation in the sport. Gone Fishing Day is also about supporting an industry that significantly benefits the entire State. Our State boasts some of the best recreational fishing spots in the country, and people of all ages are able to take advantage of them each and every day.

**The PRESIDENT:** Order! There are far too many conversations coming from all sides of the Chamber. The Minister should be heard in silence.

**The Hon. NIALL BLAIR:** One million people participate in recreational fishing across New South Wales every year, and that number continues to grow. The Government is committed to promoting the benefits of recreational fishing, which is highlighted by our continued rollout of artificial reefs along the New South Wales coast. We want to see people getting out and about, enjoying the natural beauty our State has to offer.

**The PRESIDENT:** I call Mr Jeremy Buckingham to order for the second time. I call the Hon. Shaoquett Moselmane to order for the second time.

**The Hon. NIALL BLAIR:** I seek an extension of one minute to conclude my answer.

**Leave not granted.**

**The Hon. NIALL BLAIR:** Supplementary questions can be asked as another way to obtain an extension. We want to see people getting out and about, enjoying the natural beauty of our State and, as I have said before, the many benefits that fishing has to offer.

**The Hon. RICK COLLESS (16:17):** I ask a supplementary question—

**The Hon. Lynda Voltz:** Point of order: Extensions of time can be sought only for elucidation of an answer. The Minister has stated that he is seeking a supplementary question to extend his time.

**The PRESIDENT:** I note that, but the Hon. Rick Colless was simply seeking to ask a supplementary question; he did not have an opportunity to ask it. Previous Presidents—including the Hon. Don Harwin, if my recollection is correct—have noted that supplementary questions are not provided to Government members unless there has been extensive interjection by other members of the House. The fact that I have called three members to order for a second time is evidence of extensive interjection. I will allow a supplementary question.

**The Hon. Niall Blair:** Point of order: My point of order, before the member asks his supplementary question, is that when a point of order is taken during question time the clock is not stopped. That can chew up a lot of question time—time that is allocated to all sides of this Chamber. In my previous answer that there was a lot of interruption. As a result, unfortunately, the President had to call a number of members to order. The clock was not stopped during that time. Rather than seeking a supplementary question with an extra two minutes of time allowed for the answer, I sought an extension of one minute to conclude my answer. As calling members to order takes up time, I ask the President to consider stopping the clock to avoid the Government taking a supplementary question to conclude an answer.

**The Hon. Adam Searle:** To the point of order. The Minister was engaging in a debating point. That is not a point of order.

**The PRESIDENT:** I will reserve my decision on this matter. As I indicated earlier, I will not permit Government members to ask a supplementary question unless there has been extensive interjection and interruption. The granting of a supplementary question will give the Minister another two minutes. I will reserve my decision on the matters raised. I will not take up any more time in question time.

**The Hon. RICK COLLESS:** I ask a supplementary question. Will the Minister elucidate his answer in relation to Gone Fishing Day?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:20):** As I have said before in the House, fishing has many benefits that go beyond catching fish. It is all about spending time with people, especially loved ones, away from the usual distractions. As one of the State's most popular recreational activities—one I personally enjoy as well—it was fantastic to see such a positive response to Gone Fishing Day and I look forward to supporting this event again in the future.

### COAL-FIRED POWER STATIONS

**The Hon. ROBERT BROWN (16:20):** My question is directed to the Minister for Energy and Utilities. Given today's revelation that the Federal Government will support the construction of high efficiency, low emission [HELE] coal-fired power stations to underscore the supply of reliable base load power for consumers, will the Minister outline what steps the New South Wales Government will take to ensure that any new HELE coal-fired power stations are constructed in New South Wales?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:21):** For those members of the House who do not know what the acronym HELE stands for, it is high efficiency, low emission coal generation. It is a broad term that covers a number of coal-generation technologies that have lower carbon emissions. For those interested in the technicalities, according to recent studies this is around 0.7 tonnes of carbon dioxide equivalent per megawatt hour. It compares with the current New South Wales coal-fired power generation fleet where, generally speaking, they have around one tonne of carbon dioxide equivalent per megawatt hour.

As the honourable member indicated in his question, today in Canberra there have been announcements by the Prime Minister, the Minister for the Environment and Energy, along with Dr Schott the Energy Security Board, Mr Pierce from the Australian Energy Market Commission [AEMC], Ms Zibelman from the Australian Energy Market Operator [AEMO] and Ms Conboy from the Australian Energy Regulator [AER]. They have reported to the Minister with advice in relation to retailer reliability, emissions guarantees and affordability. They specifically were requested to provide—

**The PRESIDENT:** Order! This is the last warning to the Hon. Penny Sharpe.

**The Hon. DON HARWIN:** —advice on the changes needed to the national electricity market and legislative framework to ensure that the system provides reliable, secure and affordable electricity. Their attention was directed to three specific issues: first, that the reliability of the system be maintained; secondly, that the emissions reductions that we have under our international obligations were able to be achieved; and finally and most importantly of all, that the above objectives were able to be met at the lowest overall costs.

The Federal Government, the State Government and most of all the Australian people want to see downward pressure on electricity prices. That is the context in which the Hon. Robert Brown asked his question. The Federal Minister for the Environment and Energy, the Hon. Josh Frydenberg, has written to me. The Council of Australian Governments [COAG] Energy Council will convene in approximately 65 minutes. We hope we will receive a more detailed briefing than the material we have already received from him. At first glance the detail includes two obligations on our existing market framework: one on reliable or dispatchable power, and one on reducing emissions in line with our Paris commitments.

**The Hon. ROBERT BROWN (16:25):** I ask a supplementary question. Will the Minister elucidate his answer in relation to the intentions of the New South Wales Government?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:25):** It appears to meet some of our principal objectives with the integration of our climate and energy policy, which is one of the key aspects of the submission we put to the Finkel review earlier this year. It proposes that energy companies provide this through their normal contracting processes. So far in the material that I have received from the Federal Minister—including copies of the fairly detailed advice that he was given by the chair of the Energy Security Board, Kerry Schott—there seems to be no mention of detailed plans on a new supercritical coal-fired power station.

This is something that I have spoken about in answer to questions asked by the member's colleague, the Hon. Robert Borsak. I indicated then, and it reflects also the view of the Federal Government, that we take a technology neutral point of view of our energy needs. New South Wales' strength has always been that it has a mix of energy options. We do not rule anything out, other than where it is ruled out legislatively, such as nuclear power. We see things in a particular way. We do not intend doing it ourselves but we are not going to place any barriers in the way of any private sector proponent who wants to come to us with a proposal. The important thing is that they will need to take account of what is now being proposed by the Federal Government. [*Time expired.*]

### BROKEN HILL WATER PIPELINE

**The Hon. PENNY SHARPE (16:27):** My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given the Minister has committed to building the 270 kilometre Broken Hill pipeline, why has WaterNSW failed to publish the review of environmental factors or an environmental impact statement prior to proceeding with this project?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:28):** As members would know, we are in the market for a suitable proponent to partner with these entities to construct the pipeline. We have had a lot of discussion from those opposite about releasing information, including business cases, and I have said that while we are out in the market we will not be releasing that information. I am happy to take the question on notice as it does not directly relate to the business case but relates to the environmental impact reports and statements. I make the point that we are not at the construction stage today. We are still waiting for the final determination of the successful tenderer on this project. I will take that part of the question on notice.

While I am seeking that answer, perhaps members of the Labor Party can work out whether they support the pipeline and introduce some consistency to their messaging. One of them says the party will not decommission it and another says perhaps it should be halted. Commentary like that puts that community's long-term viability at risk and it is why the Government said it would stand by the community. It is also why in 2007 when members opposite were looking at building a pipeline they walked away when it rained. This Government will not do that. Not only did it come up with a solution but it also examined a range of other proposals.

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

**The Hon. NIALL BLAIR:** This Government did not simply talk about the project, it also funded it. Members opposite never do that. In fact, they stood in the way of the Government providing funds for the project. We did not stop with Broken Hill. We also said that we would put \$1 billion into water infrastructure across regional New South Wales. The Government has set aside an envelope to go to the market, but any dollar under that envelope will be kept by the Safe and Secure Water Program to be rolled out to other communities that need infrastructure. That is the difference between what this Government offers and what the lazy Opposition offers.

Members opposite cannot send a consistent message and they do not know whether they support or oppose the project. They continue to play with the lives of people who deserve a safe and secure water supply. They play politics with industries in these communities and with the tourist economies that are essential to them. That is the difference between this Government and members opposite. This project will be built and it will deliver value for money for the taxpayers of New South Wales. More importantly, it will provide a safe and secure future for the people of Broken Hill.

#### CHILDCARE SERVICES

**The Hon. DAVID CLARKE (16:32):** I address my question to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. How is the Government providing working families in Penrith and other communities across New South Wales with more flexible childcare options?

**The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:32):** As members opposite know, every family has different childcare needs and often they can be stressful to coordinate. That is why I am proud that this Government is providing families across New South Wales with flexible and diverse childcare options to accommodate their busy, ever-changing lifestyles. In 2015 the Government established the \$20 million Before and After School Care Fund to provide new out-of-school hours care services in government and non-government primary schools. The fund continues to reap benefits across the State. Payments have been approved for the following schools either to establish a before- and after-school-care service or to expand their current service: Green Point Christian College in Terrigal; Lake Cathie Public School in Port Macquarie; Macquarie Anglican Grammar School in Dubbo; Our Lady of the Rosary Catholic School in Ku-ring-gai—

**The Hon. Walt Secord:** Point of order: My point of order relates to relevance. The question specifically referred to Penrith. The Minister is referring to a number of different communities and has not mentioned Penrith once.

**The Hon. Sarah Mitchell:** To the point of order: The question clearly asked how the Government is providing working families in Penrith and other communities across New South Wales with flexible childcare options.

**The Hon. Walt Secord:** To the point of order—

**The PRESIDENT:** Order! I remind the Hon. Walt Secord that he is already on one call to order. Does the member wish to make a debating point?

**The Hon. Walt Secord:** I would like to clarify my point. The question did not refer to other communities. There is a discrepancy between the question asked and the Minister's copy of the Dorothy Dixier.

**The PRESIDENT:** Order! I will give the honourable member the benefit of the doubt because the Chair is required to accept what is being said by a member at the time. I will examine *Hansard* later this evening and give my ruling tomorrow.

**The Hon. SARAH MITCHELL:** I have missed a couple of the Labor electorates that I have on my list. Last month, with the great local member, Stuart Ayres, I had the pleasure of visiting Samuel Terry Public School and Kingswood Park Public School in the electorate of Penrith to announce the schools' successful Before and After School Care Fund applications. Kingswood Park Public School's before- and after-school-care service will cater for 50 children and is due to open this month. Samuel Terry Public School's service is expected to open in late January 2018 and will offer care to approximately 130 students. It was great to visit these schools and to speak to the principals, the staff, the students, and the parents and citizens groups—the mums and dads and other family members—about what the establishment of a before- and after-school-care service would mean for them. Many people in the Penrith area commute to work and childcare services are essential to them. This Government is supporting those families by providing those services.

I commend the schools I have mentioned for being proactive and for applying for funding. I will continue to encourage schools, community groups and not-for-profit services to engage with the Department of Education to work out suitable funding solutions to provide as much support as possible to parents in their area. Nearly 1,000 services across New South Wales host out-of-school-hours care facilities. The Before and After School Care Fund was introduced in 2015, with the first phase established to support the creation of new before- and after-school-care services located in schools across New South Wales through the provision of \$20,000 to successful applicants.

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

**The Hon. SARAH MITCHELL:** The second phase of the grant application process was commenced in February 2016, with eligibility expanded to include schools without an out-of-school-hours service, schools with existing services wishing to increase the number of places offered, and local councils in areas with unmet demand for before- and after-school care. The grant was also increased to \$30,000. Following feedback from the sector, the Government expanded the eligibility criteria again to allow for applications from not-for-profit services operating on sites other than at schools or local councils.

This Government works with communities that have unique before- and after-school care demands to come up with appropriate solutions. I know every community has different needs, which is why the grants can be used for site modification and fit-outs, project management such as tendering or regulatory processes, or to pay for necessary equipment to support the new out-of-school-hours care places. It is important that grants received under the fund can be used flexibly to meet those needs. Feedback from the sector on this funding program is crucial. I look forward to visiting more services as I travel across the State to see how they are using the funding and how the Government can continue to work with them to improve childcare options for families.

#### CLEAN ENERGY TARGET

**Mr JEREMY BUCKINGHAM (16:37):** I direct my question to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given that the Federal Government today abandoned the Clean Energy Target, will the New South Wales Government now commit to working constructively with other States and Territories to implement a State-led clean energy target, or will voters have to kick out this Government as well as the Turnbull Government to get a sensible energy policy and real action on climate change?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:38):** We will certainly not need to do that. The New South Wales Government's view has always been that we need a consistent and integrated approach to climate and energy policy in Australia. The Commonwealth Government's announcement today about the implementation of a national reliability and emissions guarantee is welcomed. This Government has strongly argued for reform of this national market and for certainty for investors.

As I outlined in my previous answer to the Hon. Robert Brown, we expect to hear further details of the Commonwealth's proposal at a meeting by teleconference in the COAG Energy Council in about 50 minutes. I can provide the House with more information as well. The Commonwealth's proposal would require energy retailers to buy a minimum amount of dispatchable power such as gas, hydro or battery storage power to ensure the reliability of the system. It will require energy retailers to meet emissions limits in line with our international obligations.

**The PRESIDENT:** Order! I remind Mr Buckingham that he is on two calls to order. I am sure he wants to stay in the Chamber at least until the conclusion of the Minister's answer.

**The Hon. DON HARWIN:** The proposal effectively creates energy reliability and energy emissions quotas for all energy retailers. While it is different from the clean energy target proposal, it seeks to achieve the same objectives in supporting a clean energy supply. We need policy certainty to ensure a smooth energy market transition and we need it for investment to replace ageing generation assets in Australia. I am concerned about the impacts of uncertainty on electricity prices, which are documented. Uncertainty hinders the ability of companies to plan and hinders the long-term investment required to put downward pressure on prices. We are keen to see a return of investment that can not only secure that downward pressure but also secure energy supplies.

We have always said that all options should be on the table, so we will consider this option that the Commonwealth has advanced on the basis of advice from the Energy Security Board, a body that was partially set up by this Government. We will carefully consider its advice, which is the basis of what the Commonwealth has advised today. Out of all the States and Territories, New South Wales has been the most consistent in supporting national market reform to fix our broken national market. We welcome the Commonwealth's proposal as a way to integrate climate and energy policy. We also welcome that its proposal allows the private sector to decide how to invest and what to invest in. It seeks to provide the private sector with certainty so that it can invest. I will have more to say when we have considered its proposal in more detail.

**Mr JEREMY BUCKINGHAM (16:42):** I ask a supplementary question. Will the Minister elucidate the proposition in his answer and within the Energy Security Board [ESB] proposal forwarded to the Federal Government that the States, through the COAG Energy Council, would be responsible for implementing this proposal through an agreement at COAG?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:42):** I am happy to deal with that aspect of the proposal. That is what has been proposed by the Commonwealth, based on the advice of the Energy Security Board. I have no doubt the Federal Minister for the Environment and Energy plans to outline at the COAG Energy Council teleconference, which will happen in 45 minutes, how that will roll out. The member must understand that the COAG Energy Council administers the National Electricity Market for the east coast, which includes all the States on the east coast as well as Tasmania and South Australia. The Prime Minister and the Minister for the Environment and Energy, Mr Frydenberg, have already commented publicly that the COAG Energy Council will discuss the implementation of the proposal that they put on the table today as an agenda item at its scheduled November meeting. That is what is being proposed. The member does not appear to understand how the COAG Energy Council or the National Electricity Market is administered. This proposal is interesting. I look forward to looking at it more closely and in greater detail.

#### **BROKEN HILL WATER PIPELINE**

**The Hon. MICK VEITCH (16:44):** My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given the Minister's direction to WaterNSW under section 20P (3) (b) of the State Owned Corporations Act 1989 to build the Broken Hill pipeline, will he confirm whether the board of WaterNSW has advised him that construction would not be in its financial interest and that it would undertake construction only if forced to do so by a ministerial direction?

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:45):** I am happy to take the honourable member's question on notice.

**The Hon. Walt Secord:** Ha-ha.

**The Hon. NIAL BLAIR:** Or I could stand up and not answer the question. Would the Hon. Walt Secord prefer that?

**The Hon. Walt Secord:** You have said a lot with that answer.

**The PRESIDENT:** Order! The Hon. Walt Secord will stop interjecting with sounds. I remind the Minister that he should not respond to interjections.

**The Hon. NIAL BLAIR:** As the question not only asked about actions that I may have taken but also sought a response on some of the decisions, actions or views of WaterNSW, I am happy to take the question on notice and refer it to WaterNSW so that it has the opportunity to provide more information in a detailed response.

#### **WIND FARMS**

**The Hon. BEN FRANKLIN (16:46):** My question is addressed to the Minister for Energy and Utilities. Will the Minister update the House on the pipeline of wind farm projects in New South Wales?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:46):** The Government remains committed to providing a diverse, secure, affordable and clean energy mix for the households and businesses of New South Wales. Bringing on new energy sources and providing



a balanced generation mix is important, and wind energy is a key part of that mix. In the future, windy days will fuel pumped hydro systems and batteries that will store energy for when it is needed most. New South Wales has excellent wind resources, but projects must strike the right balance and benefit local communities. Wind farms drive jobs and growth in regional New South Wales. They offer farming communities new income streams. For many farmers, they are a part of droughtproofing.

The industry has developed in sophistication. This has improved some relationships with landholders and led to proposals that share more benefits with local communities. That is why last year the Government released a new planning framework for wind energy to provide greater transparency for industry and community. I am glad to inform the House that eight major wind farms operate in New South Wales with a total capacity of around 650 megawatts. In 2016 these wind farms contributed almost 3 per cent of the State's electricity. The importance of clean energy to our energy security was made clear during the heatwave earlier this year. Wind farms provided 27 per cent of New South Wales's total energy generation at peak demand at 5.00 p.m. on 10 February. These four projects, located in Inverell, Silvertown, Glen Innes and Wellington, represent more than \$1.5 billion in investment for New South Wales and more than 750 construction and operational jobs.

The growing sophistication of the wind sector has seen a warm embrace of projects in northern New South Wales communities. Our huge pipeline of wind projects approved or in the planning system amounts to a staggering 5,700 megawatts and more than \$7 billion of potential investment. If realised, these could deliver enough clean energy to power more than 2.7 million households. We welcome the jobs and energy from this huge pipeline of projects. There is no doubt that this is something that is part of the strength of the energy mix we have in New South Wales and a growing part. I thank the Hon. Ben Franklin, who serves as the Parliamentary Secretary for Renewable Energy, for his strong advocacy for the sector. It will pay huge dividends for New South Wales in the future.

#### F6 EXTENSION

**Dr MEHREEN FARUQI (16:50):** 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. Is it true that the New South Wales Cabinet directed senior Transport for NSW officers and planners to consider only road-based options in the strategic, preliminary and final business case for the F6 extension? If not, were rail-based solutions considered?

**The Hon. Dr Peter Phelps:** Point of order: Given that the member has asked whether Cabinet has done something, that would seem to be asking the Minister to violate Cabinet in confidence. Therefore she should reword her question so that it becomes a ministerial directive and does not put the Minister in the invidious position of having to breach Cabinet in confidence.

**The PRESIDENT:** Order! I thank the Hon. Dr Peter Phelps for his point of order. The member is entitled to ask the question the way it was asked. It is for the Minister to determine how he wishes to answer it. I am certain the Minister is well aware of obligations to not breach matters that are Cabinet in confidence.

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:52):** There is no direction from the Government to not consider rail upgrades for the Sutherland Shire and the Illawarra. It is simply wrong to suggest otherwise. In fact, Sydney's Rail Future specifically indicates the need to investigate upgrades along the Illawarra line—work that I am advised by Transport for NSW actually has been progressing. So it is just wrong to say otherwise. The F6 project is an excellent project. Although I will no longer be a direct beneficiary of the F6 project, because I no longer live on the South Coast, I know all members of the community—perhaps it is a bit of a sweeping statement to say "all members of the community"; I suppose some of them vote for Dr Mehreen Faruqi's party and might be perfectly happy to sit in traffic—on the South Coast, in the Illawarra and also in the Sutherland shire overwhelmingly support it. As you would know, Mr President, as a long-term resident of the St George area, there is strong support for the F6 in the St George area—very strong support.

The F6 extension was identified in the NSW Long Term Transport Master Plan and the State Infrastructure Strategy as one of the future strategic priorities for Sydney's road network. The corridor has long been publicly identified and held as a future road corridor, so it makes sense that we analyse its potential use as a road in detail, as the community would expect. A major road is a substantial undertaking and investment but one that can deliver significant benefits to the community. Any major project, road or rail, to receive funding is assessed extensively and a rigorous assurance process applied to ensure it is value for money and delivers benefits for the public.

This year the Government is investing \$1 billion a month on transport and infrastructure. It may not fit the narrative of Dr Mehreen Faruqi or her party, The Greens, but it is roughly 50:50 with roads on the one hand

and public transport on the other. Opportunities for public transport improvements across New South Wales, including the Illawarra region, will be considered as part of the Government's Future Transport Strategy, which is a new approach to transport planning to meet the demands of the predicted population growth in New South Wales. The Government will seek consultation from the community and industry for input into the strategy this year. It only remains for me to say that today the Minister—our former colleague and now member for Oxley, the Hon. Melinda Pavey—along with the Premier made some very welcome announcements about the next stage of the F6— *[Time expired.]*

#### **MINISTER FOR PRIMARY INDUSTRIES MINISTERIAL DISCLOSURE REQUIREMENTS**

**The Hon. DANIEL MOOKHEY (16:57):** My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given his ministerial diary disclosure does not reveal those who attended the Moree Chinese restaurant dinner on 29 October 2015, but he admitted in budget estimates that cotton irrigator Peter Harris was there, will he now list those who attended and confirm whether Mr Ian Cole and Mr Anthony Barlow were also present?

**The Hon. Dr Peter Phelps:** Labor Right talking about Chinese dinners—what a hide.

**The PRESIDENT:** Order! Government members will cease interjecting. The Minister was asked the question and the Minister will answer the question, not Government members.

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:57):** I comply with all of the requirements in relation to my diary and disclosure. I will not take any advice from those who refuse to do so themselves. Until you guys come clean and tell me who you break bread with and what you talk about then you can read about mine. None of you are showing yours. You all have plenty to hide. You are off the track record. Some of you are only in this House because you came in on the coat-tails of those who have been found to be absolutely at fault.

**The Hon. Walt Secord:** Point of order: The Harwin-Nile Government.

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

**The Hon. Walt Secord:** My point of order goes to—

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

**The Hon. NIALL BLAIR:** As I have said, I have complied with all requirements relating to my diary exposure. If those opposite want to start talking about transparency they should stump up and say who it is with whom they meet. They should also put that on the public record. What are we to infer if those opposite meet in secret with people and then turn up in this House and pretend to be almighty. We have those diary disclosures because of the failure of members opposite when they were in government.

**The Hon. Scott Farlow:** Point of order: Opposition members were reminded to be courteous and to listen to the Minister in silence but they have continued to interject. They should be called to order.

**The PRESIDENT:** I uphold the point of order. I am not keen on calling anyone to order for the third time during question time, which would result in their leaving the Chamber for only 10 seconds as question time has almost concluded. Once question time has concluded and I call them to order for the third time they probably will be asked to leave until the dinner break. I remind all members who are on two calls to order that that may well happen.

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

#### **BROKEN HILL WATER PIPELINE**

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (17:01):** Earlier in question time I was asked by the Hon. Penny Sharpe whether WaterNSW would publish the review of environmental factors for the Murray River to Broken Hill pipeline. I advise the House that WaterNSW completed a review of environmental factors for the Murray River to Broken Hill pipeline as required under the Environmental Planning and Assessment Act 1979. This legislation is in place to ensure environmental factors are identified when infrastructure projects are delivered in New South Wales. The review did not identify any significant environmental factors, largely because the proposed pipeline route follows the existing Silver City Highway. I am advised there is no requirement for public release under legislation. However, staff from my office have spoken to WaterNSW and it has agreed to make this available to the public via its website at the appropriate time.

*Deferred Answers***ESSENTIAL ENERGY DEPOT CLOSURES**

In reply to **the Hon. ROBERT BROWN** (12 September 2017).

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

Essential Energy has taken a decision to close a number of small rural depots within reasonable travelling distance from nearby larger towns.

The staff will be transferred to these larger depots, and I am advised that there will be no impact on the provision of emergency services.

These changes are important to keep power prices down without compromising safety and reliability.

The local emergency call-out arrangements will continue with the same staff on after hours call-out from their homes with their vehicles. Essential Energy advises that for an emergency during working hours the nearest available staff will be dispatched.

In relation to the proposed mine near Fifield, the project is in early stages and responsibility for construction, ownership and long-term maintenance of any associated high voltage connection infrastructure is yet to be determined.

**POLICE LOCAL AREA COMMAND AMALGAMATIONS**

In reply to **the Hon. ROBERT BORSACK** (12 September 2017).

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

The NSW Police Force [NSWPF] re-engineering reforms, which include a new position of Deputy Commissioner for Regional NSW, will allow a more tailored focus on regional communities. This process will provide the NSWPF with more flexibility to adapt policing techniques and resources to each community in response to its own challenges, rather than a "one size fits all" approach.

There will be no reduction in frontline policing. The process of re-engineering the force is about having frontline officers where and when they are needed and in the numbers required. It is about giving the people of New South Wales a police force that is flexible, nimble, well-resourced and best placed to address current and future policing needs.

Re-engineering the force will put more police on the ground, especially in regional communities.

**WHISTLEBLOWER PROTECTION**

In reply to **the Hon. MICK VEITCH** (12 September 2017).

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

The Public Interest Disclosure Act offers protections for public officials to make a report to a public or investigative authority, such as the Ombudsman or ICAC.

All staff offering information to the Matthews' inquiry have been, and will continue to be, advised that if they would prefer to make statements in line with the Public Interest Disclosure Act they will be given the opportunity to do so.

A public interest disclosure submission will be accepted if information provided shows an honest belief, based on reasonable grounds, that corrupt behaviour or misconduct has occurred.

Public interest disclosure submissions can be assessed by a department senior executive, the Ombudsman or ICAC.

*Committees***COMMITTEE ON CHILDREN AND YOUNG PEOPLE****Report: 2017 Review of the Annual Reports of the Advocate for Children and Young People and the Children's Guardian**

**The Hon. NATASHA MACLAREN-JONES:** I move:

That the resumption of the debate on this report be postponed until a later hour.

**Motion agreed to.**

**PORTFOLIO COMMITTEE NO. 3 – EDUCATION****Report: Education of Students with a Disability or Special Needs in New South Wales**

**Debate resumed from 10 October 2017.**

**The Hon. PAUL GREEN (17:04):** The Christian Democratic Party believes that every child in New South Wales has the legal right to access and participate in education, regardless of disability or special

needs, whether that child is in a public system or a faith system or is being schooled at home or through distance or isolated learning. We believe that children are our future, and we must fully empower the younger generation with the highest quality education, syllabuses and further training. Having participated in the inquiry into homeschooling I cannot understand why the Department of Education would want to lessen the opportunities for those who have chosen to put their kids through home schooling, given that a lot of the kids being homeschooled are special needs children. The good thing about homeschooling is that the learning process can be tailored to suit the needs of students. It is a special part of the education system.

Mr David Roy, a University of Newcastle lecturer in education was so concerned about the treatment of special needs and disabled students in schools that he called for this inquiry and for equitable access to resources for students with a disability or special needs in regional and metropolitan areas. Mr Roy also called for complaint and review mechanisms within school systems in New South Wales for parents and carers. Mr Roy brought a group of people to Parliament. We met with them in a roundtable discussion along with members of the Opposition and Mr David Shoebridge. Mr John Hatton, a former Independent member of the Legislative Assembly, was so concerned about the way that information was given to us about what was happening to special needs children in the public system that he put his full weight behind ensuring there was an inquiry into the matter.

The Christian Democratic Party was able to negotiate with The Greens and the Opposition to hold an inquiry into this matter and to hold the Government to account. I am speaking not only about the Government. Not just people at the top levels are having trouble trying to work through the system to find out who is doing what to different students; schools, principals and teachers are also having trouble. Some teachers are so stressed, overloaded and worn out from having special needs children in their classes on top of all the other pressures that come with teaching that they experience the perfect storm—something to which they should not be subjected. Teachers have to manage their classrooms and special needs children. If a school is understaffed a teacher might find it difficult to cope, which results in severe problems for the class and the school.

There is no doubt that the special carers who go into the classrooms with children who have special needs are welcomed. Schools should have carers to assist teachers so that classrooms with special needs children or children with disability are not left short. Teachers should not be blamed if things go wrong as there is a lot of pressure on them to perform. A child who is not able to engage because of behavioural problems creates even more stress for the teacher. Not even the best psychologists can handle those children on a bad day. It is really testing for teachers who have a child with a behavioural problem and who needs attention. Even the best mental healthcare professionals know that it is a tough day when dealing with that type of situation and a classroom of up to 30 children.

One of the best alternatives to classroom education is homeschooling, which is increasing in its take-up rate. Advocacy groups say that homeschooling is the best solution for children with special needs and disabled students who find traditional schools do not meet their needs. The Government and its advisory bodies, such as the Board of Studies Teaching and Educational Standards [BOSTES], should closely examine the possibility of directing funds towards a centre of excellence to deal with issues of behavioural problems in classrooms and seriously consider homeschooling as an alternative. A large proportion of the parents who undertake homeschooling have special needs children. Why should those parents not have the opportunity to obtain training and assistance funded by the Department of Education, given that the cost of educating one school-age student without disability in a public school for one year is between \$12,000 and \$14,000?

Up to 90 per cent of homeschooling is provided by the disabled child's mother or adult female carer. Parents of school-age children, who are disabled or have special needs and who are educated outside the public education system, receive not a cent from the education department despite homeschooling saving the State approximately \$14,000 a year per child. I acknowledge that the Government funds rural and remote education programs to improve learning for students who suffer disadvantages because of the tyranny of distance. The Government should allocate a portion of the millions of dollars that homeschooling saves the State to establishing a centre of excellence to study homeschooling and distance education. By establishing a centre of excellence, the Government will far more effectively contribute to the creation of opportunities that parents of disabled schoolchildren are endeavouring to provide through homeschooling.

Disabled children and children with special needs need their time frame to be the time frame for learning, not a curriculum or school's time frame. Children learning at different paces makes classroom teaching very complicated. Harmonising student progress requires classroom teachers to keep students who learn at a slower pace on song with the set curriculum. The inquiry found that many parents choose home education because schools do not adequately cater to their children's needs. Karleen Gribble, who is a disability spokeswoman for the Home Education Association, said that the medical conditions of children who are homeschooled often improve after home education is begun. She said that it is extremely common for children who had been prescribed medications

for psychological or behavioural issues to be able to eliminate or reduce their medication. I wholeheartedly agree with the comments of the chair of the committee, the Hon. Lou Amato, who stated in the report:

... we believe there is a clear need to align policy with practice as barriers to accessing quality education for some students with disabilities are having a profound and lasting impact on their lives and the lives of their families.

In 2014 during a committee inquiry, the late Dr John Kaye and I took a keen interest in the closure of small schools across the State. We ensured that the Martins Creek Public School remained open to allow a special needs student to finish his education in a caring and supportive learning environment that specialised in the education of children with disabilities. It was a classic case of the public school system accommodating the needs of a disabled child. I spent two years examining the issue and a lot of political capital was involved in keeping open a school attended by six children. One of the students at that school had multiple and complex physical and intellectual issues. His world would have been destroyed if he had been transferred from a small school to a mainstream public school.

The transfer would have interfered with his transport arrangements and he would have had to cope with a different environment. If that child had had a problem with continence at a mainstream school, other schoolchildren would have laughed at him. In contrast to that, the small school with six students was his safe zone in which he was thriving and progressing. The Government virtually overturned the decision of the former Nationals Minister for Education, Adrian Piccoli, to close the school. The school will remain open to enable that student to cope with his most vulnerable years. Even taking into account the great challenges of educating a disabled student, it is of great concern to me that the inquiry revealed a lack of compassion and mercy in the Department of Education for children with disability. I call on the Premier and the Minister for Education to insist on protection of our most vulnerable children in New South Wales schools as a priority. I commend the report to the House and warn against short-changing our children. They are worth the investment.

**The Hon. Dr PETER PHELPS (17:15):** I commend the report to the House. I commend the committee on a most excellent report on the education of students with disabilities and special needs in New South Wales. It is not good enough to have special needs and disability requirements applying throughout primary school education, only for them to end when a student enters high school. Similarly, it is not good enough for the requirements to apply to students only throughout high school years and conclude at the end of high school. We have a responsibility for primary, secondary and tertiary education in this State. I draw to the attention of the House a serious issue that has been brought to my attention in relation to students with disabilities who attend the University of Sydney. Education is not just schooling. We sell our students short if we say that they can have access to disability services only after high school and then they are on their own.

The University Sydney claims to care about its students but that is a lie. Tonight I relate the story of a student I will refer to simply as Wentworth to protect his identity. Wentworth rightly, in my view, requests that the university be held accountable for the frustration and anxiety it has caused him. As a dyslexic, Wentworth has problems comprehending written text under certain lighting conditions. He describes it as like being "a deer staring at a set of headlights". Wentworth requires specially tinted lenses, which he wears, and he asked the university to seat him in a room without fluorescent lighting and with examinations printed on sand-coloured paper. I would have thought that is not an unreasonable set of requests.

But apparently, for all the millions and millions of dollars allocated to the University of Sydney, this task simply has been too difficult. I cite one example of many that deals with an examination of the subject in semester one this year. For the original examination, the formula sheet and the working booklet were not printed on coloured paper, despite Wentworth emailing the disability support office to ensure that it would be. Wentworth was seated at a white table under a bright fluorescent light. When he complained, he was told that the university simply did not have anywhere without fluorescent lights and he would just have to put up with it. Wentworth then had to submit a special consideration application and eventually he was granted an examination resit.

Wentworth arrived at the room to take the examination resit—the room that an email told him to go to—only to be told by the invigilators that they did not have an examination for him. In spite of his protests, they waited until everyone else had started the examination before trying to work out what had gone wrong. When they finally found out where he was meant to go, the invigilator in the second room accused him of being late. Wentworth explained the situation and asked for a moment to collect himself but was then told his reading time already had begun. Wentworth submitted another special consideration application. The second resit had the same problems as the original examination—fluorescent lights, white tables and white paper—so Wentworth submitted another special consideration application.

Before the third resit, Wentworth was sent a string of five different emails advising of five different times for the exam. He was then sent five emails recalling all of those. Given it was already the start of semester two by now, he left it to the university's administration section to get back to him. A couple of days later, as he so eloquently put it, "I received an update to my results informing me I was the proud owner of an absent fail." After

emailing the faculty to ask what the issue was, he was informed that it was clear he was meant to sit one of those examinations, despite the fact that the five emails that had been sent to him all had been recalled.

Without admitting any fault, the faculty indicated that it was prepared to let him sit a fourth resit in three days time. Wentworth sent a follow-up email explaining that he had three assignments due that day and, given that they were well into the new semester, asked whether it was possible to negotiate a time for him to sit the exam so that it did not conflict with his current study. The reply email stated, in perfect bureaucratese, that all rules and procedures had been complied with and that if he was not happy with it, he would need to enter into an academic appeal, something the Students Representative Council [SRC] of the University of Sydney is currently helping him with. I leave the final words to the student himself: "Our university system is a bloated bureaucratic machine that has a State backed effective monopoly over tertiary education. It is a quasi-government agency more interested in following rules and procedures than being concerned about the quality of the education it delivers."

I do not take this issue lightly and this is the second time in a week that I have criticised the University of Sydney. I am an alumnus of that university so I do not hate the University of Sydney. In winter I check the rugby scores to see how the university is going, and in summer I check the cricket scores. At the National Judo Championships I always try to say hello to any University of Sydney students who are representing the judo club. I follow the SRC elections and, as the Hon. Penny Sharpe will attest, have an unreasonable and perhaps unhealthy obsession with the rep-select process that takes place after the SRC elections. I love the University of Sydney and, to paraphrase the words of American author James Baldwin, "I love Sydney university more than I love any other uni in Australia, and for exactly that reason I insist on the right to criticise her perpetually".

University for students with a disability and those without a disability should ensure equal access to education. University should not be a cold sausage factory, with students seen as inconvenient nuisances, an amorphous, nameless, faceless mass, an impersonal quantum whose only goal is to serve as a drawer of Federal Government funding. The university should recognise the students, and particularly the needs of individual students, or else it is failing in its task. I commend the report.

**Debate adjourned.**

#### **COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION**

##### **Report: Review of the 2014-2015 and 2015-2016 Annual Reports of the ICAC Inspector**

**The Hon. NATASHA MACLAREN-JONES:** On behalf of the Hon. Fred Nile: I move:

That debate on report No. 3/56 of the Committee on the Independent Commission Against Corruption entitled "Review of the 2014-2015 and 2015-2016 annual reports of the ICAC Inspector", dated September 2017 be postponed.

**Motion agreed to.**

#### **STAYSAFE (JOINT STANDING COMMITTEE ON ROAD SAFETY)**

##### **Report: Driver Education, Training and Road Safety**

**The Hon. NATASHA MACLAREN-JONES:** On behalf of Mr Scott Farlow: I move:

That debate on report No. 3/56 of the Joint Standing Committee on Road Safety (Staysafe) entitled "Driver education, training and road safety", dated September 2017 be postponed.

**Motion agreed to.**

#### **COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**

##### **Report: Review of the Health Care Complaints Commission Annual Report 2015-16**

**The Hon. NATASHA MACLAREN-JONES:** On behalf of the Hon. Lou Amato: I move:

That debate on 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 be postponed.

**Motion agreed to.**

#### *Bills*

#### **HEALTH PRACTITIONER REGULATION AMENDMENT BILL 2017**

##### **Second Reading**

**Debate resumed from an earlier hour.**

**The Hon. WALT SECORD (17:23):** I resume my contribution, and remind members that I was advising of the decay at the Deniliquin Dental Clinic and its impact on the vote for The Nationals candidate in the

Cootamundra by-election at the weekend. I would have liked to have taken the opportunity to run through a number of health-related issues reflected in the returns from voting booths in the electorate and will raise the returns at Cootamundra Hospital, Young Hospital, Cowra District Hospital and various nursing homes at another time.

I return to the leave of the Health Practitioner Regulation Amendment Bill 2017. I detailed the objects of the bill and note that in addition it makes a number of minor statute law revision-type amendments. This bill draws together a number of changes made by Federal, State and Territory governments in relation to health practitioners, mainly paramedics. By way of background to the bill, the registration of health practitioners is through the National Registration and Accreditation Scheme [NRAS]. The legislation mirrors changes made to the national law provision by the Queensland amendment Act.

As is customary, 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 involve the national board registering practitioners. As the Parliamentary Secretary said in her second reading speech, New South Wales is a co-regulatory jurisdiction. Thus 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 including the New South Wales Health Professional Councils Authority, the NSW Civil and Administrative Tribunal [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 Berejiklian Government—also known as the Harwin-Nile Government—claims that the registration of paramedics is supported by the Ambulance Service of New South Wales, private providers of paramedic services and the Health Services Union, which represents the paramedic workforce.

**The Hon. Ben Franklin:** Is that Fred Nile? What do you mean?

**The Hon. WALT SECORD:** I am continuously reminding Reverend the Hon. Fred Nile that he is propping up the Hon. Don Harwin. However, the HSU has advised me about concerns of its members concerning the registration fee that will be paid and determined. If the Parliamentary Secretary is able to clarify who pays for any costs relating to registration in her formal reply, this would be appreciated. I gave the HSU a commitment to ask the Parliamentary Secretary for clarification.

Under the legislation, 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 the Ambulance Service of New South Wales and have been effectively regulated as public sector employees. Further, inclusion of paramedics in the NRAS will extend the ability for paramedics to work across States and Territories through common national registration standards. This means that paramedics will become the fifteenth registered health profession under the National Registration and Accreditation Scheme.

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 were 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 also 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 misconduct 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 Act to define health practitioners by reference to the Health Practitioner Regulation National Law of New South Wales. The Berejiklian Government says this change will "futureproof" the Interpretation Act in case 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 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. 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 Act 2017, 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.

The Health Practitioner Regulation Amendment Bill 2017 was introduced and the second reading speech given by the Parliamentary Secretary, the Hon. Bronnie Taylor, on behalf of the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, on 11 October in this Chamber. Labor will not oppose the bill, as it has been forged at the national level by way of agreement. However, I will raise some concerns expressed by the NSW Nurses and Midwives' Association. Hopefully, the Government will address them through the Parliamentary Secretary in reply. The second reading speech the Parliamentary Secretary gave was largely silent on how the changes would affect nurses and midwives, other than a single sentence saying they would be split. I would like a further explanation of the impact on nurses and midwives and of why that split is occurring. On Friday the NSW Nurses and Midwives' Association advised me it believes:

... the Berejiklian Government should not be adding the definition of "midwife practitioners" to various pieces of legislation when there is no such category of endorsement by the Nursing and Midwifery Board of Australia (NMBA).

With regard to schedules 5.2, 5.5 [3] and 5.19 to the bill, the NSW Nurses and Midwives' Association says:

... despite the ability for the NMBA to endorse midwives as 'midwife practitioners' in accordance with section 96 of the Health Practitioner Regulation National Law (NSW) No 86a ("HPRNL"), the NMBA does not have a class of endorsement for 'midwife practitioners'.

It goes on to say:

... there are, however, a class of midwives who have an endorsement on their registration for scheduled medicines in accordance with section 94 of the HPRNL.

Those midwives are not considered "midwife practitioners" for the purpose of section 96.

The various pieces of legislation that are being amended are those that refer to the prescription of substances, something which only a midwife with an endorsement in accordance with section 94 can do.

The NSW Nurses and Midwives' Association suggests that any reference to "midwife practitioner" be changed to "a midwife with an endorsement for scheduled medicines". It believes:

... this change in terminology is necessary as there are still midwives who may hold the title "midwife practitioner" because they were given that endorsement under a prior corresponding act.

However, those midwife practitioners would not necessarily hold an endorsement under section 94 of the HPRNL and it would not be the intention of any of those acts to include a class of midwife who did not have an endorsement for scheduled medicines.

With regard to the proposed amendments to the Crimes Act 1900 in schedule 5.5, the NSW Nurses and Midwives' Association says:

... there is an existing reference to "registered midwife" in section 45(7) of the Crimes Act (NSW) 1900.

This should only state "midwife" and an amendment to that terminology should be included in this Bill.

Although "registered midwife" is a term that is colloquially used and is also a protected title under section 113 of the HPRNL, the specific class of registration is solely the word "midwife".

As this bill relates largely to health professions, especially paramedics and with some uncertainty involving nurses and midwives, it is an apt time to discuss ambulances and paramedics in New South Wales. I remind Government



members, before they start to object, that this is a health bill and previous presidents and members in the chair have granted wide latitude during second reading debates. All workers in the health and hospital system are under pressure on many fronts. More are needed. They are working longer and harder, and lives depend on them. Paramedics are also under threat due to the so-called superstation ambulance plan, which will see the closure of smaller stations and will impact on paramedics in the health and hospital system.

Furthermore, the latest Bureau of Health Information [BHI] data, released for the April to June 2017 period, shows that ambulance responses are taking longer. This is the second set of ambulance data and data relating to paramedics released by the Berejiklian Government. Ambulance pressure is further affecting a State health and hospital system that is already under enormous pressure, with massive numbers of patients presenting to emergency departments and elective surgery lists continuing to grow. There were 274,228 ambulance responses in that period—up 2.3 per cent, or 6,071 more call-outs of ambulances and paramedics than in the same quarter in 2016.

During the April to June quarter, in 36.3 per cent of priority 1 or emergency incidents the ambulance and paramedics did not arrive within 15 minutes, and 5 per cent waited longer than 30 minutes. For priority 2 or urgent incidents, 24.6 per cent waited longer than 30 minutes and 4.7 per cent of patients waited longer than an hour for an ambulance and paramedics. The BHI data also includes data on ambulance operational measures such as response time, which is measured from when a 000 call is placed "in queue" for vehicle dispatch to the time the first paramedic arrives at the scene. Incidents classified as priority 1A [P1A] are the highest priority in the emergency category and considered life-threatening cases, such as cardiac or respiratory arrest. There were 2,097 highest priority—P1A, life-threatening—cases during the quarter. Response times for ambulances and paramedics were within 10 minutes for 72.8 per cent of P1A cases and within 15 minutes for 90 per cent of P1A cases.

This means that 27.2 per cent of P1A cases, the most urgent cases in the State, waited longer than 10 minutes and 10 per cent waited longer than 15 minutes. The national benchmark set by the Federal Government is 10 minutes. Overall, 146,483 patients arrived at New South Wales public hospitals by ambulance assisted by paramedics. Of those, 8.2 per cent waited longer than 30 minutes to be transferred to hospital staff. This is about 12,000 patients. This is known as bed block. This is waiting in an ambulance before being allowed into hospital. Overall 663,942 patients presented to emergency departments in the April to June 2017 quarter, compared to 637,207 for the same period in 2016. That is 26,735 more patients and the highest ever for an April to June quarter. Over the past five years the number of emergency presentations, that is ambulances and paramedics with patients, has increased by 18 per cent. Paramedics are being worked to the bone. As of 31 June there were 74,500 patients waiting for elective surgery in New South Wales in about 75 hospitals that were surveyed.

Overseas slow ambulance response times were linked to the so-called "super station ambulance scheme", which replaced smaller local stations with fewer larger ones. Unfortunately, the Berejiklian Government is embarking on a similar plan. It has not heeded the lessons from overseas, where jurisdictions are now moving to reverse this trend. In October 2014 the super station plan was scrapped in the East Midlands in the United Kingdom. The British government was forced to scrap the scheme after patients were put at risk as response times were much slower under the new scheme. New South Wales is already seeing early signs that the Liberal-Nationals are ploughing ahead on their ideological bent. There is no way any sensible person could argue that fewer ambulance stations spread over a bigger geographical area will improve response times and be better for patients and hardworking paramedics. It does not. Under the so-called super station plan resources are being spread too thinly.

New South Wales has the second slowest ambulance response times in Australia after Tasmania. As a government and an opposition we should be supporting and providing resources to paramedics, not slashing them and reducing stations. The New South Wales Government's so-called super station program forces ambulances and paramedics to cover greater distances, which lowers response times. The second slowest times will get longer. Paramedics want to get to accidents and emergencies as quickly as possible. They want to enhance their profession. Those opposite have not heard the emergency and first aid mantras of "the first five minutes" and "every minute counts". Our paramedics do not want to spend life-saving minutes travelling in traffic when they should be helping patients. In the Berejiklian Government's New South Wales patients wait at every stage. They wait for an ambulance. They wait with paramedics outside the hospital to get into the emergency department. They wait in the emergency department. They wait for a bed. Then they are rushed out of the hospital before they are fully recovered.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I remind the Hon. Shaoquett Moselmane that he is on two calls to order.

**The Hon. Shaoquett Moselmane:** That was during question time.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** It does not work that way.

**The Hon. WALT SECORD:** Patients are rushed out of hospital before they are fully recovered, which results in readmissions. Ambulance waiting times are even longer because the Liberal-Nationals Government is reducing the number of ambulance stations in Sydney. It is a counterproductive move for a health and hospital system under enormous pressure, and it should be abandoned. I make some remarks on the impact of the flu season on our State's hardworking paramedics. They have seen the number of call-outs increase due to the flu season. As of today New South Wales is set to surpass 100,000 confirmed flu cases.

More than one-third of those cases were in Western Sydney. That is unprecedented. It is almost triple the number in 2016 when the State reported 35,537 cases. The Influenza Surveillance Report for the week ending 8 October reported that there were 583 confirmed influenza outbreaks in institutions in New South Wales. There were 290 deaths of residents linked to those outbreaks. At least 7,267 aged-care residents were reported to have had influenza-like symptoms. Statewide 403 death certificates mentioned influenza. This included two children aged five to 14; one death of an adult aged 15 to 24; four deaths between the age of 35 to 54; and the remainder were people over the age of 55.

To assist our State's health workers, including paramedics, the State and Federal governments should investigate North American-style infection control programs for the 2018 flu season, especially for schools, institutions and public venues such as tourist venues, sporting facilities and shopping centres. In the United States there is a three-step approach, which Australia should emulate. This involves; large-scale free or subsidised vaccinations for a wider range in the community including workplaces; self exclusion from work or school, especially for at least 24 hours after a fever has gone; and stepped up hygiene practices, such as surface disinfection, sterile hand washes and personal etiquette measures to avoid spreading germs in public places, such as shopping centres, entertainment venues and sporting facilities. Put simply, there is a dearth of education in New South Wales and Australian workplaces and schools.

The unusually warm winter fooled the Berejiklian and Turnbull governments into a business as usual approach to infection control with thousands of residents falling ill unnecessarily due to the worst flu season on record. New South Wales was smashed by the flu with an entire State sneezing and coughing for the last three months, spreading the flu to even more friends and colleagues at work. The Berejiklian and Turnbull governments foolishly ignored the brutal outbreaks in the Northern Hemisphere, especially in Germany and Italy. The Berejiklian and Turnbull governments have dropped the ball on flu and infection control. This has also affected productivity and the State economy due to high levels of preventable absenteeism. I thank the House for its consideration and remind members that Labor is not opposing the bill.

**The Hon. PAUL GREEN (17:47):** On behalf of the Christian Democratic Party I speak to the Health Practitioner Regulation Amendment Bill 2017. This bill makes amendments consequent on the passage of the Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017 of Queensland. It gives paramedics the recognition that they deserve as registered health professionals. They are highly skilled professionals with a unique skill set. Our first-line responders deal with difficult and stressful situations and must have a high level of knowledge to be able to fulfil their duties. The profession is now responsible for performing procedures that used to be carried out only in hospitals, resulting in lives being saved. It is only right that our paramedics are acknowledged and recognised for all they do in our community.

**The Hon. Bronnie Taylor:** Hear, hear!

**The Hon. PAUL GREEN:** I respond to that hear, hear. Earlier I was driving back to Parliament listening to Ben Fordham on 2GB. Some paramedics had written to him about their desperation to be heard by the Government. I note that he put the Premier on notice that he expects a response on Thursday. Having been in the nursing profession, I know there is nothing worse than being under-staffed and under-resourced. It increases frustration and stress and that causes burnout. As a result, more people take sick leave and there is more absenteeism. Of course, that in turn increases overtime and no-one wants to do it because it causes burnout, and it then becomes a vicious circle.

Hospitals cannot get staff to fill vacancies because they are burnt out. That is also happening with paramedics because NSW Ambulance is understaffed. I do not generally oppose the rationalisation of ambulance super stations, but I do if the evidence demonstrates that it is not working. I will share with members an episode that happened to me last year. I was being treated for hypertension, which is high blood pressure, and was taking medication that made me light-headed and jumpy. I was suffering vertigo during committee meetings and when I was in the House, so I stopped taking the medication for a couple of days.

**The Hon. Bronnie Taylor:** That is naughty.

**The Hon. PAUL GREEN:** It made me feel terrible.

**The Hon. Walt Secord:** You didn't have a drink?

**The Hon. PAUL GREEN:** No, I was driving. I was in my car outside Berry.

**The Hon. Niall Blair:** Point of order: Although this is an important debate and the Hon. Paul Green is relating a wonderful anecdote and providing important medical advice, it is difficult for Hansard to record a three-way conversation at the table. I ask that the member be allowed to continue his contribution in silence and that he address his comments so they can be accurately recorded by Hansard.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I invite the Parliamentary Secretary and the Deputy Leader of the Opposition to be quiet.

**The Hon. PAUL GREEN:** I intended to buy a large McDonald's coffee, but I refrained because I knew I should not consume caffeine. I was near Tindalls Lane just outside Berry when my body started to go to jelly. I pulled over the car because I thought I was suffering a stroke or something worse. I jumped out of my car and waved down another motorist because I was not in good condition and I needed help. Someone from Sydney stopped and was kind enough to help me by calling an ambulance. He was told that the ambulance would take 24 minutes or 25 minutes to get to me from Nowra. I was trying to hold myself together by reassuring myself that everything would be okay and that I was not having a stroke. My world was upside down and I was trying to remain calm. After 23 minutes or 24 minutes, my rescuer rang to establish when the ambulance would arrive. He was told that it was not coming because there had been a change of shift and another ambulance would be coming from Kiama.

**The Hon. Walt Secord:** The electorate of Kiama needs a new member.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I remind the Hon. Walt Secord that he is on two calls to order. I have already said that this contribution will be completed in silence, and I mean it.

**The Hon. PAUL GREEN:** I tried to reassure myself that everything would be okay. I had called my wife and told her what was happening, and she said that she would meet me at Shoalhaven District Memorial Hospital. She expected me to be there in about 25 minutes, and when I did not arrive she came looking for me. Fortunately she found me and the people who rendered assistance were able to leave. She then took care of me while we waited for the ambulance. After a while, my wife made a phone call to ask where the ambulance was and she was told that it would not now be coming from Kiama. I thought I was going to die on the side of the road. Fortunately, the Good Lord splashed a rainbow across the sky, and I took that as a sign that he was with me and that everything would be okay. However, I still wanted the ambulance to turn up. My wife then saw an ambulance travelling along the Princes Highway and she waved it down. The paramedics wanted to know what was happening, and we soon established that they were not on their way to collect me.

I point out that my case was not classified as a P1A incident, but I could have been having a stroke. Anyone who knows about strokes knows that it is vital that medical assistance is provided as soon as possible to prevent permanent damage. Fortunately, it transpired that I was simply suffering from high blood pressure, which was then treated. I was put in the ambulance and taken to Shoalhaven District Memorial Hospital. I am sure that the records will show that it took well over an hour for me to get there. That is not good. I am very gracious and I do not worry about things like that, and I am not saying this to be political. However, I have relayed the story for a number of reasons.

First, I stress that people should keep their high blood pressure under control and should take the appropriate medication. Secondly, my experience was a debacle with different ambulances responding to different calls. Thirdly, my call was not locked in so that paramedics could use their GPS to find me on the side of the Princes Highway outside Berry. Thankfully, everything worked out, and that was fantastic, but it did cause me some concern. I heard paramedics speaking about understaffing on 2GB, and I point out that the radio station did not broadcast their names. They talked about the service response time increasing by three minutes or four minutes for P1A incidents. That is unacceptable because someone suffering from a heart attack needs help immediately. The average response time for P1A incidents was previously four minutes or five minutes, but it has increased to 7½ or eight minutes. That is not good when people need help immediately.

I put the Government on notice that understaffing in NSW Ambulance is creating extreme stress. The service is carrying a heavy load and there should be enough paramedics to ensure they can cope. Understaffing is not good for the wellbeing of paramedics given what they must do and what they see. It is crazy that there is insufficient staff to provide backup. It was stated on 2GB that they should have two 30-minute meal breaks in a 12-hour shift, but they are not getting them. That is not healthy, and I look forward to hearing the Premier on 2GB on Thursday when she addresses these issues with Mr Fordham. This is an important issue. The men and women of NSW Ambulance are amazing and we should look after them. If we do not, they will drop out of the system, which will not be good for the citizens of this State.

This bill also provides for practitioners to work across State and Territory borders because there will now be common national registration. That will facilitate the filling of vacancies and will allow shortages to be addressed. The bill also helps protect patients as it will prevent practitioners who are not qualified, registered or unfit from practising. It will provide for better handling of professional misconduct claims against paramedics. The proposed changes to legislation would allow the consolidation of national boards into a single national board for more than one of the health professions. It requires consultation before these consolidations can be made. This will reduce bureaucracy, doubling up of services and unnecessary expenditure. If the consolidations occur, this bill should also make it easy for practitioners who want to work across State and Territory borders. For example, a paramedic working in northern New South Wales could easily accept work in southern Queensland without applying for recognition and registration from another board, which is fantastic.

This bill acknowledges that nursing and midwifery are two separate professions and should be registered as such. They are both highly skilled professions and require vastly different areas of knowledge that are not always interchangeable. Midwives can carry the sole burden of caring for a woman through her pregnancy and labour whereas nurses could be required to work across a variety of age groups, settings and disciplines. That is not to say that nurses do not do some maternity nursing. I have certainly done it and found it very enjoyable. Many babies were delivered. It was fantastic.

We support this amendment and the acknowledgement that nursing and midwifery are two different professions. We recommend that provisions are made for those people who have skills across both nursing and midwifery. We note that a single driver licence can include motorbike or heavy vehicle qualifications so that people do not have to get three different registrations. There are health practitioners in our workforce and those who have yet to enter it who have studied across both disciplines due to such courses being offered at universities. I do not believe they should be punished by having to register separately as both a midwife and nurse if they are working simultaneously across these fields.

This bill will enable national boards to seek out further information about a health practitioner's practice, and will also protect our patients by creating a comprehensive history and register of prohibition orders. This streamlines the investigation of complaints and allows comprehensive and up-to-date prohibition orders to be kept. As paramedics previously have been considered non-registered health practitioners and had standards as expected of non-registered health practitioners, breaches of this code can result in prohibitions or restrictions placed on practising. The new Paramedicine Council of New South Wales will work with the Health Care Complaints Commission to hear complaints against registered practitioners.

The proposed amendments will allow the Health Care Complaints Commission to assess any complaints made against a paramedic prior to their registration. Paramedics will also fall under existing provisions that require a chief executive officer [CEO] of a public health organisation to report suspected unprofessional, poor and unsatisfactory conduct. This bill would allow the New South Wales Health Professional Councils Authority to review conditions on that practitioner's registration that have been implemented in another jurisdiction if that practitioner moves into New South Wales. If a practitioner who is subject to review moves into New South Wales, the proposed amendments would allow the New South Wales review body to continue any conditions and take over the review. This is an appropriate change as there may be times that the conditions on the practitioner may not be appropriate or relevant to New South Wales.

The bill will give power to the council to review the conditions at the time of an application over its own motion. It will also protect constituents from those who may have previously caused harm to patients, preventing risk to patients in New South Wales. It allows for more transparent reviews by enabling information to be shared between States and territories rather than having complaints lost between borders. We see the benefit this bill brings in helping to recognise our highly skilled health professionals, making it easier for them to register and practice while protecting those who are seeking care of health practitioners. We would like to see that those highly skilled professionals are not disadvantaged for their diverse skill sets. We commend the bill to the House.

**Ms DAWN WALKER (18:04):** I speak on behalf of The Greens on the Health Practitioner Regulation Amendment Bill 2017. The Greens will support this bill, which proposes to recognise paramedicine as a registered health profession and split nursing and midwifery into two health professions. The bill also proposes amendments to national boards for health professions. It will enable them to be consolidated and it will enable them to obtain additional information about the practice of a health practitioner. Finally, the bill will make it an offence to breach a prohibition order made in any jurisdiction and it will permit the New South Wales Health Professional Councils Authority to review the conditions imposed by another jurisdiction on a practitioner's registration if that practitioner moves to New South Wales.

The inclusion of paramedicine as a registered health profession will recognise the importance of the paramedic profession. Paramedics must be able to deal with a wide range of different medical traumas, often in highly stressful circumstances. They are often the first ones on the scene when something goes wrong, when there

has been a car accident, or when a loved one is hurt or sick. They are there to support the community in some of their most vulnerable moments. The recognition of paramedics in our medical services is an important change that reflects their vital role. It follows the recommendation of the Federal Senate that the paramedic profession be nationally registered and accredited throughout Australia.

The bill will regulate qualifications and professional standards across the sector, delivering a consistent level of care to the people of New South Wales. Similarly, splitting nursing and midwifery into two separate registered health professions will benefit health professionals and the community. More importantly, it is a formal recognition of what nurses and midwives have been fighting for for years. Splitting nursing and midwifery into two health professions recognises that these distinct roles require different skill sets. It reflects that the study and qualifications to be either a nurse or a midwife are different and not interchangeable.

I know from speaking to industry stakeholders that many healthcare professionals are qualified as both nurses and midwives and they do amazing work, but that does not mean that these two roles are the same. Keeping them together has sometimes impeded the important work they do. Nurses have been rostered onto midwifery shifts and vice versa. Formally separating these professions is the best way to ensure they are both regulated and respected appropriately for the important role they play in healthcare. The Greens support this bill and the benefits it will bring to paramedics, nurse and midwives.

**The Hon. BRONNIE TAYLOR (18:07):** On behalf of the Hon. Niall Blair: In reply: I thank honourable members for their contributions to the debate on the Health Practitioner Regulation Amendment Bill 2017. I thank the Hon. Walt Secord, the Hon. Paul Green and Ms Dawn Walker. In his contribution to debate on this bill, the Hon. Walt Secord raised an issue about nurses and midwives. The Queensland changes will not impact materially on nurses and midwives. The bill is clear that nurses and midwives will be two separate professions regulated by the one Nurses and Midwifery Board of Australia. Changes in the law relating to midwife practitioners are statute law amendments. They ensure consistent titles are used for registered health practitioners across the statute book. The bill makes no changes in relation to who can prescribe scheduled medicines. The paramedicine board will set the fees for paramedics. The board is yet to be appointed but should be soon. Registered paramedics will be required to pay their own registration fee and it would generally be tax deductible, which is consistent with other health practitioners.

The bill will make consequential changes to New South Wales legislation following amendments to the schedule to the Queensland Health Practitioner Regulation National Law, which is an applied law in New South Wales. Changes to the Queensland schedule follow from a review from the National Registration and Accreditation Scheme [NRAS], and a decision by health ministers to include paramedics as the fifteenth registered health profession. The changes to the Queensland schedule will apply automatically in New South Wales, except where the changes relate to complaints handling. This is because New South Wales joined the NRAS as a co-regulatory jurisdiction and therefore did not adopt the national provisions relating to complaints handling. The changes applying in New South Wales as a result of the Queensland amendments require consequential amendments to New South Wales legislation, which the bill sensibly implements. The bill will ensure that New South Wales continues to successfully implement NRAS, a co-regulatory jurisdiction. I commend the bill to the House.

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

**Motion agreed to.**

### **Third Reading**

**The Hon. BRONNIE TAYLOR (18:10):** On behalf of the Hon. Niall Blair: I move:

That this bill be now read a third time.

**Motion agreed to.**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I will now leave the chair until 8.00 p.m.

### *Rulings*

### **NOTICE OF MOTION**

**The PRESIDENT (20:00):** Earlier today, Mr Jeremy Buckingham gave notice of a motion in relation to energy policy in which he referred to a member of the Federal Parliament as "spineless" and another member as the "idiot-in-chief". I indicated to the House that I would consider the motion of which he gave notice. I have had an opportunity to review the motion and previous Presidents' rulings in relation to reflections on members of other parliaments. The standing orders of this House, like the standing orders of most Houses in State parliaments,

are silent on unparliamentary terms directed at members of other parliaments. However, I draw the attention of honourable members to the ruling of Deputy President McKay on 25 November 1975, in which he stated that "it does not reflect great credit on this House to bandy words across the table concerning the leaders of the country, no matter to which party they belong."

I also draw attention to the ruling of former President Harwin on 29 May 2013, when he stated that "it is appropriate that members place themselves in the shoes of the members of other Parliaments when making their remarks." As President, I will always uphold the freedom of speech of members of this House and their undoubted privilege to raise matters of serious concern including, where they deem it necessary, the making of imputations against members of this or any other House by way of substantive motion. However, the use of pejorative word or phrase such as "spineless" or "idiot-in-chief" adds nothing to the motion of which the member gave notice today on an important matter. Indeed, if the phrase remains in the motion, it will bring no credit on this House.

I therefore direct the Clerk to remove the word "spineless" and the phrase "idiot-in-chief" from the motion when it is published in the *Notice Paper*. Finally, I note that this is not the first occasion in recent times on which such an issue has arisen. A similar issue arose on 30 May 2017 in relation to another motion, notice of which was given by Mr Buckingham. On that occasion, I urged all members to submit the motion of which they intended to give to the Procedure Office to check their compliance with the standing orders as well as to seek any drafting assistance they require. It is a longstanding practice of this House that motions of which members will give notice be provided to the Procedure Office in advance of the giving of that notice. In this way, potentially problematic words or phrases can be discussed with the member and generally resolved prior to the giving of the notice and removes the need for editing after the event.

#### *Bills*

### **CRIMES (SENTENCING PROCEDURE) AMENDMENT (SENTENCING OPTIONS) BILL 2017**

#### **CRIMES (HIGH RISK OFFENDERS) AMENDMENT BILL 2017**

### **JUSTICE LEGISLATION AMENDMENT (COMMITTALS AND GUILTY PLEAS) BILL 2017**

#### **First Reading**

**Bills received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Sarah Mitchell, on behalf of the Hon. Don Harwin.**

**The Hon. SARAH MITCHELL:** On behalf of the Hon. Don Harwin: I move:

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

**Motion agreed to.**

**The Hon. SARAH MITCHELL:** On behalf of the Hon. Don Harwin: I move:

That the second readings of the bills stand as orders of the day for a later hour.

**Motion agreed to.**

### **ABORIGINAL LANGUAGES BILL 2017**

#### **Second Reading**

**Debate resumed from 11 October 2017.**

**The Hon. MICK VEITCH (20:05):** I lead for the Opposition on the Aboriginal Languages Bill 2017. The objects of the bill are:

- (a) to acknowledge that Aboriginal languages are part of the culture and identity of Aboriginal people, and
- (b) 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
- (c) to require the development of a strategic plan for the growth and nurturing of Aboriginal languages.

At the outset, I acknowledge that we are debating this legislation on Gadigal land. I also acknowledge the first peoples of New South Wales—not only the elders but all first peoples. This legislation will have a significant impact on the lives of the first peoples across this State. I will provide the House with some background on how we got to where we are today in this important conversation about saving and rediscovering or nurturing important first people's languages in New South Wales. More than 250 Indigenous Australian language groups were spoken on the continent at the time of European settlement in 1788. Today, only about 120 of those languages are still spoken, and many are at risk of being lost as elders pass away. Generations of systematic attempts to deprive

Aboriginal people of their language meant that the link between generations of speakers was broken and many children have little or no knowledge of their traditional languages. I will talk more about that later in my contribution.

Their parents were partial speakers and their grandparents were the remaining few speakers of a language that, as the elders, they alone could pass down to the next generation. Before 1788, more than 70 Aboriginal languages were spoken across New South Wales. Today, most Aboriginal languages in this State do not have enough speakers to function properly, and only 10 languages are being significantly revitalised. Aboriginal and Torres Strait Islander people across Australia are now speaking out about the need to protect, to preserve and to strengthen traditional languages. There is now a wave of activity with people in many communities working to learn more about their languages and to ensure that they are passed on to the next generation before it is too late.

The preservation of Aboriginal languages is a vital part of cultural identity for Aboriginal Australians. People in areas where language has been lost experience a sense of grief and inadequacy because of the loss of culture. In November 2016, the New South Wales Government announced that it would be pursuing legislation aimed at protecting Aboriginal languages, and the bill was drafted in April. The consultation process began in May 2017. There were 14 public consultations; all consultations were held between 9.45 a.m. and 2.00 p.m.; 244 people took part; two workshops were held in Moree and Wilcannia; and additional people attended the workshops, giving a total of 269 participants in the process.

The method of gathering input was to run a slideshow followed by an open discussion. Feedback consistently reflected the theme of ownership and authority for Aboriginal people. While some people complained about the process of consultation and simply wanted action, another key theme was the alternative view—that the process was rushed. Some participants expressed a view that it was simply a box-ticking exercise and they were frustrated with having to fit into the Government's time line. General apathy for the political process was also expressed, with the commonly held view that the parliamentary process may not serve first peoples well.

The report recommended that the legislation use plain English. The report also recommended that a second round of consultations take place to clarify with participants in communities how the first round was taken into consideration and what changes had been made to the legislation as a result of those consultations. The core problem with this is the process. The legislation is historic and well intentioned but in my view it has been unnecessarily rushed. At the 2016 census there were 216,176 Aboriginal people in New South Wales. It could be argued that speaking to 269 of them once is not adequate consultation. There is no need to rush the process; we need to get it right. We should question why the Government saw fit to pursue the process the way it has. The consultation process should certainly engage more than those who have already been engaged.

The ceremony last week made me reflect upon the way we in this Chamber acknowledge first peoples and country. At the start of each sitting week the President acknowledges that we hold session on Gadigal land in the Eora nation but when I look around the Chamber for physical acknowledgement of this State's first peoples, I can find a flag and nothing else. That is an indictment on this Chamber. The very moving message stick ceremony that took place on the floor of this Chamber was significant and substantial not only for those of us who were in the Chamber at the time but for a range of people, whether they be first peoples, white Australians or multicultural Australians. This Chamber must do a lot more over time to reflect the substantial contribution of the first peoples of New South Wales to the development of this State. It is easy to dismiss the contribution of the first peoples since white settlement.

Looking around the Chamber, what message does it convey? There are several busts, but they are busts of white men. I do not think that is the message we want to convey to the first peoples of New South Wales. We need to find ways to connect with the first peoples and say that this Chamber is not just about New South Wales since the commencement of responsible Government in 1856, but that this Chamber is for the first peoples as well as white Australians and multicultural Australians. It is my view, and I had a quiet conversation with the Minister about this, that that message stick should be placed on the table of the House so that the important conversation that commenced with that wonderful, moving ceremony will be conveyed and remembered not just by the people that are here now but those who follow in our footsteps, for all time. It will be a very important message. People will refer to the message stick and this central piece of legislation around retaining, nurturing and regaining Aboriginal language. It will be here.

I appreciate that a range of processes have to take place with the local Indigenous community as well as our own processes in order for that to happen. It is not an easy thing and I accept that. We cannot just put something on the table of the Chamber, but we should work towards making a gesture like that. It is more than just a symbolic gesture. We should be looking at other ways for this Chamber to reflect the contribution to this State of the first people of this State. We must do more than just have several busts of white Australian men, display the Aboriginal flag or acknowledge country at the start of each sitting week. There is plenty we can do. There should be physical

attachments to the first peoples of this State somewhere in this Chamber. I have raised this with the Minister and I know it is in good hands. I would like to explore further how we can make that happen.

I took time to reflect upon the ceremony, the message stick, the legislation and the good contributions that were made last week. It was a moving day. It would be hard for anyone to say that it was not a moving day. I looked at it through probably a different context to a lot of people. I have Wiradjuri grandchildren. I have had the opportunity to speak with my future son-in-law and my daughter about the future of my grandsons. They are only young. The importance of language—Wiradjuri in this case—to those boys cannot be overestimated. The problem we have is that the language that would allow my future son-in-law to converse with, joke with, communicate with or impart information to his sons is largely lost. His parents were not able to communicate completely in Wiradjuri. That is a shame. They have some words and they use those words, some of which I cannot repeat in this Chamber. They are having a go and trying to ensure that their sons, my grandsons, will be raised in an environment that acknowledges culture, but there must be the capacity of language to enhance what they have.

To quote a famous speech, I have a dream. My dream is that my grandsons will sit on the banks of the Macquarie River wetting a line and fishing with their dad and that they will be able to converse in Wiradjuri. Would that not be a sensational thing? Would that not be a significant achievement from a piece of legislation like this? Is there any reason not to support this bill? It is a cracking dream that we all should have, and it is an achievable dream for my future son-in-law and grandkids because of legislation like this. The legislation has been criticised by some. I thank the Minister for the quick briefing I received from her staff at about 7.45 p.m. this evening. I appreciate that she is busy. I have received an email from the NSW Aboriginal Land Council. They have raised concerns and had lengthy meetings to work through those concerns.

The departmental officials and the Minister's staff have explained to me the length of that process. I appreciate that there was a genuine attempt to address the concerns raised. But I think it is important that we put on record their concerns and I will have something to say about those concerns at the end of my contribution. The email says:

Today NSWALC and the New South Wales Aboriginal Education Consultancy Group (AECG) met with the Minister for Aboriginal Affairs the Hon Sarah Mitchell and community representatives involved in the revival of Aboriginal languages.

The meeting was to discuss concerns raised by NSWALC and the AECG about aspects of the proposed Aboriginal Languages Bill. While both peak bodies support efforts to strengthen the growth and nurturing of Aboriginal Languages, concerns were held about the level of Aboriginal community control of the proposed Aboriginal Languages Trust and Aboriginal Languages strategic plan.

The discussions were constructive and respectful, but unfortunately fell short of the expectations and proposed amendments put forward by the two peak bodies.

The AECG and NSWALC respects the opinions of all involved in that discussion and accepts that the following resulting amendments improve the proposed legislation in respect to community control.

Amendments that clarify in the preamble that while Aboriginal Languages enrich the cultural heritage of the state, it is Aboriginal peoples that have the right to control their growth, nurturing and use.

Amendments that clarify the primacy of the Aboriginal Languages Strategic Plan in respect to any directions of the Minister, and that require the Minister to consult with the Aboriginal Languages Trust in approving that plan.

Aboriginal community control of Aboriginal cultural heritage must be a sacrosanct first principle for any such reforms; particularly the impending Aboriginal culture & heritage reforms to replace Part 6 of the National Parks and Wildlife Act 1974.

The two peak bodies unashamedly advocate for Aboriginal self-determination and will vigilantly measure the development and implementation of all reforms against this standard.

I flagged the three concerns I am about to raise with the Minister's staff and the department. I would appreciate it if the Minister tried to address some of them in her speech in reply. My first concern—and it will come as no surprise to the longer-standing members of the Government that I have made a long-term effort; in fact, in previous bills I have tried to amend this, but this is probably not the legislation for that—is that when a vacancy is created on the board either by retirement, resignation, ministerial dismissal, death or whatever, this legislation and other legislation does not stipulate the time frame for filling the vacancy.

I know this Minister would not prolong the vacancies, but I contend that it is prudent for this Chamber to ensure that we do not leave important positions such as this vacant for a long time; and, if they are going to be vacant for an extended period, the Minister responsible should make a statement to the Chamber to say, "We are unable to fill those vacancies in six months but we fully intend to fill them within 12 months." There should be some ministerial accountability to the Chamber around filling vacancies like those that may occur under this legislation. As I said, I do not think this is the kind of legislation in which I should pursue that. I have unsuccessfully pursued it in previous pieces of legislation but I think it is something that needs to be addressed.

My second concern is the time frame for the development of the regulations, and particularly the consultation around the regulations. This is about management of expectation. I know there is an expectation



arising from the ceremony and the progress of this bill through both Chambers of the Parliament—and I do not want to pre-empt what happens in the other place. We are now going to go through a process, once the bills pass through the Parliament, of development of the regulations. I want adequate, quality consultation that delivers a result that everyone expects. Everyone that was here last week has an expectation about where we will land with this and it is too important to get wrong.

At the same time, we do not want to have extended consultation that takes three years. We need to have the regulations in place within a time frame. We have to ensure there is adequate consultation and that it is quality consultation. We also need to ensure that we do not just listen to people in the consultation but that we actually hear what they say and act on it. My concerns around the development of the regulations relate to consultation and the time frame for the development of the regulations. Let us make sure we get the regulations right.

I also have a concern around ministerial notices. This issue is often raised. Ministers often think we are talking about them, but when we deal with legislation such as this we are not only referring to the current Minister or the incumbent Minister, but to future Ministers as well. If the Minister makes a change to a language plan—this was something about which I was having discussions with departmental and ministerial advisers—I am advised the change will be posted to a website. I have just been through a process with Crown Lands regulation development where the regulations were posted on a website; no-one was told. There was a 14-day consultation which closed on the Sunday of a long weekend and the regulations were posted on the website. That is just not good enough and it is not what the people of New South Wales expect.

I accept that the Minister's notices will be posted to a website, but can we get this right and make sure we tell people that they have been posted to a website? Can we make sure people get timely advice so they can have a look at the website? Consultation is not posting something to a website. That is easy. Consultation is more about telling people where they can go to find the information and have their say. I would like to know from the Minister how people will be advised of ministerial notices or changes to the language plans. It is critical that people understand. It is fantastic that they will be posted on a website, but not everyone has access to that, and people need to know they are there.

I believe the Government has some amendments of its own to this legislation. I am yet to look at those, but the Opposition supports this legislation for a whole range of reasons, most importantly because the dislocation caused by the stolen generations and by the actions of people in the past have removed language. We have got to do something to make sure language is not lost. For all the good that will come from this, we on this side have to support this legislation. We will be monitoring the implementation closely—that is the expected role of the Opposition—but we will be supporting this sensible legislation. I know there are a lot of people watching what we in this Chamber do. For generations like that of my four-month-old and 18-month-old grandsons, this is a very good thing.

#### *Visitors*

### **VISITORS**

**The PRESIDENT:** I welcome to the public gallery Mr James Christian, the chief executive officer of the New South Wales Aboriginal Land Council. On behalf of all members, he is most welcome.

#### *Bills*

### **ABORIGINAL LANGUAGES BILL 2017**

#### **Second Reading**

**Ms DAWN WALKER (20:28):** I speak on behalf of The Greens on the Aboriginal Languages Bill 2017. I am proud to be speaking on this bill and to have been part of its historic introduction last week. A commitment to the continuation of Aboriginal languages and their reawakening is welcome. The Greens support legislation that will grow and nurture language around the State. This bill will provide for an Aboriginal Languages Trust, managed by the Board of the Trust. The trust will develop a strategic plan that will ensure that Aboriginal languages are supported and continue to grow. These are important developments. This bill is an important step forward but it is only part of the puzzle in ensuring that Aboriginal communities around New South Wales can enjoy fluency in their own languages and continue to pass them on.

It was made clear to me when I was speaking to stakeholders that there is great relief that formal steps will be taken to ensure that language does not again become dormant. However, they have expressed concerns over aspects of the bill. These concerns can be overcome with a commitment from this Government, and, in fact, all future governments, to continue to place Aboriginal people at the centre of all decision-making. Part of this is a commitment to genuine working partnerships between the Government and peak Aboriginal bodies. This applies particularly to the appointment of the Board of the Trust.

This legislation is new, but it builds on decades of hard work and advocacy by others. This must be acknowledged. Many Aboriginal people and peak Aboriginal organisations that have been keeping and growing language at a grassroots, community level should be part of the conversation when it comes to regulating appointments to the board. Just as language and culture cannot be separated, language and self-determination are also linked. The ability to communicate, to speak in a language that is your own and has not been imposed on you is empowering. It is also important to have control over the use of your language. It reveals layers of connection to culture and to land. It is a way to be able to express the place from where you come, without the need for translation.

Self-determination and agency need to be central to how this bill operates. Aboriginal people are not merely the custodians but are, in the western legal sense, the owners of Aboriginal languages. All people in New South Wales can take pride in this cultural heritage, but Aboriginal people must be the ones to determine and plan how to nurture and grow it for the future. This is important in relation to the development of a strategic plan and the ability for the Minister to modify it. Any modifications should not be carried out without consultation. We have a history of intervening when we should not and without properly asking those who will be affected. It is time to leave those practices behind. Aboriginal people must be at the centre of these decisions. This principle must apply to any future reforms for Aboriginal people, particularly those related to the laws protecting Aboriginal culture and heritage in this State. More specifically, the strategic plan, and any plan developed in the future, must again place Aboriginal people at the centre.

This bill is an important step forward. Hopefully it is the first step in shaping a different future for our State—a future where languages of all Aboriginal nations are able to be nurtured, to flourish and to grow; a future where understanding can extend, creating fluency and widespread learning. I have had the privilege of having language shared with me. It was a gift to know that I come from Bundjalung country and live in Booninbah under the watchful eye of Wollumbin. This knowledge is not something to be taken for granted. Language was treasured and has survived in the face of great oppression and adversity. This bill is a big step forward. It creates a responsibility for us all to ensure that no more languages are lost. I hope that the future it brings is one where more people can be given this gift and be able to speak in a language that has been part of this country since the beginning.

**The Hon. TREVOR KHAN (20:33):** I will speak briefly. In part, I speak because I am a grumpy old lawyer. That will probably not change until I finally put my head on the pillow! I will raise a couple of issues. One arises from what my friend the Hon. Mick Veitch had to say about the absence of appropriate symbolism in this place. I noticed that he directed his comments to the Minister. I am sure that it is appropriate that he direct his observations to the Minister, but, as you would know, Mr President, such items of significance are a matter for this House. It is within our power. It is not the Government's power, because this is a Parliament. The Parliament is not part of the Executive, so we should have this discussion amongst ourselves and with appropriate people outside this place; we are in control of our own destiny.

Just as we perform a recognition of country—hopefully, respectfully—each Tuesday, we should consider the symbols of this House and consider what is appropriate. I encourage the Minister to be involved. I encourage the Leader of the Opposition and the Deputy Leader of the Opposition to be involved. I encourage the Hon. Mick Veitch and the Hon. Shaoquett Moselmane to be involved. The Hon. Shaoquett Moselmane has played a significant role in these matters. It is a matter for all of us.

I congratulate all members, who, of recent times, have been involved in this issue—members from both sides of politics, because this is not owned by one side. I certainly congratulate the current Minister, but she is part of a train of recognition of events that goes back many years. The impacts of colonisation have been recognised for a long time. I suggest that all members, when they have a spare moment, read the House of Commons report of 1827 from the Parliamentary Select Committee on Aboriginal Tribes. The inquiry looked into Australian issues, but also into issues in Canada, the Caribbean and Africa. That report is not just sobering reading, it is distressing reading. It recognised the impact of dispossession. It recognised the brutality of the impact that the British colonies were having upon the original peoples of each of the continents.

Among other things, the report recommended that issues relating to Indigenous peoples should not be left to colonial governments. The report recommended that those issues remain with the British Parliament and the Governors because the colonial governments could not be trusted. In that regard, the committee members were entirely right. Unfortunately, the select committee also recommended a number of other things, which, in due course, led to the Aborigines protection legislation, and its appalling consequences. Strangely, I had cause to read the *Hansard*—I think it was from 1907—of the debates that occurred when one of the amending Acts went through the Parliament. It was similar to what happened in 1905, when the first juvenile justice legislation was passed. The words used could have been modern language. They were empathetic and kind—indeed, one might say they

were paternalistic—but there was nothing in those protection Acts that was overtly racist, overtly violent or overtly bigoted. That came in the application of the laws thereafter.

That is the sad part of this. For more than 150 years, good words have been spoken in this place—in the chambers on both sides of this building—but their outcome has been appalling. The Hon. Shaoquett Moselmane, the Hon. Adam Searle and I know—because, particularly in my case, we have sat with young men in prison cells—that, to this day, the application of the criminal law has led to an appalling tragedy. That tragedy has continued every day up until today. This legislation is an opportunity to correct, in a very small way, the inhumanities that have been inflicted. As I have stated previously, it rests on every one of us to reflect every day upon what we have done and continue to do to the first peoples of this land. We carry an enormous burden of guilt and we should accept it, acknowledge it and correct it.

**The Hon. WALT SECORD (20:39):** As Deputy Leader of the Opposition in the New South Wales Legislative Council and as shadow Minister for Health I contribute to the debate on the Aboriginal Languages Bill 2017. It is apt that I acknowledge that we meet on the land of Gadigal people of the Eora nation. I pay my respect to their elders past and present, and extend that respect to those first peoples of New South Wales. I express my hope that one day I am Health minister in a State Labor Government that will introduce policies to close the gap in health, employment and imprisonment rates, and education outcomes between Indigenous and non-Indigenous peoples.

I note with great sorrow that on 20 September in Tamworth New South Wales had its fourth Aboriginal death in custody in two years. Now is not the time to canvass these issues in detail. However, it would be remiss of me to not refer to the fact that Indigenous Australians are amongst the most incarcerated people in the world. It is almost two decades since the Royal Commission into Aboriginal Deaths in Custody recommended that Aboriginal prisoners not be left alone in prison cells. That recommendation was never implemented in New South Wales.

I will limit my remarks on the bill because Minister for Aboriginal Affairs the Hon. Sarah Mitchell, Leader of the Opposition the Hon. Adam Searle and shadow Minister for Primary Industries the Hon. Mick Veitch, who represents the shadow Minister for Aboriginal Affairs, David Harris, have all spoken at length on the bill. I recognise the commitment of the Minister for Aboriginal Affairs to this bill, which has its origins in the Bob Carr-Dr Andrew Refshauge Labor administration. The 2004 Aboriginal languages policy established the Aboriginal Languages Research and Resource Centre and led to the development of the Aboriginal language and culture nests. These are a network of communities in five locations across the State that are connected to a base school and united by a connection to the Aboriginal language. I am glad this bill continues their work. Let us not forget its origins. I take the opportunity to cite the work of Labor shadow Minister for Aboriginal Affairs David Harris.

The State Government advises that this bill is part of the Aboriginal language and culture nests initiative to foster Aboriginal languages in Aboriginal communities, schools, and the wider community. This initiative is part of a broader strategic plan entitled Opportunity, Choice, Healing, Responsibility, Empowerment [OCHRE] that arose out of the 2012 Ministerial Taskforce on Aboriginal Affairs. The State Government says that the bill responds to the 2016 Inquiry into Reparations for the Stolen Generations in New South Wales. Recommendation 24 from that inquiry urged the Government to consider increasing the number of Aboriginal language and culture nests under its OCHRE strategy. In her second reading speech, the Minister stated that the committee had heard "...firsthand how the loss of connection to culture and language caused trauma to the members of the Stolen Generations". In particular, it was heard from Aboriginal leaders that reconnection with their lost languages created a great healing power.

I now turn to the objects of Aboriginal Languages Bill 2017, which 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. I am pleased to express my in-principle support publicly for the aims of this bill. I do so as the son of a proud Mohawk-Ojibway First Nation man who was born in July 1942 and passed away earlier this year. He was a proud member and elder of the Mississaugas of the New Credit First Nation in Southern Ontario, Canada. My father was part of an Indigenous generation in Canada that also lost a working knowledge of their traditional language—Anishinaabemowin—due to the assimilation policies of the Canadian Government in the 1950s. Unfortunately, my grasp of the language is even less than that of my late father. It is reduced to a smattering of words and phrases. The loss of my language and its association to cultural identity hurts deeply.

However, my much younger brother is more fortunate as he was educated in the 1980s. He can speak more of our language and is active in traditional cultural practices in my late father's tribe. Ironically, he has a limited command of our language because of a reversal of Canadian Government policies, which is a similar

policy approach to what we are debating today. My father's tribe were able to awaken their language and allow it to flourish, and I hope that similar growth can be achieved in New South Wales. We all know that language is important in preserving and continuing a culture as well as fostering a pride in one's culture and in oneself.

When I was chief of staff to the Minister for Aged Care in Canberra from 2007 to 2009, we often found that elderly nursing home residents from non-English speaking backgrounds reverted to their original languages as they aged. Linguists from many European countries come to Australia to study the unique local dialects that have all but vanished in those countries but which thrive in nursing homes where the last of our post-war migrants live today and are still fluent in their old dialects. I know of friends whose elderly parents yearn to speak Yiddish with other people. It is the language of their childhood in pre-World War II Russia. In fact, in their final dying days those people often ask for a rabbi who can speak to them in Yiddish.

As I mentioned, one of the saddest reflections in my life is that I do not speak the language of my late father. When I was growing up, we used to admire the spread and usage of the Maori language in New Zealand and dreamed to see similar changes in Canada. Today, my late father's immediate tribe has 1,800 members and only 8,770 Mississauga people exist in the world. Keeping languages alive is the key to maintaining our cultural identity and presence. At the time of European settlement in Australia in 1788 there were more than 250 Aboriginal groups on this continent. Today, only approximately 120 of those languages are still spoken. Many are at risk of being lost when elders pass away.

We know that a systemic attempt to deprive Aboriginal people of their languages means 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 few remaining speakers of their language that only the elders 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 their language and to ensure that it is passed on to the next generation before it is too late.

While I acknowledge the beautiful smoking and message stick ceremony that occurred last week, I understand that some groups, including the New South Wales Aboriginal Land Council and the New South Wales Aboriginal Education Consultative Group, have expressed concerns about specific aspects of the bill. These include how the trust members are appointed, that the Aboriginal Affairs Minister can reject or add any part of the strategic plan, and the consultation process. They have concerns that the legislation could seek to impose ministerial controls on Aboriginal languages. There are also concerns that the Berejiklian Government did not accept the recommendations of the consultation report by Dr Jack Beeton.

Labor also has concerns about resourcing and the initiatives in the bill. We have been advised that the cost is between \$100,000 and \$200,000 and will be funded from existing resources. There needs to be an ongoing funding commitment. Action is taking place behind the scenes as we speak to respond to those concerns. I look forward to hearing of those discussions when the amendments are considered later in Committee. Finally, I note the observations last week by my colleague the Hon. Adam Searle, who said that this legislation:

... does not seek to protect or preserve Aboriginal languages, rejecting the language of past colonial injustices, but rather seeks to reawaken them ...

He likened the preservation of Aboriginal languages to:

... 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 to their full glory once more.

It was a beautiful analogy, and it was accurate. As someone who knows how to revive a campfire, I know the embers can smoulder far longer and harder than one can see or expect. We have had good signs that the embers are ready to take. I note from the speech of the Minister for Aboriginal Affairs that the recent 2016 Census found that only one in 10 first peoples spoke their language at home, and almost all first language speakers lived outside capital cities. However, in New South Wales the figure has increased from 1,200 in 2011 to 1,800 in 2016.

The Minister also advised that the number of students receiving education in Aboriginal language has increased by 1,000 in just the past year. That is a most positive sign, but it is not due to government action alone. Rather, it is thanks to a persistent desire of Aboriginal and Torres Strait Islander people to know their language. This, despite the colonisation and dispossession visited upon them, shows the indelible strength of Australia's first nations. In conclusion, I thank the members for their consideration and commend the bill to the House.

**Reverend the Hon. FRED NILE (20:50):** I contribute to the second reading debate on the Aboriginal Languages Bill 2017 and I acknowledge the traditional owners of land on which the Parliament 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. I have come to know many Aboriginal elders over many years, who

are now very close personal friends, such as Pastor Peter Walker and Pastor Ossie Crewes. They and many others have helped me to understand the Aboriginal culture as well as their feelings. Hopefully, I have managed to put myself in their shoes when dealing with Aboriginal issues and legislation in this Parliament.

In 1983 I was involved in a very intense debate on the introduction of Aboriginal land rights legislation. The bill before us has bipartisan support, but in 1983 there was a fierce fight between the Labor Government that introduced the Aboriginal land rights legislation and the Coalition that absolutely opposed it. I was the ham in the sandwich, so to speak, as an independent member of the Christian Democratic Party. I understood how strongly the Aboriginal people felt, and I had no doubt that I would vote in support of the Aboriginal land rights legislation. At the time I was threatened by many who opposed legislation and who wrote to and spoke to me to criticise my stand. Some of the criticism came from within the party, with members saying that if I voted for the bill the party would lose half its votes in New South Wales, especially from the country areas where we had a lot of support. Nevertheless, my conscience would not allow me to divert from the position I had adopted to support the legislation.

I regard the Aboriginal Languages Bill 2017, which is before us tonight, as similarly historic legislation. It is designed to right a very serious wrong that will cease when this bill passes through Parliament. The object of the bill is to acknowledge Aboriginal languages. In the past there was no acknowledgement of Aboriginal languages. In fact, the opposite occurred: There was an attempt to remove Aboriginal languages from Aboriginal people, and therefore from our nation.

The objects of this bill are to acknowledge Aboriginal languages, to establish an Aboriginal Languages Trust and to require the development of a strategic plan. The bill includes a preamble which acknowledges that Aboriginal languages are an integral part of culture and connect Aboriginal people to each other and to their land, the impact of past government actions on languages, the importance of reawakening languages in reconnecting to the culture, that Aboriginal languages are part of the State's cultural heritage, and that Aboriginal people are the custodians of their languages. The NSW Aboriginal Land Council has provided me with some background notes which I will put on the historical record. It states:

Aboriginal people occupied Australia for at least 60,000 years.

At the time of colonisation there were more than 250 Aboriginal Australian language groups across Australia.

Today it is estimated that that has decreased and around 120 are still spoken and are at risk of being lost as elders pass away. It continues:

In NSW, there were about 35 Aboriginal languages and over 100 dialects of those languages.

From the time of European settlement, Aboriginal people and culture has been decimated. Conflicts between settlers, introduced diseases and massacres destroying large groups of Aboriginal people. It is estimated that during the first 100 years of settlement the Aboriginal population was reduced from 300,000 to 60,000.

In 1937 the Commonwealth Government held a national conference on Aboriginal Affairs which agreed that **that Aboriginal people "not of full blood" should be absorbed or "assimilated" into the wider population.** The aim of assimilation was to make the "Aboriginal problem" gradually disappear so that Aboriginal people would lose their identity in the wider community.

**Protection and assimilation policies which impacted harshly on Aboriginal people included separate education for Aboriginal children, town curfews, alcohol bans, no social security, lower wages, State guardianship of all Aboriginal children** and laws that segregated indigenous people into separate living areas, mainly on special reserves outside towns or in remote areas.

**Another major feature of the assimilation policy was stepping up the forcible removal of Aboriginal children from their families** and their placement in white institutions or foster homes.

When this bill first came before the Parliament at the time of the ceremonial role of the Aboriginal people, I put on the record evidence that was given to a committee of this Parliament during an inquiry into the stolen generation. The evidence showed almost the brutality of the policy in dealing with children of the stolen generation. They were punished if they spoke in an Aboriginal language or if they used their Aboriginal name. Their Aboriginal name was replaced with a European number, because the Aboriginals did not have numbers as we have in the English language. I had a knowledge of that before the inquiry but it made a greater impact on me when I heard the evidence from so many Aboriginal men and women who had suffered forcible removal—and who are now known as the stolen generation—and what they endured in the homes to which they were sent at Cootamundra, Bomaderry and other places. The background notes continue:

One principal effect of the forcible removal policies was the destruction of cultural links. This was of course their declared aim. The children were to be *prevented from acquiring the habits and customs of the Aborigines* (South Australia's Protector of Aborigines in 1909); *the young people will merge into the present civilisation and become worthy citizens* (NSW Colonial Secretary in 1915).

Culture, language, land and identity were to be stripped from the children in the hope that the traditional law and culture would die by losing their claim on them and the sustenance of them. With the figures I quoted

earlier of the reduction of the Aboriginal population from 300,000 to 60,000, the white protective mentality almost succeeded in eliminating the Aboriginal population from our nation. Shame on those people. That is the reality of our history; we have to face up to that. But we can also do something about it, which is what we are doing now with this legislation. I am pleased that this bill is the result of a lot of discussion that took place. In March 2016 the former Minister, the Hon. Leslie Williams, met with key Aboriginal language stakeholders, where the need for Aboriginal languages legislation was identified.

In November 2016, following Cabinet approval, the former Minister announced the preparation of an exposure draft bill to recognise and protect New South Wales Aboriginal languages. In April 2017 Cabinet approved a draft Aboriginal languages bill to use in community conversation. Between May and August 2017 Aboriginal Affairs held 32 conversations across New South Wales in two rounds, attracting almost 380 participants. Mr Jack Beetson facilitated the first round of conversations and produced an independent report on the conversations. This bill is based on feedback and recommendations from both rounds of conversations.

The bill establishes an Aboriginal Languages Trust, the object of which is to provide a focused, coordinated and sustained effort in relation to Aboriginal language activities at local, regional and State levels. The functions of the trust are to advise the Government and the community on Aboriginal languages, manage investment in Aboriginal language activities, promote education and employment opportunities in Aboriginal languages, and encourage wider use and appreciation of languages. The trust will have a board with between five and 11 members, who will be appointed by the Minister. The Minister can only appoint Aboriginal persons with relevant skills, expertise or experience and who have appropriate standing in the Aboriginal community. I hope the Minister will do more than just appoint those persons and will get feedback from the Aboriginal community on who the members of the board should be.

It is vital for the success of this legislation that the people appointed to the board come with the total support and endorsement of the Aboriginal people and leaders of this State, particularly those in the NSW Aboriginal Land Council. I say that because the NSW Aboriginal Land Council, which sometimes gets bypassed, is in fact the peak body representing Aboriginal people in New South Wales. With more than 23,000 members it is the largest Aboriginal member-based organisation in Australia. It is committed to ensuring a better future for all Aboriginal people by working for the return of culturally significant and economically viable land and pursuing cultural, social and economic independence for the Aboriginal people of New South Wales.

I work closely with the NSW Aboriginal Land Council and support its endeavours on behalf of the Aboriginal people of this State. It is important that the Minister and the Government work in cooperation with the NSW Aboriginal Land Council to ensure that the members of the trust have the full support of the Aboriginal community. If that does not happen it will undermine the success of this legislation. Governments are loathe to hand over all powers and controls to independent groups, cultural groups and even the Aboriginal community. There is a sense of that issue in the details of this legislation. That is why some amendments have been proposed, which the Government, I am pleased to say, has agreed to and which will be moved by the Minister in the Committee stage. The five amendments will help to promote unity between the Government and the Aboriginal people and between white people and the Aboriginal community.

Sometimes white people, and obviously I am a white person, do not fully comprehend the degree of distrust that Aboriginal people have for them. They have been tricked so much over the years and they have a sense that they may be tricked again. We have to show them our genuine desire to meet their needs and concerns through this legislation. I am pleased that the Government has been able to negotiate these amendments, which have the support of the Aboriginal leadership. There has been some debate over an extra amendment which has some technical problems. The problems are less with its intent than with the word "use" in the preamble, which apparently causes some problems in the mind of Parliamentary Counsel. Instead of holding up the bill, that amendment will not be proceeded with now, although it may return in future. I support the bill on behalf of the Christian Democratic Party, which has always endeavoured to be the voice of the Aboriginal people in this State.

**Mr SCOT MacDONALD (21:05):** I support the Aboriginal Languages Bill 2017 and express my appreciation to the Minister for its introduction and the way we were taken through the ceremonies last week. The ceremonies were quite remarkable and we will remember them for a long time. New Armidale councillor Brad Widders is of Aboriginal background. He has encouraged my wife and I to use some Aboriginal words. On his prompting I say, "Illana runyerra". That is "good day" in Kamilaroi and Anaiwan. I believe we will hear a lot more from Brad Widders and he will do very well on Armidale Regional Council. A Darkinjung Local Aboriginal Land Council media release dated 16 October reads:

Wednesday 11 October marked a significant step forward for Indigenous recognition with the Aboriginal Languages Bill ushered into State Parliament.

For Darkinjung Local Aboriginal Land Council Chief Executive Officer, Sean Gordon this piece of legislation is crucial in helping to empower Aboriginal people and communities in not only New South Wales, but nationally.

"The Aboriginal Languages Bill is critical in acknowledging the extensive history the first people of Australia have with this country and the languages and dialect that were established thousands of years ago," said Sean.

"Our language forms an intrinsic part of our cultural identity and to have the Australian Parliament recognise and help native Indigenous language is a good first step in bridging the gap between Aboriginal and non-Aboriginal Australians.

"This has been a key moment for Aboriginal people. There is still more to do but it means that our people are able to start leading and empowering their own communities.

"I hope that the introduction of this Bill will result in a shift of ownership to Aboriginal people. These are our languages, and it is our right to be at the forefront of this movement," added Sean.

Part of the newly introduced legislation includes the appointment of an independent language panel or trust by the State Government which includes a number of Aboriginal language experts.

This panel will assist and guide Government in working with the communities to help preserve and re-awaken Aboriginal languages.

"There have been a number of significant Aboriginal leaders within the language space that have been working towards this for a very long time. Darkinjung Board of Directors and community would like to congratulate them on what they have been able to achieve," continued Sean.

"Leaders like Ray Kelly Snr, Stan Grant and Gary Williams have been some of the hardworking people pioneering for the protection of Aboriginal language. I hope that this legislation means it will be able to revive the Darkinjung language here on the Central Coast so that we are able to share it with our youth and the wider community."

Those words from Darkinjung Local Aboriginal Land Council Chief Executive Officer Sean Gordon are worth recording in *Hansard*. I support the bill and congratulate the Minister and the Government.

**The Hon. SHAOQUETT MOSELMANE (21:09):** I make a brief contribution to debate on the Aboriginal Languages Bill 2017. I acknowledge the traditional owners of this land and pay my respects to their elders past and present. I acknowledge all my colleagues who spoke on this bill with complete and utter respect for Indigenous Australians. I also acknowledge the presence in the Chamber of our colleague Mr David Harris, the shadow Minister for Aboriginal Affairs. It was with great pride that I watched the historic smoking ceremony held to introduce this bill on Wednesday 11 October. I say it was with pride because this House is, by introducing this bill, taking an historic, significant and meaningful step towards putting into practice what many have been calling for for decades.

I also felt a level of regret because we all know precisely how governments of all political persuasions—Labor and Liberal, colonial and democratic, State and Commonwealth—in this place and in other Parliaments around the country not only failed to sustain Indigenous languages and culture through legislation such as this but, in fact, sought to extinguish them. As we have seen and heard with the stolen generation, the intention was also to slowly but surely wipe out the Aboriginal culture. It is therefore important that the preamble of this bill, as has been noted previously, reflects the contemporary mood in Australia on this issue. It is important that it recognises not only the failures of past governments but also the way forward for New South Wales. The preamble reads:

**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;
- (e) It is acknowledged that Aboriginal people are the custodians of Aboriginal languages and have the right to control their growth and nurturing;

I thank the Minister and all involved. In particular, I thank Dr Ray Kelly and all those who had a part in forming those powerful words. As Leader of the Opposition in this House the Hon. Adam Searle pointed out, the initiative does have some precedent. In 2004 the Labor Government introduced the Aboriginal languages policy, established the Aboriginal Languages Research and Resources Centre and developed the concept of Aboriginal language and culture nests. But we must acknowledge this has not been enough to compensate for the fact that many Aboriginal elders have passed away—elders who have carried with them the living culture and language that survived time, government bans and forced assimilation.

As a result of intentional deprivation of culture, only 120 of the 250 Aboriginal Australian language groups that were present on the continent at the time of European settlement have survived. That is why this bill is so important. In reawakening their language and culture, our first nation's peoples are fighting the legacy of the

history of systematic dispossession and time itself. Although we are coming in late to right the wrongs, Australia is not alone in this challenge. First nations people in countries such as Canada and the United States of America faced a similar fight to reawaken their language and culture.

In the Canadian state of Ontario, an estimated 16,000 Indigenous children were taken from their families and communities and put up for adoption, and then the State denied these children any future contact with their communities. They had no access to their language and culture and, like the stolen generation, what is known in Canada as the Sixties Scoop has come to be seen as its own kind of cruel cultural genocide. In the case of the Ontario children, survivors have recently settled a class action law suit with the Canadian Government that will see it spend \$750 million on direct compensation and another \$50 million to fund an Indigenous healing foundation with a counselling, healing and education mandate. I have no doubt that language and culture will play a large part in the healing process.

A Federal Canadian program has been in place for some decades and now has a total funding pool of \$35.4 million available to select States across the country. I hope that Australian governments learn from the Canadian experience and in the future are able to provide similar resources at both the national and State levels. If we want any program to work, we must put our money where our mouth is and provide appropriate funding to achieve success. All governments should do whatever it takes to help their Indigenous peoples to achieve their goals in this fight to reawaken their language and culture. I have undertaken to do what I can to recognise contributions to Indigenous human rights through the National Indigenous Human Rights Awards. Given the list of speakers who will contribute to this debate, I know that other members have a similar interest in and passion for this issue. As the Leader of the Opposition said, it is incumbent upon all members to ensure we are vigilant in supporting measures such as those in this bill.

As the Labor Opposition, it is our responsibility to point out that, while we support this bill, there is one imperative—we must provide the necessary funding to achieve its objectives, which are to reawaken, to nurture and to grow Aboriginal languages, and to develop a plan to achieve that. The Minister has suggested that the board of the proposed trust would comprise between five and 11 members. Clause 10 provides that "persons may be employed ... to enable the Trust to exercise its functions". Clause 13 provides that the trust, along with its employees, will prepare a strategic plan for the growth and nurturing of the Aboriginal languages. To do all this—that is, to truly and to properly fulfil the bill's ambitions—the Government should consider providing more funding than the relatively small amount that I understand will be available. That is especially significant given the global examples I have provided.

The Opposition is also committed to ensuring that as the plan is developed the Government continues to respect the grassroots growth that has been fostered by organisations such as the New South Wales Aboriginal Land Council. I note that the council is concerned that the legislation might seek to impose ministerial controls or to allow intervention. Organisations such as the land council are vital in this process and must be kept on board. The Government should assure members that that will happen and that all Aboriginal organisations that have had input and their contributions and suggestions will be taken into consideration. Like other members, I thank everyone who took part in the smoking ceremony on 11 October. They included: Dr Ray Kelly; Uncle Ray Davison; Ray Ingre; Rhonda Ashby; Jaycent Davis; Auntie Di McNaboe; Uncle Gary Williams; Auntie Irene Harrington; Murray Butcher; Ronan Singleton; and Auntie Maureen Sulter.

I take this opportunity to congratulate President the Hon. John Ajaka for being open to new and modern procedures and for allowing members of the Aboriginal community onto the floor of the Chamber. That is a very worthy precedent. Suddenly there were no strangers in the House; those present were part and parcel of this place. It was a wonderful ceremony that brought members and Indigenous people together in this place and rightfully on their land. I hope the Government will continue to uphold the symbolic and sincere intentions of that wonderful ceremony in its practical implementation of this important legislation. More importantly, I hope that the objectives of this bill are fully achieved. Finally, I place on record my support for the proposal put forward by the Hon. Mick Veitch to place the message stick on the table but concur with what the Deputy President, the Hon. Trevor Khan, has said that the decision should involve consultation with all members of the House. I, too, support the bill.

**The Hon. PAUL GREEN (21:19):** As a member of the Christian Democratic Party I make a contribution to the Aboriginal Languages Bill 2017. I acknowledge the traditional owners of this land, the Gadigal people of the Eora nation, and pay my respects to elders past and present. As stated by Reverend the Hon. Fred Nile, the Christian Democratic Party sees this bill as of the utmost importance to the traditional owners of this land because language is passed on verbally through the generations. Aboriginal languages are part of the culture and identity of Aboriginal people and should be acknowledged, respected and protected.

I commend the Government for this legislation, which aims to acknowledge Aboriginal languages and to establish an Aboriginal Languages Trust, governed by Aboriginal people, for the growth and nurturing of Aboriginal languages. The Christian Democratic Party has long been a supporter and advocate of Aboriginal



recognition and rights. In 2010, as the then mayor of Shoalhaven City Council, I had the great privilege to enter into a commitment with the Aboriginal people of the Shoalhaven in a special ceremony and raising of the flag inside the council chambers in Nowra. The special ceremony was a proposal from the council's Aboriginal Advisory Committee. The commitment came two years after the National Apology to the Stolen Generations by then Prime Minister, Kevin Rudd, in February 2008. At the ceremony I stated:

We honour the Aboriginal people of Shoalhaven City, a truly enduring people with a rich culture and history. I also acknowledge that much of that history has included injustices and mistreatments ... Today we make a special commitment to Aboriginal people so that not just Council but all people of Shoalhaven City can learn more about the valuable contribution and richness that Aboriginal peoples offer to our city.

As usual at such events it was an emotional and raw experience. Aboriginal people offer so much to culture and heritage through languages. Aboriginal culture and language are key to the history of Australia. We cannot ignore the loss of around 130 historical Aboriginal languages over the last 200 years. We must, as a State and nation, work to retain and strengthen Aboriginal languages and ensure they are passed on to the next generation. In 2012 the United Nations held a forum on "Study on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples". It said:

Language is an essential part of, and intrinsically linked to, indigenous peoples' ways of life, culture and identities. Languages embody many indigenous values and concepts and contain indigenous peoples' histories and development. They are fundamental markers of indigenous peoples' distinctiveness and cohesiveness as peoples.

I am reminded of a statement by Yurranydjil Dhurrkay based at Galiwin'ku, north-east Arnhem Land, when he said:

Our language is like a pearl inside a shell. The shell is like the people that carry the language. If our language is taken away, then that would be like a pearl that is gone. We would be like an empty oyster shell. Language is integral in affirming and maintaining wellbeing, self-esteem and a strong sense of identity. Languages contain complex understandings of people's culture and their connection with their land. The Christian Democratic Party commits to ensuring this significant legislation not only is implemented successfully but also acts as a stepping stone to recognising that this is just the beginning. As my colleague and leader stated, we should go further to ensuring that we have an Aboriginal voice for the people in this place. I recently read an article by Dr Chris Bourke, MLA, of the Australian Capital Territory Parliament, in *The Parliamentarian* in which he said:

Despite making up 3% of the Australian population only 17 of the 822 MPs in Australia's parliaments are Indigenous. This significant underrepresentation is a poor outcome for Indigenous peoples who are entitled to a fair go in our democracy.

I hope the Government sees this as the next step in moving towards greater representation of Indigenous people in this place. Aboriginal language is sacred. It provides spiritual kinship to creation. This bill encourages the people of New South Wales to respect and honour Aboriginal people and their languages. Again, I congratulate the Government and the Minister on this bill. I wholeheartedly commend the bill to the House.

**The Hon. ERNEST WONG (21:25):** I join my colleagues in support of the Aboriginal Languages Bill 2017. As my colleagues have done, I acknowledge that we meet on the land of the Gadigal people of the Eora nation and I pay my respects to their elders both past and present. I also extend that respect to the first peoples of New South Wales. As a member of the Chinese-Australian community, I often note that my culture has been in Australia for quite a long time, more than 150 years. But that is a grain of sand compared to our first peoples and I am humbled as a member of a young Australian culture to have the privilege of speaking on this important issue.

As my colleague the Hon. Adam Searle noted, this bill continues a legislative journey of local community language revival that began under the former Government and led 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 and united by a connection to an Aboriginal language in five locations across the State. I note from the Minister's speech that in the past year the number of students receiving education in Aboriginal languages has increased by 1,000. That is a tribute to the tenacity of our First Peoples in protecting and preserving their culture.

We should never forget that more than 250 Aboriginal Australian language groups were present on our continent in 1788. Today only approximately 120 of those languages are still spoken and many are at risk of being lost as elders pass away. This makes the measures in this bill all the more vital. Importantly, to make this bill truly reflect our obligation to recognise the first languages in this country and the core spirit of this bill, any development of policy and programs should be driven by local Aboriginal communities in accordance with the aspirations of the Aboriginal people and meet the international standard of free, prior and informed consent. I support the view of the New South Wales Aboriginal Land Council that Aboriginal community control and autonomy is essential in the revitalisation of Aboriginal languages. I welcome any measures to eliminate any potential for ministerial interventions or ministerial controls not in accordance with the principles of self-determination, to undermine genuine community control of Aboriginal languages.

As my colleague the Hon. Mick Veitch said, the open and transparent committee consultation provisions are the most important part in the process of future planning prescribed by this bill. As a bilingual person,

I appreciate the great richness that being able to transition between both the English and Chinese language cultures has brought to my life. I cannot imagine what it would be like to have been deprived of my parents' tongue or to be detached from my heritage and my family's personal history in this way. This is even more important given the vital role of narrative and storytelling in our first peoples cultures. As the Hon. Adam Searle noted:

We can see that in the song lines 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. Hence, Indigenous language is the gateway to Indigenous culture. Sadly, as we know, our predecessors in this and other parliaments sought to close off that gateway. They sought to eradicate Indigenous language and deprive our first people of the gateway to their culture. In many places of this nation they succeeded, and in those places where language of Aboriginal people has been lost, there is a loss of cultural link that is akin to extinction in the biosphere. It has many consequences and flow-on effects, and it is, of course, irreversible. Therefore, we must support this initiative to preserve, promote and protect our surviving Indigenous languages. This legislation is a small step although an important one along the long road back from historic wrongs. I am, therefore, pleased to join my Labor Party colleagues in supporting the bill.

**The Hon. GREG PEARCE (21:30):** Last year I had the privilege of chairing the Standing Committee on State Development inquiry into Aboriginal enterprise. We learnt some very important lessons during that inquiry. I acknowledge the Hon. Mick Veitch, who was the deputy chair, the Hon. Paul Green and the other members of the committee. We worked very well together. The significance of land, land ownership and water to Aboriginal communities and culture was the key learning we obtained from that inquiry. We also came to realise that the Aboriginal Land Council structure that exists in New South Wales, whilst it has had its setbacks and difficulties, is a fantastic starting point and has a great deal of support from all stakeholders, particularly the Aboriginal communities. It can be built upon to restore the structural basis for the growth of community and to deal with any problems.

I acknowledge Reverend the Hon. Fred Nile who has played a very significant role in the reforms that have helped the Aboriginal community and the rest of us to deal with these problems, which have occurred from way back in 1983 when the land claims legislation was passed through this House. The other issue that was so important was the question of language and how that fits into culture. I congratulate the current Minister for Aboriginal Affairs and her predecessor, Leslie Williams, for taking on this issue and making sure that real progress is being made. I note that funds were provided by the Federal Government back in 1996 and the New South Wales State Government language policy was introduced in 2004. I commend Dr Andrew Refshauge who led that change. I was astonished to discover that by the 1990s almost all of the Aboriginal languages outside of the Northern Territory and South Australia were classified as dead languages, not living languages.

I had the opportunity in late 2016 to visit the Muurrbay Aboriginal Language and Culture Co-operative at Nambucca Heads. The work they have done there is astonishing. I met with Gary Williams, who was the chief executive officer, and some of the community members. I was astounded to find that by the early 2000s the only Aboriginal language left in New South Wales was that based around the community at Muurrbay in Nambucca Heads. I encourage members to visit the co-operative and have a look at the dictionaries they have produced. They now have dictionaries for seven languages in New South Wales.

To understand the difficulty in recovering these languages, I was again astonished to learn the strategy for developing these languages and dictionaries. It is based around an Arapaho Indian methodology involving scaffolding, as they explained it to me, where they start with pictures of mammals, things and various other images to restore the language. I commend the Government for this legislation. I know the Aboriginal land councils have issues with the Government's approach—they would like to see a couple of things done differently. This is a great step forward. I commend the bill to the House.

**Mr DAVID SHOEBRIDGE (21:34):** I support the Aboriginal Languages Bill 2017 and note that my Greens colleagues also support this bill. I acknowledge that this Chamber and this Parliament is built on, and works on, Aboriginal land—the land of the Gadigal people. I live on Gadigal land. This Parliament, which is the oldest in Australia, has a direct institutional link to 230 years of history that has stolen the land of the first peoples of this continent, has stolen the children—and continues to steal the children—of the first peoples of this continent and has done everything to steal the languages of the first peoples of this continent. I hope that this bill will be a fundamental turning point to acknowledge the history and our obligation to return power and control to Aboriginal people over their land, their children and their languages. I know that in Committee there will be some discussion as to whether this legislation sufficiently empowers Aboriginal people to have control over their languages.

I endorse every amendment that makes it clear that it is not this Parliament—it is not any Minister appointed by this Parliament, nor will it ever be—that has control over Aboriginal language. The power that controls the decisions about the money that we set aside to strengthen and reawaken Aboriginal languages must always lie with Aboriginal people. If that is not a lesson that we have taken away from history, then shame on us. In my inaugural speech in this Chamber I said that it was a little over 82 years ago—it is now almost 90 years ago—that two Aboriginal activists, Jack Patten and William Ferguson, who were also trade unionists and

Aboriginal politicians, gathered with others out the front of this place. At that stage they were talking about the sesquicentenary of invasion of this continent. One hundred and fifty years earlier their land had been invaded, their culture had been viciously attacked, their languages had been viciously attacked and their children had been taken. Aboriginal people had suffered for 150 years. Jack and William stood out the front of this place and called this institution and this society for what it was. In part, they said:

You are the New Australians, but we are the Old Australians. We have in our arteries the blood of the Original Australians, who have lived in this land for many thousands of years. You came here only recently, and you took our land away from us by force. You have almost exterminated our people, but there are enough of us remaining to expose the humbug of your claim, as white Australians, to be a civilised, progressive, kindly and humane nation.

I think Jack and William would still be saying that there is a bloody lot of humbug in this place. We should not congratulate ourselves too heartily on passing this bill. We should be ashamed that we did not pass this bill 150 years ago. I thought it was an extraordinary moment when we had Aboriginal people from across this State come into this Chamber, speak in languages and pass their message stick. They delivered that message to us, but the fundamental message we must get is that it is not for us to make the rules for Aboriginal Australians. It is not for us to dictate to Aboriginal Australians how they go about looking after their kids, protecting their languages and protecting their land.

This is about getting out of their way, empowering them, strengthening them and recognising their fundamental need for self-determination. First and foremost the bill does not fully acknowledge the fundamental need for Aboriginal self-determination, control and ownership of their language. I am troubled by a bill that gives the Minister so much power over Aboriginal language. I do not criticise the Minister for the bill; it is how it is done in this place. We need a bill that says, "It is not for the Minister to decide about the trust and it is not for any politician created by this institution to work out what to do with Aboriginal language. We will hand the whole lot—the money, the power and the rule-making—to Aboriginal Australia". We need to fundamentally commit to self-determination.

I hope this bill does good and enables more Aboriginal languages to be reawakened and strengthened, and more Aboriginal kids to speak their language on their country. Fundamentally we must stop doing it by Minister with our government structures and instead commit to it being done by Aboriginal people in their way, in their culture, with their decision-making, and with their ownership and respect for their culture. It must be them doing it, not the Minister or the Parliament. Perhaps we can get there at some point. That commitment to self-determination is what this Parliament needs to wholly understand and implement.

I note the contributions by other members. This has been a fine debate. I particularly note the contribution by Deputy President Khan and commend him for his words. But it is not the words we speak or the language we wrap around the bills, as Deputy President Khan said in his contribution. If we look at the language wrapped around the legislation that established the Aboriginal Protection Board it was said to be in the interests of Aboriginal Australia. If we look at the language used to establish the laws that stole Aboriginal kids it was this place pontificating about the needs and best interests of Aboriginal Australia. I say again: It is time we stopped pontificating and creating laws and structures, and with an open heart gave self-determination wholly to Aboriginal people. They know best.

**The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (21:41):** In reply: I thank all members who have contributed to this debate: the Hon. Adam Searle, Reverend the Hon. Fred Nile, Ms Dawn Walker, the Hon. Mick Veitch, the Hon. Trevor Khan, the Hon. Walt Secord, Mr Scot MacDonald, the Hon. Shaoquett Moselmane, the Hon. Paul Green, the Hon. Ernest Wong, the Hon. Greg Pearce and Mr David Shoebridge. Last Wednesday saw the celebration of a special occasion for this Parliament and for Aboriginal people across New South Wales. I place on record my appreciation and thanks to the President and members of the House for agreeing to the performance of and participation in the ceremonies. I acknowledge the assistance of the staff of the Parliament: the Clerk, David Blunt; the Usher of the Black Rod, Susan Want; and the many others who helped create a meaningful day for us all. The Aboriginal Languages Bill 2017 is the culmination of years of hard work by many Aboriginal people. Between May and August this year Aboriginal Affairs held 32 community consultations in 16 locations across the State. Those conversations are embodied in this bill. The objects of the bill are:

- (a) to acknowledge that Aboriginal languages are part of the culture and identity of Aboriginal people, and
- (b) 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
- (c) to require the development of a strategic plan for the growth and nurturing of Aboriginal languages. The preamble to the bill states that Aboriginal language is part of the culture heritage of New South Wales. Sharing Aboriginal languages builds respectful communities; communities that are proud of and celebrate their Aboriginal history and culture. It is a 50,000-year-old legacy that we want to share with the rest of Australia and the world. In their contributions to the debate, members have spoken of their local Aboriginal languages.

Auntie Maureen Sulter participated in the message stick ceremony last week and has taught me the Gunnedah area Gamilaraay greeting, "Yaama", which I now use.

I also note that the preamble acknowledges Aboriginal custodianship of languages and Aboriginal rights to control the growth and nurturing of their languages. This clear message came from the community consultations and is at the heart of the bill. The bill establishes the New South Wales Aboriginal Languages Trust as an independent board comprised entirely of Aboriginal persons with relevant skills, expertise and experience and standing in the community. The trust will provide a focused, coordinated and sustained effort towards Aboriginal languages, especially those in local communities. The functions of the trust include bringing together experts, academics and community members promoting, prioritising, funding and investing in effective Aboriginal language activities.

The trust will also advise communities, government agencies and others on Aboriginal languages, such as education and employment opportunities; provide resources to support Aboriginal language activities; and encourage a wider use and appreciation of Aboriginal languages. The trust is required to conduct its activities in accordance with the approved strategic plan and any directions given by the Minister. At this point, I foreshadow that we will move an amendment during the Committee stage. To the extent there is any inconsistency between the Aboriginal languages strategic plan and a direction given by the Minister, the trust must conduct its activities in accordance with the Aboriginal languages strategic plan. The trust is also to conduct an annual review on the implementation of the strategic plan and provide a report on the review to the Minister. The Minister will table this report in both Houses of Parliament.

In conclusion, I wish to add a few remarks about consultation. Since the bill was introduced to the House last Wednesday I have had the opportunity to speak further with key language stakeholders, including Uncle Stan Grant, Rhonda Ashby, Auntie Di McNaboe, Auntie Maureen Sulter, Ray Kelly, Clarke Webb, Chris Ingreay and Ray Williams as well as representatives from the New South Wales Aboriginal Land Council and the New South Wales Aboriginal Education Consultative Group. We have had many discussions. During this morning's lengthy discussion some concerns were raised with stakeholders that I believe need further attention. That is a key part of the development of the strategic plan moving forward.

The Hon. Mick Veitch referred to regulations in his contribution to the debate. I put on record that when discussing our concerns this morning there was agreement around the table that there is an opportunity to address them in the regulations. I made a commitment in that meeting, which I give again in the House, that the decisions on regulations will be made in a consultative manner. The consultation must be, and will be, genuine. Finally, as I said, amendments for consideration by the House came out of our discussion this morning and were informed by the key stakeholders. I look forward to discussing them in Committee. 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 one set of Government amendments appearing on sheet C2017-089D. Before I call on the Minister, I note that if there were other amendments, the moving party—in this case, the Government—has the carriage of the bill. Therefore, in the normal course I would give the Government the opportunity to introduce its amendments first. There is no difference in this instance, so I am making clear to members that in other circumstances it may become relevant. It is not only the order in which amendments are received that determines the order in which amendments are moved.

**The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (21:49):** By leave: I move Government amendments Nos 1 to 5 on sheet C2017-089 in globo:

**No. 1      Preamble**

Page 2, Preamble, paragraph (d), line 9. Omit "all people in".

**No. 2      Aboriginal languages strategic plan**

Page 2, clause 3 (definition of "Aboriginal languages strategic plan"), line 25. Insert "(as amended under section 14)" after "approved under section 13".

**No. 3      Aboriginal languages strategic plan**

Page 4, clause 9. Insert after line 12:

- (3) To the extent of any inconsistency between the Aboriginal languages strategic plan and a direction given by the Minister, the Trust must conduct its activities in accordance with the Aboriginal languages strategic plan.

No. 4 **Aboriginal languages strategic plan**

Page 5, clause 13. Insert after line 7:

- (3) The Minister is to consult with the Trust about any modification that the Minister proposes to make to a draft strategic plan submitted by the Trust.

No. 5 **Aboriginal languages strategic plan**

Page 5. Insert after line 12:

**14 Amendment of Aboriginal languages strategic plan**

- (1) The Minister may at any time, at the request of the Trust or on the Minister's own initiative, approve of amendments to the Aboriginal languages strategic plan.
- (2) Any proposed amendment that is to be made on the Minister's own initiative requires the approval of the Trust.
- (3) As soon as practicable after the Minister approves any proposed amendment, the Trust is to cause a copy of the Aboriginal languages strategic plan, as amended, to be published on a publicly accessible website.

As I indicated in my speech in reply, these are minor amendments that were developed in consultation with stakeholders to better reflect the intention of the bill. Amendment No. 1 is to the preamble. The bill currently acknowledges that Aboriginal languages are part of the cultural heritage of all people in New South Wales. The amendment proposes the words "all people in" be omitted to clarify that Aboriginal languages are part of the cultural heritage of New South Wales. This is to avoid any confusion in relation to the identity of "all people" or their interest in Aboriginal languages.

Amendment No. 2 is a consequential amendment to the bill's definitions in relation to the preparation and modification of the strategic plan. Under the bill, the trust is required to conduct its activities in accordance with the approved strategic plan and any directions given by the Minister. Amendment No. 3 clarifies that, in the event of any inconsistency between the strategic plan and a direction given by the Minister, the trust must conduct its activities in accordance with the strategic plan. This amendment removes any potential ambiguity arising for the trust should the Minister give directions under the Act.

The bill requires the trust to provide to the Minister a draft strategic plan for approval within two years of the commencement of the Act and at least every five years thereafter. In accordance with the bill, the Minister may approve the draft strategic plan with such modifications, if any, as the Minister considers to be appropriate. Currently, the bill does not require the Minister to consult with the trust in relation to modifications to the draft strategic plan prior to approval. Amendment No. 4 requires that consultation before approving.

Currently, the bill does not make provision for amendment of the strategic plan at any time, aside from at the point of the submission of a draft strategic plan to the Minister, which will occur at least every five years. Amendment No. 5 proposes a mechanism for amendment of the strategic plan during the intervals between the submission of draft strategic plans, provided that both the Minister and the trust agree to the amendment proposed. This will ensure that the strategic plan remains responsive and dynamic to the needs of the parties.

**The Hon. MICK VEITCH (21:52):** The Opposition supports amendments Nos 1 to 5, as moved by the Minister. We understand that the amendments arose from the consultations with the New South Wales Aboriginal Land Council [NSWALC] and the Aboriginal Education Consultative Group, and the Opposition sees no reason to oppose them. The shadow Minister for Aboriginal Affairs in the other place, David Harris, has spoken to me at length about the concerns of NSWALC about the word "use" in this bill, which is not considered in the amendments before the House. We have had discussions with the Minister's staff and departmental advisers to clarify why this is the case, and we hope that in consultation processes to develop regulations and a strategic plan this issue will be explored further. In implementing the regulations the issue may be followed up, which would be good because we believe it needs further exploration.

**Reverend the Hon. FRED NILE (21:53):** On behalf of the Christian Democratic Party, I indicate that we will support amendments Nos 1 to 5, as moved by the Minister. I have received an email from the New South Wales Aboriginal Land Council on behalf of NSWALC and the Aboriginal Education Consultative Group. The email dated 17 October 2017 states:

Today NSWALC and the New South Wales Aboriginal Education Consultancy Group (AECG) met with the Minister for Aboriginal Affairs the Hon Sarah Mitchell and community representatives involved in the revival of Aboriginal languages.

The meeting was to discuss concerns raised by NSWALC and the AECG about aspects of the proposed Aboriginal Languages Bill. While both peak bodies support efforts to strengthen the growth and nurturing of Aboriginal Languages, concerns were held about the level of Aboriginal community control of the proposed Aboriginal Languages Trust and Aboriginal Languages strategic plan.

The discussions were constructive and respectful, but unfortunately fell short of the expectations and proposed amendments put forward by the two peak bodies.

The AECG and NSWALC respect the opinions of all involved in that discussion and accept that the following resulting amendments improve the proposed legislation in respect to community control.

Those amendments are before the Committee. The email also states:

Amendments that clarify in the preamble that while Aboriginal Languages enrich the cultural heritage of the state, it is Aboriginal people that have the right to control their growth, nurturing and use.

Amendments that clarify the primacy of the Aboriginal Languages Strategic Plan in respect to any directions of the Minister, and that require the Minister to consult with the Aboriginal Languages Trust in approving that plan.

Aboriginal community control of Aboriginal cultural heritage must be sacrosanct first principle for any such reforms; particularly the impending Aboriginal culture and heritage reforms to replace Part 6 of the National Parks and Wildlife Act 1974.

The two peak bodies unashamedly advocate for Aboriginal self-determination and will vigilantly measure the development and implementation of all reforms against this standard.

On behalf of the Christian Democratic Party I am pleased to support that statement from the NSW Aboriginal Land Council. The Christian Democratic Party supports the amendments.

**The CHAIR (The Hon. Trevor Khan):** The question is that Government amendments Nos 1 to 5 on sheet C2017-089D be agreed to.

**Amendments agreed to.**

**The Hon. SARAH MITCHELL:** I move:

That the Chair do now leave the chair, and report the bill to the House with amendments.

**Motion agreed to.**

### **Adoption of Report**

**The Hon. SARAH MITCHELL:** I move:

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

**The Hon. SARAH MITCHELL:** I move:

That the third reading of the bill stand an order of the day for a future day.

**Motion agreed to.**

## **PAROLE LEGISLATION AMENDMENT BILL 2017**

### **FISHERIES MANAGEMENT AMENDMENT (ABORIGINAL FISHING) BILL 2017**

#### **First Reading**

**Bills introduced, and read a first time and ordered to be printed on motion by the Hon. Sarah Mitchell, on behalf of the Hon. Don Harwin.**

**The Hon. SARAH MITCHELL:** On behalf of the Hon. Don Harwin: I move:

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

**Motion agreed to.**

**The Hon. SARAH MITCHELL:** On behalf of the Hon. Don Harwin: I move:

That the second readings of the bills stand as orders of the day for a future day.

**Motion agreed to.**

#### *Adjournment Debate*

### **ADJOURNMENT**

**The Hon. SARAH MITCHELL:** I move:

That this House do now adjourn.

## DEFENCE INDUSTRIES

**The Hon. GREG PEARCE (21:59):** I congratulate the Government and particularly Minister Anthony Roberts and Minister Niall Blair on the Government's focus upon and support of defence and defence industries in New South Wales. As chair of the Standing Committee on State Development I have been privileged to be conducting an inquiry into defence and how its people and technology are embedded in New South Wales and the New South Wales economy. In particular I note how defence is part of the drive to modernise industry in New South Wales and to provide the jobs, information technology [IT] and future that are so essential to a State such as ours, as a leading economy in the world and one which offers not just the strategic importance of having defence industries but also the interconnection with the defence community and the jobs, industry and technology that are part of it.

Recently I was privileged to take part in a major event called Pacific 2017 and the International Maritime Exposition which was held from 3 October to 5 October in the New South Wales Liberal and Nationals Government's fantastic new International Convention Centre Sydney at Darling Harbour. This Government was a principal participant in Pacific 2017. Within the context of defence industries, South Australia has the land element in the frequent conventions there; Victoria at Avalon has the air element; and New South Wales conducts the major maritime defence activities, which are this Pacific convention and the exposition that goes with it.

We saw an incredible display of regional innovation and collaboration, commercial opportunities relevant to New South Wales business and selling the New South Wales capability advantage to an audience of key decision-makers including the Minister for Defence, the Minister for Defence Industry, the Chief of Navy in Australia, some 40 regional and global chiefs of navy, foreign dignitaries and chief executives of major defence industry companies. Defence is a significant contributor to New South Wales. Defence investment and expenditure related to New South Wales is estimated in 2014 figures at approximately \$7.9 billion per annum.

There are 20,000 New South Wales people involved in the Australian Defence Force and the Department of Defence. In addition it is estimated that 6,500 people are directly employed in defence industries in New South Wales and another 29,500 people are employed in industries supporting the defence sector. This State is the home of 21 major defence bases and training areas including significant regional New South Wales centres such as Newcastle, Richmond, Wagga Wagga, Albury, Queanbeyan, Nowra and Lithgow—a fantastic effort. These bases and training areas are important to the future of defence, which for New South Wales is about sustaining our capabilities, IT and technology development that lead to great benefits for the rest of the community.

I was able to attend and take part in many events over the three days of Pacific 2017, including hosting the defence forum leader lunch, which was attended by a significant group of prime international contractors plus a lot of local New South Wales companies involved in the defence industry. The lunch was addressed by the Minister for Defence, New South Wales' own Senator Marise Payne. It is important to recognise the significant involvement of defence industries in the New South Wales economy and in research—all 11 universities in New South Wales plus the CSIRO are involved in important research. It is an important future industry. The F-35 joint strike fighter will be based at Williamtown with BAE Systems Australia running a facility there. There is the Western Sydney airport defence and aerospace precinct for which Northrop Grumman has already announced a \$50 million commitment to— [*Time expired.*]

## MARTIN LYSICRATES PRIZE

**The Hon. WALT SECORD (22:04):** As the shadow Minister for the Arts I was honoured to attend the inaugural Martin Lysicrates Prize held on the weekend at Parramatta's Riverside Theatres. First, I congratulate John and Patricia Azarias on their continued support for Australian theatre and their practical support for playwriting. They are the philanthropists behind the Lysicrates Foundation, a not-for-profit organisation set up in 2015 with the dual purpose of restoring the Lysicrates Monument in the Royal Botanic Garden and organising Lysicrates playwriting competitions. In Sydney there are now two Lysicrates competitions, one for adult productions and another for productions aimed at children between the ages of eight and 12.

On the weekend, the inaugural Martin Lysicrates Prize was held to celebrate the best new Australian playwriting for children. It builds on the accomplishments of the Lysicrates Prize that has been running for the past three years. I have had the pleasure of attending three of the four Lysicrates prizes held so far. I always pencil the event into my calendar. It became apparent to me at this year's event that I was attending an important milestone in the development of Australian theatre, theatre for children and theatre that connects contemporary Australian theatre with its ancient origins. The original Lysicrates competition took place in the fourth century BC during the Great Dionysia festival when thousands of theatregoers went to the theatre of Dionysus in Athens, Greece, to watch a play competition.

The Parramatta competition was between three plays for children. As in ancient Greece, after the performance of the first acts, the audience was given an opportunity to vote for their favourite by placing a token in one of three urns. It was amusing to hear Australian children dropping their tokens as they watched the three plays, and it was delightful to see them engage in this ancient vote of the people. The Sydney winner received \$15,000 to complete the remainder of their play. They also received return flights to Athens.

The Martin Lysicrates Prize is named in part in honour of James Martin. Born in Ireland in 1820, Martin arrived with his parents at the age of one. He grew up in the servants' quarters of Government House in Parramatta. A determined child, he walked all the way to school in Sydney from Parramatta for two years. To give context, modern-day Google Maps says it would have been a 10-hour journey on foot. Martin became a journalist, lawyer and politician, serving as Premier three times, and later becoming Chief Justice of New South Wales—an extraordinary inspiration for young Australians then and now.

The three plays in the final of this year's Martin Lysicrates Prize were *The Zookeeper's Daughter* by Verity Laughton, *Summerland* by Katie Pollock and *House* by Dan Giovannoni. The winner was *Summerland*, which is about a group of children who discover a strange boy at the beach. Only the children in the audience voted and no-one was allowed to lobby or influence their votes. I note that the project is also supported by the Griffin Theatre Company, the Riverside Theatres and the National Theatre of Parramatta, who deserve commendation for their assistance.

I have heard Griffin Theatre Company Artistic Director Lee Lewis, Riverside Theatres Director Robert Love and National Theatre of Parramatta Executive Producer Joanne Kee speak many times. I have never seen them as enthusiastic as they were on this occasion. The exuberance of youth is infectious. Ms Lewis, Mr Love and Ms Kee were clearly pleased to be involved in the project and enjoyed the opportunity to share their love of the theatre with a future generation of potential theatregoers. Federal member for Blaxland Jason Clare, Mayor of Parramatta Andrew Wilson, and member for Parramatta Geoff Lee were all in attendance. The event had true bipartisan support.

Finally, I hope that one day we will see *Summerland* produced as a feature-length work. I look forward to attending the second Martin Lysicrates Prize and the fourth adult Lysicrates Prize early next year. I strongly encourage other members to take part in this unique Sydney cultural event. I pay tribute to John and Patricia Azarias for their personal commitment to the development of Australian theatre and their support for the development of Australian playwrights. I have spoken many times of the importance of telling your nation's stories and their value to the cultural development of our society. I thank the House for its consideration.

### CHILD PROTECTION

**The Hon. MATTHEW MASON-COX (22:08):** In 2017-18 the New South Wales Government is investing \$1.9 billion to protect and support our most vulnerable children, young people and their families across the continuum from prevention to guardianship and open adoption. Whilst this record level of funding is commendable, the question remains whether this investment is sufficient to significantly improve outcomes over time in this challenging area. Indeed, in addressing this question it is important to reflect on the two most recent reports in this area and the respective Government responses. The first report is the independent review of the out-of-home care system in New South Wales, completed in 2016 by David Tune, which found that the current system is not client centred, it is crisis driven and designed around programs and service models instead of the needs of vulnerable families. System reform is necessary to achieve the fundamental level of change required.

The Government response entitled "Their Futures Matter" adopted an investment approach to direct and prioritise whole-of-government investment for vulnerable children and families in New South Wales, supported by an additional \$190 million over four years. This is premised on an unprecedented level of collaboration across New South Wales government agencies and naturally assumes that Family and Community Services [FACS] is capable of delivering this vision. Sadly, however, past performance is generally predictive of future performance, and the historical track record of FACS has been poor.

This was the undeniable conclusion of the 2017 General Purpose Standing Committee No. 2 child protection report, which found that FACS is unequivocally part of the problem and that business as usual is just not acceptable. Key recommendations of the committee included that the New South Wales Government provide a specific one-off injection of additional funding for evidence-based prevention and early intervention services; and that the New South Wales Government establish a cross-sector body to direct the injection of additional funding for evidence-based prevention and early intervention services, with this body to be comprised of key stakeholders including the Children's Guardian, the Ombudsman, the President of the Children's Court, senior representatives from the NSW Police Force, health and education, as well as independents with relevant commercial experience.



The Government response to the damning findings of this report was predictable—a classic snow job by FACS: Nothing to see here; we are making good progress in difficult circumstances. The institutional failure of FACS is best summarised by the following damning statistic from its own Child Protection Helpline. Of the 196,874 reports made to the helpline in 2015-16 in relation to 278,521 children and young people, 78,186 were identified as children at risk of significant harm. Only 30 per cent of those children—23,609—received a face-to-face assessment. Unacceptably, 54,577 children—that is 70 per cent—were effectively ignored, their files closed due to resource constraints.

This failure by FACS has real-life consequences. Take the recent coronial inquest into the tragic case of "DT", a 13-year-old boy who took his own life. In the years before DT's death, multiple reports were made to the FACS helpline, but they were never followed up because of "competing priorities", which is departmental code for insufficient resources. The Coroner described these circumstances as astounding and deeply distressing. Yet the crisis in FACS is allowed to continue. Is it all simply too hard, or can we do better? The report from General Purpose Standing Committee No. 2 certainly thinks we can do better, but demands changes to the status quo. The cross-sector body recommended by the committee could be established as a statutory authority with a chief executive officer and representative board appointed by the Minister. It could be accountable to both the Minister and the New South Wales Parliament, with oversight of all New South Wales government early intervention and prevention funding, with services to be provided by non-government organisations, with quality assurance, staff training and capacity building in the sector and with full transition of out-of-home care to NGOs as recommended by the Wood royal commission in 2008.

In time, the FACS helpline could also transition to this new statutory body, leaving FACS as the government regulator responsible for the statutory intervention process. In this way, the inherent conflict that often arises between the provision of early intervention services by FACS and its statutory child protection role could be eliminated. Such a statutory independent body would be a much-needed fresh start and would drive real cultural change in the sector. It would, of course, need proper funding—much more than the additional \$190 million provided by this Government over four years. A figure north of \$1 billion is realistically needed to address the enormous unmet need for early intervention services alone.

In time, this investment will pay dividends in the form of less reporting to the helpline, less statutory intervention by FACS and fewer children in out-of-home care. Most importantly, our children will be safer and our communities stronger. We all know that government is all about choices and priorities. What greater priority can there be than to keep our children safe by creating stronger families and communities? That is an investment worth making. It will pay dividends beyond our imagination.

### CHINESE-AUSTRALIAN COMMUNITY

**The Hon. ERNEST WONG (22:13):** I will briefly address some developments in the media and in political debate in recent years that I know have caused concern for many in the Chinese-Australian community. As we have noted many times in this House, the diversity in immigrants to Australia over the past two centuries has created a society whose success is the envy of the world. Of course, many cultures have played a role in that success. However, it would be remiss of me if I did not note that Chinese-Australians have made one of the longest contributions to this country.

The Chinese community was instrumental in building rural New South Wales, with more than 30,000 Chinese coming to help build our regional centres in the nineteenth century. A tour of the oldest towns in the State inevitably finds the names of Chinese settlers amongst the oldest in the graveyard and, indeed, on many war memorials. The Chinese community also was instrumental in building our early trade and export, with Chinatown sitting next to Darling Harbour, Australia's primary port for 150 years. The Chinese community also has been instrumental in the defence of Australia, serving in every external conflict since Federation.

Chinese-Australians also have played a rich role in our economic and national development. In recent decades, the Chinese community has been instrumental in the rapid development of bilateral investment between New South Wales and China. Those who have been involved in this development have done so for many reasons. Of course, it is partly because the opportunities that are prosperous for New South Wales are likely to be prosperous for those who work to achieve them. That is logical. Who does not want to work in a prosperous market? However, I know from conversations with hundreds of colleagues over many years that it is also because they can see the economic benefit that New South Wales can tap into and hope that they might play a role. They are keen to see their home—New South Wales—benefit from the emerging economies of a nation with which we can engage because of their cultural origins.

I do not wish to claim altruism; I need to be realistic that this is business. However, it is business delivered with a quiet pride that their community is more prosperous in the process. Of course, that community is New South Wales. They are therefore genuinely surprised by the notion expressed in some articles that the community they

support is thousands of miles away in a nation in which many Australians of Chinese descent have never lived. They are also deeply offended and saddened at the suggestion that their loyalty lies anywhere other than in New South Wales. This is alienation in the extreme. It reminds me of the offence caused to many Chinese-Australians at the last election when certain Liberal members claimed that to oppose Chinese Government ownership of power stations was an affront to Chinese-Australians.

The Chinese-Australians I spoke to saw through that tactic and they were offended by it, just as many are offended by media stories using the insidious term "Chinese soft power". I will explain why. The argument suggests that simply because they have a Chinese cultural background they are prejudiced and blinded when any issue involving Chinese national interests arises. The narrative suggests that these Australian citizens cannot separate their cultural background from looking at New South Wales' economic interests. It suggests, very insidiously, that Chinese-Australians are underneath more Chinese than Australian.

I make it very clear: Chinese-Australians are Chinese "Australians". We are Australian citizens, first and foremost. As Australian citizens we look to Australia's interest, and as New South Wales citizens we look to New South Wales' interest. Bilateral trade with China is, on the whole, in New South Wales's interest. Of course, there are exceptions, and when they do arise we ask whether it is a good decision for New South Wales. We are not compromised by that question. Why would we be? We are not Chinese; we are Australians.

#### TAFE NSW

**Ms DAWN WALKER (22:17):** Since being elected to this place I have made it my business to ensure that TAFE is on the agenda. TAFE NSW is an important part of our education system. It offers a place for practical learning, training for trades and skills that we desperately need, and it is a second chance for many students. All of this is reason enough to fight for and to defend this once world-class institution. What is often forgotten is how integral TAFE is in providing opportunities to those in remote and rural areas, and how hard those communities have fought for a TAFE in their towns. This is particularly true in Indigenous communities, where TAFE is also an important part of sharing and learning traditional language.

This week I had the pleasure of speaking on the Aboriginal Languages Bill 2017, which is the first legislation introduced in New South Wales that will allow for Aboriginal languages to be nurtured and to grow. While consulting with stakeholders I spoke to the Aboriginal Education Consultative Group [AECG], which told me about the long history between TAFE and Aboriginal languages teaching. The AECG was instrumental in lobbying and getting TAFE campuses into regional areas. The group advocated for small, functional TAFE colleges to support Aboriginal people. This led to the establishment of TAFEs across the regions, including in Boggabilla, Wilcannia and Walgett. These colleges gave the communities access to training and a second chance for those who had been failed by the school system.

These regional TAFEs have also become hubs for teaching and learning Aboriginal languages. This is thanks to the hard work of the AECG and in particular Keith Hall, who was part of the group and also had a background in TAFE. Keith identified the barriers that were stopping language learning and tackled them. He pushed for Aboriginal languages to be registered qualifications through TAFE, ensuring these skills were properly valued. He also tackled the bureaucratic issues. At first Aboriginal elders were not able to teach at TAFE because they did not have the qualifications, despite their immense knowledge. The AECG helped these elders to get their certificate IV qualifications, allowing them to teach the next generation.

It is clear that TAFE is not something that is taken for granted by these communities. TAFEs provide not only practical learning but also important spaces for culture and language to grow. That is why it is so devastating to think that these facilities will soon be lost through this Government's shameful attack on our TAFE system. It is clear that the Government will not stop until all these campuses are either closed or suffer the fate of Glen Innes, Quirindi, Tenterfield and Coonabarabran—being converted into glorified computer labs. It shows that the Government has no idea of the value of education and has no idea what it is doing.

This became clear to me when I called the Government's TAFE hotline earlier today to ask if Boggabilla TAFE had been closed. Community members were reporting that it was not open, but that it remains listed on the TAFE NSW website. The answer I received from the hotline was they did not know. They could not tell me if one of their highly valued regional colleges was operational or not. They advised that it might be open, but only a few days a week. It sounds like a bad joke, but this is deadly serious. By shutting these campuses, by converting to online learning in regional areas with poor internet access, we are shutting the door to Aboriginal communities. This week the Government moved legislation to protect Aboriginal languages. It is high time the Government made moves to protect and invest in the institution that has been part of keeping these languages alive.

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

**Motion agreed to.**

**The House adjourned at 22:22 until Wednesday 18 October 2017 at 11:00.**