



**New South Wales**

## **Legislative Council**

### **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Wednesday, 11 April 2018**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

Wednesday, 11 April 2018

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

**The PRESIDENT** read the prayers.

## *Bills*

### **SMOKE-FREE ENVIRONMENT AMENDMENT BILL 2018**

#### **First Reading**

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

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

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

**Motion agreed to.**

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

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

**Motion agreed to.**

## *Visitors*

### **VISITORS**

**The PRESIDENT:** I welcome to the President's gallery Luke Johns from Gynea TAFE, who is undertaking an internship with the President's office.

## *Motions*

### **BATTLE OF THE BISMARCK SEA SEVENTY-FIFTH ANNIVERSARY**

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

That this House notes that:

- (a) a service commemorating the seventy-fifth anniversary of the Battle of the Bismarck Sea was held at RAAF Base Richmond on 1 March 2018;
- (b) a memorial commemorating the Battle of the Bismarck Sea was unveiled and dedicated during this commemorative service;
- (c) the Battle of the Bismarck Sea was a defining battle during World War II, with an Allied victory thwarting Japan's attempt to secure a permanent foothold to Australia's north; and
- (d) those in attendance at the commemorative service included:
  - (i) His Excellency General the Hon. David Hurley, AC, DSC (Ret'd), Governor of New South Wales;
  - (ii) Mrs Linda Hurley;
  - (iii) the Hon. Natasha Maclaren-Jones, MLC, representing the Hon. David Elliott, MP, Minister for Veterans Affairs;
  - (iv) Air Vice Marshall Stephen Robertson, DFC, AM, Air Commander Australia;
  - (v) Wing Commander David Titheridge, Commanding Officer No. 11 Squadron;
  - (vi) Wing Commander Paul Reddacliff, Commanding Officer No. 22 Squadron;
  - (vii) Wing Commander Martin Quirke, Commanding Officer No. 30 Squadron;
  - (viii) Mr Fred Anderson, veteran Beaufighter pilot of No. 30 squadron;
  - (ix) Mr Bruce Robertson, veteran Beaufighter pilot of No. 30 squadron; and
  - (x) Mr Alex Jenkins, Beaufighter pilot of No. 30 squadron.

**Motion agreed to.**

**PARRAMASALA FESTIVAL**

**The Hon. NATASHA MACLAREN-JONES (11:05):** I move:

- (1) That this House notes that:
  - (a) the 2018 Parramasala Festival was held from 9 to 11 March 2018 and is one of the largest multicultural arts and cultural festivals in Western Sydney;
  - (b) the festival was first established in 2010 and showcases music, dance, art, food and interactive activities from over 30 nationalities and cultures and attended by over 35,000 people each year; and
  - (c) the festival opened with the Parramasala Welcome Parade beginning at Town Hall and proceeding down Church Street to Prince Alfred Park with over 500 performers and attended by the Hon. Gladys Berejiklian, MP, Premier; Mr Andrew Wilson, Lord Mayor of Parramatta; Dr Geoff Lee, MP, member for Parramatta; the Hon. Scott Farlow, MLC; Mr Damien Tudehope, MP, member for Epping; Ms Julie Owens, MP, Federal member for Parramatta; and Ms Julia Finn, MP, member for Granville.
- (2) That this House notes the work of Multicultural NSW and Parramatta City Council and thanks the volunteers and community leaders for bringing a successful celebration together.
- (3) That this House notes the festival is estimated to inject more than \$2 million into the local economy and the New South Wales Government has committed \$2.2 million since 2016 to support Parramasala and an additional \$600,000 was invested in the 2018 festival.

**Motion agreed to.**

**FIRST NATIONAL REAL ESTATE EXCELLENCE AND MARKETING AWARDS**

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

- (1) That this House notes that:
  - (a) the First National Real Estate's New South Wales General Excellence and Marketing Awards were held on Saturday 24 February 2018;
  - (b) the awards recognised the best New South Wales real estate performance through 2017, highlighting the First National network's commitment to professional development, customer satisfaction and outstanding results; and
  - (c) First National Byron Bay was awarded Sales Office of the Year.
- (2) That this House congratulates:
  - (a) the whole Byron Bay team for winning this award; and
  - (b) members of the Byron Bay sales team for their individual awards:
    - (i) Su Reynolds, Number 5 Top Agent in New South Wales and Diamond Award;
    - (ii) James Young, Gold Award;
    - (iii) Helen Huntly-Barratt, Diamond Award;
    - (iv) Paul Banister, Gold Award;
    - (v) Tara Torkkola, Diamond Award;
    - (vi) Paul Prior, Gold Award;
    - (vii) Helene Adams, Gold Award; and
    - (viii) Luke Elwin, Silver Award.
- (3) That this House thanks the First National Byron Bay office for providing exceptional services to the Byron Bay community.

**Motion agreed to.**

**MACARTHUR LIONS AUSTRALIA DAY PARADE**

**The Hon. LOU AMATO (11:05):** I move:

- (1) That this House notes that:
  - (a) in January 2018, the Macarthur Lions Australia Day Parade was held in Argyle Street, Camden;
  - (b) the parade featured local bands and musicians, classic cars, air force cadets, police and fire representatives along with various community groups and local schools;
  - (c) entertainment was provided such as face painting, Australian-themed games and a jumping castle for the children;
  - (d) the parade's master of ceremonies for the day was Camden business owner Steve Wisbey;

- (e) Camden also celebrated and welcomed 37 residents who became Australian citizens from 12 countries including Egypt, India, England, Ireland, Canada, United States of America and Scotland;
- (f) in addition to welcoming new citizens, the Camden Council Australia Day Award winners were announced, including:
  - (i) David Funnell, Camden Citizen of the Year;
  - (ii) Lubna Sherieff, Young Citizen of the Year;
  - (iii) Maddison Lewis, Sportspeople of the Year;
  - (iv) Amy and Natalie Sligar, Young Sportspeople of the Year;
  - (v) Camden Lions Club, and Everyone Can Dance Charity, Community Groups of the Year; and
  - (vi) the Macarthur Lions Australia Day Parade, Community Event of the Year.
- (g) special guests included:
  - (i) member for Camden, Mr Chris Patterson, MP;
  - (ii) Camden Mayor, Lara Symkowiak;
  - (iii) Robynne Meek, 2017 Camden Citizen of the Year; and
  - (iv) Johan Marais, 2017 Camden Young Citizen of the Year.
- (2) That this House congratulates:
  - (a) Camden on its great Australia day community spirit;
  - (b) all those who received awards for their contribution to the Camden community; and
  - (c) those who received the great honour of Australian Citizenship.

**Motion agreed to.**

**WAGGA SCHOOL LEADERS PROGRAM**

**The Hon. WES FANG (11:06):** I move:

- (1) That this House notes that:
  - (a) the Committee 4 Wagga launched its annual Wagga School Leaders Program [WSLP] on 21 February 2018 at Charles Sturt University;
  - (b) the WSLP develops young, aspiring high school students into positive, successful ambassadors for the community;
  - (c) the program engages students in a series of challenging exercises including workshops, lectures, regional industry excursions, physical activities and mentoring sessions to develop their capacity to become successful leaders and community representatives; and
  - (d) schools involved in the WSLP include Wagga Wagga High School, Mater Dei Catholic College, Kildare Catholic College, The Riverina Anglican College, Koorringal High School and the Wagga Wagga Christian College.
- (2) That this House congratulates Chris Fitzpatrick, immediate past CEO of the Committee 4 Wagga, Phil May, newly appointed CEO of Committee 4 Wagga, and Chairperson Judy Galloway for their hard work and dedication to this local initiative.
- (3) That this House thanks the mentors, presenters and management team of the WSLP.
- (4) That this House acknowledges the contribution of sponsors and supporters to this program:
  - (a) Enirgi Power Storage recycling;
  - (b) Bush and Campbell Accountants;
  - (c) Sureway;
  - (d) Estella Rise Wagga Wagga;
  - (e) Wagga Motors;
  - (f) Charles Sturt University; and
  - (g) Army Recruit Training Centre Kapooka.
- (5) That this House wishes all future students involved in the 2018 program the very best of luck.

**Motion agreed to.**

**GUNNEDAH BICENTENNIAL CREATIVE ARTS GALLERY EXHIBITIONS**

**The Hon. BEN FRANKLIN (11:06):** I move:

- (1) That this House notes that:
  - (a) on Friday 9 March 2018 the Arctic Inspirations and More print exhibition was opened at the Gunnedah Bicentennial Creative Arts Gallery;
  - (b) more than 50 people turned out to view more than 50 artworks;
  - (c) the exhibition features works by Sydney based artists Margaret Vickers and Bernhardine Mueller, along with 14 other local artists including Anne Pickett, Eileen Mair and works by the late Pat Rowley; and
  - (d) Arctic Inspirations and More is on show until 8 April 2018.
- (2) That this House congratulates all the artists who have taken part in the show, and for showing their creativity to the Gunnedah community.
- (3) That this House acknowledges the important role the arts play in celebrating the identity of communities and the talent of artists.

**Motion agreed to.**

**TATHRA BUSHFIRES**

**The Hon. COURTNEY HOUSSOS (11:06):** I move:

- (1) That this House notes that:
  - (a) recent bushfires on the far South Coast of New South Wales destroyed 69 homes, 35 cabins and caravans and damaged a further 48 houses in the township of Tathra; and
  - (b) the bushfires began on 18 March 2018 and most of the approximately 1,700 residents of Tathra were evacuated for several days in the wake of the fires.
- (2) That this House acknowledges the loss suffered by the thousands of local residents affected by these devastating bushfires.
- (3) That this House thanks and expresses its support for the emergency services workers who fought the bushfires and who helped with the disaster recovery effort.
- (4) That this House acknowledges all of the work done by the local community in the disaster recovery effort and the ongoing support they have offered to each other during this difficult time.
- (5) That this House congratulates Mayor Kristy McBain for her leadership and congratulates her on the establishment of the Mayoral Appeal Fund, which has already raised \$580,000.
- (6) That this House encourages people to continue to visit and support local businesses across Tathra and Bega Valley as these communities rebuild from the fires.

**Motion agreed to.**

**AUSTRALIAN DRAGON BOAT CHAMPIONSHIPS**

**The Hon. BEN FRANKLIN (11:07):** I move:

- (1) That this House notes that:
  - (a) the 2018 Australian Dragon Boat Championships were held from 3 to 8 March this year at the Sunshine Coast; and
  - (b) members of the far North Coast Rainbow Region Dragon Boat Club competed at the championship, bringing home a swag of medals.
- (2) That this House congratulates:
  - (a) Libby Woodbury and Bede Cooney for each winning a gold and two silver medals, representing regional New South Wales in the northern regional squad;
  - (b) the senior C mixed crew for winning bronze in the grand final;
  - (c) the senior C women's crew for placing fifth in its final;
  - (d) the senior B women's crew for reaching its semifinal; and
  - (e) all of the club members for taking part in the championship.
- (3) That this House wishes the club and all the members the very best for the upcoming Urunga regatta.

**Motion agreed to.**

**GREEK INDEPENDENCE DAY**

**The Hon. COURTNEY HOUSSOS (11:08):** I move:

- (1) That this House notes that:
  - (a) Greek Independence Day commemorations and celebrations are held on 25 March every year; and

- (b) Greek Independence Day marks the start of the war of Greek Independence in 1821.
- (2) That this House notes that:
  - (a) Sydney's Greek Independence Day commemorations were held in Martin Place on Sunday 25 March 2018, followed by a march to the Sydney Opera House and celebrations held at its forecourt; and
  - (b) the attendees included:
    - (i) His Grace Bishop Seraphim of Apollonias, representing His Eminence Archbishop Stylianos, Primate of the Greek Orthodox Church of Australia;
    - (ii) His Excellency Mr Christos Karras, the NSW Consul General of the Hellenic Republic;
    - (iii) Senator the Hon. Concetta Fierravanti-Wells, Minister for International Development and the Pacific;
    - (iv) the Hon. Matt Thistlewaite, MP, shadow Assistant Minister for Treasury and Federal member for Kingsford-Smith;
    - (v) the Hon. Gladys Berejiklian, Premier of NSW;
    - (vi) Mr Luke Foley, MP, Leader of the Opposition;
    - (vii) Mr Michael Daley, MP, Deputy Leader of the Opposition;
    - (viii) Ms Eleni Petinos, MP, member for Miranda;
    - (ix) Mr Steve Kamper, MP, member for Rockdale;
    - (x) the Hon. Courtney Houssos, MLC; and
    - (xi) Mr Harry Danalis, President of the Greek Orthodox Community of NSW.
- (3) That this House congratulates:
  - (a) the large number of schools and churches represented in the march to the Sydney Opera House;
  - (b) the traditional Greek dancing schools who performed on the day; and
  - (c) both the Greek Orthodox Archdiocese of Australia and the Greek Orthodox Community of NSW on the successful 2018 Greek Independence Day event.

**Motion agreed to.**

**MAIN ARM FIRE BRIGADE SEVENTY-FIFTH ANNIVERSARY**

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

- (1) That this House notes that:
  - (a) the Main Arm Fire Brigade celebrated 75 years of service to the community with a community event on Saturday 24 March 2018;
  - (b) the brigade was first formed on 30 November 1942 to protect valuable timber and produce from the threat of bush fire;
  - (c) the community celebration included both current and previous members of the brigade and members from the far North Coast district; and
  - (d) the important role the 51 members of the brigade play in responding to local incidents and lending a hand in other areas when assistance is required.
- (2) That this House congratulates Captain Lance Hopson, President, Michael Pyke and all the current and former members of the Main Arm Fire Brigade for reaching this monumental milestone.
- (3) That this House thanks the current and former members of the Main Arm Fire Brigade for the dirty, physically exhausting and mentally challenging work they do to keep Main Arm and the wider North Coast safe during emergencies.

**Motion agreed to.**

**BROKEN HILL MAGISTRATE**

**The Hon. DANIEL MOOKHEY (11:09):** I seek leave to amend Private Members' Business item No. 2032 outside the Order of Precedence by omitting paragraph (2).

**Leave granted.**

Accordingly, I move:

That this House supports the right of Broken Hill residents to a permanent magistrate who lives in Broken Hill.

**Motion agreed to.**

**TRIBUTE TO GLEN RAMPLIN**

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

- (1) That this House notes that:
  - (a) on 29 March 2018, Mr Glen Ramplin was honoured by the Westpac Helicopter Rescue Service in recognition of his outstanding work and dedication to the service over the past 20 years; and
  - (b) Mr Ramplin has been involved in countless helicopter rescues but is best known for his heroic efforts in saving 18 stranded crewmen from the *Pasha Bulker* when it ran aground at Nobbys Beach, receiving an electric jolt every time he touched the deck of the ship.
- (2) That this House acknowledges and commends Mr Glen Ramplin for his selfless devotion to the Westpac Rescue Helicopter Service over the past 20 years and for his bravery in risking his own life while saving many peoples' lives over this long period.

**Motion agreed to.**

**PAKISTAN DAY SCULPTURE SHOW**

**The Hon. SHAOQUETT MOSELMANE (11:10):** I move:

- (1) That this House notes that on Friday 23 March 2018 the Pakistan consulate in Sydney hosted a sculpture show at Frances Keevil Gallery, Double Bay, to celebrate Pakistan Day 2018.
- (2) That this House notes that:
  - (a) the sculpture show featured works by Mr Anjum Ayaz, an internationally renowned Pakistani artist; and
  - (b) Mr Ayaz's work has been shown extensively to audiences across the world including Sydney, Montreal, Paris, Marseille, Tokyo, Dubai, New York, Beijing, The Hague and cities in his native Pakistan.
- (3) That this House notes Mr Ayaz's continued contribution to the development of Australian art and culture through the Australian Pakistani community.

**Motion agreed to.**

**THE BASEMENT MUSIC VENUE CLOSURE**

**The Hon. JOHN GRAHAM (11:11):** I move:

- (1) That this House notes:
  - (a) the closure of The Basement jazz club in Sydney;
  - (b) that The Basement has hosted music greats such as Dizzy Gillespie, Vince Jones, Herbie Hancock, Kate Ceberano, Ian Moss and Jimmy Barnes, Prince, Kinky Friedman, De La Soul, Ben Harper and many others; and
  - (c) that The Basement was Sydney's oldest licensed music venue, opening on 10 May 1972, and that it claimed to be "the beating heart of Sydney's live music scene".
- (2) That this House notes the support which the current owners of the property have shown for The Basement and calls on them to consider all options to keep the current space operating as a music venue.

**Motion agreed to.**

**VIETNAM-AUSTRALIA BUSINESS FORUM**

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

- (1) That this House notes that:
  - (a) on 16 March 2018 the Vietnam-Australia Business Forum—Supporting Business Creating Opportunities—was held at the Westin Hotel with the keynote speech given by his Excellency Mr Nguyen Xuan Phuc, Prime Minister of Vietnam; and the forum was part of the ASEAN Summit held in Sydney; and
  - (b) special guests included:
    - (i) Mr Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter, representing the Premier, the Hon. Gladys Berejiklian, MP;
    - (ii) His Excellency Mr Nguyen Chi Dzung, Vietnam's Minister for Planning and Investment for Vietnam;
    - (iii) His Excellency Mr Tran Tuan Anh, Vietnam's Minister for Industry and Trade;
    - (iv) Dr Trinh Duc Hai, Consul General of Socialist Republic of Vietnam in Sydney;
    - (v) Ms Karen Lanyon, Consul General for Australia in Ho Chi Minh City;
    - (vi) Mr Tony Cade, CEO of HunterNet NSW;

- (vii) Mr Peter Johnston, Managing Director of Lighthouse Infrastructure, Victoria; and
- (viii) Mr Michael Cradock, Managing Director of JADE Group.
- (2) That this House acknowledges the efforts of the Vietnam-Australia Business Forum to enhance business relations between New South Wales, Australia and Vietnam and commends the Prime Minister of Vietnam, His Excellency Mr Nguyen Phuc for his contribution to the forum.
- (3) That this House notes that the forum was supported by Austrade and the New South Wales Department of Industry.

**Motion agreed to.**

**TRIBUTE TO ANWAR MAQSOOD**

**The Hon. SHAOQUETT MOSELMANE (11:11):** I move:

- (1) That this House notes that on Saturday 24 March 2018 community based not-for-profit Koocha-e-Saqafat presented "Pakistan 70 Ka, Anwar Maqsood 78 Ka", an event to honour the legendary satirist and scriptwriter of Pakistan, Mr Anwar Maqsood.
- (2) That this House notes that:
  - (a) Koocha-e-Saqafat is a community-based not-for-profit organisation that aims to create a positive, peaceful and harmonious image for Australians and to arrange cultural, literary, arts and sports events in Australia;
  - (b) Mr Anwar Maqsood is a revered cultural icon in Pakistan who is well known for his witty performances and scripts for sketch comedy shows; and
  - (c) in 2013 Mr Anwar Maqsood was awarded a Lifetime Achievement Honour at the fourth Pakistan Media Awards for his "exceptional contribution to theatre".
- (3) That that this House notes the work of Koocha-e-Saqafat in bringing together community for cultural and sporting events and their continued positive contribution to the multicultural fabric of New South Wales.

**Motion agreed to.**

**BALLINA TAFE AWARDS**

**The Hon. BEN FRANKLIN (11:12):** I move:

- (1) That this House notes that the Ballina TAFE awards of excellence were held on Tuesday 27 March 2018, to recognise the hard work, diligence and achievements of the Ballina TAFE students.
- (2) That this House congratulates the following award recipients:
  - (a) Memorial Award Retail and Warehousing—Joseph Cassidy;
  - (b) Outstanding Achievement by an Aboriginal or Torres Strait Island Student—Celeste Bolt;
  - (c) 2017 Student of the Year, Ballina Campus—Kristy-Leigh Reilly;
  - (d) Business Awards of Excellence:
    - (i) Samantha Quigley;
    - (ii) Melissa Hoare;
    - (iii) Amber Russo; and
    - (iv) Jenna Pitt.
  - (e) Education, Employment and Support Awards of Excellence:
    - (i) Sandra Wilson; and
    - (ii) Jessica Flanagan.
  - (f) Early Education and Care Award of Excellence—Chen Hui Xu;
  - (g) Maritime Operations Awards of Excellence:
    - (i) Rod Barlow;
    - (ii) Jack Hamilton; and
    - (iii) Cobie Coram.
  - (h) Hospitality Award of Excellence—Kristy-Leigh Reilly;
  - (i) Information Technology and Creative Industries Award of Excellence—Brad Fry;
  - (j) Retail, Pharmacy, Warehousing and Logistics Award of Excellence—Joseph Cassidy;
  - (k) Community Service Awards of Excellence:
    - (i) Kerri Butler; and

- (ii) Naomi Arnison.
- (l) Health, Aged Care and Nursing Awards of Excellence:
  - (i) Christopher Hicks;
  - (ii) Sharon Brown; and
  - (iii) Amy Black.
- (3) That this House wishes all the best for the award recipients and all students of Ballina TAFE for their future studies and careers.

**Motion agreed to.**

**COMMONWEALTH STEEL COMPANY CENTENARY**

**Mr SCOT MacDONALD (11:12): I move:**

- (1) That this House notes that:
  - (a) from 12 March 2018 the Commonwealth Steel Company [Comsteel] commenced a year of celebrations in honour of its 100 years of achievement as a proud Australian company which holds an eminent place in the nation's and the Hunter's manufacturing history;
  - (b) since 1918, Comsteel has been developing and innovating new products to meet the needs of the Australian rail and heavy haul industry and was first formed to address a threat to railways, the backbone of the nation, by providing essential maintenance supplies during a time of global insecurity;
  - (c) over its 100-year history Comsteel has faced global economic turmoil, the impact of world wars and constant process reinvention; and
  - (d) the Comsteel range of products is manufactured at the company's Moly-Cop manufacturing facility, located at Waratah, New South Wales, and has operated continuously from the Waratah site utilising state-of-the-art electric furnace technology, the Moly-Cop steel mill produces billets and ingots from steel scrap. Ingots are used in the manufacture of the Comsteel range of forged and rolled railway wheels and forged axles.
- (2) That this House acknowledges the outstanding contribution of Comsteel to the State and nation's economy and its iconic status in the nation and region's manufacturing history and extends to the company and its employees its congratulations on the company's centenary.
- (3) This House notes that the centenary was launched at Comsteel's Waratah site and was attended by Mr Scot MacDonald, MLC; Nuatali Nelmes, Lord Mayor of Newcastle; Mr Tim Crakanthorp, member for Newcastle; and Ms Sharon Claydon, Federal member for Newcastle.

**Motion agreed to.**

**PAKISTAN DAY**

**The Hon. SHAOQUETT MOSELMANE (11:13): I move:**

- (1) That this House notes that Friday 23 March 2018 was Pakistan Day.
- (2) That this House notes that:
  - (a) Pakistan Day commemorates the passing of the Lahore Resolution on 23 March 1940 and the adoption of the first constitution of Pakistan during the transition of the Dominion of Pakistan to the Islamic Republic of Pakistan;
  - (b) the Pakistan Association of Australia has been celebrating Pakistan Day in Australia for nearly four decades;
  - (c) this year the Pakistan Association's annual celebration of Pakistan Day was combined with a celebration to honour 70 years of Pakistani-Australian friendship; and
  - (d) Australia-Pakistan relations continue to prosper with bilateral trade between the two countries valued at more than AUS\$634 million.
- (3) That this House notes the role the Pakistan Association of Australia has played in the Pakistani-Australian community's continued contribution to our harmonious multicultural society.

**Motion agreed to.**

**WESTERN SYDNEY WOMEN AWARD RECIPIENTS**

**The Hon. NATASHA MACLAREN-JONES (11:13): I move:**

- (1) That this House notes that:
  - (a) Western Sydney Women is an organisation that supports and advocates for women working and living in Western Sydney, from the inner west, greater west, north-west, and south-west of Sydney;
  - (b) 2018 marks the inaugural "Western Sydney's Outstanding Women Awards", which were held on Friday 23 March 2018 at Club Marconi in Bossley Park, and attended by the Hon. Natasha Maclaren-Jones, MLC, representing the Premier, Ms Gladys Berejiklian, MP, and Tanya Davies, MP, Minister for Women; and

- (c) the awards were initiated by the founders of Western Sydney Women, Ms Amanda Rose and Ms Maria Kovacic, to showcase the achievements of women from the west across eight categories.
- (2) That this House congratulate all nominees and award recipients, including:
  - (a) Catherine Cannuli, Outstanding South West Woman 2018;
  - (b) Larissa Paegle, Outstanding Greater West Woman 2018;
  - (c) Linda Gunek, Outstanding North West Woman 2018;
  - (d) Nicole Kastner, Outstanding Inner West Woman 2018;
  - (e) Maria Silvestri, Outstanding Western Sydney Community Award 2018;
  - (f) Natalie Wadwell, Outstanding Western Sydney Young Woman Award 2018;
  - (g) Holly Kershaw, Western Sydney Business Woman Award 2018; and
  - (h) Gina Field, Western Sydney Executive Woman Award 2018.

**Motion agreed to.**

*Documents*

**UNPROCLAIMED LEGISLATION**

**The Hon. SCOTT FARLOW:** According to Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 10 April 2018.

*Notices*

**PRESENTATION**

*[During the giving of notices of motions]*

**The PRESIDENT:** Order! I remind Government members that members giving a notice of motion have the right to be heard in silence.

*[Later,]*

**The Hon. Niall Blair:** Lee Rhiannon should quit.

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

**The Hon. Niall Blair:** It was worth it.

**The PRESIDENT:** The Minister will be called to order a second time if he continues to interject.

*[Later,]*

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

*Business of the House*

**WITHDRAWAL OF BUSINESS**

**Mr JEREMY BUCKINGHAM:** I withdraw Business of the House Notice of Motion No. 1 relating to disallowance of schedule 1 [2] of the Environmental Planning and Assessment Amendment Regulation 2018, published on the New South Wales Legislation website on 28 February 2018.

**POSTPONEMENT OF BUSINESS**

**The Hon. PENNY SHARPE:** I move:

That Business of the House Notice of Motion No. 2 be postponed until Tuesday 1 May 2018.

**Motion agreed to.**

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

That Government Business Notices of Motions Nos 1 and 2 be postponed until a later hour.

**Motion agreed to.**

*Matter of Public Importance*

**NATIVE FORESTS**

**Ms DAWN WALKER (11:28):** I move:

That the following matter of public importance should be discussed forthwith:

Private native forestry and its effect on the environment. I bring this issue before the House as a matter of public importance because the regulation of private native forestry has suddenly and quietly been taken away from the Environment Protection Authority and put in the hands of Local Land Services. This is important as it represents yet another degradation of environmental protection by this Government that seems hell-bent on playing politics with irreplaceable native forests.

Let us be clear: this Government is an anti-environment. Nowhere is that more apparent than in the downgrading of its own environment department and the Environment Protection Authority [EPA]. This most recent change, which will shift responsibility for private native forestry to the Local Land Services, is another reckless move that will strip away even more environmental protection. Already under this Government money has been ripped out of national parks, destructive land clearing laws have been passed, and failed regional forest agreements [RFAs] are being extended. In addition, the former environment department has been reduced to an office within the department of planning and the Minister, based on her record to date, does not care a fig about preserving or protecting the environment.

**The Hon. Catherine Cusack:** Point of order: Ms Dawn Walker's remarks are very derogatory of a member in the other place. I ask that they be withdrawn.

**The PRESIDENT:** I apologise; I was conferring with the Clerk and I did not hear the member's comments. I reserve my ruling and remind Ms Dawn Walker that any imputations made against any member, whether in this Chamber or in the other Chamber, are unparliamentary. She should confine her comments to the matter of public importance.

**Ms DAWN WALKER:** Most farmers do the right thing by the environment. They recognise the crucial role that native vegetation plays in ensuring healthy soil and water on their properties. In years gone by, they were supported by the Government to do that but that is not what is happening now. They were supported by the Government to plant wind buffers, to maintain forests on their land and to stabilise waterways through vegetation maintenance. But now The Nationals, in particular, seem fixed on wholesale land clearing across New South Wales. We will all pay dearly for this.

It is inappropriate for Local Land Services [LLS] to have regulatory oversight over private native forestry. This is an agency under the Department of Primary Industries—an agency that will be more focused on logging than protecting our plummeting koala population, for example. It is particularly concerning that the Minister for Lands and Forestry intends that the LLS, not the EPA, will be the authority to review the private native forestry codes. This was pointed out by a former senior ecologist from the Office of Environment and Heritage, with the warning that it could result in a serious watering down of the code—a code that is already ignored by rogue operators. Any watering down of the code will essentially give private native forestry operators a licence to trash the environment with no consequences.

Currently, it is illegal to sell timber that results from land clearing. It is easy to understand why this limitation exists as it only allows timber to be sold from land that is being managed as a forest. If this were to be changed it would create incentives to clear forests for agriculture. This is madness. We cannot have healthy farmland without biodiversity. Illegal activities by private native forestry operators do not affect only their land; they can have a huge impact on neighbouring properties and on the biodiversity of the area.

This has occurred in Limpinwood on the North Coast of New South Wales, where the corporate landowner has continued to flaunt the code with destructive practices. The property borders World Heritage forests and a significant environmental corridor between the Border Ranges and Wollumbin National Park. Neighbours have reported pollution events as a result of the logging since 2013 and logging has occurred in an environmental zone without council authorisation. There are serious concerns that the illegal roads that have been built will cause significant erosion and damage to nearby rivers.

Even more concerning is that this change appears to be just another move in the turf war between the Liberal Party and The Nationals in this State. The Nationals are winning in the downgrade of environmental protections. Members of the Liberal Party should note that we are talking about the environmental legacy of the community which is too important to be caught in the middle any of party politics, particularly when we take into account the state of our forests and wildlife generally. Our koala populations are being reduced—an issue about which most people care—and we should not have to entertain political infighting. Our wild koala population has been halved and this national icon could disappear within our lifetime. What has been this Government's response? It has made it even easier for vital habitat to be cleared.

The sneaky and underhanded way in which these changes were made should be a signal to us all. These are not good changes for the environment or for the people of New South Wales. It is important that these changes be reversed, that regulatory oversight be handed back to the EPA and, perhaps more importantly, that the EPA be properly resourced. These changes could lead to even more rampant land clearing and unsustainable logging. Our native forests cannot be replaced overnight and we do not want our koala population driven to extinction. If our

biodiversity and precious wildlife are to survive the anti-environment agenda of this reckless Government must be stopped.

**The Hon. RICK COLLESS (11:37):** On behalf of the Government I respond to the motion moved by Ms Dawn Walker. Sustainable land management, consistent with the principles of ecologically sustainable development, is a priority for this Government. The Liberal-Nationals Government commissioned an independent review of biodiversity legislation in New South Wales which is why the reform of private native forestry is a matter of public importance. The Government is committed to responding to the independent biodiversity review panel which recommended that private native forestry should no longer be recognised as a form of land clearing, and that sustainable forestry operations could be regulated based on their scale and intensity rather than on their tenure. This reform responds to first principles as distinct from philosophical fundamentalism. It is unfortunate that much of this Government's reform agenda is about addressing the regulatory failures of the Labor Government and its pandering to an extremist Green fringe.

**The Hon. Penny Sharpe:** Point of order: My point of order relates to the way in which this matter of public importance should be debated. Members need to establish why this issue is a matter of public importance and they then have to determine whether or not the substantive issue should be debated. The Hon. Rick Colless is dealing with the substantive issue and not the motion before the House. The Hon. Rick Colless should be brought back to the leave of the motion.

**The Hon. Dr Peter Phelps:** To the point of order: The issue of whether it is relevant to discuss this matter of public importance today necessarily requires some sort of background information, in particular, the history relating to land operations in this State and what has happened in that time. I believe that the Hon. Rick Colless is in order.

**The Hon. Penny Sharpe:** To the point of order: I understand the need for some sort of context in relation to this motion which I believe is comparable to an urgency motion. More and more of these types of motions are being debated in this Chamber. The Hon. Rick Colless has not made it clear why this motion should be debated today ahead of all other Government business. That is the issue that I believe the Hon. Rick Colless should be addressing.

**The PRESIDENT:** The Clerk will stop the clock. I thank the Hon. Penny Sharpe for her point of order and note what the Hon. Dr Peter Phelps said. In effect, I agree with both of them. This is not an urgency motion in which we look solely at why one matter is more urgent than any other. This debate is about a matter of public importance. The mover of the motion must establish within his or her 10 minutes why the matter of public importance should be discussed and the Government member must establish within his or her 10 minutes why it should not be discussed. Both speakers need to delve into aspects of the motion in order to determine whether it should be discussed. However, the whole contribution should not be based on the subject matter of the motion. There must be a nexus between what is being said and why the matter is or is not of public importance. In 1993 then President Willis said in relation to matters of public importance:

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

As I indicated, I take it one step further. Members should not simply state why it is urgent but also base the urgency on the public interest. I believe the Parliamentary Secretary was setting a substantive foundation for his argument but I remind him that he should focus on why this should not be discussed as a matter of public importance.

**The Hon. RICK COLLESS:** The Labor Government was pandering to an extremist Green fringe that remained locked in outdated 1970s environmental fundamentalism. This is the twenty-first century. If The Greens looked at what is happening around the world in places such as California, Canada and the United Kingdom they would realise how stuck in the 1970s they are. We continue to hear the same old rhetoric that independent expertise, science and evidence-based policy reviews and approaches have completely myth-busted. It is simply not credible or responsible to advocate for no change and to rely on the status quo.

Underpinned by science, good regulatory practice and informed by extensive consultation, the Government has committed to an extensive range of reforms to manage natural resources better. These reforms recognise that resources need to be managed sustainably over the long term, both in the sustainability of the resource and the economic, environmental and social benefits that the community derives from them. I am proud to be part of a Government that is driving reform in the forestry sector.

**The Hon. Penny Sharpe:** Point of order: I have listened carefully to the Parliamentary Secretary. He is now listing publicly available documents and policy positions that do not go anywhere near establishing why private native forestry [PNF] should not be discussed today. I ask you to remind him of that.

**The PRESIDENT:** The Clerk will stop the clock. The *Notice Paper* for today states that Ms Dawn Walker will move:

That the following matter of public importance be discussed forthwith: Private Native Forestry and its effect on the environment.

The Parliamentary Secretary was indicating why this is not a matter of public importance and was giving the reasons and foundation for that. The Parliamentary Secretary is in order.

**The Hon. RICK COLLESS:** In August 2016 the Government released the NSW Forestry Industry Roadmap—an accountable and transparent statement from the Government on how it intends to back the sector, regional jobs and communities, and a sustainable business model for generations to come. On-farm forestry or private native forestry is a major component of the roadmap. The first step towards realising that reform has been taken by transferring responsibility of administering private native forestry approvals to Local Land Services [LLS]. The Environment Protection Authority [EPA] will continue to regulate PNF and ensure that licence conditions are met. That is its role.

The changes mean that from 30 April landholders will no longer need to go to multiple State agencies to receive advice on how to manage their land and forests; they can discuss all their options in one place with LLS. LLS is best placed to undertake this role and can provide advice on approval requirements as well as on production and natural resource management issues. It is a perfect complement to its expertise in sustainable land management and effectively makes it a one-stop shop for landholders who are considering their options for sustainably managing their native forest land in the context of their overall farm business planning. Better management of their forest lands represents an important revenue opportunity for farmers and can complement grazing, cropping and other operations by better utilising different soil and land types. This is the integrated, holistic approach that experts in natural resource management, those working on the land and regional communities have long called for.

This is the start of a new era and a major step forward for PNF across the State as part of the Government's commitment to reforming the sector. This approach ensures on-farm native forests and agriculture are managed in partnership, in an environmentally sustainable manner for the long term. Extension and education will be priorities for this Government in investing in the LLS to ensure that these are integral parts of its service delivery. Extra resources, including staff with expertise in forestry and natural resource management, are being directed to a new private native forestry team within the LLS. With its comprehensive network of offices and staff across the State, LLS is ready with boots on the ground to provide landholders who have PNF with the advice and tools they need.

PNF makes a substantial contribution to the supply mix for the New South Wales native timber sector and plays an important role in the Government's vision for the forestry industry. This is especially true on the North Coast, where timber from PNF accounts for almost half of the overall supply of native timber to the industry. Yet in northern New South Wales an independent report found that just 15 per cent of landholders have engaged with the Government to seek approval to manage their private native forest land. LLS is well-placed to provide landholders looking at this opportunity with best practice advice, and to ensure the sustainable management of private native forests in the long term. With appropriate encouragement and the support of extension services, farmers are likely to become more engaged and interested in managing their forest land for environmental, social and economic benefits for them, their family and the broader community.

It is time to modernise the approach to regulating the management of native forests on private land. We need to move on from the 1970s environmentalism that The Greens are still stuck in. We need to move away from the outdated command and control models put in place by past Labor governments. These models are costly, inefficient and do not deliver the outcomes we want. This Government is acting on the recommendations of the Independent Biodiversity Legislation Review Panel and will commence a fundamental review into the Private Native Forestry Codes of Practice to ensure they are outcomes focused, risk responsive, easier to use and ultimately promote triple-bottom-line outcomes. The regulatory framework for private native forestry needs to recognise the unique characteristics of the private native forest estate which covers vast tracts of land that are split into tens of thousands of individual holdings. The operations on private land are typically small and low intensity.

**The PRESIDENT:** Order! I indicate to the Parliamentary Secretary that he is now going well beyond stating why this is not a matter of public importance and should not be debated.

**The Hon. RICK COLLESS:** The review of the codes will address the Independent Biodiversity Legislation Review Panel recommendations to no longer consider PNF as a form of land clearing—and that is an important point—and consider regulating sustainable forestry operations based on their scale and intensity rather than tenure. Private native forestry is a sustainable business, able to deliver economic and environmental benefits for landholders and regional communities who deserve our support and assistance in ensuring that this sustainable industry can continue and prosper in the future.

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

**The House divided.**

Ayes ..... 16

Noes ..... 19

Majority.....3

**AYES**

Buckingham, Mr J  
Field, Mr J  
Mookhey, Mr D

Primrose, Mr P  
Sharpe, Ms P  
Wong, Mr E

Donnelly, Mr G (teller)  
Graham, Mr J  
Moselmane, Mr S  
(teller)  
Searle, Mr A  
Shoebridge, Mr D

Faruqi, Dr M  
Houssos, Ms C  
Pearson, Mr M

Secord, Mr W  
Walker, Ms D

**NOES**

Amato, Mr L  
Cusack, Ms C  
Franklin, Mr B  
Khan, Mr T

Mallard, Mr S  
Mitchell, Ms S  
Ward, Ms P

Clarke, Mr D  
Fang, Mr W (teller)  
Green, Mr P  
MacDonald, Mr S

Martin, Mr T  
Nile, Reverend F

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

**PAIRS**

Veitch, Mr M  
Voltz, Ms L

Blair, Mr N  
Taylor, Ms B

**Motion negatived.**

**The PRESIDENT:** Order! There is too much audible conversation in the Chamber. If members wish to converse they should do so outside the Chamber.

*Budget*

**BUDGET ESTIMATES AND RELATED PAPERS 2017-2018**

**Debate resumed from 14 February 2018.**

**The Hon. SCOTT FARLOW (11:58):** New South Wales is leading the nation with high rates of economic growth, and that is set to continue in the 2017-18 budget forecast. In 2016-17 our economy grew by 2.9 per cent, well above its trend rate of 2.5 per cent. We are world leaders. New South Wales is also outperforming many Organisation for Economic Co-operation and Development [OECD] nations. In 2017 employment expanded solidly, workforce participation lifted and the unemployment rate fell to 4.6 per cent—the lowest since 2008. It is jobs, jobs, jobs in New South Wales. This Government has created more than 440,000 jobs and far exceeded its commitments.

When it comes to employment the Liberal-Nationals Government in this State is leading the nation. This Government has created 40 per cent of all the jobs in Australia during that time. Due to the Liberal-Nationals Government's good fiscal management in 2017-18, the budget has been able to build upon on our State's investment in world-class healthcare, education, roads and public transport. We see the infrastructure boom all around us. We have been able to support families in New South Wales and to help those most in need. We have been able to deliver our housing affordability package and provide tax relief for families, farmers and small businesses across our State. This Government is committed to easing the costs of living pressures on families and small businesses. As such, it has introduced measures such as the Active Kids rebate. As the former chair of the Standing Committee on Social Issues, which conducted an inquiry into childhood overweight and obesity, I am proud of this—

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

**The Hon. SCOTT FARLOW:** The Hon. Dr Peter Phelps and the Hon. Shayne Mallard were enthusiastic participants in this inquiry. We proposed the voucher system and were pleased to see the New South Wales Government adopt the measure with the Active Kids rebate in this budget.

**The Hon. Dr Peter Phelps:** We should have more vouchers systems.

**The Hon. SCOTT FARLOW:** We should have more vouchers. I note the success of the Active Kids rebate, which delivers \$100 per school child, per year to participate in sport programs. I have seen this expanded to other activities, such as dance, which is a welcome initiative. People across the State have been grabbing hold of this program. Many sporting clubs have embraced this program in the Strathfield electorate. It has done very well. The rebate is available to more than a million children in New South Wales, including 9,000 children aged five to 15 years old who live in the Strathfield local government area and are eligible for this program.

The budget aims to ease the pressure for families, farmers and small businesses. A \$1.6 billion of tax cuts has been made in the budget. That is what we on this side of the House believe in: cutting taxation and regulation in this State, allowing families across the State to have more control over their budgets and more money in their hip pocket. Housing affordability reforms, which include stamp duty exemptions for houses up to \$650,000 and discounts for purchases up to \$800,000, have been introduced and have been warmly received.

On 11 February the Premier and Treasurer released new figures showing the housing affordability reforms contained in last year's budget are having a big impact and helping people to buy their first home. Since July 2017 more than 19,000 first home buyers have used our stamp duty exemptions to purchase their first home in New South Wales. It is one of several cost of living measures that the New South Wales Liberal-Nationals Government is providing for communities across the State. The statistics do not lie. This Government's action has meant that from financial year 2016-17, first home buyers in Western Sydney have more than doubled from 2,861 to 7,213—a big difference for those trying to get their feet on the rungs of the property ladder.

The Government abolished the duty charged on lenders mortgage insurance—another help for those getting into the property market. Duties on crop and livestock insurance will be abolished. On 1 January 2018 insurance duty for small businesses on commercial vehicle insurance, including aircraft, professional indemnity insurance, and product and public liability insurance were all abolished. This is a great story for businesses across the State, particularly small businesses. We are making it easy for businesses across New South Wales.

It is not just about the budget, money and taxation; it is also about delivering vital services that State governments are known for. Delivering a world-class health system has been a key objective of this Government—something we have delivered on. New South Wales has a world-class health system. Thanks to our careful and responsible fiscal management, we can invest to significantly improve our healthcare system across the State. The Government is investing an additional \$2.8 billion over four years, which brings the total investment to \$7.7 billion in health infrastructure over four years. This Government has delivered more in health infrastructure in seven years of office than those opposite delivered in 16 years of office. This budget contains a long list of what we are delivering in health infrastructure.

For example, the inner west community will receive a \$341 million upgrade of Concord hospital, which includes Australia's first comprehensive care centre for defence force personnel and their families, and a new cancer centre. Concord hospital has a history as a repatriation hospital. The Government is ensuring that a facility for defence force personnel is at the heart of the history and heritage of that institution. Some \$632 million has been provided for an upgrade for Campbelltown Hospital, including expanded paediatric services and additional emergency department capacity.

Some \$720 million is being invested in Randwick Hospital campus reconfiguration and expansion. I noted some of these works when I attended the New South Wales Jewish Board of Deputies function with the Assistant President on Sunday night. A lot is happening in the precinct around Randwick and the University of New South Wales. Some \$534.1 million has been allocated for a new state-of-the-art hospital for Tweed Heads. The great member for the Tweed—100 per cent for the Tweed, Geoff Provest—was out there for the sod turning the other day—

**The Hon. Dr Peter Phelps:** Excellent local member.

**The Hon. SCOTT FARLOW:** Yes, he is an excellent local member. That will be a fantastic facility for the Tweed Heads community. Over the next four years, \$100 million has been allocated for rural and regional palliative care needs, an issue that is close to the hearts of many members in this Chamber. An additional \$20 million of funding has been allocated for community-based mental health services. It is vitally important to

ensure that these services are at the front line, based in the community and out of hospitals when they can be as it helps with people's recovery.

In addition, \$30 million has been allocated to fund the full annual cost of implementing the New South Wales Ambulance Helicopter Retrieval Network Service; \$10 million has been allocated for the protection of the health and wellbeing of NSW Ambulance staff; \$7.5 million has been allocated for 50 additional relief paramedics in rural and remote areas; \$4 million has been allocated to implement the ambulance make ready model into superstations; \$48 million has been allocated for the Sydney Ambulance Metropolitan Infrastructure Strategy program; an additional \$35 million has been allocated for the Rural Ambulance Infrastructure Reconfiguration program; \$29 million has been allocated for the electronic medications management system; \$10 million has been allocated for better access to dental services; and \$107 million has been allocated for the internship program, which enabled a record 999 medical graduates to enter hospital wards across the State. Since the release of the budget there have been significant announcements, such as the redevelopment of Nepean Hospital. That was a big win for the Western Sydney community.

When it comes to the other arm of essential services in New South Wales, there is nothing more important than education. New South Wales government schools are projected to grown by 21 per cent over the next 15 years. We are committed to ensuring that children in New South Wales get the best education possible and we are committed to investing in their future. The budget provides for \$15.7 billion towards education expenditure, which includes funding for 1,000 extra teachers. That is one of the success stories of this Government—the increases on the front line when it comes to nurses, teachers and police. There are approximately 9,000 new nurses, 3,500 new teachers and 1,000 extra police on the front line.

The \$4.2 billion announced in this year's budget for major school building projects will fund 120 new and upgraded schools, creating 32,000 more student places or 1,500 new classrooms across the State. Yesterday I was encouraged when I heard the Premier's announcement, along with the Minister for Education, the Hon. Rob Stokes, about opening access to schools and improving school playground infrastructure. This is vitally important. I was delighted to hear that Strathfield South Public School will be open for these school holidays—just in time for more people to access that open space. That is a great win for the local community in the inner west.

This is another policy that came out of the inquiry into childhood overweight and obesity. The committee recommended opening up school infrastructure out of hours to allow more people to participate in activities on those premises. We received submissions on this issue. I note that the Hon. Greg Donnelly was part of that inquiry. In their submissions people called out for school playground usage because of population growth. Those are locked up, but the community looks into them and says they want to use that land. The New South Wales Government is working to make that possible, where it can, to ensure that there is more use of those school facilities for sport and recreation. The Government is looking at the design of schools in the future. The committee heard that schools in Queensland had changed their approach to their design so that sporting fields are on the edges. One of the schools that is proposed to be opened up to the community is my old high school, Sydney Technical High School in Bexley. It is the perfect design because the football field is at the back of the school facing the road. A portion of the school and the playing fields could easily be opened up to provide access for the community.

Since the Liberal-Nationals Government came to power in March 2011 more than 670 permanent classrooms have resulted in 10,200 more student places across the State. Sixteen new and relocated schools have been delivered, with many more in planning and under construction. There is \$411.3 million in additional funding to address backlog maintenance in schools and \$217 million for the Start Strong program to make early childhood education more affordable for families. One of the great success stories in this budget and one of the programs to be delivered was the expansion of Homebush West Public School in the electorate of Strathfield—a great win for that community. At one stage I lived on Hornsey Road and I walked past that school every day when I was going to the station. I saw the school continually growing with the growing community in Homebush West and Flemington. In addition to some of the other things we have delivered in the electorate of Strathfield is the new Marie Bashir Public School. This budget has provided a big boom for the Strathfield and inner west community.

When we talk about projects in the inner west that will change the face of the community and lead to a great deal of community improvement, nothing is more important and significant than WestConnex, which has been provided for in the budget. I recently drove through the inner west along Parramatta Road and Leicester Avenue, where I grew up. At the exit to the M4 I saw WestConnex coming to life as the roads are being built. What was once a hole in the ground is really taking shape. Whether it is there or at the interchange with the City West Link at Haberfield, one can see the project coming to life and can see the potential for the inner west community to use that link, taking cars off Parramatta Road.

The budget continues our investment in transport, roads, maritime and freight with \$72.7 billion over the next four years committed to infrastructure investment to ensure that our roads and public transport projects unclug

our cities. The budget includes \$7.2 billion for stage 3 of WestConnex, including the M4-M5 link; \$4.9 billion over four years for the Sydney Metro City and South West project; \$3.5 billion over four years for the Pacific Highway upgrade; \$4 billion over four years for the Sydney Metro Northwest; \$648 million of New South Wales and Commonwealth funding to upgrade roads to support the Western Sydney Airport at Badgerys Creek—or as the Premier likes to refer to it, the aerotropolis for Western Sydney—which will be a game changer for Western Sydney and will be effectively the cornerstone of that third city in Western Sydney, as has been outlined in the three cities strategy; \$264 million across four years to address critical pinch points on Sydney roads; \$548.5 million for the Regional Road Freight Corridor program; and \$1 billion to improve roads across Western Sydney, including \$153 million for the Narellan Road upgrade and the second stage of the upgrade of Schofields Road.

Further, the budget provides for the purchase of 170 new buses, including six double-decker buses, which have been a huge boost to our community. I pay tribute to Nick Tyrrell, who was one of the advisers and a strong advocate for those buses. We have seen the benefit they have provided to the community. They are being rolled out with the Northern Beaches B-Line buses, which are proving to be a great success. The New South Wales Government and the Minister for Transport are signing contracts with Transit Systems, which will boost existing and newly established routes. Customers are seeing the benefits of technological disruption as they will be able to order a bus like they order an Uber, with on-demand mini-bus services around Canada Bay, Concord and Strathfield—another great win for the inner west community.

Within six months the new bus operator will introduce around 270 extra weekly services across three popular routes: between Kingsgrove and the city, Burwood and the city, and Chiswick and the city. More services on key routes will be progressively introduced over the first four years of that contract, with an extra 4.8 million of bus service kilometres—a 21 per cent increase—across the inner west by the end of 2021. The Government is focused on improving service delivery for commuters and improving service delivery for people across New South Wales. But the Government is also attuned to the needs of those who are most vulnerable in our community. Once again, thanks to the good fiscal management of this Government and the strong financial position that the Government has found itself in, and with the tough decisions that people, particularly in this Chamber, have made, we can afford to help those in New South Wales who are in need of government services.

Over the next four years the New South Wales Government will invest \$63.2 million to boost the number of caseworkers on the front line in Family and Community Services. The budget provides for \$9.3 million for 66 additional casework support workers, \$6 million for 42 additional caseworkers to support children at risk, \$3 million for 23 additional caseworkers for the Child Protection Helpline, and 10 additional caseworkers for the Joint Investigative Response Teams.

In housing, \$20.4 million is allocated for transitional housing and support services to ensure rough sleepers remain off the streets. We have seen the sale of the Syrius building and other public housing across the inner city in the Millers Point area and the investment of the proceeds of sale into public housing across New South Wales. The sale of those properties, which was a difficult decision for the Government and a difficult process, will increase the public housing stock across New South Wales, providing more public housing for those across the State who need it.

New South Wales has made global headlines with Vivid in our events program. We want to continue to enhance our State's global reputation for tourism, environment, sports, arts and culture. The budget includes \$244.3 million for the Art Gallery of NSW expansion—the Sydney Modern project, which the Leader of the Government in this place, the Hon. Don Harwin, is proud of. In addition, \$190 million has been committed over four years towards the Sydney Opera House renewal program. The Opera House is a great symbol not just of Sydney but also of New South Wales and Australia. It is a great asset for all the community in New South Wales and a great beacon for international and domestic tourists. In addition, \$186.9 million has been allocated over four years to rejuvenate the Walsh Bay Arts precinct. Yesterday we heard the Minister for the Arts say how vital that investment is to ensure that Sydney gets the best shows and the best performances from across the world.

In addition, \$4 million has been provided for Surf Life Saving club grants; \$100 million has been allocated over five years to protect threatened species under the Saving Our Species program; and \$63 million has been provided for national parks, public parklands and gardens throughout New South Wales. As I stated earlier, at the heart of everything this Government does is improving service delivery for consumers and for the users of government services, and nowhere is that seen better than in the innovation that has been Service NSW in making it easier for people to do business with government.

In the budget \$20.1 million has been allocated to complete the Service NSW network. A further \$178 million has been allocated over two years for the enhancement of critical communication services. The NAB Monthly Business Survey for December 2017—I apologise if it is not the latest survey—found that New South Wales recorded the strongest trend in business conditions in the nation. The survey recorded and identified New

South Wales as the "clear outperformer in trend terms", marking a forty-sixth consecutive month of positive business conditions for the State. It is good news all round. [*Business interrupted.*]

*Visitors*

**VISITORS**

**The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile):** I recognise a large number of visitors in the public gallery. I am pleased to welcome students from New South Wales high schools who are attending the Young Women's Leadership Program, which is organised and conducted by our Parliamentary Education Unit. You are very welcome. I hope you enjoy your visit to the New South Wales Legislative Council—equivalent to a State senate.

*Budget*

**BUDGET ESTIMATES AND RELATED PAPERS 2017-2018**

[*Business resumed.*]

**The Hon. SCOTT FARLOW:** When one is directing comments through the Chair and looking at the Chair, one fails to notice that there is a packed gallery. I acknowledge all the students present in the gallery. In New South Wales we understand that a healthy justice system leads to better outcomes, such as reducing reoffending and safeguarding the community. One of the essential functions of government is to provide a safe and secure community. This Government has been able to deliver that. Since we have been in Government, 17 of 18 leading crime statistics in New South Wales have fallen. That is a significant achievement for this Government. The budget continues to deliver on those priorities, with \$8.5 million allocated to deliver two new trial courts at the Downing Centre in the Sydney central business district and a new State Parole Authority hearing room at the Sydney West Trial Courts in Parramatta. We have allocated \$62 million to continue the program to reduce adult reoffending under the Criminal Justice Reform program. Reducing recidivism is at the heart of our criminal justice system.

To enhance bushfire fighting capabilities, including contracting large air tankers, \$38 million has been provided over four years. Of course, I cannot mention that without thinking of the community in Tathra, which recently experienced bushfires. The community of Tathra is particularly close to my heart—my aunty lived in Tathra and I would holiday there. I know that community and wonderful environment well. My heart goes out to the community of Tathra and to the member for Bega, Andrew Constance, for what they have gone through recently. The Tathra community will look to rebuild and be back bigger, stronger and better than ever.

This Government has provided \$15 million to continue the NSW Police Force counterterrorism program. That is an indication of the challenges of this modern world, where unfortunately the threat of terrorism is on our doorstep. We have provided \$47 million over three years to tackle radicalisation in prison by increasing the operational capacity of the Supermax prison, creating a new high-security unit at Goulburn Jail and establishing a specialist unit at Silverwater Correctional Complex to combat radicalisation in New South Wales jails. Radicalisation is an increasing challenge that we face in our corrective services system. The Government's infrastructure program of \$3.8 billion has supported the recruitment of more than 1,400 new custodial officers and approximately 100 community corrections officers across the State.

Of course, the importance of regional New South Wales cannot be understated, as I am sure the Hon. Ben Franklin, the Hon. Rick Colless, the Hon. Scot MacDonald, the Hon. Wes Fang, the Hon. Catherine Cusack, the Hon. Natasha Maclaren-Jones, the Hon. Dr Peter Phelps and the Hon. Paul Green will acknowledge. All members currently sitting on this side of the Chamber and on the cross bench are located in regional New South Wales, except for me. I do feel I miss out.

**The Hon. Paul Green:** Finally not Sydney-centric.

**The Hon. SCOTT FARLOW:** We are not Sydney-centric on this side of the Chamber, except for me. I am holding up the banner and flying the flag for Sydney. The importance of regional New South Wales is the heart of everything that this Government does, whether it be investing in health, education or infrastructure services. The budget also includes specific regional and rural investment, providing \$1 billion to fund local water infrastructure across regional New South Wales and \$300 million for new bridges at Batemans Bay and Nelligen. Of course, there is nothing more important for the Hon. Paul Green than the provision of infrastructure in the Shoalhaven. This Government has provided a \$50 million boost for the Barton Highway to provide a new two-lane carriageway to improve safety. We have provided \$10 million for the Bathurst VeloCity Park precinct and \$100 million towards a new regional cultural fund, which has been heralded across regional New South Wales.

There is a forecasted budget surplus in 2017-18 of \$3.3 billion, which is an increase of \$630 million over the 2017-18 budget forecast. I note the recent news of the reallocation of the goods and service tax funding by the Commonwealth Grants Commission. New South Wales faces the challenge of a reallocation of approximately \$450 billion, while Queensland continues to receive more funding.

**The Hon. Dr Peter Phelps:** Shame.

**The Hon. SCOTT FARLOW:** It is a shame. The reallocation of funds is something that the Treasurer has been addressing with the Federal Government. He is trying to get more parity for New South Wales. This is on top of the budget delivering a surplus of \$4.5 billion in 2016-17. The Government has negative net debt, a strong economic environment for business, low unemployment and is outperforming 27 of 34 OECD nations. New South Wales is the powerhouse of the nation. For this reason the New South Wales Liberal-Nationals Government has been able to deliver more than just the big infrastructure projects. We have been able to invest into families and communities that make our State the greatest in this nation. I note that it seems that this State Government is delivering on every corner.

Recently I was proud to be at the opening of the new lifts and accessibility program at Homebush Railway Station in the electorate of Strathfield. It is something that the community has called out for many years. When I was elected to Strathfield Municipal Council in 2004 it was something we campaigned on and those opposite were unavailable to deliver it in their 16 years of government. Now I am proud that we have not only been able to deliver those lifts at Homebush Station but we have also delivered accessible stations at Flemington and Croydon. All stations in the Strathfield electorate along the inner west line have accessible lifts and an accessible station. That is a big win for the inner west community.

I was proud to accompany the Premier to the recent opening of the upgrade of Ashfield commuter car park, where there are now about 100 extra spaces. That is the first car park in the Sydney Trains network to be able to use the tap-on, tap-off Opal card. At that station commuters can have up to 18 hours free parking if they use the tap-on, tap-off Opal card for trains or buses. It will ensure that those car parking spaces are used for their intended purpose—commuter parking—rather than by people just popping down to the shops for an hour or so. That is a big win for the community and it is emblematic of the infrastructure projects that this Government is delivering across the State to make it better for the people of New South Wales.

That is what this Government is able to do when we have a strong budget. This budget delivers benefits for everyone in New South Wales, whether they live in metropolitan Sydney—like I do—or in regional New South Wales or the bush like everybody else sitting on this side of the Chamber at the moment. New South Wales is being made—

**The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile):** I now live at Dee Why.

**The Hon. SCOTT FARLOW:** The Assistant President lives in Sydney. He is waving the flag as well. I have also lived in Dee Why. It is a beautiful part of New South Wales. This Government is ensuring that every part of this State gets its fair share, which was the Premier's mantra when she was elevated to the office of Premier. The measures in the budget ensure that New South Wales is being made future ready statewide. I am proud to be a member of the Government delivering this budget.

**The Hon. RICK COLLESS (12:28):** First, I acknowledge the excellent work of the State's Treasurer, the Hon. Dominic Perrottet, who has delivered another record budget for this State. The 2017-18 budget has delivered New South Wales a substantial surplus and we have had an outstanding reception from the community after this financial year's budget was announced. The Government not only continues to deliver infrastructure and services but also maintains the strong management that this State deserves. We are outperforming every other State by a long shot. Australian Bureau of Statistics data shows that we are growing stronger and had 10 times the growth of any other State.

New South Wales is leading the nation in economic growth and has the strongest jobs growth. In the last year to April this year more than 124,000 jobs have been created in New South Wales. We are maintaining our triple-A credit rating and ensuring that the budget position and the economy are prepared for any challenge into the future. I remind the House that for 16 years Labor produced the slowest economic growth of any State. Labor introduced nine new taxes when it was in government; it left a hole of \$5.2 billion in the forward estimates and an infrastructure backlog of some \$30 billion.

This Liberal-Nationals State Government has turned New South Wales around and made us number one again. The Government is determined to make sure that the State does not experience such a decline in economic growth that we endured under Labor. We want the people of this great State to rest assured that under this Government they will never again have to experience the financial burden that comes with a regressive economy.

This budget has a strong focus on regional New South Wales. It includes \$7.7 billion in hospital funding, \$4.2 billion across education, while 60 per cent of the roads budget is being spent in regional New South Wales.

One of the flagship programs under the 2017-18 budget this financial year was the announcement of new money committed to the Regional Growth Fund. Under this fund the Government has made \$1.3 billion available for regional communities to build amenities that make our communities great. This includes \$200 million for the Stronger Country Communities Fund for communities across regional New South Wales to build amenities to help regional residents not only to survive but also to thrive, to raise a family, to work and to make a home.

The Orange electorate received more than \$2.6 million under round one of this funding, which will fund a number of important projects in the Orange electorate, including shared mobility access pathways in Manildra, Cudal and Mullion Creek; construction of the Forbes Men's Shed; upgrade of the Bedgerabong recreation grounds; construction of new toilet facilities in Robertson Park in Orange; upgrade of Orange central business district street lighting; and upgrade and refurbishment of Parkes Little Theatre. Last year I undertook an information session with members of the Orange community about this fund. The Orange electorate and the western New South Wales community have welcomed this funding injection with open arms. They look forward to seeing infrastructure being built and having access to improved facilities such as playgrounds, libraries and community centres in their respective communities.

As round one has been such a success the Government has decided to increase the funding for round two, and will include dedicated funding for sports projects in the regions. Applications for round two will close on 4 May 2018. I have encouraged locals and community groups to speak with local councils and me to put forward ideas for projects they would like to see happen as part of this initiative. The Government has divided the \$200 million across regional local government areas [LGA] and each LGA has been given an allocation, which means that all communities, irrespective of size, will have a real opportunity to build amenities that are so important to them.

This is great news across western New South Wales. Labor neglected so many local projects in regional New South Wales that required attention. Under this project, some real money will go into those communities that really need it. The Government is delivering more than \$70 million for the Orange electorate in the 2017-18 budget. This record budget shows that the New South Wales Nationals and Liberals are dedicated to delivering improved health services, upgraded and more efficient transport and road infrastructure, and support for agriculture within the Orange electorate. This massive injection into the region will make a huge difference to the lives of local people and businesses, and to major local industries such as agriculture.

Orange has always been well known for its agriculture, particularly horticulture, apples, pears, and many stone fruits such as cherries, peaches, apricots, and plums. Recently a large number of vineyards have been planted in the area to accommodate the rapidly expanding wine production industry. Currently there are 1,500 acres under vine and 65 vineyards in the electorate. Over the last couple of years Orange has reinvented itself as a cultural hub that prides itself on its food and wine and is now a major tourist destination.

**The Hon. Dr Peter Phelps:** Yeah, after Jeremy left.

**The Hon. RICK COLLESS:** I will acknowledge that interjection. It has improved greatly since that member left. It is only a 3½-hour drive from Sydney and is a key freight and agricultural hub situated on the Mitchell Highway, linking traffic and freight to smaller regional communities further west. It also links traffic and provides a stopover for those travelling far and wide to access places in western New South Wales such as Bourke and interstate on the Newell Highway to Brisbane, Queensland and Melbourne. Each year tourists spend \$218.2 million visiting Orange, and that number is continuing to increase. Therefore, it makes sense to invest in this growing regional city, a regional area where more and more people are locating and travelling to for recreation. Investment into this regional city centre is a prime example of where the New South Wales Liberals and Nationals are putting our regional towns back on the map and making them a priority.

A focus of this considerable financial commitment in the Orange electorate this financial year has been on infrastructure, with \$49.9 million being invested into roads across the Orange electorate. This includes \$9.5 million to complete construction of the realignment of the Mitchell Highway at Guanna Hill west of Orange; \$9.9 million to complete construction of the realignment of the Newell Highway at Trewilga between Parkes and Peak Hill; more than \$5 million for planning for the Newell Highway upgrade at Parkes; and \$3.3 million for a pavement upgrade on the Mitchell Highway west of Orange.

The New South Wales Government is also investing \$13.3 million to deliver improved transport infrastructure; \$7.8 million for a research and development partnership with the Grains Research and Development Corporation; \$5.2 million towards Local Land Services and biodiversity reforms; and \$2.8 million on social housing across the region. This financial year we have committed \$1 billion for the Safe and Secure

Water Program, including the Broken Hill pipeline. Communities across regional New South Wales will now have safe and secure water. We are also investing in the west of the State with \$9.9 million to improve water treatment in Cobar; \$5 million for stage two of the Cobar to Nyngan twin pipelines; \$5.5 million for a new water treatment plant and reticulation network at White Cliffs; and \$2 million for sewerage works at Wentworth.

The Central West is an agricultural centre, with many livestock, crop and cotton farmers located in this area and further west, which is why investing in water in the region is so important. Trangie is set to receive funding as part of the \$65 million research and development partnership with the Grains Research and Development Corporation to extend research into winter crop development, infrastructure capacity development and skills development. The Government is continuing to deliver on the \$188.1 million project to build a rapid-build prison in Wellington and \$110.7 million is being committed by the State for an additional 250 beds at the Bathurst Correctional Facility.

Health facilities in regional New South Wales suffered just as badly as roads under Labor, which is why this Government is investing \$43.5 million in 2017-18 to continue investments in Dubbo Base Hospital; \$8 million in 2017-18 towards building a new hospital at Mudgee; and \$3.9 million for the Broken Hill integrated health facility. An additional \$50 million is also in this budget for Resources for Regions to ensure that communities that are impacted by mining receive the amenities they deserve and become stronger country communities.

We have also announced a number of other projects this year such as the reconstruction of the Molong War Memorial, new netball courts for Trundle Central School, sporting field upgrades for Peak Hill, Parkes and Trundle, rehabilitation of the grandstand at Forbes Racecourse and an elevator for the historic two-storey museum in Forbes. There is no more important project for the people of the Central West than improving road and rail access to Sydney over the Blue Mountains, and the announcement of securing and preserving the route of the Castlereagh Connection, a vital link between Kurrajong and the M7 Motorway, will lead to vastly improved highway access for the people of the Central West.

It is interesting to note that the Leader of the Opposition, Mr Luke Foley, recently said that the road will not be built under Labor, which reflects Labor's disdain for communities in western New South Wales. He should hang his head in shame for making that comment. The New South Wales Government is turbocharging cities in regional New South Wales to ensure that they continue to contribute to this State's economy. We are proud of the work we are doing. We will continue to give regional New South Wales what it needs and deserves.

**Mr SCOT MacDONALD (12:39):** I make a contribution to debate on the budget papers. I do not often agree with the Hon. Walt Secord but in one respect I do, and that is when he interjects and says, "You have never had it so good." He says it sarcastically and the comment is dripping with irony, but he is right. He is right that this State has never had it so good, but he is also right that it could easily slip away. We could quickly go back to the 16 years of Labor Government if we take our eye off the ball and not run the budget responsibly and in surplus as we are now, or if we do not adopt practices such as asset recycling which has enabled us to achieve a record investment in infrastructure of \$80 billion over the next four years.

It behoves all of us to understand the slippery slope from good economic management to poor economic management. In saying that, I urge all members of Parliament to read the Hon. Carl Scully's book *Setting the Record Straight: A Political Memoir*. It discusses a piece of history about how a government can start with the best of intentions and get things done. The Hon. Carl Scully was part of a government that got things done. He has written some good chapters in this book that I wish to put on record. It reflects how budgets are put together and how quickly they can fall over. I now quote from *Setting the Record Straight: A Political Memoir*:

There was no good reason why the last 12 years of Labor Government, including six with Carr and Egan, was unable to plan, fund and deliver not only all of the Parramatta to Chatswood Rail Link but also all of the Epping to Rouse Hill Rail Link. It still grieves me to see the justified stature of 100 years of Labor governments as the big builders of Sydney being handed over by the last Labor Government in power to our political opponents simply because of that Labor Government's lack of will, lack of talent and lack of interest. It will be a long time before we get the title back.

But with some decent funding, so much more could have been achieved over a sustained period of time. Carr and Egan had little interest in transport projects or policy or in their funding and delivery, although Carr would always get excited about any media event arising after the long hard yards had been done in delivering the project.

The Hon. Carl Scully finishes chapter 16 with this:

The Iemma/Rees/Keneally Governments should have built the Northwest Rail Link as well as the M4 East and the M1 to M2 Motorways, but instead they squandered the opportunity to do so. The current Liberal National Party State Government is now getting on and building major rail and road infrastructure across Sydney and fully exploiting the fact that the three post Carr Premiers were simply asleep at the infrastructure wheel. The baton passed. It will not be easily returned.

I wish to read some words about the motorways and we heard some debate about motorways yesterday. Every member of this House and anybody who engages with the public understands that motorways are difficult. Their construction interrupts people's lives and businesses. It is informative to go to those years when the former

Government started to do some work, but then the wheels fell off. In the paragraph entitled *No New Motorways*, the Hon. Carl Scully stated:

First, when I asked a post Lemma senior minister why the Government had no plans for future motorway development, the reply was withering: "Because it would upset too many people." Government should constantly deliver, improve and reform for the community and in doing so, constantly arbitrate between competing interests. It is not for the faint-hearted and if done with diligence, there will always be loud and disappointed stakeholders.

Sound familiar? The Hon. Carl Scully further stated:

If not, then you are not governing. No motorways were planned or delivered during the whole six years of the Lemma/Rees/Keneally period. In an almost complete mockery of the excuse provided to me, the Liberal State Government is now building more motorways than even I could have ever imagined. And, yes, unsurprisingly, some people are upset by it, but many tens of thousands will benefit every day of their motoring lives.

He then talks about the non-Metro Rail project:

The second, was the farcical Metro Rail proposal. After the 2007 election—

**The Hon. Greg Donnelly:** Point of order: The nature of this particular debate is to discuss the budget estimates for the current financial year. I have given Mr Scot MacDonald a bit of latitude. He has had a bit of fun reading into *Hansard* some quotes he finds enjoyable, but they do not relate to an examination of the current budget estimates. I ask that he be drawn to the focus of the debate and desist from quoting into *Hansard* slabs of the book.

**Mr SCOT MacDONALD:** To the point of order: Before commencing, I checked with the Clerk and the advice I received was that, if it was put in context, taking parts of material that is in the public domain is allowable under our standing orders. I am nearly finished quoting but, as I say, I checked with the Clerk that I could proceed this way.

**The Hon. Dr Peter Phelps:** To the point of order: I refer members to a ruling of President Willis on 14 September 1993 when he said, "Great latitude is permitted in the budget debate."

**The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile):** I ask the member to confine his remarks to the budget and to finish his final quote.

**Mr SCOT MacDONALD:** The Hon. Carl Scully stated:

The second, was the farcical Metro Rail proposal. After the 2007 election, Lemma pulled a \$7B Metro Rail to North West Sydney project literally out of his pocket.

In deference to the point of order, we can all read this book. It is a good history lesson on how budgets can be derailed quickly and how good governments such as this Liberal-Nationals Government can do good work in difficult circumstances. Asset recycling is incredibly difficult. We take government assets and lease them long term or sell them but then we renew those assets and build the social and hard infrastructure that we need to make this State the great State it is.

Each quarter the CommSec State of the States report is released. It has reinforced to all members where New South Wales is now and where it was eight years ago. Eight years ago when the CommSec report was released quarterly, New South Wales was at or near the bottom of the rank. We have now had 14 CommSec reports which show that New South Wales is at the top of the ladder. I will read some comments from the last CommSec State of the States report:

NSW has retained the position as the best performing economy, at or near the top of all indicators.

The indicators are in the CommSec report.

...

NSW has secured top ranking on five of the eight economic indicators: retail trade, dwelling starts, equipment investment, construction work and unemployment. NSW is second on economic growth and in third spot on population growth and housing finance. New South Wales had the second strongest output with 26 per cent higher than the decade average level of output, followed by Victoria. In relation to retail rankings the report states:

NSW has maintained the top spot on the retail rankings, followed by Victoria.

In relation to business spending it states:

Only NSW had business spending in the September quarter above decade-average levels with NSW equipment investment up to 5.9 per cent.

When we read now about equipment investment it means that in the future we will be reading about economic growth and employment. If we invest now, the pipeline delivers and some months or years down the track we are

looking at a stronger economy and jobs. Equipment investment gives us an indication of where this State is headed. In relation to unemployment, the report states:

NSW has the strongest job market in the nation. While the jobless rate is lower in trend terms in the ACT, the NSW trend jobless rate of 4.7 per cent is almost 12 per cent below its decade average. And the NSW jobless rate also equals the lowest rate seen in nine years.

We cannot afford to go back to Labor. Another important indicator was construction work. The report states:

Leading the way was NSW with construction work done 25.9 per cent above its decade average followed by Victoria ...

The report talks about New South Wales being the leader in housing finance and the fact that New South Wales remains in the top spot for dwelling starts with commencements 53 per cent above the decade average. That is a very strong report card on the state of New South Wales and an independent audit, if you like, of where we are every quarter. We continue to lead the pack after being dead last or nearly last for many years under the former Labor Government.

I want to read onto the record some of the projects underway in the Hunter and the Central Coast. If I were given another hour to talk about them I would not finish, but I will refer to some of the highlights. Some of the projects are ongoing and we are collaborating with the Federal Government on some others. The previous Labor Government built one-lane each way on Tourle Street Bridge but it was over capacity within years. We had to collaborate with the current Federal Liberal Government to widen that road and the road leading to the Stockton Bridge, which is a very important corridor in that area. This Government is spending \$87 million there.

Maitland Hospital is one of my favourites. The Government has committed \$450 million, which is not yet matched by the Labor Party. I try to draw out the Hon. Walt Secord and the local member but they will not put money on the table for Maitland Hospital. They say they will come back to us on this matter but money counts—\$450 million from this Government; zip, zero, nothing from the Labor Party. Whatever the model might be, it is the cheque, the building and the project that matters.

Last week I looked at the progress of the John Hunter Children's Hospital Neonatal Intensive Care Unit to which this Government has committed \$18 million. The Government is also supporting the Scone to Murrurundi pipeline in the Hunter. I urge people who believe in The Hunter to refer to the "Our Regions Delivering for NSW" report, issued by the Deputy Premier and the Department of Premier and Cabinet, as what is going into the Hunter is breathtaking.

One of the big projects delivered on the Central Coast is \$2.8 billion for the intercity train fleet and \$300 million for the Kangy Angy maintenance facility where jobs will go. There is a huge amount of work on our hospitals—for example, \$348 million for the redevelopment of Gosford Hospital and \$200 million for Wyong Hospital, which is \$548 million on our health system on the Central Coast. That investment is after the previous Labor Government, to its great shame, closed the emergency department at Woy Woy Hospital. Gosford residents rely on Woy Woy Hospital but the former Government closed the emergency department. In contrast, this Government is spending over half a billion dollars on those hospitals. Visitors to Gosford or Woy Woy hospitals could see how desperate they were for upgrades and redevelopment. The Liberal Government will always have against its name the commitment, the money and the will to get on with the upgrades and redevelopment. The Labor Party likes to talk about models of delivery but what really matters is who is delivering the infrastructure. This Government is delivering the infrastructure.

I thank the Treasury for \$35.5 million for the car park at Gosford hospital and \$28 million for the upgrade of the intersection of Wyong Road and Enterprise Drive. An extra Wyong Ambulance Station is being provided at a cost of \$11 million. When I announced that project I was asked if there was already one in Wyong. Yes, there is but they are getting another one. The local member for Wyong did not quite get that for a little while but it has sunk in. The Toukley Ambulance Station was built in the 1950s or the 1960s. Its staff do a great job but its infrastructure is sadly lacking. This Government is putting in \$4.2 million towards it to back our first responders.

It was great to be part of the announcement of the new public school at Warnervale. Immediately there were cries from the local member who asked "What about the high school?" Schools tell us we need public schools first at the primary level and then we will look at the projections for a high school. The bottom line is we are also delivering on the schools there, as well as with Terrigal Public School and Wamberal Public School. Another infrastructure project for the Hunter, the Central Coast, South Coast and Blue Mountains is the new intercity train fleet at a cost of \$2.8 billion. This terrific initiative will be trialled from Tuggerah Station and then progressively rolled out. The carriages look great and can be seen on the web site. We will upgrade the stations as required. For years people have talked about intercity fleets but this Government is delivering them, which we should be tremendously proud of.

**The Hon. Dr Peter Phelps:** Crackers will put out a great press release.

**Mr SCOT MacDONALD:** You can be sure of that—the colour will be wrong, it will not have a cappuccino machine or something like that.

**The Hon. Dr Peter Phelps:** Solar panels.

**Mr SCOT MacDONALD:** Or it will not have the surfboard racks or whatever. I will conclude my remarks about the Newcastle renewal on which the Government is spending \$650 million. Whatever my future is I will look back on being a small cog in the wheel supporting the renewal of Newcastle. For 20 or 30 years the Labor Party disgracefully neglected Newcastle. The Newcastle seat, region, central business district and city was taken for granted. The people who voted for it got nothing, absolutely zilch. It has taken this Government, through thick and thin, and with a lot of opposition, to get urban renewal at Newcastle. Death threats were made against our transport Minister of the day when we announced the closure of the Newcastle railway. But after that this Government is spending \$650 million, not just on the 2.7 kilometres of light rail, but on the urban renewal and the streetscape around it.

The Government carried out consultation and people said they did not want overhead lines but wanted better streetscape. The Government initially committed \$500 million and it has put in an extra \$150 million for that. We are reinventing Newcastle. We no longer have the Berlin Wall with heavy rail, used by a few people. It has now opened up and we can see it. We acknowledge that it is causing difficulties to Hunter Street businesses but we are on budget and on time and the light rail will be tested towards the end of this year and rolled out in the first half of 2019. This Government has the means to do the work that has been put on the backburner for years and years, as other speakers have mentioned.

I am so proud that we have had the fortitude and the financial means to press through at places like Port Stephens, Maitland, Gosford, Wyong and Newcastle. Those areas are electorally difficult areas for this Government—we do not often see blue seats there—but investment has been needed. What keeps me awake at night is thinking that if a Labor Government is elected in 2019 the switch will be turned off again and there will be no transport investment. Newcastle and the Hunter put up with a second-rate bus system and second-rate health infrastructure. We inherited a \$1 billion schools maintenance backlog. When I go around Hunter and Central Coast schools I see what parents and kids have had put to up with. We are turning that around. We have spent about \$225 million and committed a bit over \$700 million over the next four years to break the back of the school maintenance backlog.

I cannot stand the hypocrisy of Opposition members who say they believe in public schools and yet will not fix the toilets or the carpets that have been there for 30 years. These things do not make the newspapers, but we are getting on with fixing things and putting pride back into public schools. People should forget the slogans, the hype and the promises. We know what they will turn into—another budget in deficit and our schools and infrastructure falling behind. The Central Coast and the Hunter will once again be taken for granted. I am proud of what our Government is doing and the continuing difficult decisions it makes. Some decisions regarding the Powerhouse and stadia might be easy to criticise, but this Government is delivering. I encourage members to read the book.

**Debate adjourned.**

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

*Visitors*

#### VISITORS

**The PRESIDENT:** I take this opportunity to welcome as guests of the Minister for Aboriginal Affairs, the Hon. Sarah Mitchell, students from the Scots College Indigenous program with their dedicated staff members Johnny Samengo and Jonathan Hill. Welcome to the Parliament. I hope you enjoy your time here and that it is informative.

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

*Questions Without Notice*

#### RENEWABLE ENERGY

**The Hon. ADAM SEARLE (14:30):** My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Yesterday in answer to a question in this House the Minister stated:

There is a huge pipeline of 12,000 megawatts of renewable energy projects that are either approved or progressing through the New South Wales planning system.

How much of this 12,000 megawatts of renewable energy projects is under construction and what is the timetable for these projects to produce energy for New South Wales customers?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:31):** I am pleased to inform the House that the pipeline is stronger than ever. The member referred in his question to a staggering 12,000 megawatts of new renewable energy capacity progressing through the planning system or with panning approval which represents more than \$15 billion of potential investment. In 2017, 14 new large-scale renewable energy projects were approved in New South Wales and 2018 is already off to a strong start with Australia's first solar farm co-located with a wind farm at Gullen Range which will provide energy for more hours. This month the Government approved the Liverpool Range wind farm in the Upper Hunter. At almost 1,000 megawatts this project is set to be one of the biggest wind farms in Australia and 800 jobs will be generated during the construction phase. In fact the \$642 million wind farm on the Liverpool Range will power approximately 500,000 homes each year.

As the member referred to those projects that are currently under construction, I may have to take on notice the latter part of his question. However, I can inform him that since January 2017 nine renewable energy projects have commenced construction, including three wind farms and six solar farms. These projects will add approximately 780 megawatts of capacity to the New South Wales energy system and they will produce enough power for 340,000 homes. The nine projects that have commenced will produce enough power each year to meet almost 3 per cent of the State's energy demands and they include the Sapphire Wind Farm, which will be the largest wind farm in New South Wales when it is completed, and the Dubbo Solar Hub which has entered into a certificate purchasing agreement with the New South Wales Government to underpin its construction. All of that is remarkably good news.

The nine projects I referred to are the Silverton wind farm, an AGL project of 200 megawatts; the Coleambally Solar Farm, a Neoen Solar PV project of 150 megawatts; the Bodangora Wind Farm, an Infigen Energy project at Wellington of 120 megawatts; the Crookwell 2 Wind Farm, a Union Fenosa project; the Goulburn Solar Farm, 92 megawatts; the Parkes Solar Farm, another Neoen Solar PV project of 65 megawatts; and the Griffith Solar Farm— [*Time expired.*]

**The Hon. Catherine Cusack:** Point of order: I think the Leader of the Opposition was wanting to ask a supplementary question.

**The PRESIDENT:** I call the Hon. Catherine Cusack to order for the first time.

**The Hon. Adam Searle:** No-one likes a smart arse, Catherine.

**The Hon. Niall Blair:** Point of order: The Deputy Leader of the Opposition not only used unparliamentary language but also did not refer to a member by her correct title. The member should be asked to withdraw his comment as it was unparliamentary.

**The Hon. Adam Searle:** I withdraw the comment.

**The PRESIDENT:** I indicate to all members that it is extremely difficult for me, as I am sure it is for Hansard, to listen to the member who is speaking in addition to the interjections and conversations of other members.

#### WATER SECURITY

**The Hon. LOU AMATO (14:36):** My question without notice is addressed to the Minister for Energy and Utilities. Will the Minister update the House on what this Government is doing to ensure that the water supply of Greater Sydney will meet the demands of the future, and are there any alternative policies?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:36):** I am sure that the Hon. Lou Amato, who is a champion of the greater west, will be interested in a number of the things that I am about to report to the House. Ensuring an affordable, resilient and sustainable water supply system is one of the Government's most important responsibilities. The Government has a robust strategy in place to deliver on this responsibility. The strategy includes a broad range of demand and supply measures, including optimising existing supplies, water efficiency and conservation programs, a drought response plan and investigating new supply options. The strategy is designed to ensure that there is enough water to meet Greater Sydney's need, to withstand drought and to meet the demands of population growth. Our population will continue to grow and that is because more people are moving here to embrace the opportunities and prosperity that is on offer in New South Wales.

The Government has transformed New South Wales, unleashing economic growth, creating more than 480,000 jobs and supporting an unprecedented infrastructure boom, making New South Wales the number one

State in which to live, work and raise a family. We are delivering on an affordable and secure water supply for Greater Sydney now and in the future. After seemingly committing Labor to a \$750 million deep ocean outfall for 10,000 Vaucluse homes a few weeks ago, the shadow Minister for Water in the other place decided to have another go at water policy. With the member for Campbelltown in tow they were splashing fear around the Macarthur region, demanding that we release our plans on water security. I thought I would be helpful and direct them to the publicly available metropolitan water plan. Seemingly satisfied that there is enough water, the dynamic duo then moved on and struck again. This time they were demanding that we release our water infrastructure plans for the Macarthur region.

I hate to disappoint the Opposition but we have that covered too. In 2017 Sydney Water released a Growth Servicing Plan, which shows how we plan to provide water-related infrastructure to service growth to 2022. Once again I direct the Opposition to this publicly available document. Sydney Water is on track to spend \$2.4 billion on infrastructure projects over the four years from 2016-17 through to 2019-20, which includes about \$918 million on projects to support growth in the Greater Sydney and Illawarra regions.

Sydney Water and key planning and delivery agencies have supported servicing the growth areas in the Macarthur region such as East Leppington, Astral and Leppington North precincts, \$100 million to service 12,000 dwellings; Emerald Hills and Central Hills, \$21 million to service 3,000 dwellings; and Oran Park, Turner Road and South Catherine Fields precincts, \$100 million to service 19,000 dwellings. I could go on. For example, Lowes Creek and Maryland precincts, 30,000 dwellings. We see again an Opposition that has not done its research; it is out of its depth. The Government is continuing to ensure a safe, secure and affordable water supply. [*Time expired.*]

### POWERHOUSE MUSEUM RELOCATION

**The Hon. WALT SECORD (14:40):** My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Leader of the Government. Given that the Hon. Matthew Mason-Cox, a prominent country-based Liberal member of the Legislative Council said, "poor implementation is fast becoming the curse of the NSW Government" and that "the latest instance of poor implementation is the long running plan to uproot the Powerhouse Museum", is the Government still 100 per cent committed to moving the Powerhouse Museum to Parramatta?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:41):** We are committed to it, as I made very clear yesterday in question time. When I became the Minister and inherited this project, I asked the Premier whether I could, in the extended final business case, look at a broader range of options, which I have done. That added extra time but it was worth it. We have finished that work. As I think I have told the House on at least three occasions, we have concluded the extended final business case work and it is now in the process of being checked by the central agencies in the standard project assurance processes that are employed by the central agencies before any significant investment decision is taken.

That sort of good management and financial prudence ensures that our State is in great shape. If we were not prudent we would not be able to afford the significant investments we are making in cultural infrastructure at the moment. I could say many things in response to the Hon. Walt Secord but I make this point: If his party were in government he would not be able to make any of the investments in cultural infrastructure that we are making. Labor did not for 16 years, whereas we as a government are able to invest heavily in the Walsh Bay precinct, doubling the size of that precinct. We have started a decade of renewal projects at the Sydney Opera House and we have been able to make a decision to double the size of the Art Gallery by doing the Sydney Modern Project. In fact, the one of which I am most proud and about which we will hear a lot in the next two months is the investment we will be making in regional communities. I am so proud of that.

**The Hon. Walt Secord:** You didn't mention Western Sydney.

**The Hon. DON HARWIN:** The Hon. Walt Secord brings up Western Sydney. As I reminded the House yesterday, this Government has increased investment in Western Sydney arts by 60 per cent in just two years. Labor could not afford that in government and did not do it. I assure members that investment in cultural infrastructure will stop if this Government is not re-elected in March. That is why there is tremendous response from the arts and cultural sector in New South Wales and we will hear a bit more about that in a minute.

**The Hon. Walt Secord:** Enjoy the canapés, Don—11 months.

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

**The Hon. Trevor Khan:** Point of order: My point of order relates to repeated interjections by the Hon. Walt Secord. I take a further point of order that the member did not refer to the Minister by his correct title. This is happening with repeated interjections during question time.

**The PRESIDENT:** I uphold the point of order. I have already called the Hon. Walt Secord to order for the first time. I remind all honourable members that members are to be referred to by their correct title. The Minister has the call.

**The Hon. DON HARWIN:** This Government can afford to invest in cultural infrastructure. We are doing that and we are going to completely change regional communities across New South Wales with our capacity to invest in performance spaces, galleries, museums and libraries. I look forward to being able to tell the House more about that at great length over the next couple of years. However, this is happening only because we have a Liberal-Nationals Government. I pay tribute to my predecessor, Troy Grant, and to the Hon. Ben Franklin, who has done so much work in guiding policy advice on the important issue of regional arts. [*Time expired.*]

**The Hon. WALT SECORD (14:46):** I ask a supplementary question. Will the Minister elucidate his answer in relation to the business case he referred to in his answer? Why is he refusing to release the full business case?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:46):** Oh dear, oh dear. The Hon. Walt Secord was chief of staff to a premier so he knows full well how Cabinet works in the Westminster system, or he should know. I really have to wonder when I hear a question like that because no Cabinet could function properly unless it had the benefit of the protocols that we have always had of confidentiality of Cabinet deliberations. Business cases are prepared to assist Cabinet committees and to assist Cabinet in making investment decisions. It is part of the advice that is given to Cabinet and it has always been the case, including when Labor was in office and including under the Premiers for whom the Hon. Walt Secord served as chief of staff, that business cases remained confidential.

There is a very good reason and it comes back to what I was saying before. The State is in great shape because we are careful with money. If one puts a business case into the public arena, a lot of commercial-in-confidence material gets put into the public arena, in particular, what is the upper limit of what one will pay for a project. If that gets into the public arena, all of the tenderers and bidders will bid to the maximum. One cannot drive value for the taxpayer if that sort of approach is taken. It is absolute nonsense. That is why Labor never did it in government. I will not do it and neither will this Government. That is why we have a policy of releasing a summary of the business case and that is what we will release. [*Time expired.*]

#### ORANGE RETURN AND EARN RECYCLING SCHEME

**The Hon. ROBERT BORSAK (14:49):** My question without notice is directed to the Minister for Resources, representing the Minister for Local Government. Following representations made to my office, when will Orange receive its second return and earn container, given that Bathurst, which has a similar population, has three such facilities?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:49):** I am delighted to hear there is so much interest in the Orange electorate for the return and earn recycling scheme. There is plenty of enthusiasm for it around the State. I will be happy to refer the question to the Hon. Gabriel Upton for a response.

#### FOOD CONTAMINATION

**The Hon. RICK COLLESS (14:50):** My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on the work of the NSW Food Authority, including whether there are any food contamination cases yet to be announced?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:50):** I will give the short answer to the second part of the question before I return to it: yes. I can confirm that no food contamination cases in New South Wales are yet to be announced. Members on this side of the House take the matter of public health and reports of food contamination seriously. We will not treat it like a political football because we are a responsible Government that does the hard work. We put in the effort and respect the work done by agencies such as the NSW Food Authority; I appreciate the important job it does. The recent listeriosis outbreak, which was ultimately linked to a rockmelon producer in the Riverina, was the subject of a forensic investigation of the highest order to confirm its source.

The NSW Food Authority was first alerted by NSW Health of a general rise in listeriosis cases on 2 February. The initial interviews of patients by NSW Health indicated six foods may have been implicated including hard cheese, ice cream, delicatessen meats, iceberg lettuce, strawberries, and tomatoes. None of these caused the outbreak. Further hard work by NSW Health and the NSW Food Authority pinpointed the source of the contamination. It is one thing to announce an alert as soon as possible, but it is even more important to get it right. If I burst into this Chamber in the gung-ho manner of the Hon. Walt Secord and listed all those foods I would

send shock waves through the lettuce industry, dairies, delicatessens, and the strawberry and tomato industries. It would not only cause a panic but also devastate sectors that had nothing to do with the listeria outbreak. If people continued to fall ill, members opposite would probably rattle off six or seven other foods and those products would also take a hit.

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

**The Hon. NIALL BLAIR:** Rockmelon consumption has fallen by 90 per cent as a result of this listeria contamination. The matter of public health calls for cool, calm and reasoned hard work, which those opposite know little about. I was also asked about any threats to the integrity of the NSW Food Authority. I am looking at those threats right now. If this Government were a Labor government it would be rife with rumours, hunches and musings. We now know the contamination of rockmelons occurred post-harvest but those opposite have presented many rumours to this Chamber such as uncomposted chicken manure on the rockmelon crop may have caused the contamination, a director of a regional consultancy firm may have played some role in delaying the issuing of relevant warnings, and now this reckless claim from the food safety fraternity that there are two unannounced food contaminations linked to imported food.

The people of New South Wales need to see those opposite for what they are. They will stop at nothing in their bid to score a political point, even if public health and safety are at stake. They will fearmonger, spread rumours, threaten primary industries and put panic ahead of public health. The people of New South Wales need to know what Labor is about and I will remind them until next March. During that time, I will continue to stand by the professionals in the NSW Food Authority. They know how to conduct an investigation and when to go public with a warning. I base my comments in this House on their advice. They are the professionals; let us leave it to them.

### COMMERCIAL FISHING INDUSTRY

**The Hon. ERNEST WONG (14:55):** My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. In light of community concern about the Minister's fishing reforms, will he guarantee they will not force a single fishing co-op out of business?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:55):** I am glad the Hon. Ernest Wong has given me an opportunity to talk about this Government's reforms on commercial fishing. I note that he asked the question about cooperatives. To suggest that the reforms will force co-ops out of business could not be further from the truth. Those reforms not only enabled many of the cooperatives that sit on Crown land to receive a rent subsidy—in some cases totalling hundreds of thousands of dollars—but also enabled those co-ops to access \$30,000 grants that were provided through the structural adjustment program to plan for the future.

What those opposite have done on their watch has been the greatest contributor to the closure of fishing co-ops in this State. I know that the Hon. Ernest Wong probably did not write the question, but he needs to look at what Eddie Obeid did to the co-op in Port Macquarie. Eddie Obeid met with co-op members then returned to Sydney and closed the Hastings River to commercial fishing. There was no regard for the fishers and the co-ops or their members.

**The Hon. Ernest Wong:** Point of order: My point of order relates to relevance. The question specifically asked the Minister to guarantee that the reforms would not force a single fishing co-op out of business rather than giving members a history briefing.

**The PRESIDENT:** I remind members that interjections are disorderly at all times. The Minister was being generally relevant. The Minister has the call.

**The Hon. NIALL BLAIR:** That is the contrast that we see. For decades the commercial fishing sector in this State was treated poorly. When its plight and these issues were brought before governments of the day it was left behind. That meant that this Government had to structurally reform the sector to provide certainty to fishers, which then provided certainty to co-ops. We have secured their property rights and their access to natural resources. The public wants to know that access to those natural resources is being managed properly. That is what those reforms have done. When those opposite had the same choices and were faced with the same turning points, they compounded the problems for the fishing sector. They over-allocated shares and the property rights of those fishers were unclear. They allowed new entrants into the market that then diluted the number of fishers that were able to earn a decent income.

They let the fishing fraternity down. When Eddie Obeid was the Minister for Fisheries, when he was a member of this place, he was single-handedly responsible for closing a co-op by closing commercial fishing in the Hastings River. If you speak to any of those fishers—like I did before that co-op shut its doors—they will tell

you that what he said when he met with those fishers face-to-face and what he did when he came back to Sydney were the exact opposite. I was the Minister responsible for fishing and Crown lands when that co-op had to close its doors. Those fishers were left with nothing. The former Government even left a clean-up bill to demolish the building. This Government had to clean that up. When those opposite were in government they had every opportunity to help these fishers and they made it worse. This Government has made the necessary reforms to ensure that these co-ops have the best chance of survival. [*Time expired.*]

**The PRESIDENT:** I have been asked to clarify the situation regarding the asking of questions. As I indicated, the list of the order of questions to be asked is clear. I maintain that list. The next person who was on the list to ask a question was the Hon. Robert Borsak in lieu of the Hon. Robert Brown. He was not in the Chamber, so I went to the next member, who was an Opposition member. I will now go back to the Hon. Robert Brown, who was on the list, and maintain the list as is. I call the Hon. Robert Borsak in lieu of the Hon. Robert Brown.

#### **DROUGHT ASSISTANCE FUNDING**

**The Hon. ROBERT BORSAK (15:00):** Mr President, thank you for the clarification. My question is directed to the Minister for Primary Industries. Given the convoluted and onerous process of drought assistance funding, what measures is the New South Wales Government taking to ensure the threshold for drought declaration and drought assistance is eased so farmers are not left to suffer during tough times?

**The Hon. Walt Secord:** Point of order: This question is anticipating debate. We have legislation before the House right now: the Farm Debt Remediation Bill.

**The Hon. Niall Blair:** To the point of order: First, the long title of the bill before the House is Farm Debt Mediation Amendment Bill not "remediation".

**The PRESIDENT:** Order! I remind the Hon. Walt Secord that he is on two calls to order. He took a point of order, which is being debated. He will allow the debate on the point of order to proceed without interjecting.

**The Hon. Niall Blair:** Secondly, the question is clearly talking about seasonal conditions that we are seeing across the State at the moment. The Farm Debt Mediation Bill was first introduced in this House in 1994. Therefore, the question is directly relating to the broader issue of drought and not the bill that sits before the House.

**The PRESIDENT:** The question is in order.

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:02):** I thank the honourable member for his question. I am aware of issues being experienced in many parts of the State. I am mindful of the stress that the lack of stock water and feed has on the affected farmers. No government will ever have the answers for a farmer looking out across his paddock to bareness and hungry livestock. However, this Government is supporting its farmers through a range of measures that provide improved information and build resilience and preparedness on farm.

More than a quarter of the State is struggling with drought or conditions that are close to drought, and that area is expanding as these hot and dry conditions we are experiencing continue. Farmers have told us that they need additional support and the New South Wales Government has heard them. As a result of this feedback, the Government recently announced the new Drought Transport Fund. This fund will provide low-interest loans of up to \$20,000 to fund the cost of transport relating to the movement of stock, fodder and water for those farmers experiencing drought conditions. The assessment process for these loans will be truncated to ensure a rapid decision while still ensuring that taxpayer's funds are distributed appropriately.

I encourage farmers affected by drought conditions to consider this assistance measure and also to review the various other assistance measures or information available. For example, the New South Wales Department of Primary Industries has launched a revolutionary product, the Enhanced Drought Indicator System, that replaces the old seasonal conditions report. The prototype State Seasonal Update will be available earlier each month than previous reports. In addition, there is a new category system, with early warnings as conditions deteriorate providing critical information to help farmers make informed decisions. We will be seeking feedback from farmers on this new approach over coming months.

Through the highly successful Farm Innovation Fund in the 2017-18 year to date, we have approved 292 loans, totalling nearly \$54 million. This money is being used to improve water infrastructure—including dams, drilling bores, underground piping, irrigation facilities and livestock water—and to buy silos and improve feed-storage capacity. While we are criticised for giving out loans rather than grants, it is important to understand the difference between a loan delivered through a government agency such as the Rural Assistance Authority [RAA] and one a farmer would need to purchase commercially.

The Hon. Robert Borsak has asked specifically about the processes and whether it will be an arduous task. We have been mindful of that in the announcement of the Drought Transport Fund. We want to ensure that the process is streamlined and that the security required is a lower threshold compared to the broader Farm Innovation Fund. We need to keep in mind that we also administer a number of programs on behalf of the Federal Government through the RAA. I encourage anyone who is concerned about the seasonal conditions and drought in their area to go onto the DroughtHub website. It articulates what programs are available from the New South Wales Government or from the Commonwealth Government that we administer on its behalf. Requirements for each of those programs vary depending on the program and depending on whether they are State or Commonwealth schemes. I encourage everyone to go onto the DroughtHub website or to call the RAA. Staff are waiting to take each applicant through the processes and to see which product suits them best.

### **ABORIGINAL EDUCATION**

**The Hon. TAYLOR MARTIN (15:06):** My question is addressed to the Minister for Early Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on how the New South Wales Government is supporting Aboriginal students?

**The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:06):** I thank the honourable member for his question. The New South Wales Liberal-Nationals Government believes that all students deserve equal opportunities. As we all know in this House, one of the key drivers for any student—whether they are Aboriginal or not—is education. The Government is committed to supporting Aboriginal students as they complete their schooling years, both through funding and advocacy.

This morning I was fortunate to host our special guests from the Scots College Indigenous program. I am delighted that the boys and their teachers are with us in the public gallery this afternoon. The Scots College Indigenous Bursary Fund established the program to provide top-quality secondary educational opportunities for young Aboriginal men. The program offers an education to boys who demonstrate leadership potential and are committed, with the support of their families, to achieve excellence in their lives. The Premier, the member for Vacluse, the Hon. Gabrielle Upton, the member for Bega, the Hon. Andrew Constance, and I had the absolute privilege to welcome these boys to Parliament House.

It was inspiring to hear the stories that the boys told us with such passion. They have a genuine interest in our jobs and the work that goes on here at Parliament House. They had some great questions to ask, particularly to the Premier. We all enjoyed the opportunity to exchange stories with the boys. I was genuinely impressed by the character and maturity that was displayed by all of the boys this morning. They are a credit to their school, their community and their family. I congratulate them all. I acknowledge the teachers that are accompanying the students today—Mr Johnny Samengo and Mr Jono Hill—for their tireless efforts to ensure the success of the program.

I also acknowledge Mr Peter Gibbs, who is in the public gallery. His son Daniel is one of students attending Scots College. As many members would know, Pete was my Aboriginal affairs advisor. Unfortunately, he finished work in my office last week. I am devastated to lose him because, as members on both sides know, he is well respected and does an amazing job. However, as we know, family comes first. Pete and his family have made the tough decision to move back to Dubbo. I wish them all the best. I will miss Pete. My office thanks Pete for everything he has done. I send the wishes of all members of the House to Pete and his family. We will see him around, but in a different role. I acknowledge Pete because he has been a real asset and help to me.

Finally, I advise the House that last Monday night I was also privileged to attend the Clontarf Foundation Senior Rugby League Carnival Dinner held in Penrith. Members on both sides of the House know the importance of the work of the Clontarf Foundation. As a government we partner with the Clontarf Foundation to deliver a boys academy program to help re-engage Aboriginal male students from years seven to 12 who present at risk of not attending school. This Government has invested almost \$17 million in funding into this program. The New South Wales Government provides 50 per cent of funding, while participating schools provide the other 50 per cent from their allocations. The Clontarf Foundation provides mentoring to approximately 1,560 students in 27 public schools.

The event on Monday night brought together 200 Aboriginal students from around the State, who on Tuesday played in a rugby league carnival. I had the pleasure of being seated with Clontarf Foundation Chief Executive Officer, Gerard Neesham, and some of the boys from Chatham High School academy in Taree. It was a great opportunity again to talk to some other young men who were extremely engaging. They told me about their National Rugby League heroes who come from the mid North Coast, which I am sure the Hon. Courtney Houssos would know being from that area as well. They are confident and have extraordinary humility. The way that they engaged with me was inspiring. I am really happy that as a Government we are supporting Clontarf

because it does such a great job. A highlight of the night was a performance from the Aboriginal country music singer and Australian icon Col Hardy. He got everyone to sing *The Gambler*, which is always a good night out no matter where you are. [*Time expired.*]

#### ASSET ENERGY PTY LIMITED SEISMIC TESTING

**Mr JEREMY BUCKINGHAM (15:10):** My question is directed to the Minister for Resources, and Minister for Energy and Utilities. Asset Energy Proprietary Limited is a company seeking to conduct seismic testing off the coast of Newcastle under Petroleum Exploration Permit 11. Is the Minister aware that writs have recently been issued in Western Australia for claims against Asset Energy and parent company MEC Resources for unpaid debts? Is the Minister also aware that ASX listed investment firm Grandbridge has previously sought the removal of directors from the board of MEC Resources due to alleged breaches of their director duties? Given that, is the Government concerned that Asset Energy may not meet the fit and proper person test if it were regulated under New South Wales law? Does the Minister think that Asset Energy should be investigated by the Federal Government?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:11):** I will avoid giving my opinion on some aspects in the question that sought my opinion. Asset Energy Proprietary Limited was granted Petroleum Exploration Permit 11 [PEP 11] in Commonwealth waters off the New South Wales coast in 1999. Mr Jeremy Buckingham asked whether, in my view, the Commonwealth Government should take an approach on what is referred to in New South Wales legislation as a "fit and proper person test". I have recently been advised of some of the concerns that were raised in this question but others raised are certainly of interest to me. It is important for members to understand that as the exploration licence is administered under the Commonwealth's petroleum offshore Act there is, in fact, no provision for a fit and proper test to be carried out as it would be under our onshore legislation.

That is one of the reasons why as Minister for Resources I have not been giving my support to the seismic testing that is taking place off the New South Wales coast at present. After carefully considering advice provided to me by my department, when I was asked my view by the Commonwealth Minister, as he must, I found no reason to change the previous position taken by my predecessor Minister Roberts on behalf of the New South Wales Government in recommending the application for further extension of the permit term for this PEP 11 be refused. In granting the extension of PEP 11, the Federal Government has exercised its power to overrule my recommendation that the application for suspension and extension be refused. I have previously taken the House through the reasons for that view, and I will briefly refer to them again.

I am acutely aware of the challenge we face as a nation with respect to the affordable supplies of natural gas. I believe that we do have a role to play in contributing to a solution. However, when we introduced the NSW Gas Plan it provided an opportunity to clean up the mess left behind by the former Government. We were able to pause, re-set and restart the operation of a safe and responsible gas industry, under a world-leading regulatory regime. That is the main reason that I am not happy to give my support to this testing off the coast. We have the right policy settings for gas exploration in New South Wales. We will not support any activities that do not meet the high standards that the community expects. The existence of a fit and proper test is one of the reasons why the Commonwealth Government needs to look at its regime in offshore Commonwealth waters. It needs to bring it in line with the much tougher— [*Time expired.*]

#### COMMERCIAL FISHING INDUSTRY

**The Hon. COURTNEY HOUSSOS (15:15):** My question is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. What is the Minister's response to the comments of the member for Clarence on 29 March that no-one would be left behind as a result of the Government's commercial fishing reforms and his public concerns that they have been?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:16):** I thank the honourable member for her question. The member for Clarence, Chris Gulaptis, has been a fantastic advocate not only for his electorate but also for businesses within his electorate. We undertook the fisheries structural adjustment reform in New South Wales because fishers not only in his electorate but also in every electorate across New South Wales were falling behind because of years of inaction. I have met with Chris Gulaptis on many occasions to discuss some of the specific issues in relation to his fishery, and the fishers within his electorate. I continue to meet with him and work with the industry that is so important not only to his electorate but also to the communities within his electorate.

This reform was necessary because those opposite squibbed it when they had the chance. This industry was on its knees. This resource was under threat because of the lack of structural reform and management that those opposite walked away from. Chris Gulaptis is absolutely right to be standing up for those fishers because of

the mess and the complications that they left behind. That is why when we went through the reform we made a number of necessary changes and made sure that \$16 million was available for the structural adjustment because those fishers needed the certainty to go forward for the future. We made sure that we had a \$20,000 buy-back for the businesses and that—

**The Hon. Scott Farlow:** Point of order: My point of order is with respect the amount of noise coming from Opposition members. The Minister cannot give an answer to a question asked by the Opposition. Interjections are disorderly at all times. I ask that Opposition members be called to order.

**The PRESIDENT:** I uphold the point of order. I call the Hon. Penny Sharpe to order for the first time. I call the Hon. Courtney Houssos to order for the first time. I remind the Hon. Courtney Houssos that the question she asked is being answered. She cannot continue to ask questions by interjecting.

**The Hon. NIALL BLAIR:** I have repeatedly said in this House and during parliamentary inquiries into this matter that this reform was very complex. We were dealing with around 1,100 individual businesses that had different structures, different make-ups and different numbers of shares held. Some of them also worked across a number of regions. This was one of the most complex reform processes in New South Wales. I do not expect every person to have loved the reforms. In fact, we know that many people opposed them. However, members opposite had nothing to offer the industry either in government or in opposition.

During this process the best solution they could offer was to hit pause and stop everyone in their tracks—including those who wanted the reforms and were purchasing shares, reorganising their business and thinking about their future and those who were looking at the money available for them to exit the industry with dignity. Other than opposing the reforms, the only thing members opposite offered different from us was to give people more uncertainty. Halfway through they said, "Let's just hit pause. It's all too hard. We couldn't do it when we were in government. We're now in opposition and we don't know whether we support it or oppose it. We don't know what the solution is, but we know we don't want to clean it up because we did nothing when we had the chance. We compounded the problems and had Eddie Obeid at the wheel." [*Time expired.*]

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

#### ARTS AND CULTURAL DEVELOPMENT

**The Hon. NATALIE WARD (15:21:0):** My question is addressed to the Minister for the Arts. Will the Minister update the House on how the New South Wales Government is engaging with the arts, screen and culture sector?

**The Hon. Walt Secord:** He's going to come to life.

**The PRESIDENT:** Order! I remind the Hon. Walt Secord that he is on two calls to order.

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:21):** I can send the Hon. Walt Secord to sleep if he would prefer. I am sure many Government members would prefer that.

**The PRESIDENT:** Order! The Minister has the call and will answer the question.

**The Hon. DON HARWIN:** On 23 March 2018 it was my honour to welcome close to 500 of the sharpest minds in arts, screen and culture to Carriageworks. The Arts and Cultural Advisory Committee hosted all of the attendees as we looked to the future role that the arts can play in this State. The New South Wales Government values the enormous contribution the arts, screen and cultural sector makes to the social and economic fabric of our State. To help strengthen the sector's role, and the contribution it makes, a blueprint is being developed to guide the Government's investment in arts, screen and culture over the next eight years. Known as Arts 2025, the blueprint will set an ambitious agenda for New South Wales by incorporating clear, measurable and costed initiatives, along with strategies for program, project and soft infrastructure investment. It will focus on ways to enrich and enliven communities through cultural programs and best practice investment models. It will promote New South Wales as a global creative destination and recognise Western Sydney and regional New South Wales as priority areas for Government investment.

One of the first steps in the journey was the Arts 2025 Summit, which was an important opportunity to engage with the sector—from small, volunteer-run organisations to our State's cultural institutions. We discussed what is working, what is not working and where there is room for improvement. With around 500 people from across the sector attending Arts 2025, it was the first time in recent history that all key stakeholders have come together on such a scale. It was a day for big ideas and big visions as well as intimate insights and passionate discourse. The widely respected journalist and television presenter Jeremy Fernandez was our master of ceremonies and internationally acclaimed artist Ben Quilty gave the keynote address.

The Arts 2025 Summit provided an opportunity to consult with the sector on the topics that matter to it and gain insights into our policy development. Ben Quilty spoke about the ambition and value of what it is to be an artist and challenged the industry to be better ambassadors for themselves. The day included a series of panel discussions, presentations and roundtables exploring questions and ideas from across the sector that will help to inform the Government's strategic framework to be released later in 2018.

The one-day forum was not the beginning or the end of the Arts 2025 conversation. From here, we will consult with those stakeholders who shared their vision for the industry at Carriageworks and work the details into the blueprint moving forward. I thank Create NSW for all its hard work in preparing for the day and Sam Mostyn and Lisa Havilah at Carriageworks for hosting the event. The day would not have been possible without the hard work of every member of the Arts and Cultural Advisory Committee. I thank them for their tireless advocacy for the arts.

### CONTAINER DEPOSIT SCHEME

**Dr MEHREEN FARUQI (15:25):** My question without notice is directed to the Minister for Resources, representing the Minister for the Environment. Will the \$30 million in unclaimed refunds being retained each month by the big beverage companies running the container deposit scheme be returned to consumers or spent on environmental initiatives, or will Coca-Cola, Carlton and United Breweries, Lion, Coopers and Asahi be allowed to pocket it as profit?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:25):** I think I saw suggestions in the media earlier in the week to the effect of Dr Mehreen Faruqi's question. The container deposit scheme is being very well received around the State, but those sorts of issues have been raised. I am sure the Minister for the Environment would appreciate the opportunity to address the honourable member's question. I will refer the question to the Minister and seek an answer from her as soon as possible.

### COMMERCIAL FISHING INDUSTRY

**The Hon. SHAOQUETT MOSELMANE (15:26):** My question without notice is directed to the Minister for Primary Industries. How many Coalition members have raised concerns with him about his commercial fishing reforms and the impact they are having on their communities?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:27):** I thank the honourable member for his question and for giving me the opportunity to continue to provide updates to the House on the commercial fishing reforms. As I said, a number of people within the industry have raised concerns about the reforms.

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

**The Hon. NIALL BLAIR:** Many people have expressed concerns about these reforms.

**The Hon. Greg Donnelly:** Many people?

**The Hon. NIALL BLAIR:** Yes, many people. We even held a parliamentary inquiry to look at those concerns and at every stage we addressed the concerns that were raised. We have admitted quite openly that this was difficult and it was not accepted by all, but the process was all encompassing and necessary for the industry. We understand that many people did not like the reforms and they opposed them. Many others got on board with them and are starting to see the benefit. Since introducing the reforms we have set up the Commercial Fishing Advisory Council, known as CommFish, which is starting to work through a number of complex matters in the industry.

**The Hon. Shaoquett Moselmane:** Point of order: My point of order relates to relevance. The question was specific. The crux of it was how many members have expressed concern to the Minister.

**The PRESIDENT:** The Minister is being generally relevant to the question.

**The Hon. NIALL BLAIR:** We said that we would set up CommFish. CommFish is starting to work through a number of complex matters in relation to the industry—

**The Hon. Shaoquett Moselmane:** Point of order: My point of order is relevance. The question was specific: How many members of Parliament have expressed concern to the Minister? That was the crux of my question.

**The PRESIDENT:** The Minister was being generally relevant.

**The Hon. NIALL BLAIR:** We said that we would set up CommFish and we have set up CommFish to address technical and specific issues raised by the commercial fishing industry in this State and provide advice to the Government. CommFish is doing exactly what it was set up to do. As I said, and I have never shied away from this, some people did not like the reform, some people openly opposed—

**The Hon. Penny Sharpe:** Point of order: My point of order is relevance. The Minister is talking in the broadest terms in relation to commercial fishing reforms, but the question was very specific. The question was about how many of his colleagues have raised concerns with him. I ask that the Minister be more relevant to the leave of the question.

**The Hon. Ben Franklin:** Point of order—

**The PRESIDENT:** I do not need to hear from Government members. I indicate to all members that a Minister is required to be generally relevant. There is no requirement for a Minister to be specifically relevant or, as the Hon. Penny Sharpe said, "more relevant". The Minister is being generally relevant. The Minister has the call.

**The Hon. NIALL BLAIR:** A lot of people have raised concerns about this reform—before, during and after. I can inform the House that there would have been a hell of a lot more concerns if we had done nothing, like those opposite did when they were in office. We would have seen a systematic failure of an entire industry and that would have affected many communities throughout New South Wales. As a result of these reforms we will see a stronger industry. We are starting to see new investment coming into the sector. We are starting to see fishers investing themselves in their businesses. We are starting to see new boats being purchased. We are starting to see the type of innovation never thought about previously in this industry. The Professional Fishermen's Association has just taken a delegation to China to look at new markets. This reform was necessary. As I said, it was not popular but a lot more people would have been complaining if nothing had been done. That is what would have happened if those opposite were still in office.

**The Hon. SHAOQUETT MOSELMANE (15:31):** I ask a supplementary question.

**The PRESIDENT:** Before I call the Hon. Shaoquett Moselmane, I can indicate to the Hon. Catherine Cusack and Ms Dawn Walker that following question time I will be giving a ruling on the reserved point of order from earlier today.

**The Hon. SHAOQUETT MOSELMANE:** Will the Minister elucidate his answer as to how many of the people he referred to were Ministers?

**The Hon. Don Harwin:** Point of order: That is a new question.

**The PRESIDENT:** The Hon. Shaoquett Moselmane is attempting to re-ask a part of the question that he feels may or may not have been answered by the Minister. The member cannot simply restate the question.

**The Hon. DON HARWIN:** The time for questions has expired. If members have further questions I suggest they place them on notice.

#### *Deferred Answers*

#### **TAFE NSW REDUNDANCIES**

In reply to **Ms DAWN WALKER** (7 March 2018).

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

Answer 1

The New South Wales Government is delivering a once-in-a-generation reform of TAFE NSW to create a strong, public vocational education provider with the scale and capacity to better meet the needs of students, employers and local communities.

The core focus of the One TAFE modernisation is redirecting resources into frontline teaching by reducing administrative duplication and layers of management. The change to a single corporate office will enable the removal of duplicate roles. For instance, One TAFE only needs one CFO, not 11 and so on.

Data for the 2018/2019 financial year can only be determined at the conclusion of the financial year. Any redundancies will be managed in line with relevant guidelines including opportunities for redeployment, a career transition service and access to funding for retraining.

Answer 2

No.

## WATER COMPLIANCE AND ENFORCEMENT

In reply to **the Hon. PETER PRIMROSE** (7 March 2018).

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

In September 2017 Mr Matthews provided his interim report to the New South Wales Government containing substantial policy and reform recommendations.

I am advised that in November 2017 WaterNSW provided a detailed response to Mr Matthews based on these recommendations. This response included the compliance figures also provided to the Ombudsman and Minister.

The final Matthews report, provided in late November, focused on the department's progress to date in implementing the Government's decisions following the interim report.

### *Rulings*

## UNPARLIAMENTARY LANGUAGE

The **PRESIDENT (15:35)**: During debate this morning on the question of whether a matter of public importance should be discussed forthwith, a point of order was taken by the Hon. Catherine Cusack that the remarks of Ms Dawn Walker were "very derogatory of a member in the other place. I ask that they be withdrawn." As I was conferring with the Clerk and did not hear the comments, I reserved my ruling and indicated that I would make a ruling once I had read the transcript. The draft transcript records Ms Dawn Walker as saying:

This has resulted in the environment essentially being left with half a Minister—a Minister who, based on her record to date, does not care a fig about preserving or protecting the environment.

Standing Order 91 (3) makes it clear that a member may not use offensive words against any member of either House and all personal reflections on members will be considered disorderly. I refer to the ruling of former President Johnson on 31 March 1987 in which he stated:

Allegations of a personal nature against members can only be made upon a direct and substantive motion.

However, he also stated:

When a person is in political life it is not offensive that things are said about him or her politically.

The remarks made by Ms Dawn Walker were a reflection on the Minister, who is a member of the other House. However, they are at the lower end of the range of reflections.

*[Interruption]*

Order! I will not tolerate interjections, comments or laughter while I am giving a ruling. I quote once again from President Johnson:

Members must exercise their privilege of free speech with good sense and good taste, so as to maintain courtesy of language towards other members in debate. Personal references not only reduce the standard of debate, provoke retaliation and lead to disorder in the House, but degrade the Parliament in the estimation of the people.

### *Bills*

## CHILD PROTECTION (WORKING WITH CHILDREN) AMENDMENT (STATUTORY REVIEW) BILL 2018

### Returned

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

### *Documents*

## SYDNEY STADIUMS

### Return to Order

**The CLERK:** According to resolution of the House of 15 March 2018, I table additional documents relating to an order for papers regarding Sydney stadiums received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

### Claim of Privilege

**The CLERK:** I table a return identifying documents received this day that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

### Return to Order

**The CLERK:** I table correspondence received this day from the Secretary to the Department of Premier and Cabinet providing an updated index of non-privileged documents for the return of 5 April 2018, incorporating an additional page of the index.

### *Bills*

### FARM DEBT MEDIATION AMENDMENT BILL 2018

#### First Reading

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

#### Second Reading Speech

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:37):** I move:

That this bill be now read a second time.

The Farm Debt Mediation Amendment Bill 2018 will improve the operation of the Farm Debt Mediation Act 1994. It will ensure that efficient and equitable negotiations can occur between farmers and creditors to resolve matters involving farm debts. This legislation was introduced in 1994 after a tough drought, when pressure for bank accountability was mounting. New South Wales led the nation by providing this alternative dispute resolution. Mediation is now an integral part of the civil justice system in many parts of Australia. The New South Wales legislation has been so successful that Victoria and Queensland have adopted substantially the same framework.

The Liberal-Nationals Government is continuing this legacy of leading the way by making amendments to improve the operation of farm debt mediation in this State. The changes proposed in this bill will form the basis of a move towards national harmonisation of farm debt mediation legislation. Our primary industries play a vital role in both our State and regional economies. Farm businesses operate in a risky environment, where farm profits are subject to the uncertainties of weather and market fluctuations. There are times when farm businesses are stretched financially and in some cases this is due to circumstances beyond the control of the producer. This places significant pressure on the farming families relying on income from the farm business, and on broader local economies.

Our discussion here today on testing times is particularly relevant, with drought gripping parts of New South Wales currently, particularly in parts of the Hunter, the Central West, the Central Tablelands, and the western, south-east and greater Sydney divisions. Many farmers and farming communities in those areas are facing tough times. Our Government believes in supporting farmers to prepare for the long term, enabling them to manage through drought and other downturns. Recently we announced a new addition to the \$300 million NSW Drought Strategy in the form of the Drought Transport Fund. This new measure provides up to \$20,000 in a seven-year low-interest loan to pay for the transport of fodder, water or stock, with an initial two-year interest- and repayment-free period. This is in addition to the existing subsidies for the transport of donated fodder and the transport of stock off-farm for animal welfare purposes.

The NSW Drought Strategy also includes the Farm Innovation Fund to assist with farm capital infrastructure improvements, skills and training for primary producers, greater access to information and an enhanced network of weather stations across New South Wales, as well as the provision of rural resilience officers and rural support workers across the State. Despite these assistance measures there will be times when farmers will be unable to service their debts. The Liberal-Nationals Government is committed to supporting farmers through these tough times. The Farm Debt Mediation Act plays an important role in enabling a financial solution to be negotiated when a farm business has difficulty meeting debt repayments. Agreements reached at mediation often relate to how the relationship between the farmer and the lender will continue in the future or how it will end. The Act provides farmers with the dignity of exploring options with their creditors that might include refinancing their debt; allowing time to sell assets to reduce the debt rather than having a creditor enforce a sale; focusing on succession planning; or agreeing to restructure the farm business to make it more viable. Farm debt mediation enables parties to negotiate options and find solutions that are acceptable to all parties.

I now turn to the details of the bill. The Farm Debt Mediation Amendment Bill 2018 will enhance the Act by strengthening its accessibility, flexibility and fairness. The amendments will improve the operation of the Act and will encourage both farmers and creditors to seek realistic solutions to financial challenges. The first amendments will extend the protection of the Act to a broader range of primary producers. The definition of farming operations will be expanded to include types of farming operations such as on-farm and offshore aquaculture, and farm forestry, that are currently outside the scope of the Act. By doing this, the Act will provide

a broad and inclusive protective buffer for farmers who pursue primary production for profit and who are subject to the sometimes extreme vagaries of the weather and market conditions. The definition of farm machinery is also being extended to secured farm machinery commonly used on farms, such as vehicles, machines and other implements.

The Liberal-Nationals Government wants to encourage farmers to be strategic about emerging financial difficulties. Mediation is an efficient and effective way to resolve financial issues between farmers and creditors. We aim to encourage farmers to seek mediation early, before they default on a loan. We know that the earlier mediation occurs, the more successful the outcomes are likely to be in terms of ongoing financial viability. When mediation occurs early, farmers enter the mediation in a stronger bargaining position and at a time when their emotional stress is lower.

The bill includes amendments that provide an incentive for early mediation by enabling farmers to ask their creditors to mediate before they default on their loan. If a farmer later defaults on the loan, the Act requires creditors to provide one mandatory invitation to mediate before taking enforcement action. Further voluntary mediations may also occur. In addition, the New South Wales Liberal-Nationals Government aims to discourage situations of the past where multiple mediations sometimes resulted in a number of loan restructures, compounding the debt and, regrettably, sometimes bankruptcy. A requirement to offer only one mandatory mediation minimises this risk and encourages farmers and creditors to attend mediation with a willingness to find a viable and durable solution.

I turn now to the third main area of amendments. These amendments protect farmers who, under the previous provisions of the Act, may not have been aware that a creditor had invited them to mediate. The Act currently includes provisions that have the effect of deeming when a notice or other document is taken to have been received by the farmer and other debtors with interests in a farming operation. The bill includes provisions for serving notices under the Act and makes time frames for responding to notices clearer and more flexible. The Rural Assistance Authority will be authorised to allow a farmer extra time to respond to an invitation to mediate in certain circumstances, including if the farmer has experienced or is experiencing extreme events such as flood or bushfire; relationship and family breakdown or family violence; physical and mental health issues; or if the farmer is working off-farm or is in jail, meaning the notice may not have been received. These changes will reduce the number of situations where a farmer has been unable to respond to a notice to mediate and a creditor begins enforcement action to recover a farm debt, believing a mediation offer has been declined.

The NSW Rural Assistance Authority works with farmers in financial stress, as well as with their government-funded rural financial counsellors, and agribusiness lenders, with a view to getting the parties around a table to negotiate a way forward to address debt default. The following examples demonstrate the significance of these amendments in the lives of farmers in difficult situations. There are many reasons for farmers defaulting on farm loans. The authority hears terribly sad stories of bushfire-ravaged paddocks, of marriages that collapse under financial strain, and of brittle-stem crops that have failed in unrelenting dry periods. Sometimes family members are in conflict over the farm's business or succession plans, or sometimes a family member may be seriously ill in hospital, resulting in less focus on the usual farming operations and administration due to supporting their loved ones far from the farm.

Sometimes a partner may flee the property and be in hiding due to safety concerns. An estranged family member may have interests in the property under family law and ought to participate in the farm debt mediation. In some of these circumstances farmers cannot cope with opening their mail, or in other circumstances they may not have received the letter. In each of these examples it can be unfair to deem the farmer to have lost the protection of the Act because they have not responded to a notice in time. The Liberal-Nationals Government is making the Act more flexible to deliver better access to justice for disadvantaged members of our community.

I turn now to the fourth main area of amendments. The bill introduces a penalty to discourage enforcement action being taken contrary to the Act, in addition to the enforcement action being declared void. The maximum penalty for individual creditors who take unlawful enforcement action will be set at 500 penalty units, currently \$55,000, and for corporations a maximum penalty of 2,500 penalty units or \$275,000. These amendments respond to instances where some creditors have foreclosed on farm properties without offering mediation. There have been several instances of litigation in the courts where farmers have challenged enforcement action by creditors for failing to offer mediation. This serves as a reminder to creditors that they should always ensure compliance with the Act before taking any enforcement action.

The fifth area of amendments relates to the role of the mediator and the mediation process. These amendments clarify the role of the mediator and the requirements for notifying, arranging, conducting and concluding mediations. This will ensure that neither party to a mediation is disadvantaged by the mediation process. In addition, the bill amends the penalty for unlawfully disclosing confidential information relating to the mediation. The penalty is being increased to a maximum of 100 penalty units, currently \$11,000.

The sixth area of amendments relates to decisions made by the Rural Assistance Authority in administering the farm debt mediation legislation. The Rural Assistance Authority will now be able to require farmers and creditors to provide the necessary information to enable it to determine whether the Act applies. In addition, farmers, creditors and mediators will have access to an internal review of certain decisions made by the authority, consistent with administrative law principles. This review will be conducted by a person not substantially involved in the original decision.

I will outline some further amendments that recognise corresponding law in other States and Territories. The Act does not recognise mediations that take place in other jurisdictions where the farmer owns mortgaged property in New South Wales and elsewhere. These amendments will enable mediations concluded under corresponding legislation in another jurisdiction to be recognised in New South Wales. The amendments allow for future regulations to be made that could enable the Rural Assistance Authority to appoint nationally accredited farm debt mediators who mediate under similar interstate laws. The Liberals and Nationals Government is committed to reducing red tape for industry.

These amendments will contribute to the harmonisation of farm debt mediation laws nationally and provide a model Act for those States and Territories that do not yet have farm debt mediation legislation in place. Nationally harmonised farm debt mediation legislation will enable the consistent interpretation and application of farm debt mediation legislation by lenders, borrowers and other decision-makers across Australia. This will reduce the inefficiency, inequity and costs of stakeholders engaging with different statutory requirements.

This bill responds to the findings of a review of the Act in 2017. Farm debt mediators, financial counsellors, lawyers, farmers, industry bodies and accountants provided feedback to that review. There is broad stakeholder support for the key features of the Act including its simplicity, flexibility and structured approach to informal dispute resolution and its procedural fairness and equitable cost sharing. There is also strong stakeholder support for most of the proposed amendments including broadening the application of the Act, encouraging farmer-initiated mediation and clarifying the role of the mediator and the mediation process. There is also strong support for amendments to progress the national harmonisation of farm debt mediation including recognising interstate mediations.

In summary, this bill introduces useful changes to improve the operation of the Act to contribute to the national harmonisation of farm debt mediation legislation. These amendments will provide more opportunity for farmers and creditors to successfully resolve debt issues, providing opportunities for long-term success in farming businesses. These amendments will also provide an improved and updated model of farm debt mediation for other jurisdictions. For those reasons, I commend the bill to the House.

**Debate adjourned.**

## **COAL INDUSTRY AMENDMENT BILL 2018**

### **First Reading**

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

### **Second Reading Speech**

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:53):** I move:

That this bill be now read a second time.

It gives me great pleasure to introduce the Coal Industry Amendment Bill 2018. This Government takes the health and safety of workers in the mining industry very seriously. Through this bill the NSW Government is ensuring that all workers in the coal industry will be covered by specialised workers compensation insurance. The Coal Industry Act provides for approved companies to carry out statutory functions, which include delivering workers compensation insurance, health surveillance, occupational health and rehabilitation services, collection of statistics, monitoring of dust and other airborne contaminants, as well as supplying mines rescue emergency services and training to the New South Wales coal industry.

The companies approved to conduct these functions under the Coal Industry Act are Coal Services, Coal Mines Insurance and Mines Rescue. Together with the work health and safety legislation administered by the Resources Regulator the approved companies provide a holistic health and safety scheme for the coal mining industry in New South Wales. Coal Services and its subsidiaries, Coal Mines Insurance and Mines Rescue, are industry-owned organisations jointly owned by the New South Wales Minerals Council and the Construction, Forestry, Mining and Energy Union.

The Coal Industry Act authorises the approved company, Coal Mines Insurance, to exercise a workers compensation insurance monopoly over employers in the coal industry. Coal Services also provides a specialist health and safety scheme for the New South Wales coal industry with robust controls and monitoring. This enables employers, who insure through the approved company, to access health monitoring for their workers free of charge. Monitoring, in turn, assists mine operators to identify high-risk areas and activities, and helps drive further improvements to workplace health and safety in coal mines.

The work of Coal Services, including the cost of health and dust monitoring under this specialist scheme, is met by funds generated through workers compensation premiums that are paid to Coal Mines Insurance, the Mines Rescue Levy investment returns and commercial revenue. Coal Services does not receive funding from consolidated revenue. This scheme is unique to New South Wales. In relation to workers compensation, the Coal Industry Act currently requires any employer in the coal industry to take out workers compensation insurance with the workers compensation company. The concept of "employer in the industry" was examined in the Supreme Court case of *Kuypers v Ashton Coal Operations Pty Ltd* in 2014 with the court concluding that:

In order for the special insurer of employers in the coal industry to be liable for an injured employee's claim, the employer must be an employer "in" the coal industry.

The fact that an entity provides services which are integral to a particular industry does not mean it is an entity "in" that industry. The question of whether an employer is "in" the coal mining industry requires an assessment of the substantive character of the industrial enterprise in which the employer is engaged and its connection with the coal industry. The decision in the *Kuypers* case means that labour hire companies—or service providers to the coal industry—might not be considered "an employer in the coal industry" depending on the substantive character of the business carried out by that company or service provider. Despite its workers being employed in coal mines and being exposed to its high-risk environment the company may not be required to insure their workers with the special insurer.

Given that the mining industry is increasingly moving towards a flexible contract workforce it is crucial that mine workers are afforded the same level of health and safety protection. Employers who are not using the Coal Mines Insurance scheme do not contribute funds to support the Coal Services health and safety monitoring of workers or the monitoring of dust and airborne contaminants. This puts coal mine workers at risk because of the difficulty in tracking health records and monitoring results over time.

I turn now to the amendments in the bill. Schedule 1 of the bill inserts the definition of employer in the coal industry into the Coal Industry Act 2001. This will make it clear that any employer, whose employees work in or about a coal mine, is required to be insured with the approved workers compensation company with respect to those employees, and their employment in or about a coal mine. This amendment will directly address the interpretation issue raised by the Court and ensure the legislation operates as originally understood and intended.

The bill provides for a holistic and fit-for-purpose workers compensation scheme for workers in coalmines. It will also improve equity of workers by mandating coverage for all workers who engage in mining activities in the coal industry, whether they are employed directly by the mine operator or by a labour hire firm. The health and safety of coal workers is particularly important at this time when there has been a concerning re-emergence of coalminer pneumoconiosis, a potentially fatal lung disease. The work being done by Coal Services, through dust and atmospheric control and monitoring, plays a critical role in protecting workers in the New South Wales mining industry from harm in the future.

Schedule 2 to the bill makes consequential amendments to workers compensation legislation regarding the definition of employers in the coal industry. The Workers Compensation Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998 will be amended to include the definition that an employer in the coal industry has the same meaning as in the Coal Industry Act 2001. This amendment in no way changes the functions and operations of the workers compensation legislation and only ensures consistency between the definition of employer in the coal industry across the three pieces of legislation.

This bill will ensure the ongoing viability of the specialist workers compensation scheme and, importantly, the additional services provided by Coal Services that are funded by the scheme. The amendment refines the existing legislation so that the original intention for the scheme continues to be delivered in the context of modern employment practices and that the Coal Industry Act remains fit for purpose. This bill will ensure that New South Wales continues to have a strong, viable and specialist health and safety scheme for the New South Wales coal industry. I am confident that the New South Wales model of prevention, detection, enforcement and education plays a critical part in protecting workers in the New South Wales mining industry from harm in the future. I commend the bill to the House.

**Debate adjourned.**

**SMOKE-FREE ENVIRONMENT AMENDMENT BILL 2018****Second Reading Speech**

**Mr SCOT MacDONALD (16:02):** On behalf of the Hon. Niall Blair: I move:

That this bill be now read a second time.

I am pleased to bring the Smoke-free Environment Amendment Bill 2018 before the House. This bill proposes to amend the Smoke-free Environment Act and the Passenger Transport (General) Regulation to prohibit the use of e-cigarettes in areas which are smoke-free areas for tobacco products. These changes would prohibit e-cigarettes from being used in certain public areas, as tobacco products currently are. In addition, the bill will amend the Public Health (Tobacco) Act to ensure that e-cigarette retailers are required to notify the Health Secretary in the same way that tobacco retailers are. The bill is necessary as evidence is now emerging that there are potential health risks from the substances in e-cigarette vapours, even where there is no nicotine in the e-liquid.

This bill will introduce measures to minimise the known and possible risks of e-cigarettes through restricting second-hand exposure to e-cigarette vapour. The bill will help to establish norms about where it is acceptable to use these products before their use is more widespread. The popularity and use of e-cigarettes is growing across the world. Regulators everywhere are faced with the challenge of responding in a way that is balanced and proportionate to the potential risks and benefits of these products.

In 2017 the Chief Executive Officer of the National Health and Medical Research Council released an updated statement on e-cigarettes to assist the public in understanding the current evidence about the safety and efficacy of electronic cigarettes. It stated that e-cigarettes expose both users and bystanders to particle pollution that may worsen existing illnesses or increase the risk of developing cardiovascular or respiratory disease. Vulnerable groups such as children, pregnant women, people with cardiovascular and respiratory diseases and older people are more sensitive to the adverse health effects of particulate matter. E-cigarette vapours have been found to contain toxins, metals and chemicals. Some of these substances, like formaldehyde, are already known to cause cancer.

The New South Wales Government is acting now to protect vulnerable bystanders from passive exposure to vapour in places where they can least avoid it and in areas frequented by children and families—for instance, within 10 metres of children's play equipment, within four metres of an entrance to a public building, at public transport stops and stations and on a bus or on a train. I am also aware of concerns and evidence that e-cigarette use by young people may increase their risk of ever using cigarettes and act as a gateway to nicotine addiction. A report in the United States by an expert committee of the National Academies of Sciences, Engineering, and Medicine concluded that there is substantial evidence that e-cigarette use by youth and young adults increases their risk of using tobacco cigarettes. In New South Wales in 2015-16 the highest rates of ever and current electronic cigarette use among adults were in young adults in the 16 to 24 age group.

The use of e-cigarettes is visually similar to smoking cigarettes. The bill will help to reduce the exposure of children and young people to the use of these products. In New South Wales the rate of current e-cigarette users is low—0.9 per cent of people 16 years and older were current e-cigarette users over the combined years of 2015 and 2016. However, e-cigarettes may become more popular in New South Wales in the future, as shown by the higher rate of use overseas. For example, there is a significantly higher rate of current e-cigarette users in Great Britain and the United States. It is important that we regulate now before the use of e-cigarettes becomes further entrenched in society.

Turning to the specifics of the bill, the bill amends the definitions of smoke in the Smoke-free Environment Act and the Passenger Transport (General) Regulation to include use of e-cigarettes. As a result, the prohibition of smoking in smoke-free areas will apply to use of e-cigarettes. This means that it will be an offence to use e-cigarettes in enclosed public places and certain outdoor public places, such as commercial outdoor dining areas, at passenger transport stops and on passenger transport vehicles, children's playgrounds and within four metres of a public building. It will be an offence to vape in smoke-free areas, with a maximum penalty of \$550 or an on-the-spot fine of \$300.

This bill will bring New South Wales in line with Queensland, Victoria, Tasmania and the Australian Capital Territory. These jurisdictions already regulate e-cigarettes to prohibit their use in smoke-free areas. The Government does recognise that prohibiting the use of e-cigarettes in all smoke-free areas may cause disruption to some e-cigarette retailers. This is particularly the case for e-cigarette-only retailers who allow customers to sample their products in their store. These are stores that only sell e-cigarette products and currently do not allow minors into their stores. They are stores where people only go in with the sole purpose of buying e-cigarette products. As such, the bill will allow for the Health Secretary to exempt a person, or class of persons, from the prohibitions of using e-cigarettes on the premises of an e-cigarette retailer. This is a limited exemption power

which only applies to the use of e-cigarettes on e-cigarette-only retailer premises. There will be no ability to exempt the smoking of tobacco products in smoke-free areas.

The bill will also amend the Public Health (Tobacco) Act to require retailers that sell e-cigarette and e-cigarette accessories to notify the Health Secretary of their premises. This will ensure that e-cigarette retailers are subject to the same notification requirements as tobacco retailers. The notification requirements will enable NSW Health to check retailer compliance with existing requirements for selling e-cigarettes, such as restrictions on e-cigarette advertising and display, the ban on selling e-cigarettes and accessories to people under 18 years of age and the ban on selling liquid nicotine. Notification is simple and easy and requires retailers to complete a short online form. Registering with NSW Health does not involve a fee and should only take 15 to 30 minutes via this online form. Retailers will be able to get help with making the notification by calling the NSW Health Tobacco Information Line.

Any retailers selling tobacco or non-tobacco smoking products are already required to register and if they sell e-cigarettes they only need to update their existing registration to show they are selling e-cigarettes. I am aware that some people see e-cigarettes as a quit smoking aid, although the Therapeutic Goods Administration has not approved any e-cigarette products as a quit smoking aid. This bill is not about banning e-cigarettes or impacting the availability of these products. Rather, it is about limiting the effects of e-cigarettes on those who are not using the products. In areas where members of the public congregate, people who do not use e-cigarettes should not have to breathe in the vapour when there is evidence that the vapour contains particulate matter that may harm their health. An amendment was moved in the lower House, which states:

- (1) This section applies to the premises of e-cigarette retailers who notify the Secretary under section 39 of the *Public Health (Tobacco) Act 2008 (as substituted by the Smoke-free Environment Amendment Act 2018)* of an intention to engage in e-cigarette retailing.
- (2) The Secretary may, by order in writing, exempt persons from sections 7 and 8 in relation to the smoking of e-cigarettes on the premises of an e-cigarette retailer.
- (3) An exemption may be subject to such conditions, including requiring the display of the order, as may be specified in the order.
- (4) An exemption does not apply unless the person complies with all applicable conditions of the exemption.
- (5) In this section, **e-cigarette retailer** means a person who engages in e-cigarette retailing, but does not engage in tobacco retailing, within the meaning of those terms in Part 5 of the *Public Health (Tobacco) Act 2008*.

I commend the bill to the House.

### Second Reading Debate

**The Hon. WALT SECORD (16:10):** As the shadow Minister for Health and Deputy Leader of the Opposition, I lead for Labor in debate on the Smoke-free Environment Amendment Bill 2008. Labor will not oppose the bill, but it believes there must be substantial research on whether e-cigarettes are a gateway to smoking or are in fact a vehicle to end smoking. There is also debate on the contents of the liquid of e-cigarettes and whether it contains nicotine. Labor will listen to the remainder of the debate and the amendments that may be moved during the debate, and it reserves the right to alter its final position. The bill largely incorporates Labor's Smoke-free Environment Amendment (E-cigarettes) Bill 2017 which was debated and defeated in this House on 8 March.

First, the Smoke-free Environment Amendment Bill 2018 will amend the Smoke-free Environment Act to prohibit the use of e-cigarettes and heat-not-burn tobacco products in public places where the Smoke free Environment Act currently bans smoking, such as indoor areas, commercial outdoor dining areas, public swimming pools, children's playgrounds, transport stops and stations, spectator areas of sportsgrounds and within four metres of the entrance of a public building. Secondly, it amends the Passenger Transport (General) Regulation 2017 to prohibit the use of e-cigarettes and heat-not-burn products in public transport areas where the legislation currently bans smoking. This includes passenger transport vehicles. Thirdly, it amends the Public Health Tobacco Act to require e-cigarette retailers to notify the Health Secretary that they are engaged in e-cigarette retailing in the same way that tobacco retailers must notify the Health Secretary.

The first two sections of this bill were Labor policy and were contained in the previous bill. That said, there are two additions to the legislation. First, there is the requirement to notify the Health Secretary if a retailer is selling e-cigarettes, which, upon examination, Labor supports. Secondly, there is the inclusion of new material at the insistence of the former Government Whip, the Hon. Dr Peter Phelps. Yesterday the health Minister amended his own legislation. He said that this was to broaden the exemption powers provided in the bill that allow vaping in e-cigarette retail premises to include existing and new e-cigarette-only retailers. Under the Smoke-free Environment Act, shops are generally "enclosed public spaces", and smoking is, therefore, banned. The bill will ban the use of e-cigarettes in these areas as well.

The original bill allowed for the Health Secretary to exempt retailers that sell only e-cigarettes from prohibition for the use of e-cigarettes in their shop. The Health Minister said that NSW Health consulted with the industry and advised him that banning the use of e-cigarettes in specialist shops would severely impact on existing retailers. Only a dozen of those retailers exist in New South Wales and quite a few of them are located in the Macarthur region. In fact, there were several on the North Shore and earlier this year I tried to approach some of those premises. Many e-cigarette-only retailers allow customers to sample flavours and demonstrate the use of particular devices in the shop. I was in Gibraltar recently and I saw a complete display of vaping products and customers were sampling and trying different brands. Initially the Health Minister said that the bill limited this exemption power to existing e-cigarette-only retailers and that any e-cigarette retailer that commences their business after the bill's enactment later this year will not be eligible. In fact, he said he wanted a level playing field.

The Minister for Health also said that, in the interests of maintaining a level playing field for existing and new operators, the Berejiklian Government's amendment would allow the same exemptions to apply to new retailers that sell only e-cigarettes. I have received representations as recently as yesterday morning from the Heart Foundation, which has concerns about these amendments. We should monitor the changes closely. I urge the Berejiklian Government to take on board the concerns of the various public health agencies and to monitor the exemption powers. If it needs to revisit this area, then I would cooperate in a bipartisan manner.

As of today we will have debated the regulation of e-cigarettes in this Parliament on at least three occasions in the past three years. Unfortunately, this has been an unnecessarily costly exercise for New South Wales taxpayers. All our debates, including this one, will cost the New South Wales taxpayer \$130,000 in time, energy and parliamentary resources. Revisiting this topic on three separate occasions will cost \$130,000—add that to the list of waste. As with so many of its projects, the Berejiklian Government is unable to get it right the first time. The debate on e-cigarettes is symbolic of this Government, which refuses to listen to the views of the community and ends up revisiting the matter because of its arrogance or stubbornness.

In 2015 the then Minister for Health, Jillian Skinner, introduced regulations on e-cigarettes to regulate their use in New South Wales. The legislation was amended to include a ban on their use in cars with children and also included a ban on the sale of e-cigarettes to minors. I note the role of Mr Jeremy Buckingham. He and I put forward amendments which were accepted by the Government and incorporated in the bill. In November 2017, Labor introduced legislation to ban the use of e-cigarettes in public areas. In short, Labor's policy would have brought the laws in line with the law on cigarettes. For instance, if it was unlawful to smoke, it would also be unlawful to vape. Currently, it is lawful to vape indoors in venues such as cinemas, restaurants, public transport and shopping malls. In fact, we witnessed an incident when Mr Jeremy Buckingham legally vaped in this Chamber. This is a loophole and the current legislation before the House will bring New South Wales in line with the Australian Capital Territory, Tasmania, Victoria, Queensland and South Australia.

The original legislation that was debated before the House last month was supported by more than 20 different public health bodies and organisations, including the Health Foundation, the Australian Dental Association, the Cancer Council and the Australian Medical Association. On 8 March the Labor bill was defeated along party lines and the Berejiklian Government said it would introduce its own legislation. That is what we have today. It is virtually the same legislation that the Government rejected several weeks ago with a couple of additions. At the time, the health Minister briefed the crossbench, including Reverend the Hon. Fred Nile, about the contents of the forthcoming bill—and I can inform Reverend the Hon. Fred Nile it is what the Minister said it would be, with a few additions. On 23 March 2018 the Minister for Health, the Hon. Brad Hazzard, introduced the Labor bill with a small addition. I was going to ask the Parliamentary Secretary representing the Minister for Health a single, straightforward question but, upon reflection, it was answered in the second reading speech.

**Mr Scot MacDonald:** Was that the amendment?

**The Hon. WALT SECORD:** Yes. I thank the Parliamentary Secretary, as it was addressed in the second reading speech. I am glad that, rather than incorporating the speech, the Parliamentary Secretary read it. This is another example of the waste and mismanagement that we see in governance in New South Wales. It adds to the lengthy list: the shambles of the Powerhouse Museum costing up to \$2 billion—

**The Hon. Don Harwin:** Point of order: This is the longest of long bows that can be drawn. The Hon. Walt Secord is also misleading the House.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I do not think the second point really goes anywhere, but I uphold the first.

**The Hon. WALT SECORD:** Show us the business case and we will find out.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The member will confine his remarks to the bill.

**The Hon. WALT SECORD:** I digress. I will not canvass the Powerhouse Museum, the stadiums fiasco or the light rail.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I have ruled on the point of order. I caution the Hon. Walt Secord not to transgress the ruling, as he is already on two calls to order. I know he wants to make a contribution on this matter, so I would encourage restraint on his part.

**The Hon. WALT SECORD:** The bill before us today is about limiting the effects of e-cigarettes on those who are not using them. In his second reading speech, the health Minister said that, in areas where members of the public congregate, people who do not use e-cigarettes should not have to breathe in the vapour when there is evidence that it may contain particulate matter that may harm their health. However, the bill does not canvass the issues in the debate of whether e-cigarettes wean people off smoking or are another gateway to smoking. I think that is an important consideration that should have been taken into account in this bill. The bill does not come to a position on whether e-cigarettes are effective in getting people off cigarettes or whether they encourage people to smoke.

When I was examining non-nicotine e-cigarettes on offer in a local shop, the shopkeeper said that the children particularly like the strawberry flavour. I said, "I hope you're not selling them to children" and he backtracked very quickly. A number of community groups have expressed their concern about the health Minister and the Berejiklian Government sitting on the fence on the issue of whether e-cigarettes wean people off smoking or encourage people to smoke. That said, the Berejiklian Government has much work to do in the area of smoking in general and the area of e-cigarettes and smoking. Earlier this month, we heard that for the first time in five years, overall smoking rates in New South Wales have increased. It is not me saying this: NSW Health is saying it. The Berejiklian Government has become complacent due to the "heavy lifting" by the previous Rudd and Gillard Labor Federal governments.

The Berejiklian Government has also failed to meet Council of Australian Governments [COAG] anti-smoking targets. While smoking rates in women remained constant at 11.6 per cent, there has been a 3.1 per cent jump in males, from 15.5 per cent to 18.6 per cent. The latest figures show that this increased the overall smoking rate in New South Wales to 15 per cent—an increase of 1.5 per cent in 2016. The Australian Bureau of Statistics National Health Survey reported for 2014-15 that the national smoking rate was 14.7 per cent, so New South Wales is above the national rate. Our health and hospital system is under enormous pressure, and the last thing it needs is an increase in the number of people smoking and the associated health problems. Overall, the highest single smoking demographic group in New South Wales is males between 35 and 44 years of age, at 26.9 per cent. The highest smoking rate for women is 14.6 per cent for women between the ages of 45 and 54.

There are also concerns about the increase in smoking rates among migrant men, particularly Chinese and Arabic men. There is also a high prevalence of smoking among people with a mental illness, people with drug and alcohol dependencies, prisoners, and lesbian, gay, bisexual, transgender, queer and intersex people. I believe that the Berejiklian Government has to re-assess its approach to tobacco and smoking. It has not released the most recent smoking statistics and it has not updated its tobacco plan. In addition, the Berejiklian Government is on track to fail to meet the COAG benchmark of a smoking rate of 10 per cent, and it has also failed to slash the smoking rates among Indigenous people by half—targets that were set by COAG.

Furthermore, anti-smoking and public health groups want to see the Berejiklian Government take a greater role in providing a range of cessation services to support smokers to quit by embedding cessation in the health systems and government programs. They want to see a combination of behavioural support and prescription medication which offers the best possible chance of quitting. They also want to see pharmacotherapy-based interventions such as nicotine replacement therapy [NRT], which can improve smoking quit rates by 50 to 70 per cent, and a combination of behavioural pharmacotherapy interventions can improve them even further. Sadly, the first increase in smoking in New South Wales in a long time has occurred under this Government's watch.

The Berejiklian Government has rested on the laurels and hard work of the Rudd and Gillard governments and the brave and principled policy decisions by the then Federal Minister for Health, Nicola Roxon. Western New South Wales and the Central Coast local health districts have reported the highest rates of smoking in the State at 23.9 per cent and 20.1 per cent respectively. The lowest rate for smoking in New South Wales, 9 per cent, was in Northern Sydney Local Health District, and the Illawarra-Shoalhaven Local Health District had the second lowest smoking rate in the State, of 12.6 per cent. The health message resonated strongly on the South Coast and in the Illawarra. The Illawarra also has some of the highest vaccination rates in Australia. Nationally, Australia has among the strictest anti-smoking regulations in the world, including taxes and plain packaging, introduced in 2012.

On a positive note, I acknowledge that smoking rates among pregnant women are dropping. The smoking rate amongst pregnant women in 2005 was 14.3 per cent, but it has now dropped to 8.3 per cent. Since 2001 the smoking rate during pregnancy has dropped every single year in New South Wales. In conclusion, Labor does not oppose the bill but I will be listening diligently to the other contributions.

**Reverend the Hon. FRED NILE (16:27):** On behalf of the Christian Democratic Party I support the Smoke-free Environment Amendment Bill 2018. This bill makes a number of amendments to the Smoke-free Environment Act, the Public Health (Tobacco) Act and the Passenger Transport (General) Regulation. Members know that I have been deeply involved with the issue of cigarette smoking, smoking generally and its effects on the health of the public. I have successfully introduced into Parliament bills to ban the advertising of cigarette products, to ban smoking in public places and to ban smoking in cars with children. I appreciate the Parliament's support for those bills.

The bill will amend the Smoke-free Environment Act to prohibit the use of e-cigarettes in public places where the Smoke-free Environment Act currently bans smoking, such as indoor areas, commercial outdoor dining areas, public swimming pools, children's playgrounds, transport stops and stations, spectator areas of sports grounds, and within four metres of the entrance to a public building. The current legislation will enforce that in relation to e-cigarettes. The Christian Democratic Party strongly supports this bill and these proposals. As members know, such areas, where second-hand vapour is difficult to avoid, are frequented by children and families. E-cigarettes will have the same definition as in the Public Health (Tobacco) Act and will include heat-not-burn tobacco products.

The bill will also provide a power for the secretary to exempt e-cigarette only retailers and their customers from the ban on using e-cigarettes in smoke-free areas of the retailer's premises. The power of exemption has been included because a large part of the buying process involves trying the flavours in store, which requires the use of e-cigarettes. E-cigarette only retailers are broadly supportive of the proposed legislative changes, which is not surprising. The bill will amend the Public Health (Tobacco) Act to require e-cigarette retailers to notify the Health Secretary that they are engaged in e-cigarette retailing in the same way that tobacco retailers must notify the secretary. Finally, the bill will amend the Passenger Transport (General) Regulation 2017 to prohibit the use of e-cigarettes and heat-not-burn products in public transport areas where the regulation currently bans smoking. That includes on passenger transport vehicles.

I have had correspondence from the Heart Foundation, which has indicated its support for this legislation. Along with 23 other non-government organisations, the Heart Foundation met with the Government asking for legislation to ban e-cigarettes in smoke-free areas. That is now going to happen. The Hon. Dr Peter Phelps has distributed an amendment that I believe would have a negative impact on the legislation. The Christian Democratic Party will not support the amendment. Perhaps he will not proceed with it. For the reasons I have outlined, the Christian Democratic Party will support the bill. Because questions are still being asked about the health impact of e-cigarettes, a proposition has been put that an upper House committee conduct an inquiry. I am supportive in principle of referring the bill to a committee, but I am concerned that it may lead to a delay in the legislation being adopted. It could even lead to the bill somehow slipping through the cracks. I would rather pass the bill now and then look more closely at whether we can justify an inquiry into recent evidence regarding the health impacts of e-cigarettes. We support the bill.

**The Hon. SHAYNE MALLARD (16:33):** I am pleased to support the Smoke-free Environment Amendment Bill 2018 because it is consistent with my philosophy that rather than banning a product outright we are better off taking the path of harm minimisation and community education. I congratulate the Minister for Health and the Government on taking a precautionary approach to a new and emerging issue in our community. The bill essentially redefines smoking to include various forms of vaping through e-cigarettes or similar devices. It therefore applies the existing bans on smoking to the new habit or hobby of vaping. Whilst the number of e-cigarettes users in Australia is low, the use of e-cigarettes is increasing worldwide. Jurisdictions around the world are taking various approaches to the use of e-cigarettes, which I will come to in a moment.

The bill will amend the Smoke-free Environment Act and the Passenger Transport (General) Regulation to prohibit the use of e-cigarettes in certain public areas where tobacco products are currently banned. In April 2017 the Chief Executive Officer of the National Health and Medical Research Council released an updated statement on e-cigarettes and advised that health authorities should act to minimise harm to users and bystanders. That advice cannot be ignored. Most other jurisdictions in Australia already ban vaping in the same way as smoking in smoke-free areas.

The Smoke-free Environment Amendment Bill 2018 seeks to act on the emerging evidence. The bill will ban the use of e-cigarettes on public transport, in indoor public places and in some outdoor public places where smoking is already banned. These public places can be very crowded, are often frequented by families and can be areas in which people are less able to avoid smoke. The bill amends the definition of "smoke" in the Act and

regulation to include the use of e-cigarettes. As a result, the prohibition on smoking in smoke-free areas will apply to the use of e-cigarettes. The bill will introduce sensible measures to minimise the known and potential risks of e-cigarettes through restricting second-hand exposure to e-cigarette vapours.

As I said, the Chief Executive Officer of the National Health and Medical Research Council released an updated statement to assist the public in understanding the current evidence about the safety and efficacy of electronic cigarettes. It stated that e-cigarettes expose both users and bystanders to particle pollution that may worsen existing illnesses or increase the risk of developing cardiovascular or respiratory diseases. Vulnerable groups such as children, pregnant women, people with cardiovascular or respiratory diseases and older people are more sensitive to the adverse health effects of particulate matter. E-cigarette vapours have been found to contain toxins, metals and chemicals. As an asthmatic who has been exposed to e-cigarette vapour, I am greatly concerned about what is in those vapours. The World Health Organization has recommended that governments ban the use of e-cigarettes in indoor smoke-free environments.

The bill will also amend the Public Health (Tobacco) Act to require retailers that sell e-cigarettes and accessories to notify the Health Secretary of their premises. This will ensure that e-cigarette retailers are subject to the same notification requirements as tobacco retailers, and therefore the same inspection and monitoring regime to ensure that they adhere to the law, particularly the prohibition on the sale of e-cigarettes to people under 18 and the display of e-cigarette products. Regarding the reasons for the bill, the Minister helpfully said in the other place:

As Minister for Health I have visited many research institutes where researchers have made it clear to me that they are broadly concerned about a range of things to do with e-cigarettes ... I understand there are a range of scientific views across the world; that is the nature of science. In my view, it is incumbent upon this Government—like it was on governments in four other States—to operate on the precautionary principle and exercise its duty of care to the community. We must make sure that individuals who do not wish to vape are not exposed to e-cigarette fumes. In essence, that is why the Government has introduced this bill. The Deputy Leader of the Opposition spoke about previous legislative proposals. The Opposition has made failed attempts to introduce bans and restrictions on e-cigarettes. The Government does not apologise for treading more cautiously and consulting more widely before introducing its own comprehensive bill today. NSW Health has consulted peak organisations for retailers, clubs and hotels about the business registration and smoke-free elements of this proposal. They did not raise any concerns about impacts on their businesses. In fact, some clubs and hotels already treat vaping the same way as smoking. Many businesses ban people from using e-cigarettes in the places where they ban cigarette use. Some may ask the question: Should e-cigarettes and all e-cigarette accessories be completely banned?

**The Hon. Dr Peter Phelps:** No.

**The Hon. SHAYNE MALLARD:** I agree with that interjection. As with tobacco products, it is not considered appropriate to ban e-cigarettes. Instead, it is appropriate to implement harm minimisation strategies. I support that suggestion. Currently a number of studies are being undertaken in Australia and internationally to test whether e-cigarettes can help people quit smoking. It is premature to ban a product that may possibly be proven in the future to have potential as a harm-reduction tool for people addicted to smoking tobacco. In 2015 the Public Health (Tobacco) Act 2008 was amended to ban sales of e-cigarettes to minors. People will have discretion about where they use e-cigarettes outside of these smoke-free areas. The Therapeutic Goods Administration has not approved e-cigarettes as a nicotine replacement therapy—it is my understanding that the future of e-cigarettes as a tobacco replacement potentially hinges on that approval.

In April 2017 the chief executive officer of the National Health and Medical Research Council released a statement, to which I referred earlier, which says, "there is insufficient evidence to quantify the reduction in risk when e-cigarettes are used instead of tobacco cigarettes." NSW Health continues to monitor the evidence on the safety and efficacy of e-cigarettes and is planning to support research to determine the effectiveness and safety of e-cigarettes as a stop smoking aid, particularly among vulnerable populations with high smoking rates. I urge the Government to support comprehensive research about the effects of e-cigarettes in addressing chronic smoking issues for certain individuals and communities. I think we have bipartisan agreement on that. While some chemicals in tobacco smoke are not in e-cigarette vapour, e-cigarette liquids or vapour may also contain harmful chemicals that are not present in tobacco smoke. What damage is that doing separate to cigarettes?

**The Hon. Dr Peter Phelps:** None.

**The Hon. SHAYNE MALLARD:** I am sympathetic to the view of the Hon. Dr Peter Phelps but we need to have research behind that.

**Reverend the Hon. Fred Nile:** He is a libertarian.

**The Hon. SHAYNE MALLARD:** E-cigarettes expose users and bystanders to very small particles that may worsen existing illnesses or increase the risk of developing diseases such as cardiovascular or respiratory disease. The long-term effect of the vapour from e-cigarettes on bystanders is not clear. It is too early to know and may take a long time to emerge. Our history is littered with evidence of uncertainty about the impacts of certain

substances upon users, or even people who were close to them, and sometimes with tragic consequences. I commend a cautionary approach to this and I support more research on the use of e-cigarettes as an alternative to tobacco smoking. In fact, I was particularly convinced of this over the Christmas break when my brother-in-law visited from overseas. My brother-in-law, who is Danish, was originally a port worker and a heavy smoker. Over the years he has repeatedly tried to give up smoking. Whilst he was staying at our Surry Hills apartment he produced his vaping device with nicotine, which he had brought into Australia.

**The Hon. Walt Secord:** You were harbouring a criminal.

**The Hon. SHAYNE MALLARD:** I was an accessory to the crime.

**The Hon. Dr Peter Phelps:** No, that is not right. You can possess but you cannot buy.

**The Hon. SHAYNE MALLARD:** That is right. This showed an inconsistency in standards between Australia and the European Union—namely, the European Union allows nicotine replacement in these cigarettes. In fact, I felt much better emotionally that my brother-in-law was e-vaping on our balcony every 15 to 30 minutes rather than smoking "winnies" every five minutes. In my mind there was a health correlation there. When my brother-in-law eventually ran out of nicotine he tried to find out where he could get some. Within 20 minutes he was able to procure it somewhere in the central business district.

**The Hon. Walt Secord:** That is unlawful.

**The Hon. SHAYNE MALLARD:** I do not know where, but he did procure some—this goes to the issue of a black market. I used this illustration because we all know someone like this. I know another person with a chronic smoking problem who has tried all the methods, including all the pharmaceutical methods, to break his habit. Indeed, if there is potential for e-cigarettes with nicotine to reduce this harm we should also be looking at that. I support the research and I hope that we can learn from overseas experiences—for example, in the European Union.

During my contribution I have noted a number of interjections from the Hon. Dr Peter Phelps. I listened with great interest when he made his contribution to this debate. Frankly, as Reverend the Hon. Fred Nile suggested, I thought it was one of the Hon. Dr Peter Phelps' libertarian crusades. But given my personal experience, there is merit in carefully looking at this issue. I look forward to more information and potentially regulated permission through pharmacies, or those who supply them, of e-cigarettes as an alternative substance in the future. In conclusion, I support the bill. The Government has consulted widely on this legislation, which takes a cautionary, harm minimisation and educational approach. It is more comprehensive than other legislation that has been introduced in this place. I commend the bill to the House.

**Ms DAWN WALKER (16:44):** I lead for The Greens in debate on the Smoke-free Environment Amendment Bill 2018. The bill proposes important amendments to the Smoke-free Environment Act, which will see e-cigarettes treated in the same way as tobacco products under the Act so that e-cigarettes cannot be used in areas deemed to be smoke-free. Many of the changes proposed in this bill were recently debated in this place. The bill also proposes changes that require retailers of e-cigarettes to be treated in the same way under the Public Health Tobacco Act as tobacco retailers. In the previous debate The Greens moved for an inquiry into e-cigarettes. Today we will be moving for another inquiry because there is a great deal of uncertainty about the long-term effects of e-cigarettes. Indeed, many members have raised similar issues in their contributions to this debate. Vaping is relatively new technology. We are constantly learning about not only its potential health impacts but also its potential use in tobacco-harm reduction. Other jurisdictions have also called for similar inquiries, which reflects the importance of this issue to public health.

The Greens are calling for another inquiry because this legislation is incomplete. It seeks to address a gap but it does not provide for a whole framework as to how to deal with this technology in the future. This was demonstrated by the Minister making an eleventh hour amendment to extend exemptions to future e-cigarette retailers—as did the Hon. Dr Peter Phelps, I understand. The Minister presented this legislation as having the complete support of the Heart Foundation. However, it was not supported by that organisation because there is no definition of what type of business will be allowed to become an e-cigarette retailer. This creates significant uncertainty and these kinds of shifts and changes will continue to be a serious issue if we do not take steps now to fully inform ourselves. An inquiry will give this Parliament time and provide the knowledge and expertise that are needed to address the uncertainties of this new technology and best protect the health of our community.

Australia is known as a world leader in tobacco regulation and these regulations play an important part in protecting the health of our community. It is well known that tobacco causes significant harm to the health and wellbeing of people. The World Health Organization reports that tobacco kills seven million people each year. In Australia, approximately 2.4 million people smoke cigarettes daily and it is estimated that two out of three of those smokers will die prematurely due to smoking. E-cigarettes pose a dilemma for regulators and legislators—

they have the potential to save many lives if they can be successfully used as a tool in tobacco-harm reduction, but their long-term effects on users and others exposed to their vapours is unknown. I acknowledge that balancing those factors is difficult.

In 2015-16 the South Australia Government held an inquiry and decided to amend its tobacco legislation to include e-cigarettes in the restrictions imposed on tobacco products. Western Australia is currently conducting an inquiry and it was stressed that its 2017 report is more a discussion paper than a report. In that paper the conflicting views on the regulation of e-cigarettes was outlined. In March 2018 the Federal Government Standing Committee on Health, Aged Care and Sport released a report on the use and marketing of e-cigarettes. The standing committee looked specifically at whether e-cigarettes could assist in reducing the number of Australians who smoke. The chair's foreword revealed that that is still a vexed issue and noted that the committee was presented with starkly conflicting views during the inquiry. In fact, the chair authored a dissenting report.

As previously noted, this bill does not constitute a ban on e-cigarettes. However, it will restrict their use to certain areas, if they are treated like other tobacco products under the Smoke-free Environment Act. While this may seem logical, it is a move away from the status quo that is strongly opposed by some addiction specialists and users of e-cigarettes. Those in favour of restriction emphasise the issue of safety, based on the fact that e-cigarettes are new and their long-term effects are unknown. The position taken by public health bodies is that of the precautionary principle: because we do not know the detrimental effects that e-cigarettes could have we should restrict their use to avoid potential damage in the future. But even in that position there is no consensus, with some public health bodies supporting the use of e-cigarettes as a safer alternative to smoking.

E-cigarettes are not without their risks. A recent study by the Telethon Kids Institute, cited in the Western Australian inquiry, showed that e-cigarette vapours could cause "significant" lung damage in mice. Other studies show that while it is less dangerous than mainstream tobacco smoke, the vapour can still cause damage. Risk to bystanders is currently unknown, and that is what underpins this current bill. Because e-cigarette devices are largely unregulated, different devices emit different levels of toxicants. In some of these devices the toxicants are lower than conventional cigarettes but they are also different because it is not smoke they produce. In short, we do not know what effect they have. In New South Wales, steps have been taken to reduce the risk of an impact on children. It is illegal to smoke an e-cigarette in a car with a child passenger. However, it is largely up to individual venues whether they allow their patrons to smoke e-cigarettes in areas classed as smoke free.

There are also concerns about the re-normalisation of smoking because e-cigarettes resemble traditional smoking methods more than other tobacco harm-reduction methods, such as patches and gum. This is of particular concern when it comes to young people. But, much like everything else in this area, there is limited data on that issue. Some international surveys show that e-cigarette use is increasing rapidly in young people, but that most of these users also smoke cigarettes, so it is unclear whether or not this uptake is an effort to quit. On the other hand, those against restriction base their position on e-cigarettes being less harmful than smoking.

I have already outlined the incredibly damaging effects of smoking. Smoking levels in Australia have been dropping steadily for decades, but recently they have stalled. This is partly what prompted the Federal inquiry into e-cigarettes—to see whether they are a tool that could help people who do smoke to reduce their consumption and quit safely. In the United Kingdom, the National Health Service embraces e-cigarettes as a valuable aid to stop smoking. But again, the effectiveness of e-cigarettes is unclear, with other studies showing that people using e-cigarettes to quit smoking often just end up using both cigarettes and e-cigarettes.

The bill does not address an important part of the e-cigarette issue, and it cannot because it falls within the remit of Federal legislation, but it is too important not to mention. The inconsistency in our legislation, which allows e-cigarettes and other vaping apparatus to be sold but which does not allow the selling of e-liquid with nicotine, creates a dangerous gap. The reality is that those who vape are largely using e-liquid containing nicotine because they can easily purchase it from overseas. This unregulated market poses a serious risk to product quality and safety. There is agreement from those who generally oppose restriction that regulation of this market is important.

This bill seeks to protect the right of all people to breathe smoke-free air, and that is an important right. It is a right that The Greens support. But this bill does not adequately deal with the underlying public health considerations on both sides of the e-cigarettes debate. It leaves a great deal of uncertainty for our community. We need a comprehensive understanding of this issue and comprehensive legislation when it comes to e-cigarettes. This will be possible only with the concerted effort of an inquiry. Therefore, I move:

That the question be amended by omitting "be now read a second time" and inserting instead "be referred to Portfolio Committee No. 2—Health and Community Services for inquiry and report".

**The Hon. COURTNEY HOUSSOS (16:54):** I make a brief contribution to the debate on the Smoke-free Environment Amendment Bill 2018. The bill amends the Smoke-free Environment Act to prohibit

the use of e-cigarettes in public places where the Act currently bans smoking; amends the Passenger Transport (General) Regulation 2017 to prohibit the use of e-cigarettes in public transport areas where the regulation currently bans smoking; and amends the Public Health (Tobacco) Act to require e-cigarette retailers to notify the Health Secretary that they are engaged in e-cigarette retailing—in the same way that tobacco retailers must notify the Health Secretary.

This is the third time the Government has responded to e-cigarettes in the past three years. It is interesting to note that perhaps two-thirds of this bill is virtually a copy of a bill that was presented to the House by the shadow Minister for Health. I commend the shadow Minister for his work in this area. There is no doubt that the Government's three responses in three years have been as a result of his campaigning on this issue. This is a somewhat difficult issue for some people who argue about the lower health risks associated with vaping. But this bill and this approach to e-cigarettes is about the culture and about setting the framework that we want to provide around the use of nicotine products and whether we should discourage them in the same way that smoking has been discouraged, because we have seen a significant and phenomenal decrease in the culture around smoking within society occur within a relatively short time.

According to figures from the Cancer Council of Australia, in 1945, 72 per cent of males and 26 per cent of females were smokers. That has reduced so dramatically that the latest figures from the National Drug Strategy Household Survey, published by the Australian Institute of Health and Welfare, show that approximately 14.7 per cent of Australians now smoke. I believe that that is a direct result of the framework that the Government has put around smoking and the way that the culture has developed over a relatively short time. It is obviously because we know the significant health risks and consequences of smoking. While vaping may not have the same direct health risks as smoking, it is important that we do not open the door and in some way send a message that vaping is okay and that we should be encouraging it.

There is a discussion to be had about transitioning people from smoking to vaping to not smoking at all, but it is important that in our approach we do not send a message to anyone that they should be taking up vaping. That is why it is so important that we support the bill and the initiatives in it to associate vaping with smoking and to ban it and treat it in the same way. If it is going to be a way of encouraging people to not smoke or to reduce their smoking with the aim of eventually quitting that is an important part of the puzzle. But as legislators it is a different thing if we send a message to say that vaping is in some way okay. With those brief comments, I commend the bill to the House. I commend the shadow Minister for Health for his tireless work on this issue and I look forward to this legislation being enacted.

**The Hon. Dr PETER PHELPS (16:59):** I oppose this bill for the same reasons that I opposed the bill brought into this place by the Hon. Walt Secord a short while ago. My opposition is consistent because it is grounded on two elements: firstly, political principles; and secondly, the science. I will not go through the refutation of the anti-science, which has been raised in relation to vaping—I did that in my second reading contribution to the Hon. Walt Secord's bill. Considering that Helen Lovejoy has been rolled out by the Government, the Opposition and the Greens who are screeching, "Think about the kiddies"—the Helen Lovejoy defence—I will briefly note the following from Public Health England, an official body of the United Kingdom [UK] Government. Quoting Professor Linda Bauld:

Concern has been expressed that e-cigarette use will lead young people into smoking. But, in the UK, research clearly shows that regular use of e-cigarettes among young people who have never smoked remains negligible, less than one per cent, and youth smoking continues to decline at an encouraging rate. We need to keep closely monitoring these trends, but so far the data suggest that e-cigarettes are not acting as a route into regular smoking amongst young people.

That is Public Health England saying that. The three million e-cigarette users in the UK provide enough of a cohort for Public Health England to make that clear and unambiguous statement. The Helen Lovejoy defence of "Think about the kiddies" is absolutely refuted by the evidence shown in the UK, which has a much larger cohort and therefore is much more accurate about what is going on.

Let me make this clear—vaping is not smoking and smoking is not vaping. When you give up smoking to take up vaping, you are axiomatically giving up smoking. There is no doubt that smoking is very dangerous. In fact, it is possibly the most dangerous activity you can legally undertake in Australia. To suggest that we should oppose vaping because we do not know what might happen to vapers forty or fifty years hence is to deny the fact that we know exactly what will happen to you if you continue smoking. For those people in this place who speak about harm minimisation and who are in favour of drug-injecting rooms in particular, we should question what they intend to do about nicotine ingestion and how to do it in the safest way possible.

Unfortunately, public health in Australia is dominated by absolute prohibitionists or those with a vested interest in treatment via pharmaceutical delivery. There is no option given for self-regulation. To suggest that it would be okay to have nicotine products available on prescription and given over at the local pharmacist is a farphy. How many of us would say that we recognise alcohol is a problem in Australia but from now on we are

going to ban all self-regulation of alcohol and it will only be available via a script given out by a general practitioner and delivered from a pharmacist? Everyone would recognise the ridiculousness and utter illogicality of that argument, and yet that is what some people suggest as a viable method.

I will not say that all public health officials in Australia are bad. People like Dr Alex Wodak, Dr Attila Danko and Professor Colin Mendelsohn represent a serious and considered public health fraternity in Australia. I am sure there are many others; I just picked the three who have been the most vociferous on this issue. As I said, I will not go through the refutations of the anti-science which is wheeled out against vaping. The bill is bad for two reasons. Firstly, it forces vapers into the same area as smokers are now forced to congregate. For example, if you made a conscious decision to give up smoking in favour of vaping this bill now forces you to go exactly to the same location where people are smoking. Here you are trying to give up smoking and what do you get? You get a ring of smokers around you and that sweet smell of Marlboro reds flowing in your general direction. That is why this is bad.

Secondly, the Minister has repeatedly given anecdotal evidence when he went to the Woolcock Institute of Medical Research, where an unnamed medical researcher allegedly told him that vaping is as bad as consuming antifreeze. I am very surprised by that. Ethylene glycol, antifreeze, is a completely different chemical compound to propylene glycol which is used in vaping products. It is like saying watching Brad Hazzard is like watching the *Dukes of Hazzard*. There is no comparison between ethylene glycol and propylene glycol. For a researcher to say that to the Minister just goes to show how mean and tricky they are. I did a little bit of research on the Woolcock Institute of Medical Research. Guess who partially funds them? GlaxoSmithKline. Guess who makes Nicabate and Nicorette? GlaxoSmithKline. What an unusual coincidence.

Anti-vapers often say, "Big tobacco is involved so therefore we should be inherently suspicious." But how many people here would say, "AGL owns power stations, so therefore we should not allow it to make any effort to transition into sustainable energy"? That is exactly what opponents have been saying in response to big tobacco's decision to move towards vaping as a sustainable model. The simple fact is this, and we know this to be true from international research: vaping is safer than smoking; it is a more effective cessation tool than any of the pharmaceutical products; it is not a gateway; it does not give you popcorn lung; it does not produce carcinogens; it does not produce particulate matter above background levels; and does not produce formaldehyde, unless the vaper is extremely stupid and continues to dry vape after the liquid has gone.

There is no serious, unbiased argument against vaping for public health. What do they fall back on? They fall back onto the precautionary principle. We have to take precautions. Except for the fact that we do not do that for medicinal cannabis. I have a press release from the New South Wales Government from 2 March 2018 where it says:

The NSW Government has joined with the Commonwealth to improve access to medicinal cannabis by introducing a single application process. Mr Hunt said the streamlined application process meant that doctors wanting to prescribe unregistered cannabis medicines would typically get approval within 36 hours. Currently, the only cannabis medicine on the TGA's register is Sativex®...

What is Sativex licensed for? Sativex is only licensed in Australia for multiple sclerosis [MS] spasticity. Yet on 11 May 2017 the Minister, Brad Hazzard, quoting Professor John Simes, Director of the National Health and Medical Research Council Clinical Trials Centre, said:

Due to the very limited evidence worldwide, it is not known whether cannabis products may be able to help these patients where other medications have not—this study aims to provide a definitive answer to that question.

That study has not been completed yet. What you have here is people claiming that we have to take the precautionary principle into account for vaping but we do not have to take the precautionary principle into account for medicinal cannabis. All this is known. I have been utterly consistent in my approach to both the Opposition and Government bills. To paraphrase Joe Hildebrand, why can I walk into a store and buy something that will kill me but it is illegal to walk into a store for something that will save me?

When I saw the bill I sought to ameliorate what I saw as two illiberal aspects of the bill with respect to retailers. After all, are we not supposed to be the party of small business and individual choice? I expressed my displeasure with these specific aspects of the bill at the appropriate time and I received no support, so I wrote to the Premier. I wanted to approach Parliamentary Counsel to have two amendments drafted: firstly, extending the exemption on vaping indoors to new e-cigarette-only retailers, so as to prevent a structural advantage being legislated for the benefit of existing retailers; and secondly, extending the exemption on vaping indoors to registered tobacconists who also sell e-cigarette products, so as to encourage existing tobacconists to move their customers away from smoked tobacco products and on to the significantly safer, from a health perspective, e-cigarettes.

It is not something I have done before. In fact, it is not something that any Government backbencher has done before in the existing Government. For those who are unaware, Government backbenchers, unlike Labor

and crossbench members of Parliament, are unable to access the services of Parliamentary Counsel without the approval of either the Premier or the Attorney General. Generally, the offices of the Parliament will not accept amendments to a bill without those proposed amendments being drafted by Parliamentary Counsel.

I did this and what I got was quite pleasing to me. I got a call from the Minister who, though utterly opposed to both amendments when they were first raised by me, indicated that he had given them some consideration and now agreed that my first amendment was useful and that he willing to incorporate it as a Government amendment. I thank him for that. He did not agree to the second amendment and I continued on with my original desire. The Premier, very graciously, allowed me to access Parliamentary Counsel to draft an amendment, which I will move during the Committee stage.

Vaping is not merely a health issue; it is an issue about personal responsibility, about the role of the State and the overreach of officialdom, particularly the prohibitionist pharmacological elements of the public health industry in Australia—a group of people who do not act with the weight of evidence in their favour but, in fact, with the weight of evidence against them. It is a moral issue, one which goes to our core beliefs as Liberals. The "We Believe" statement sets out exactly what we should believe as Liberals. I quote:

In the inalienable rights and freedoms of all people, and we work towards a lean government that minimises interference in our daily lives; and maximises individual and private sector initiative. In government that nurtures and encourages its citizens through incentive, rather than putting limits on people through the punishing disincentives of burdensome taxes and stifling structures ... In the most basic freedoms of parliamentary democracy—the freedom of thought, worship, speech and association. In a just and humane society ... so that all may enjoy the highest possible standards of living and health. That, wherever possible, government should not compete with an efficient private sector; and that businesses and individuals—not government—are the true creators of wealth and employment.

That is what this bill does not do, but it is what we should be doing. We should allow for a situation where people can choose to self-medicate off smoked tobacco through a system that does not require additional expense, does not require visits to general practitioners, does not require scripts and does not require a pharmaceuticalised approach to ending their dependence upon nicotine through tobacco.

What Premier Berejiklian has done is quite humbling. It is not something which I could ever conceive Premier O'Farrell or Premier Baird doing. This Premier has allowed a backbencher to move an amendment to a Government bill. I have no expectation that it will succeed. However, the mere fact that she has done that fills me with a great deal of pride. In doing so, she acknowledges this: We are not merely an electoral college that meets once every four years to select a leader and then to be just blind marionettes for the rest of the time. No. Today we are doing something that has not been done previously and it is largely because our Premier understands a party and a party room far better than any of her predecessors have.

We are all told to go out and work in local areas. But my local area is not a geographic locality; my local area is what the great political scientist and historian Benedict Anderson called "an imagined community". My local area is the voters who believe in the values of the "We Believe" statement, not those who want to dive into a trough of taxpayer-funded public largesse or stifling red tape and bureaucracy. The issue is not how many votes we would win with this bill, but how many votes we would win if we were to liberalise vaping in this State. There are also elements of this bill and the broader issue of vaping in New South Wales which lead me to concern, not least of which is the absurdity behind the opportunity to access vaping as a smoking cessation tool.

I ask members to think about two different people. Tristan, the young bearded hipster from Surry Hills, can get online and have a regular supply of nicotine vaping fluid sent to him from New Zealand. People talk about unregulated standards, but they forget that New Zealand has regulated standards. Very soon Canada will have regulated standards when its vaping legislation goes through Parliament. England has vaping standards. The European Union [EU] generally, because of the nature of the decentralised nature of health in the EU, has standards based on the countries there. Nevertheless, all those countries still have to meet a basic EU standard for identification, labelling and the quality of the product. It is not as though people have to buy nicotine vaping fluid from China, Vietnam, Korea or India, or from backstreet dealer. There are countries—including the country next door to us—where people can do that. Young Tristan, the hipster, can get online and put in his regular order for nicotine-based vaping fluid.

What about Jimmy in Brewarrina, who is a pack-a-day Marlboro Red man? What access does he have? He has no ability to go down to the local store and buy vaping fluid. He might have no exposure to it whatsoever. Certainly if he goes to see a public health officer he will never be encouraged to move off smoking and in that direction. No, he will be told to use patches or gum—both of which we know to be many times less effective as a smoking cessation tool than vaping. The following questions have to be asked: Where do we set our standards? Who do we care about? What do we really want as a public health outcome?

I am glad the Government has accepted one of my amendments. However, it does not change the fact that this bill is fundamentally misguided. I know I will lose the vote on my foreshadowed amendment—I can read

the numbers quite clearly. I want to say to all those people out there, all those serious public health professionals, all those researchers, all those who want to get off the ciggies and want a better, healthier life, that they are being heard. The recent dissenting reports by Trent Zimmerman, Tim Wilson and Andrew Laming—who is, in fact, a medical doctor—should send a message to those people that they are being listened to. I do not have the numbers today. I might not have the numbers next week, or next month, or next year, but there is an inexorable change coming. The Government can either get on board or be left behind. I oppose the bill.

**The Hon. NATASHA MACLAREN-JONES (17:17):** I speak on the Smoke-free Environment Amendment Bill 2018, which prohibits e-cigarettes from being used in enclosed public areas, outdoor dining areas and on public transport. Research from around the world shows that e-cigarettes contain a number of toxins, metals and chemicals, such as formaldehyde, which can pose a health risk to others through second-hand vapour. I also note that more research is being conducted into the effects of second-hand vapour, but evidence to date reveals that there is a potential health risk from substances in e-cigarettes. It is also worth noting that this bill is not unique. It brings us in line with other States, such as Queensland, Victoria and Tasmania, and the Australia Capital Territory.

In 2017 the Chief Executive Officer of the National Health and Medical Research Council [NHMRC] released an updated statement on e-cigarettes noting the current evidence about the safety and efficacy of e-cigarettes. It stated that particle pollution may cause existing illnesses or increase the risk of developing cardiovascular or respiratory diseases. Currently a person is legally able to smoke an e-cigarette in a confined space such as a bus or a train.

Furthermore, a person can vape in schools, cafés, restaurants, playgrounds and at sporting events. Often these are places where children and babies are present. I single out this group because their lungs are still being developed and, unlike adults, they are unable to remove themselves from the environment where they are breathing in second-hand vapours. The bill introduces a number of measures to minimise known and possible risks of e-cigarettes by reducing exposure to vapours. I note the amendment moved by The Greens to refer this bill to Portfolio Committee No. 2, which will only delay the bill. Further, I note that the Selection of Bills Committee met yesterday to consider the bill and whether it should be referred to a committee.

At no stage did The Greens indicate an interest in referring the bill to a committee and in fact supported the motion in the House that the bill be debated. Having said that, I acknowledge that the Selection of Bills Committee is in a trial stage and I give The Greens the benefit of the doubt by assuming that they are not playing party politics on this matter. However, not passing the bill today will mean delaying the introduction of these measures. There is evidence to support the dangers of e-cigarettes but the jury is out on the extent. Delaying the bill will mean that people, particularly children and babies, continue to breathe in second-hand smoke so I question the motives of The Greens.

The Government does not support the proposal to have an inquiry. Numerous inquiries have been held across the State at a Federal level that have considered the benefits of e-cigarettes. At no stage have The Greens outlined what aspects they specifically want examined in an inquiry. The date and issues are open-ended. All they are doing is seeking to delay the bill. I hope the Opposition does not want to refer the bill to a committee and delay the bill but, rather, supports putting the people of New South Wales first. As stated, a number of inquiries have been conducted and the Commonwealth report on an Inquiry into the Use and Marketing of Electronic Cigarettes and Personal Vaporisers in Australia was released in March 2018. That followed a number of recent Australian inquiries, including a 2017 Federal Senate Community Affairs Legislation Committee inquiry, a 2017 Therapeutic Goods Administration inquiry and a 2016 South Australian inquiry. All of these reviews received submissions from experts and the public, both in favour of and opposed to e-cigarettes. The evidence was reviewed in detail.

The reviews highlighted the need for more research, which we have acknowledged. However, there is growing evidence about the safety and efficacy of e-cigarettes. Having said that, in the absence of evidence we must rely on the precautionary principle, which is what we do in New South Wales. If New South Wales were to hold a further inquiry into evidence about e-cigarettes it would only duplicate what has already been done and waste resources. Indeed, it would very likely come to the same conclusion as other inquiries—that there is not yet a solid and conclusive evidence base about the safety and efficacy of e-cigarettes.

The recent Commonwealth report recommended that the National Health and Medical Research Council fund an independent and comprehensive review of the evidence about e-cigarettes and that the review be updated every two years to ensure the most up-to-date evidence is captured. The National Health and Medical Research Council would undertake an efficient review and obviously the Parliament could consider that review. The NHMRC will consider the effectiveness of e-cigarettes in a bid to help people quit tobacco, the health effects of ingredients commonly used in e-cigarettes, the likelihood that e-cigarettes will increase the number of young

people using nicotine and the number of young people smoking, the health impacts of long-term e-cigarette use and the relative health impacts of e-cigarettes as compared to tobacco products.

I support the recommendation that the NHMRC fund an evidence review to be regularly updated. As Australia's foremost body for funding and translation of medical research, the NHMRC is best placed to conduct the inquiry and gather further evidence. The results of the evidence review will inform us as we move forward about the safety of e-cigarettes, their long-term effects and how effective e-cigarettes might be at helping people to quit smoking. Finally, I place on the record that the Minister for Health, the Hon. Brad Hazzard, has consulted widely with retail and hospitality groups about their views on e-cigarettes and the introduction of the bill. I note previous comments about amendments in the other House. I commend the bill to the House.

**Mr SCOT MacDONALD (17:24):** On behalf of the Hon. Niall Blair: In reply: The Smoke-free Environment Amendment Bill 2018 will amend the Smoke-free Environment Act and the Passenger Transport (General) Regulation to ensure that where it is currently unlawful to smoke, it will be unlawful to vape e-cigarettes. This change will better protect bystanders from the harmful effects of e-cigarettes vapour. The bill will also amend the Public Health (Tobacco) Act to ensure that e-cigarette retailers are notified to the Health Secretary in the same way that tobacco retailers are required to notify their premises to the Health Secretary. Notification will ensure that NSW Health is aware of where e-cigarette retailers are notified and can undertake compliance activities.

The bill is a sensible approach to the regulation of e-cigarettes and will better help protect public health. The Hon. Dr Peter Phelps has tabled an amendment and I will address that in the Committee stage. I thank all members for their contributions to the debate—the Hon. Walt Secord, Reverend the Hon. Fred Nile, the Hon. Shayne Mallard, Ms Dawn Walker, the Hon. Courtney Houssos, the Hon. Dr Peter Phelps and the Hon. Natasha Maclaren-Jones, who speaks from a nursing background.

**The Hon. Walt Secord:** A former nurse.

**Mr SCOT MacDONALD:** A former nurse. In reference to the call by The Greens for the bill to go to a committee, we have heard that e-cigarettes do give off vapours, including particulates and chemicals. We need to be mindful of the third-party effects on the public and the need to avoid adverse impacts. We should not wait for an extended parliamentary inquiry and likely cause harm to vulnerable groups such as children and pregnant mothers. Legislative Council committees can self-reference these issues at any stage but we should not delay this important legislation. I commend the bill to the House.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The question is that this bill be now read a second time, to which Ms Dawn Walker has moved that the question be amended by omitting "be now read a second time" and inserting instead "be referred to a committee for inquiry and report." I will put the question on the amendment first. The question is that the bill be referred to Portfolio Committee No. 2 for inquiry and report.

**Amendment negated.**

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

**Motion agreed to.**

#### In Committee

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** There being no objection, the Committee will deal with the bill as a whole. I have one amendment on sheet C2018-025A in the name of the Hon. Dr Peter Phelps.

**The Hon. Dr PETER PHELPS (17:28):** I move amendment No. 1 on sheet C2018-025A:

No. 1 **Exemption relating to premises of e-cigarette retailers**

Page 3, Schedule 1 [3] (proposed section 19A (5)), line 29. Omit ", but does not engage in tobacco retailing.". Insert instead "(whether or not the person also engages in tobacco retailing)". The reason I move this amendment is simple: I want members to envisage a situation where they are regular smokers, they have a regular tobacconist from which they buy their smoke tobacco products but they do not wish to maintain that habit. That tobacconist may well sell vaping products—e-cigarettes. At the current time, an individual could go in and see the machines and see the vaping fluid but would not be allowed to try it because they are unable to vape in an enclosed space which is currently engaged in tobacco retailing. This seems to be a bizarre situation.

The Minister has already acknowledged that a person can vape in an outlet which is exclusively selling vaping products. This is a point of sale opportunity in which people may be considering giving up smoking in favour of vaping and yet they are unable to try it. It is hard to imagine a situation where we are told, "I recognise you want to give up smoking, but you cannot try out a vaping device. You cannot try out the various flavours of fluid that are available." That is bizarre. The law is effectively saying that a person would have to coldly and

blindly give up cigarettes in favour of vaping, including accepting the not inconsiderable expense for purchasing the e-cigarette. That is a bizarre situation if we believe that vaping can be used as an effective cessation tool. People might say why would we give it to tobaccoists? The simple answer is because that is the likely spot that we will find tobacco smokers.

Tobaccoists are already moving into this area because they realise that the long-term model of smoking a burnt tobacco product is dying in this country—or at least the people who are doing it are dying. Even that is not strictly true, because the latest research indicates that of all the western countries there was an uptick in smokers in Australia in the last financial year. In the United States where vaping is legal, smoking went down. In Canada where vaping is legal, smoking went down. In Britain where vaping is legal, smoking went down. In New Zealand where vaping is legal, smoking went down. In the European Union, where vaping is legal, smoking—generally—went down. In Australia, smoking went up.

I would hate to be a person who believes that correlation is causation, but in this instance one can say with some degree of certainty that those people in other countries who have given up smoking in favour of vaping have contributed to that reduction. We have taken the strict prohibitionist approach in Australia. We have put warning labels and horrific images on the front of cigarette packets, we have restricted the areas where smoking can take place, we have increased the taxes on cigarettes so that they are now prohibitively expensive, and do not forget that it is a deeply regressive tax when we factor in the demographic which is most likely to smoke. We have done all of that and yet smoking has had an uptick in the past financial year. In every other place where vaping is legal, smoking has continued its long-term decline.

Tobaccoists can see that. In fact, the tobacco industry can see that, which why it is trying to move out of smoking tobacco products and into vaping. This amendment allows for those people who currently sell tobacco products and e-cigarettes or, alternatively, those who might start transitioning away from smoked tobacco products to e-cigarettes to offer that service to their customers so they can say, "You do not have to continue smoking; you can try this." It will allow them to try before they buy. On that basis, this amendment deserves serious consideration by the House and I commend it to all members.

**Mr SCOT MacDONALD (17:34):** The Government does not support the proposal of the Hon. Dr Peter Phelps to extend the exemption powers to allow vaping in shops that sell other products, including tobacco. Specialist e-cigarette retailers are destination shops and they do not sell any other products other than e-cigarettes. Because e-cigarettes and accessories can only be sold to adults, adults will go to those shops only if they have already decided they want to try e-cigarettes. By contrast, tobacco retailers include supermarkets, convenience stores, newsagents and service stations. Those retailers may sell a variety of products, including to children. It is important that we protect people buying other products from exposure to e-cigarettes. It is not hard to imagine that a child at a corner shop buying bubblegum might be exposed to clouds of vapour that smell like bubblegum and they might start thinking about how much fun vaping could be. This scenario contains mixed public health messages. That is apart from the potential health impacts that the clouds of vapour may have on that child or pregnant mother or sick grandmother who has gone to the shop to buy bread or milk.

Public health experts are also concerned that the use of e-cigarettes may renormalise smoking because the action of using an e-cigarette and the clouds of vapour produced can look like smoking. Allowing people to vape where tobacco products are sold runs the risk of increasing sales of tobacco products as well as e-cigarette products. Those exemptions are for e-cigarette retailers only so they can demonstrate their products and allow their customers to sample flavours. They were introduced because members of the industry told NSW Health that changes would have a serious and damaging impact on their business. NSW Health also consulted with representatives of the retailing industries including the Master Grocers Association, the Australasian Association of Convenience Stores, the Service Station Association and the Australian Lottery and Newsagent Association. None of them suggested that banning vapour in their stores would have an impact on their business. None of them requested an exemption to allow the use of e-cigarettes in their shops. The Government does not support the amendment.

**The Hon. WALT SECORD (17:36):** Labor opposes the amendment. We believe that the amendment as advocated by the Hon. Dr Peter Phelps will increase the availability of vaping products and there is a lack of research on whether vaping is a gateway to smoking or a cessation aid. The amendment sends a mixed message. I make reference to the repeated statements made during the second reading debate about the various health bodies—

**The Hon. Trevor Khan:** Point of order: The Hon. Walt Secord should speak to the amendment. This is not an opportunity to make a speech in reply on matters referred to in the second reading debate.

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** I apologise, I was looking at my notes and not concentrating. The Hon. Walt Secord will confine his remarks to the amendment.

**The Hon. WALT SECORD:** For clarification, I should have said during the second reading debate there were references to the amendments that were moved by the Hon. Brad Hazzard and incorporated in the second reading speech. In fact, the Health Foundation does not support those amendments or the amendment before us today. Government members repeatedly said that the two amendments—the one incorporated and the one before us today—had the support of the Health Foundation; they do not. I thought it was important that I clarified that but I was unable to do so before the Hon. Trevor Khan jumped down my throat.

**Mr Scot MacDonald:** Not that you would do that.

**The Hon. WALT SECORD:** Not that I would ever do that to my colleague. I agree with the Government and Labor opposes the amendment.

**Reverend the Hon. FRED NILE (17:38):** The Christian Democratic Party also opposes the amendment moved by the Hon. Dr Peter Phelps. It is based on a fallacy. He said that if we allow e-cigarettes to be sold by tobacco retailers, they would encourage their customers to stop buying cigarettes. I cannot imagine a retailer doing that, so it is a fallacy.

**The Hon. Dr PETER PHELPS (17:39):** The suggestion that a person will go into a local newsagent or a local Woolies where they will be encouraged to take up e-cigarettes is untrue. No-one there would be willing or able to guide a person through the process of transitioning away from smoking. That is not true, for example, in the case of a tobacconist who bases a substantial part of their income on the existing sale of tobacco products. So I do not believe that would happen at what might be called general retail stores. Nevertheless, because there is no clear distinction in the Act of a peculiarly registered tobacconist—tobacco is the sum total of their business—in that situation a tobacconist will be more likely to do this than in other stores.

I recognise that the issue of other stores is a furphy because no-one is suggesting that the spotty 16-year-old at Woolies will guide a person through the process of using a vaping device. But in some shops that will be the case, and it is likely to happen in the shops that are most reliant upon the declining use of tobacco in the long term. I see this amendment as a reasonable and sensible proposal to encourage the amelioration of smoking and I recommend it. If it is unsuccessful that will be unfortunate. However, I can read the numbers in this place.

**The Hon. WALT SECORD (17:40):** In responding to the second contribution of the Hon. Dr Peter Phelps, I think that under his amendment there would be further normalisation and an increase in the number of people vaping in public areas and in the areas where they would purchase. For example, we would see people testing e-cigarette devices in Coles, Woolies and in larger places where tobacco is sold.

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** The Hon. Dr Peter Phelps has moved an amendment appearing on sheet C2018-025A. The question is that the amendment be agreed to.

**Amendment negatived.**

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** The question is that the bill as read be agreed to.

**Motion agreed to.**

**Mr SCOT MacDONALD:** 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. Niall Blair: I move:

That the report be adopted.

**Motion agreed.**

### **Third Reading**

**Mr SCOT MacDONALD:** On behalf of the Hon. Niall Blair: I move:

That this bill be now read a third time.

**The Hon. Dr PETER PHELPS (17:42):** I notify honourable members that due to the failure of my amendment in the Committee stage I will be voting against this bill.

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

**Motion agreed to.**

*Adjournment Debate*

#### ADJOURNMENT

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

That this House do now adjourn.

#### PUBLIC LIBRARIES

**The Hon. PETER PRIMROSE (17:43):** Labor has different priorities to the Liberals and The Nationals. A Foley Labor Government will increase funding for public libraries by a fully costed package of \$50 million. This will be new funding. Existing funding for programs such as Outback Letterbox Library will continue. Labor will double the library subsidy in its first term, from \$1.85 per capita to \$3.70 per capita. Funding has been fixed at \$1.85 since the mid-90s, and the current Government has refused all submissions to increase it. For the first time, Labor will also link the subsidy to changes in the consumer price index, to ensure it maintains its value in real terms into the future. In addition, Labor will create a public library infrastructure fund of \$25 million in its first term for public libraries to upgrade their facilities or purchase new equipment. Without these financial increases to library funding there will be decreased levels of staff, fewer qualified staff, diminished collection budgets, shorter opening hours, fewer public programs, and reduced library community outreach.

The first public library in New South Wales was called the Free Public Library. It opened in 1869 and is now the State Library of New South Wales. Initially, people living within a 10 mile radius could borrow books, and it quickly became very popular. Local councils were able to open libraries under the Municipalities Act 1867 and Newtown was the first council to do so, in the same year the Free Public Library opened. As my colleague the Hon. Walt Secord, the shadow Minister for the Arts, has said, "NSW Labor believes that libraries are at the heart of our communities. They help to promote lifelong learning, provide free access to information and are vital community hubs at which people meet and engage."

So it was in 1943 when the New South Wales Labor Premier, William McKell, looked to the future. He proclaimed the financial provisions for public libraries at the opening of the new Public Library of New South Wales building. The commitments took effect from 1 January 1944 and the Library Board of New South Wales, formed in February in that year, would consider applications from municipal and shire councils for financial assistance to establish local libraries. Over the next decades, local councils in both metropolitan and regional areas responded to the Act and set up free library services.

Today, there are 368 public libraries in New South Wales, and 20 mobile libraries which provide library services for isolated and remote communities. The State Library of New South Wales administers funding to these public libraries. Despite the almost ubiquitous availability of smart phones and access to the internet, despite the chaos of the National Broadband Network, library usage is not diminishing but growing. In 2015-16, there were more than 34 million physical visits to New South Wales public libraries and more than 42 million loans of collection items. There were 861,377 e-book loans, an increase of 71 per cent from 2012-13 to 2015-16. There were 9.3 million internet bookings, including wi-fi, and 11 million virtual visits to public library web sites.

New South Wales Labor believes that every Australian should have access to a well-resourced public library. However, State funding flowing to public libraries has been decreasing in real terms. Public libraries enrich the local community in metropolitan, rural and regional areas. Providing a place to read and reflect, libraries also provide a central hub for their communities that include services for senior citizens, their local multicultural communities, and children and young people. Public libraries are particularly important places for children and young people. Labor strongly believes that children and young people should have every opportunity to indulge in and develop their love of reading. Reading expands their imagination and their world, while having a positive effect on their development and lives. New South Wales Labor does have different priorities to those on the other side of politics. That is why New South Wales Labor loves local libraries.

#### EVIAN CONFERENCE

**Reverend the Hon. FRED NILE (17:48):** The 1938 Évian Conference was a very sad episode in our national history which I believe we now have an opportunity to correct. This is why I placed a notice of motion on the *Notice Paper* concerning Australia's shameful rejection of Jewish refugees seeking to flee from Nazi Germany and Nazi Europe. The 1938 event is commonly known as the Évian Conference and involved some 32 countries and 39 non-State and private organisations. Today I was advised that the Government needs to consult with the Federal Government and Minister for Foreign Affairs about my motion because it overlaps that territory.

That is why I withdrew the motion this morning. I hope it might come on for debate tomorrow. We will have to wait for the response from the Federal Government. When passed, my motion will comprise an apology to the Jewish people for Australia's action at the conference.

The initiative behind the Évian Conference came from then President of the United States Franklin Roosevelt, who was coming under pressure to act given the plight of Jewish refugees fleeing persecution in Europe. People worldwide did not realise—and probably could not comprehend—that in due course the Nazis were planning to murder six million Jews. The Jews could not comprehend that at the time just as we cannot comprehend it today. The Nazi regime was at the peak of its peacetime power and was preparing to plunge the continent into war, which we now know erupted in 1939 with the German invasion of Poland in collusion with Soviet Russia.

In the lead-up to hostilities, Hitler advocated a domestic policy known as *judenrein*, which broadly meant the eradication of Jewish people from the public life of German civil society. The event known as *Kristallnacht*, which in German means "Night of Broken Glass", symbolised the brutality of Hitler's policy. For the two-day period of 9 and 10 November 1938, orchestrated violent gangs led by stormtroopers assaulted Jewish people throughout the German nation. One thousand synagogues were attacked. Many of them were burnt down and destroyed and 7,500 Jewish-owned businesses were attacked. If stormtroopers put the Jewish symbol on a shop window it meant that it was to be attacked. Together with the stormtroopers, the German police arrested 30,000 Jewish males between the ages of 16 and 60 and transported them to concentration camps. Anyone who was taking a normal and civilised view must have assumed that the men would eventually be released. No-one would have dreamt that at the concentration camps there would be gas chambers and, finally, crematoriums.

In response to the *Kristallnacht* mayhem, the Nazis cynically imposed a fine to cover the cost of the damage and ordered the Jews to pay for the destruction that the stormtroopers had caused. The whole Jewish community was pushed to the fringes of existence. Dignified life for many was simply impossible. Many felt they were being driven from the country in which they had lived for generations as patriotic Germans. Many of them had served in the German Army in World War I and had been awarded medals. When it was raised at the Evian Conference that Australia take some refugees from Europe the reply was, "... as we have no real racial problem, we are not desirous of importing one." Australia's representative at the conference said that we would not take the 15,000 refugees proposed to come to Australia over three years. What a shameful decision. This is why we need to make an apology as soon as possible to the Jewish people. We must say that we regret the decision and we wish to apologise for it.

### SHIPBUILDING INDUSTRY

**The Hon. LOU AMATO (17:53):** In recent years, Australian manufacturing has been declining at an alarming rate. According to information from the Federal Office of the Chief Economist, 1.1 million workers were employed in the manufacturing sector in 1984, which represented 16.8 per cent of the Australian workforce. By November 2013 the sector was employing 930,000 workers, which was approximately 8 per cent of the total workforce. In real terms, this represents a proportional loss of more than 50 per cent of the jobs in the sector. Current figures indicate that the decline in manufacturing is accelerating—99,000 jobs were lost in the five-year period from 2008 to 2013 and, unfortunately, most were lost under the Labor Government.

Despite all the doom and gloom, the Australian shipbuilding industry is defying current trends and is expanding. Australian shipbuilding is one of the most significant industries in our economy and contributes an estimated \$1.7 billion in value added to the economy annually. The sector employs more than 14,600 workers nationally with annual exports of approximately \$575 million. At present, Australia is recognised as the world leader in the design and manufacture of large, high-speed, multi-hull aluminium vessels and supplies approximately 30 per cent of the international market. The main markets of the Australian ship building industry are the United States and Europe, followed by Singapore, Japan, New Zealand and Spain. The market is expanding and countries in the Arabian gulf, South America and southern Asia are increasingly sourcing Australian-built ships.

Excluding recreational speedboats, the world's fastest ship is the 99-metre, 450-tonne HSC *Francisco*, which is capable of carrying 1,024 passengers and 150 cars at a speed of 107 kilometres an hour. The HSC *Francisco* is the world's first liquefied natural gas powered ship and operates as a passenger vessel between Buenos Aires and Montevideo in South America. The HSC *Francisco* is Australian designed and made by Incat Australia Pty Limited. It is interesting to note that Incat has held the record for the fastest Atlantic crossing by a commercial vessel since 1990 and has won the coveted Hales Trophy three times.

As an island nation, a strong merchant and naval fleet is vital to maintaining the protection of our coastal borders and the import and export of raw materials and finished goods. In response to the current trend of a declining manufacturing base, on 16 May 2017 the Turnbull Government released Australia's first Naval

Shipbuilding Plan outlining the nation's largest ever program of naval shipbuilding and sustainment. One of the biggest impediments to maintaining a healthy shipbuilding industry is infrastructure. To address that issue, the Turnbull Government is injecting \$1.3 billion to develop vital world-class infrastructure in the nation's shipyards so we can build the next generation of naval vessels. By maintaining ongoing naval shipbuilding in Australia, the boom-bust cycle that has afflicted the industry for many years will be avoided.

In times past, many local Australian industry suppliers outsourced component manufacturing due to market fluctuations and uncertainty. Continuous naval shipbuilding will offer greater security to local businesses and shipbuilding workers. Maintaining a competent and experienced shipbuilding workforce has also been identified as an ongoing problem for the industry. The Turnbull Government's \$90 billion investment in the manufacturing of new submarines, frigates and other minor naval vessels will not only ensure that the industry has a viable future but also boost the nation's defence capabilities and meet forecast objectives as defined in the 2016 Defence white paper.

The Federal Government's naval shipbuilding initiative is forecast to grow to an expected workforce of around 5,200 workers by the mid to late 2020s, with more than double that number of workers being employed in sustainment activities and associated supply chains across Australia. I commend the Federal Government for its proactive approach to maintaining shipbuilding in Australia. In recent times we have lost many of our manufacturing sectors to foreign outsourcing. The actions of the Federal Government clearly show that the Government can and does play a vital role in maintaining important industries such as shipbuilding, which as Australians we are very proud of.

### UNITED SERVICES UNION ANNUAL PICNIC DAY

#### LIGHT RAIL SERVICES

**The Hon. COURTNEY HOUSSOS (17:58):** Recently I had the opportunity to attend the annual picnic day of my union, the United Services Union [USU]. A large number of unions in New South Wales continue to have annual picnic days, including the Australian Workers Union; the Communications, Electrical and Plumbing Union; the Electrical Trades Union; the Shop, Distributive and Allied Employees Association; and the NSW Nurses and Midwives Association, among others. While union picnic days may have originated in an earlier time, the United Services Union 2018 outing to Taronga Zoo was an illustration of a union—and a movement—that remains in touch with the modern struggles of working people.

Faced with skyrocketing electricity prices and ever-increasing tolls, coupled with wage stagnation, unions understand that family outings, such as to the zoo or an amusement park, are often luxuries that can no longer fit into a shrinking family budget. The United Services Union, in addition to providing its metropolitan members with a family pass, also gave out vouchers for a drink or an ice cream. This gave members and their families a valuable and cost-effective opportunity to experience one of Sydney's great tourist attractions. As I strolled around the zoo, trying to capture some of the memorable moments of our family outing, and noting the many armbands of other union members, it struck me that this was yet another symbol of the enduring nature of the great labour movement—a movement that 127 years ago understood that to pursue the interests of working people it needed to participate in the political process, not just be dictated to by it.

Events like these stand in stark contrast to the attacks mounted on the labour movement by its ideological opponents. They also illustrate the broad role that unions continue to play in the lives of their members—namely, not only in resolving disputes and advocating on their behalf industrially, but also in understanding that life is about more than work. People are more than just economic units. From its earliest battles for an eight-hour day and annual leave to today's campaigns for paid parental leave and paid domestic violence leave, unions have always been at the forefront of ensuring that the financial stability of a job should assist workers and their families to build a better life, not just one at work. Indeed, that challenge remains constant to this day, with the increasingly precarious and insecure nature of work in Australia.

The Foodbank Hunger Report 2017 shows that 48 per cent of the people assisted by its charities were employed. That is a highly alarming trend. It points to the emergence of a working poor, which is something we would expect in other countries but not in Australia. While the gig economy can be very flexible and offer opportunities to workers, its lack of certainty does not give workers the financial security and stability to plan their lives. The labour movement, with the leadership of unions and its peak organisation Unions NSW, will stand up for workers in every aspect of their life.

Another day, another backflip, another cost blowout from the Berejiklian Government as it lurches from policy stumble to all-out crisis. This week we learnt that this Government will preside over the most expensive tram system in the world—even though it has no idea when it will be opened. That tram system was originally costed at \$1.6 billion and was expected to be completed this month. The cost is now around \$3 billion and the

Minister is refusing to give a completion date. Instead, the Minister has said that the Government is an unhappy customer—as if he had had a bad meal at a restaurant. This Government, which is hell-bent on privatising any and every asset this State owns, is wasting the proceeds from these sales. It is not only selling everything off but it is also squandering the opportunity that this one-off return provides. The Government is spraying this money across a series of pet projects plucked from the sky. Where is the evidence base for this?

The Western train line currently operates at 135 per cent capacity during peak times. The Government does not want to fast-track that project. Instead, the Government prefers to spend billions upon billions of dollars on projects for two competing Sydney stadiums and a tunnel for the northern beaches that will be subsidised by Western Sydney motorists. They are not projects for the future. The population growth in the Parramatta local government area from now until 2036 is estimated to be 53 per cent, or up to 389,000 people; and the population growth on the northern beaches is estimated to be 14 per cent. Governing is about priorities. Labor will prioritise a new western metro to cater for both Sydney's central city and the growth in Western Sydney. We will air-condition class rooms instead of corporate boxes at a stadium, and we will prioritise schools and hospitals instead of world record cost blowouts.

### CHRISTIAN DEMOCRATIC PARTY

**The Hon. PAUL GREEN (18:03):** Tonight I will inform the House about the achievements of the Christian Democratic Party in the first few months of the 2018 parliamentary sitting year. The Christian Democratic Party has hit the ground running and we are trusting in Jesus Christ to help sustain us for all that lies ahead. On 8 March 2018 I introduced the Modern Slavery Bill 2018 into this Chamber. That was a significant and memorable day for me. The Modern Slavery Bill 2018 was a culmination of the numerous statements and submissions given to the Legislative Council Select Committee on human trafficking in New South Wales, and it addressed the findings detailed in the report on that inquiry.

The objects of the bill are to install an Anti-slavery Commissioner, establish victim-centred support, increase penalties for offences, slave-proof New South Wales supply lines, and strengthen laws with regard to cybersex trafficking and underage forced marriage. It was an immense honour and privilege to introduce a bill that places value on humanity. A bill that is a voice for those who have no voice. We also launched a petition to support the introduction and passage of the Modern Slavery Bill 2018. That petition is available in my office for all members of Parliament who wish to sign it. This issue goes beyond party lines. We all agree that modern slavery needs to be abolished in this country and globally.

In February I travelled through regional New South Wales. At Glen Innes I gave a parliamentary report to the local community where I was pleased to meet many new people. In Armidale I met with the local community and I also spent some time with many members of the Armidale Filipino community. Tamworth was our final stop in the New England region, where I had the privilege of meeting local residents to hear about local issues. It is always encouraging to see new and familiar faces and to hear about local concerns. In Mudgee I attended the Isolated Children and Parents Association Conference. This organisation is vital to ensure equitable access to education for children in remote areas. It was great to see some of the initiatives that have been undertaken. I believe that quality education should not be limited to students in our city centres. The future of this State rests with all children and young people—whether they are educated in the city centres or regional New South Wales.

In Parkes I attended the Local Government Tourism Conference. Tourism in New South Wales is vital to our local economies. I also had time to visit the Parkes Christian School and to support the local "Painting the town red" initiative—a reading program designed for children from birth to kindergarten. On 5 March it was my honour to host the Premier, the Hon. Gladys Berejiklian, and the heads of many faith groups from across New South Wales, at an afternoon tea. It was encouraging to meet with those groups and to provide the opportunity for them to meet each other and the Premier. We also acknowledged our continuing support for special religious education in our schools and the importance of religion in society, as well as our ongoing interest in ensuring that religious freedoms remain in our State for our many faith groups.

I celebrated Easter at my local church, Manor House Ministries, where we acknowledged the death and resurrection of Jesus Christ. An Easter egg hunt followed that wonderful service. I was particularly annoyed at my youngest son who threw all the eggs I had collected into the paddock for the other kids to gather. It did not take long and all of the eggs I had collected were gone—and whilst that was good for my figure, it was terrible for my ego. So far 2018 has been a busy year. I hope over the coming short recess of this House that members will be able to spend time with their loved ones and their local communities. I wish them all a good break and hopefully they will come back in May ready to pass the Modern Slavery Bill 2018.

## NEWBORN AND PAEDIATRIC EMERGENCY TRANSPORT SERVICE

**The Hon. WES FANG (18:08):** Last month I updated the House about a wonderful charity called Little Wings and the fantastic work it does for children and families in rural and remote areas of New South Wales. While at Bankstown Airport, I also took the opportunity to visit my old colleagues at the Newborn and Paediatric Emergency Transport Service [NETS] New South Wales. NETS recently moved from the Westmead Hospital precinct, which is the base I worked at, to a new facility at the airport. This was my first chance to see the service in operation at its new location.

As I mentioned in my inaugural speech, working for Child Flight was one of the best jobs I will ever have. While it was still in existence, Child Flight was in effect the helicopter arm for NETS NSW, and we worked closely together to deliver outcomes for young people across this State. It would be remiss of me not to mention that I met my wife Natalie when she worked as a NETS NSW doctor. Nat would travel in the back of the helicopter when we would fly to all corners of New South Wales retrieving sick or injured children and bringing them back for tertiary-level hospital care. In addition, as a regional paediatrician, Nat now often relies on the service, advice and assistance NETS provides to medical staff across the State. So NETS NSW has a special place in our lives.

It was fantastic to see NETS NSW continue to do incredible work for our community. Staggeringly, NETS NSW receives more than 4,000 calls annually and provides expert advice, clinical coordination and emergency treatment for sick newborns and children up to the age of 16. On average, of the 11 calls NETS NSW receives each day from health professionals across New South Wales, seven will result in a medical retrieval in either specially configured NETS NSW ambulances, a fixed-wing air ambulance or a helicopter. By virtue of its location, being airside at Bankstown Airport, the base offers plenty of scope for expansion in the future. As a former aircrew member who used to be co-located and based with the NETS NSW medical team, I know the value of having aircraft, both fixed- and rotary wing, located at the base and on hand for rapid dispatch. I believe this is the next logical step for NETS NSW and it should provide it with an even greater capacity to help our communities.

On touring the new facilities with the State Director of NETS NSW, Dr Andrew Berry, I must admit that things have changed since I was a pilot. Besides the new base, coordination and information technology services, medical equipment and ambulances, as well as the fantastic Vision-for-Life Telemedicine initiative, I think one of the best upgrades was the fit-out of the new crew rest quarters. Compared to my days, it was like a suite at a hotel, but it is well deserved by the crews and an important tool for managing fatigue, because staff provide a 24-hour service and can often be tasked with very long retrievals. It was also great to catch up with former colleagues Dr Fiona Mitchell, Dr Arieta Fa'asalele, Jane Roxburgh, Nicola Tsang, Adrian Hogg, Shane Ware and Tom Walsh.

The operation is a remarkable achievement and is crucial for residents in country areas. One in 49 people will utilise the service of NETS NSW at some time in their lives, but that increases to one in 38 for people living in a rural or regional area. I thank Dr Berry and the NETS NSW team for allowing me to not only walk down memory lane again but also get a reminder of what a fantastic and life-changing service they provide to the people of New South Wales. I congratulate all the staff who make NETS NSW what it is today, and I thank them on behalf of New South Wales for the phenomenal job they do for this State.

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

**Motion agreed to.**

**The House adjourned at 18:13 until Thursday 12 April 2018 at 10:00.**