



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Tuesday, 1 May 2018**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Tuesday, 1 May 2018**

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

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

*Governor*

## ADMINISTRATION OF THE GOVERNMENT

**The PRESIDENT:** I report receipt of the following message from the Lieutenant-Governor:

GOVERNMENT HOUSE  
SYDNEY

T Bathurst  
LIEUTENANT-GOVERNOR

The Honourable Thomas Frederick Bathurst, AC, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, His Excellency General the Honourable David Hurley, AC, DSC (Ret'd), being absent from the State, he has assumed the administration of the Government of the State.

Sunday, 22 April 2018

## ADMINISTRATION OF THE GOVERNMENT

**The PRESIDENT:** I report receipt of the following message from His Excellency the Governor:

GOVERNMENT HOUSE  
SYDNEY

David Hurley  
GOVERNOR

General David Hurley, AC, DSC (Ret'd), Governor of New South Wales, has the honour to inform the Legislative Council that he has re-assumed the administration of the Government of the State.

Monday, 23 April 2018

*Bills*

## SMOKE-FREE ENVIRONMENT AMENDMENT BILL 2018

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

**Assent**

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

*Commemorations*

## CENTENARY OF FIRST WORLD WAR

**The PRESIDENT (14:31):** On 26 April 1918, Martin Place was a blaze of colour. From dawn until nearly midnight, the area was packed with stalls, each bedecked with flags and bunting, from which women and girls sold homemade sweets, home-grown produce and handmade trinkets to raise funds for the Red Cross. The six- and seven-year-old daughters of Governor Davidson spent all afternoon presiding over a lucky dip at the Edith Cavell memorial stall, while Mrs Ada Holman, the wife of Premier Holman, ran a stall on the Pitt Street corner selling vegetables, jams and preserves. The fundraising stalls were not confined to Martin Place. The branches of the Volunteer Aid Detachments positioned them on every corner of George Street from Central to the quay as well as along Pitt, Elizabeth, Macquarie, Castlereagh, Bridge and Hunter streets.

Mrs Bertie Cohen, the wife of Mr John Jacob Cohen, the Speaker of the Legislative Assembly, had a stall outside David Jones. The Speaker was a long-serving executive committee member of the Red Cross Society in Australia. The Victoria, Imperial and Strand arcades competed to outdo one another in both decorations and fundraising efforts. At Her Majesty's Theatre, a special matinee show was performed. Across the State, every town held a Red Cross fete.

The massive fundraising efforts of Australian Red Cross Day 1918 raised a staggering £400,000, which in today's currency, allowing for inflation, is approximately \$32 million. It was an extraordinary day and testament to the determination of the women and girls of the home front to contribute to the war effort and to provide support and care for the troops, particularly the wounded. Lest we forget.

*Announcements*

**COMMONWEALTH PARLIAMENTARY ASSOCIATION TWINNING PROGRAM TENTH ANNIVERSARY**

**The PRESIDENT (14:34):** Last year we commemorated the tenth anniversary of the Commonwealth Parliamentary Association's Twinning Program. Under this program, all Australian State and Territory parliaments are twinned with Pacific legislatures. As members are aware, our Parliament is twinned with the Autonomous Region of Bougainville House of Representatives and with the National Parliament of Solomon Islands. The goal of twinning is to promote collaboration and understanding between twinning partners for mutual benefit. Over the past 10 years the members and officers of our three parliaments have collaborated on numerous initiatives to strengthen the capacity of our legislatures.

During the recent recess, I led a delegation of members to visit the National Parliament of Solomon Islands, accompanied by the Hon. Catherine Cusack, the Hon. Paul Green, the Hon. Shaoquett Moselmane and Mr Jonathan O'Dea, our colleague from the other place. This was the first such delegation since my predecessor, the Hon. Don Harwin, led a delegation to Solomon Islands and Bougainville in 2016. The primary goal of the visit was to reaffirm our longstanding commitment to the twinning partnership and to launch a professional development scholarship open to staff from the twinned parliaments.

Our interactions and meetings over those four days gave us an insight into the operation of the Parliament, as well as the cultural and political context in which it operates. Personally, I found the visit to be extremely worthwhile and I know that view is shared wholeheartedly by my fellow delegates. I am hopeful that the Speaker of the National Parliament of Solomon Islands will accept my invitation to visit the New South Wales Parliament in the not too distant future. I am sure that I speak for us all in this House when I say how much we value this relationship with our friends in the Bougainville House of Representatives, and look forward to working together on our shared goals.

**The Hon. Walt Secord:** What did you do with the gift?

**The PRESIDENT:** For the benefit of honourable members, the entire delegation was given a gift of a live pig, which we donated to the local children's hospital. I thank the Deputy Leader of the Opposition for reminding me to announce that.

*Motions*

**BATTLES OF JAVA SEA AND CORAL SEA SEVENTY-SIXTH ANNIVERSARY**

**The Hon. NATASHA MACLAREN-JONES (14:37):** I move:

- (1) That this House notes:
  - (a) the seventy-sixth anniversaries of the Battle of the Java Sea which took place on 27 February 1942 and the Battle of the Coral Sea which occurred from 4 to 8 May 1942;
  - (b) the significance of the Battles of the Java Sea and the Coral Sea which marked a turning point in World War II, with Japanese troops never advancing further south after the Battle of the Coral Sea; and
  - (c) that more than 102 ships and submarines from five allied navies—the Royal Australian Navy, Royal Navy, United States Navy, Royal Netherlands Navy and Royal Indian Navy—took part in these conflicts.
- (2) That this House pays tribute to the service men and women involved in these battles.
- (3) That this House notes that:
  - (a) the Battle of the Java Sea and Coral Sea seventy-sixth anniversary commemoration service was held at the Sydney Cenotaph on Friday 23 March 2018; and
  - (b) the following people attended the service:
    - (i) Colonel Michael Miller, RFD, representing His Excellency General the Honourable David Hurley, AC, DSC (Ret'd), Governor of New South Wales;
    - (ii) Commodore Luke Charles-Jones, RAN, representing Fleet Commander Australia;
    - (iii) the Hon. Natasha Maclaren-Jones, MLC, representing the Hon. Gladys Berejiklian, MP, Premier;
    - (iv) Her Excellency Valerie Fowler, Consul General of the United States of America;
    - (v) Mrs Alida Retesma, Deputy Consul General of the Netherlands;

- (vi) the Hon. Lynda Voltz, MLC, representing Mr Luke Foley, MP, Leader of the Opposition;
- (vii) Rear Admiral Guy Griffiths, AO, DSO, DSC, RAN (Rtd), Patron of the Java Sea and Coral Sea Committee;
- (viii) Councillor Jess Miller, representing the Lord Mayor of Sydney; and
- (ix) ex-servicemen, ship associations, and their relatives and friends

**Motion agreed to.**

**SYDNEY MECHANICS' SCHOOL OF ARTS 185TH ANNIVERSARY**

**The Hon. DANIEL MOOKHEY (14:37):** I move:

- (1) That this House acknowledges that:
  - (a) 2018 marks the 185th anniversary of the Sydney Mechanics' School of Arts;
  - (b) the school is one of the oldest institutions in Australia;
  - (c) the foundation meeting on 22 March 1833 was attended by around 200 people, including Henry Carmichael, who led the movement for a School of Arts in Sydney;
  - (d) the purpose of this movement was to provide open access to education for the working classes who were excluded from more formal and traditional education; and
  - (e) the Sydney Mechanics' School of Arts embodies this revolutionary thinking.
- (2) That this House recognises all members of the Sydney Mechanics' School of Arts, including Henry Carmichael, the Reverend Dunmore Lang, Louisa Lawson, Henry Lawson, Thomas Keneally, Premiers Henry Parkes and William Holman, and Prime Ministers Edmund Barton, George Reid and Billy Hughes.
- (3) That this House notes the school's 185th anniversary dinner took place on 22 March 2018 and was attended by hundreds of people alongside President Winsome Allen and vice presidents Cecile Cornford and Paul Reid.
- (4) That this House congratulates the president, directors and staff on the school's continuing contribution to New South Wales.

**Motion agreed to.**

**COMMONWEALTH GAMES SILVER MEDALLIST BRAD WOODWARD**

**The Hon. TAYLOR MARTIN (14:38):** I move:

- (1) That this House notes that:
  - (a) Brad Woodward, a resident of the Central Coast, recently competed for Australia at the Commonwealth Games on the Gold Coast;
  - (b) Mr Woodward secured two silver medals competing in the 100 metres and 200 metres backstroke; and
  - (c) Mr Woodward was also a part of the gold medal winning 4 x 100 metres medley relay team where he completed the backstroke leg in the heats.
- (2) That this House congratulates:
  - (a) Mr Woodward on his silver medal winning performances in the 2018 Gold Coast Commonwealth Games; and
  - (b) the entire Commonwealth Games team for their commitment to being the very best representatives of Australia in the highly competitive international events.

**Motion agreed to.**

**CARRINGTON FIRE BRIGADE CENTENARY**

**The Hon. TAYLOR MARTIN (14:38):** I move:

- (1) That this House congratulates the Carrington Fire Brigade on the recent centenary anniversary of the Carrington Fire Station.
- (2) That this House notes that:
  - (a) the Carrington Fire Brigade was established in 1888 and the fire station was opened in 1918;
  - (b) the Carrington Fire Brigade is known for its courage and its commitment to the Carrington community;
  - (c) the brigade responded to more than 370 fire and emergency incidents over the past financial year from building fires to road accidents and hazardous materials incidents;
  - (d) Carrington Fire Station is now home to 14 retained firefighters, who are available at all times to protect the community during emergencies;
  - (e) the station's centenary was celebrated with a ceremony on Thursday 5 April 2018;

- (f) the centenary is an opportunity to thank all the firefighters, past and present, who have protected the people of Carrington and surrounding areas for the past 100 years; and
- (g) distinguished guests who attended the ceremony included:
  - (i) the Hon. Taylor Martin, MLC;
  - (ii) Mr Tim Crakanthorp, MP, member for Newcastle;
  - (iii) Ms Nuatali Nelmes, Lord Mayor of Newcastle;
  - (iv) Fire and Rescue NSW Deputy Commissioner Field Operations, Jim Hamilton, AFSM;
  - (v) Fire and Rescue NSW Assistant Commissioner Metropolitan Operations, Paul McGuiggan, AFSM;
  - (vi) Fire and Rescue NSW Chief of Staff, Roger Mentha;
  - (vii) Fire and Rescue NSW Area Commander, Brett Davies;
  - (viii) Fire and Rescue NSW Zone Commander, Greg Windeatt;
  - (ix) Fire and Rescue NSW Captain, Michael Woloschyn;
  - (x) Fire and Rescue NSW Senior Chaplain, Lyndsay Smith;
  - (xi) Museum of Fire CEO, Mark White, AFSM, OAM;
  - (xii) NSW Rural Fire Service Inspector, Shane Geerin; and
  - (xiii) NSW State Emergency Service Regional Controller, Stephen Hart.

**Motion agreed to.**

#### **GOULBURN ROSE FESTIVAL**

**The Hon. NATASHA MACLAREN-JONES (14:39):** I move:

- (1) That this House notes that:
  - (a) the twenty-fifth annual Goulburn Rose Festival was held on the weekend of Saturday 10 March and Sunday 11 March 2018 at the Veolia Arena in Goulburn;
  - (b) Goulburn is known as the "City of Roses" with thousands of roses flourishing in the fertile Victoria Park Rose Gardens, and other parklands throughout the city;
  - (c) the festival showcases the roses of Goulburn and features thousands of named roses on display including the City of Goulburn Rose, a warm apricot pink floribunda rose with scallop-edged petals;
  - (d) the festival features rose competitions and floral art competitions, allowing novices and experienced rosarians to showcase their skills; and
  - (e) profits from the festival are used to improve the public rose gardens of Goulburn.
- (2) That this House congratulates the Goulburn City of Roses Committee on organising another successful Goulburn Rose Festival.

**Motion agreed to.**

#### *Documents*

#### **TABLED PAPERS NOT ORDERED TO BE PRINTED**

**The Hon. SCOTT FARLOW:** According to Standing Order 59, I table a list of all papers tabled in the previous month and not ordered to be printed.

#### *Committees*

#### **LEGISLATION REVIEW COMMITTEE**

#### **Report: Legislation Review Digest No. 53/56**

**The Hon. NATASHA MACLAREN-JONES:** I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 53/56", dated 1 May 2018. I move:

That the report be printed.

**Motion agreed to.**

**SELECTION OF BILLS COMMITTEE****Reports**

**The Hon. NATASHA MACLAREN-JONES:** I table report No. 5 of the Selection of Bills Committee, dated 1 May 2018. I move:

That the report be printed.

**Motion agreed to.**

I move:

That the following bills not be referred to a standing committee for inquiry and report:

- (a) Transport Administration Amendment (Sydney Metro) Bill 2018;
- (b) Coal Industry Amendment Bill 2018;
- (c) Farm Debt Mediation Amendment Bill 2018; and
- (d) Environmental Planning and Assessment Amendment (Moratorium and Restrictions on Recovering Energy from Waste) Bill 2018.

**Motion agreed to.***Documents***AUDITOR-GENERAL****Reports**

**The CLERK:** According to the Local Government Act 1983, I announce receipt of a Financial Audit Report of the Auditor-General entitled "Report on Local Government 2017", dated April 2018, received out of session and authorised to be printed on 20 April 2018.

**The CLERK:** According to the Public Finance and Audit Act 1983, I announce receipt of a Performance Audit Report of the Auditor-General entitled "Managing risks in the NSW public sector: risk culture and capability", dated 23 April 2018, received out of session and authorised to be printed on 23 April 2018.

*Committees***COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION****Government Response: Protections for People who make Voluntary Disclosures to the Independent Commission Against Corruption**

**The CLERK:** According to standing order, I announce receipt of the Government response to report No. 4/56 of the Committee for the Independent Commission Against Corruption entitled "Protections for people who make voluntary disclosures to the Independent Commission Against Corruption", tabled on 16 November 2017, received out of session and authorised to be printed on 19 April 2018.

**COMMITTEE ON THE OMBUDSMAN, THE LAW ENFORCEMENT CONDUCT COMMISSION AND THE CRIME COMMISSION****Government Response: Review of the Public Interest Disclosures Act 1994**

**The CLERK:** According to standing order, I announce receipt of the Government response to report No. 3/56 of the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission entitled "Review of the Public Interest Disclosures Act 1994", tabled on 23 October 2017, received out of session and authorised to be printed on 19 April 2018.

**SELECT COMMITTEE ON HUMAN TRAFFICKING IN NEW SOUTH WALES****Government Response: Human Trafficking in New South Wales**

**The CLERK:** I table correspondence from the Hon. Pru Goward, MP, Minister for Family and Community Services, Minister for Social Housing, and Minister for Prevention of Domestic Violence and Sexual Assault, advising that the Government response to the report of the Select Committee on Human Trafficking in New South Wales entitled "Human Trafficking in New South Wales", tabled in this House on 19 October 2017 and to which response was due on 19 April, will be provided in May 2018.

*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 by me on Thursday 19 April 2018 from the Deputy Secretary, Cabinet and Legal, Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents 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 inform the House that it was identified that certain documents listed in the index to documents for which privilege is claimed were apparently missing from those documents provided with the return to order on 5 April, and I now table correspondence received on 30 April from the Deputy Secretary of the Department of Premier and Cabinet, together with a revised index relating to the Office of Sport.

**Dispute of Claim of Privilege**

**The PRESIDENT:** I inform the House that on 26 April 2018 the Clerk received from Mr Adam Searle written correspondence disputing the validity of the claim of privilege on documents lodged with the Clerk on 5, 6 and 19 April 2018 relating to Sydney stadiums. According to standing order, the Hon. Keith Mason, AC, QC, was appointed as an independent arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to Mr Mason for evaluation and report.

**POWERHOUSE MUSEUM RELOCATION****Return to Order**

**The CLERK:** According to resolution of the House of 12 April 2018, I table correspondence relating to an order for papers regarding the Powerhouse Museum relocation business case received by me on 26 April 2018 from the Secretary of the Department of Premier and Cabinet.

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

*Committees***PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE****Reference**

**Reverend the Hon. FRED NILE (14:46):** According to paragraph 2 (6) of the resolution of the House establishing the portfolio committees, I inform the House that on Friday 13 April 2018 Portfolio Committee No. 1 - Premier and Finance, resolved to adopt the following terms of reference:

That Portfolio Committee No. 1—Premier and Finance inquire into and report on the price of fresh food in New South Wales, and in particular:

- (a) trends in pricing, comparable to other States in Australia and internationally;
- (b) the relationship between wholesale prices paid to farmers and the retail price paid by consumers;
- (c) payment arrangements between growers, wholesalers and fresh food retailers;
- (d) the prevalence of food insecurity in New South Wales;
- (e) the identification of "food deserts" and any efforts to address them;
- (f) the impact on fresh food prices in New South Wales of:
  - (i) transportation costs;
  - (ii) the level of competition between retailers;
  - (iii) drought, climate change and extreme weather events;
  - (iv) new retail operators, such as AmazonFresh; and
- (g) any other related matter. [*During the giving of notices of motions*]

*Notices***PRESENTATION**

**The PRESIDENT:** Before I call the Hon. Adam Searle, I ask Mr Scot MacDonald to remove his scarf.

[Later,]

**The PRESIDENT:** For the benefit of honourable members, the order to be taken in accordance with the papers is as follows: firstly, Ministers, who have no limit on the number of motions that they can move at any one time; secondly, the Leader of the Opposition, who has no limit on the number of notices of motion that they can move at any one time; and finally, I follow a rotation of one notice of motion each for the Opposition, the crossbench and the Government. It would assist the Chair if members kept that in mind. If the Opposition, crossbench or Government miss a turn I will go on to the next.

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

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

That Business of the House Notice of Motion No. 1 be postponed to the next sitting day.

**Motion agreed to.**

*Committees***PRIVILEGES COMMITTEE****Membership**

**The PRESIDENT:** I inform the House that on Monday 16 April 2018 the Clerk received advice dated Friday 13 April 2008 from the Leader of the Government of the following change to membership of the committee:

Mr Mallard in place of Mr Mason-Cox.

**Chair**

**The PRESIDENT:** I inform the House that according to the resolution establishing the Privileges Committee, on Friday 13 April 2018 the Leader of the Government nominated the following member as chair of the committee:

Ms Maclaren-Jones as chair of the Privileges Committee.

**The Hon. Walt Secord:** Vindictive, Don—just vindictive.

**The Hon. Trevor Khan:** Point of order: I reiterate a point of order I have taken previously. The Deputy Leader of the Opposition constantly refers to the Leader of the Government, particularly, in an inappropriate manner. I ask that he be called to order.

**The Hon. Walt Secord:** To the point of order: I apologise to the Chamber. I said, "Vindictive, Don". I should have said the Hon. "Vindictive" Don Harwin.

**The PRESIDENT:** Although I was not going to, I now call the Deputy Leader of the Opposition to order for the second time. I had not given my reasons for calling him to order for the first time, but I will now express those reasons. I did so because the Hon. Walt Secord not only makes imputations against the Leader of the Government but also continues to refer to him simply as "Don". Firstly, the Deputy Leader of the Opposition is well aware that members are to be referred to by their correct title. Secondly, imputations are not to be made unless by way of substantive motion. I uphold the point of order.

*Bills***FARM DEBT MEDIATION AMENDMENT BILL 2018****Second Reading Debate**

**Debate resumed from 11 April 2018.**

**The Hon. MICK VEITCH (15:22):** I am pleased to lead the Opposition in response to the Farm Debt Mediation Bill 2018. I state at the outset that the Opposition will be supporting this bill because it updates and modernises the 1994 legislation and has been subject to a thorough consultation process carried out by the Rural Assistance Authority. As the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade

and Industry says, the Farm Debt Mediation Act 1994 was a response to drought conditions in the 1990s. Since that time mediation has taken on greater significance to a point where it is a crucial element in New South Wales. Imitation is the best indication not only of flattery but also of success. I note that the New South Wales legislation has been adopted by both Victoria and Queensland.

It is timely that we debate this bill at this juncture—at a time when drought conditions are lingering across many parts of New South Wales and when other parts also will soon drop into drought. Climate change is presenting a whole range of challenges, not the least of which is the uncertainty it is bringing to food and fibre producers in New South Wales and, indeed, across the entire nation. The challenge for farmers and the Government is to ensure sustainable and fair programs as well as processes that acknowledge those emerging threats. Farm debt mediation is a structured negotiation process in which the independent mediator assists the farmer and the creditor in attempting to reach agreement on the present arrangements and future conduct of financial relations between them. The object of mediation under the Farm Debt Mediation Act 1994 is to provide for the efficient and equitable resolution of farm debt disputes. Mediation is required before a creditor can take possession of property or take other enforcement action under a farm mortgage.

In 2017, the Rural Assistance Authority undertook a review of the Act. Farm debt mediators, financial counsellors, lawyers, farmers, industry bodies and accountants all responded. Unlike much of the consultation undertaken by this Government, the process here seems sound. I believe the amendments will improve the Act, modernise it, and hopefully will lead to the national harmonisation of farm debt mediation legislation—the importance of which I will address shortly. But, first, I will touch upon the broad elements of the bill. The bill will extend the Act to cover a broader range of primary producers, incorporating operations such as on-farm and offshore aquaculture and farm forestry. Secondly, it provides an incentive for early mediation by allowing farmers to ask their creditors to mediate before they default on loans. Thirdly, the bill also makes provisions for the serving of notification to mediate and makes time frames for responding to notices clearer and more flexible, allowing the Rural Assistance Authority to intervene and allowing the farmer more time to respond to an invitation to mediate.

Fourthly, the proposed amendments introduce a penalty to discourage enforcement action being taken contrary to the Act, particularly in instances when creditors have foreclosed without offering mediation. In light of the current royal commission, this is a positive development. Fifthly, the bill clarifies the role of the mediator and requirements for notifying, arranging, conducting and concluding mediations as well as increasing penalties for unlawfully disclosing confidential information. Sixthly, the Rural Assistance Authority will be able to require farmers and creditors to provide information to allow the authority to determine whether the Act applies, along with access to internal reviews for both sides. Seventhly, the bill enables mediations concluded under corresponding legislation in another jurisdiction to be recognised in New South Wales.

That leads me to raise the need for a harmonised national approach to farm debt mediation. I note here that the banking royal commission is being urged by some participants to put an end to the patchwork of State-based mediation schemes, which currently are found only in New South Wales, Victoria and Queensland, and to establish a single national body for working through disputes with banks. I urge the Minister and the Government to press their Federal counterparts to consider introducing Federal legislation for farm debt mediation. While farmers are fixed in terms of their operations, the financial industry works on a national basis and can move its operations. I have heard tales from farmers of institutions moving where accounts are held to States and Territories where this type of legislation does not exist. Given the daily horrors emerging from the banking royal commission, we need Federal legislation to ensure that fairness exists between farmers and financial institutions, regardless of the location of the farmer and, more importantly, the financial institution where the account is held.

I have consulted with the likes of the NSW Farmers Association, which advises that it supports this bill, which it believes will streamline the process, improve accountability and better enable transparency and fairness. Climate change is creating great risk for our primary producers. This nation always has been a land of extremes—“Of droughts and flooding rains”—but recent decades are proving that climate variability is becoming more extreme. Governments should put in place programs and systems that will be best able to respond to those changing circumstances and ensure that when debt threatens a particular operation there are processes and rules in place that allow for a fair and reasonable opportunity to work through the issues. New South Wales's farm debt mediation legislation has proven successful in that regard. The amendments proposed in this bill will build on the Act's achievements, bring them up to date, and provide greater protection for the farmer. I again urge the Government to press on and to convince the Federal Government to bring in national laws to ensure an equal playing field, regardless of where the financial institution and the particular account is held. I commend the bill to the House.

**Mr JUSTIN FIELD (15:28):** On behalf of The Greens, I indicate support for the Farm Debt Mediation Amendment Bill 2018, which I understand is the result of consultation with numerous stakeholders that include

farmers, those involved in remediation and industry bodies. My colleague Mr Jeremy Buckingham normally would have carriage of this legislation. He has spoken to many of the stakeholders, such as the NSW Farmers Association, which, as previously mentioned, is in favour of the changes that are part of the bill. The Hon. Mick Veitch mentioned that the key issue raised by stakeholders was the desire for a nationally consistent framework rather than ad hoc State-based frameworks for remediation of debts. I appreciate that the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry has indicated he will continue to push for a national framework.

I understand that the Government responded promptly and satisfactorily to a number of questions asked by my colleague Mr Jeremy Buckingham regarding the bill. These questions related to coverage for feral goat harvesters, protections to stop banks from coercing vulnerable farmers to waive their rights, and the sharing of mediation costs. The bill introduces important changes to strengthen the existing requirement for mediation to occur before a creditor can take possession of property or take other enforcement action under a farm mortgage.

The key changes proposed in the bill include expanding the definition of farming operations and farm machinery; improving the access of the Rural Assistance Authority to relevant information; providing farmers, creditors and mediators with access to an internal review of certain decisions made by the authority; clarifying that creditors must offer one mediation after default; and introducing a maximum penalty for unlawful enforcement actions by creditors. This will be set at 500 penalty units, which is currently \$55,000, for individual creditors, and \$275,000 for corporations. I reiterate that The Greens support this bill.

**The Hon. PAUL GREEN (15:30):** The Farm Debt Mediation Amendment Bill 2018 is a great initiative given that farmers throughout New South Wales are struggling. Many members would be aware that today it was announced we have had one of the driest Aprils in the history of this land, which has been tragic for many of our farmers who have been unable to feed their stock. It is heartbreaking when farmers have to reduce their stock after years of building it up because there is not enough fodder or water to sow and cultivate crops. The purpose of the Farm Debt Mediation Amendment Bill 2018 is to enhance the Farm Debt Mediation Act 1994 by strengthening its accessibility, flexibility and fairness. The proposed amendments will improve the operation of the Act and encourage farmers and creditors to seek realistic solutions to financial challenges.

The proposed amendments will strengthen the operation of the Act and contribute to the harmonisation of farm debt mediation laws nationally. Key proposed amendments include enhancing the Act by strengthening its accessibility, flexibility and fairness, and expanding the definition of farming operations to include types of farming that the courts have interpreted as currently falling outside the scope of the Act, such as offshore aquaculture and farm forestry. The bill will also expand the definition of farm machinery to include secured farm machinery commonly used on farms, such as vehicles, machines and other implements. The bill will improve the access of the Rural Assistance Authority to relevant information and provide farmers, creditors and mediators with access to an internal review of certain decisions made by the authority.

The bill will encourage farmers to seek mediation earlier, to clarify the roles of mediators and to encourage farmers to enter mediation in a stronger bargaining position by initiating mediation prior to default while retaining mandatory mediation after a default. It will clarify that creditors must offer one mediation after default, include new provisions for the serving of notices under the Act and make time frames for responding to the notices clearer and more flexible. The bill will also clarify the role of the mediator and the requirements for notifying, arranging, conducting and concluding mediations. It will introduce a penalty to discourage enforcement actions being taken that are contrary to the Act and a maximum penalty for unlawful enforcement actions by creditors. That maximum penalty will be 500 penalty units, currently it is \$55,000, for an individual creditor, and 2,500 penalty units, currently it is \$275,000, for corporations. The bill will also increase the penalty for unlawfully disclosing information about mediation sessions. This will enable mediations concluded under corresponding legislation in another jurisdiction to be recognised in New South Wales.

This good bill will help farmers who have one of the toughest jobs in this State, the highest rates of suicide and mental health issues. Through media sources we have seen or heard of unconscionable conduct by banks against these people who have faithfully served our land. It must be remembered that the gross domestic product and the national budget depend heavily on our farmers and on our agricultural and horticultural industries. I commend the Government for introducing this bill. We need to do more to help our farmers, particularly by providing fodder for stock north of the Hunter region. I have been listening carefully and I note that the Government is responding to that issue. The Christian Democratic Party supports this bill—another good policy initiative from the Government.

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:35):** In reply: I thank the Hon. Mick Veitch, Mr Justin Field and the Hon. Paul Green for their contributions to debate on the Farm Debt Mediation Bill 2018. The bill will amend the Farm Debt Mediation Act by strengthening the operation of the Act and contributing to the harmonisation of farm

debt mediation laws nationally. The key proposed amendments will enhance the Act by strengthening its accessibility, flexibility and fairness, encouraging farmers to seek mediation early, clarifying the role of mediators, introducing a penalty to discourage enforcement action being taken contrary to the Act, and enabling mediations concluded under corresponding legislation in other jurisdictions to be recognised in New South Wales.

The proposed amendments will assist farmers during their most vulnerable time and will ensure that farmers can take advantage of all of the benefits that mediation can provide. The proposed amendments encourage farmers to enter mediation in a stronger bargaining position by initiating mediation prior to default while retaining a mandatory mediation after a default. The proposed amendments provide for internal review of decisions made by the New South Wales Rural Assistance Authority relating to certificates under the Act and mediator accreditation. The proposed amendments will introduce a maximum penalty for unlawful enforcement actions by creditors of 500 penalty units, currently it is \$55,000, for individual creditors and 2,500 penalty units, currently it is \$275,000, for corporations, and will increase the penalty for unlawfully disclosing information about mediation sessions. This will ensure full compliance with the Act.

The Hon. Mick Veitch, in his contribution to debate, made comments about the current banking royal commission. The legislation that we are amending was before its time. Because of this legislation, which has been in place in New South Wales for some time, we will not see so many horrible cases coming before the royal commission relating to farms and farmers in this State. These proposed amendments will ensure that we have a strong system in New South Wales. The Hon. Mick Veitch made another point about the harmonisation of farm debt mediation laws. We are flattered that other States are copying our harmonisation legislation. On Friday I met with State and Federal agricultural Ministers in Brisbane.

There is a strong commitment by the Federal Minister to encourage all States to go down this path. The South Australian Government committed to harmonisation legislation during the election campaign and the new South Australian Minister for Agriculture reaffirmed that commitment at our meeting on Friday. I ask the Hon. Mick Veitch to pick up the phone and to encourage his Labor counterpart in Western Australia to go down that path. He may have more success than I have had in convincing the Western Australian Government to commit to harmonisation legislation. If the Hon. Mick Veitch has any influence in that area I am sure he will be able to encourage Western Australia to go down that path.

It is important for the east coast States of Queensland and Victoria to go down this path to avoid any cross-border issues. South Australia is heading down this path, which is a welcome development. This Government has demonstrated its commitment to supporting the rights of farmers. I thank all the stakeholders, such as the NSW Farmers Association, who contributed to the review process and who have been involved in the consultations and discussions that have led to today's debate. New South Wales has set the national benchmark for farm debt mediation legislation. I also thank the NSW Rural Assistance Authority, the NSW Department of Primary Industries and all the teams that have been involved for the role that they played in making good legislation even better. For those reasons I commend the bill to the House.

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

**Motion agreed to.**

### **Third Reading**

**The Hon. NIALL BLAIR:** I move:

That this bill be now read a third time.

**Motion agreed to.**

## **COAL INDUSTRY AMENDMENT BILL 2018**

### **Second Reading Debate**

**Debate resumed from 11 April 2018.**

**The Hon. ADAM SEARLE (15:41):** I lead for the Labor Opposition in debate on the Coal Industry Amendment Bill 2018. I am pleased to inform the House that we will be supporting the legislation. The Coal Industry Act provides for approved companies to carry out statutory functions under the legislation, including delivering workers compensation insurance, health surveillance, occupational health and rehabilitation services, the 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 are Coal Services and its subsidiaries, Coal Mines Insurance and Mines Rescue. The companies are jointly owned by the NSW Minerals Council and the Construction, Forestry, Maritime, Mining and Energy Union.

The approved companies together provide a comprehensive health and safety scheme for the coalmining industry in New South Wales under arrangements that are unique in Australia and the world. The current scheme was a legacy of the Carr Labor Government.

To achieve the objectives of the legislation the approved company, Coal Mines Insurance, exercises 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 very robust controls and monitoring, as the Minister outlined in his second reading speech. This enables employers who insure through the approved company to access health monitoring for their workers free of any additional charge. This monitoring assists mine operators to identify high-risk areas and activities and to drive further improvements in workplace health and safety in the coalmines. Importantly, these arrangements together have helped to effectively eliminate many conditions and illnesses that were for decades a feature of coalmining, not only in this State but also in other jurisdictions. For example, black lung disease, or pneumoconiosis as it is correctly known, has effectively been eliminated in this State. There have been some instances of it but it is much better than in other jurisdictions and this is as a result of the health screening function provided under this regime.

The work of these important services is met not by the State budget but by funds generated through workers compensation premiums paid to Coal Mines Insurance, the Mine Safety Levy investment returns and, of course, from commercially sourced revenue. As a result of two decisions of the New South Wales Supreme Court the monopoly over workers compensation insurance in the coalmining industry has for a number of years been under threat, which in turn threatens the ongoing provision of these vital health and rescue services that I outlined earlier. In the case of *Kuypers v Ashton Coal Operations Pty Ltd*, the Supreme Court concluded 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 coalmining industry. In its reasoning the court confirmed the earlier ruling by the New South Wales Court of Appeal in *Central West Group Apprentices Ltd v Coal Mines Insurance Ltd* in 2008, that the phrase "employer in the coal industry" requires a substantive connection between the entity and the coal industry to satisfy the relationship required by the preposition "in" beyond merely being the employer of a person who works in and about a mine.

Working in and about a mine is the statutory test for workers to access workers compensation payments in the coal industry in this State. There were two different definitions of employer and employee in related but different pieces of legislation, which led to the court taking what I think was an unduly narrow and technical approach, which I will develop in a moment. The practical effect of the two decisions is that an entity that provides services that are integral to the coalmining industry does not necessarily lead to a finding that it is in the coalmining industry. To determine whether or not an employer is in the coalmining industry the courts found it was necessary to assess the substantive character of the industrial enterprise in which the employer is engaged and its connection with the coal industry. It sounds fair enough, but in the case of *Kuypers* the company at issue provided services such as exploration drilling, drilling service holes and drilling to enable dewatering of a site.

Although the overwhelming majority of its work was in the coal industry in New South Wales and in some years was exclusively for the coalmining industry it offered, at least technically and in some cases did provide, its services more widely. As a result the court held that this company was not in the coalmining industry of New South Wales. That was an interesting result, given that the legislation did not say "exclusively in the coalmining industry in New South Wales". As I said, without being critical of the courts, I think an unduly narrow and technical approach has led to the current consequence. As a result many companies providing services to the coalmining industry, such as labour hire companies, are not required or may not at least be legally required to insure with Coal Services. They may be able to insure with other workers compensation insurance providers, which may have lower premiums that do not fully reflect the risk profile of employees working in the coal industry in this State.

Given the increasing level of contract and labour hire engagement in the New South Wales coalmining industry with workers often not being directly employed by coalmining companies per se, over time these rulings of the Supreme Court have the potential to destroy the integrity of the health and safety regime provided under successive governments to the industry in this State. While the level of compensation payments to injured workers in the coalmining industry has not, as I understand it, been impacted by these decisions, the loss of premium income to Coal Services does over time threaten to impact the provision of the other health and safety services to employees and employers in the industry. To date this has been avoided by commercially provided and obtained services and returns on investment; however, this is not an indefinite solution.

I applaud the Government for bringing forward this amendment that changes the definition of "employer in the coal industry" in the Coal Industry Act to make it clear that any employer whose employees work in and about a mine is required to be insured with the approved workers compensation company with respect to those employees and their employment. Importantly, it synchronises that definition in the Coal Industry Act 2001, the

Workers Compensation Act 1987 and Workplace Injury Management and Workers Compensation Act 1998 and closes the loophole created by those rulings.

The full consequences of the ruling of the Court of Appeal was not understood at the time. It was as a result of the *Kuypers v Ashton Coal Operations Pty Ltd* case that its full impact became public knowledge, and it has had an impact. I welcome the move by the Government to close that loophole by introducing this bill. For the sake of completeness and although these are matters of public record, I advise the House that I am a member of the Construction, Forestry, Maritime, Mining and Energy Union and Coal Services was previously, from time to time, a client of mine.

**Mr David Shoebridge:** It is still half owned by them.

**The Hon. ADAM SEARLE:** I have made that point. The point is that this is a sensible arrangement providing for the health and safety of those engaged as employers and employees in the coalmining industry. The vehicle for doing that is a body jointly owned by the association of employees and the association of employers. These arrangements have enjoyed bipartisan support under successive governments. However, their integrity has been impacted negatively by these court rulings, and the Government, with the Opposition's support, is closing the loophole. It is taking measures to maintain the integrity of the scheme and to protect the health and safety of those who work in the industry. With those comments, I urge all members to support the passage of this legislation.

**Reverend the Hon. FRED NILE (15:51):** The Christian Democratic Party supports the Coal Industry Amendment Bill 2018 and congratulates the Government on introducing it. This bill makes it clear that any employer whose employees work in or about a coalmine is required to be insured by Coal Mines Insurance, which is the approved workers compensation insurance company under the Act. This legislation will restore the original intention of the Act, and that will be achieved by defining the term "employer in the coal industry". Coal Services is an industry-owned organisation jointly owned by the NSW Minerals Council and the Construction, Forestry, Maritime, Mining and Energy Union, and is an approved company under section 9 of the Act. Coal Mines Insurance is a subsidiary of Coal Services and, as I said, is the approved workers compensation insurance company under the Act.

It is important that all employees are covered by workers compensation insurance, and that principle has always been observed in New South Wales. This legislation will ensure that that is clear by addressing the *Kuypers v Ashton Coal Operations Pty Ltd* decision, which raised doubts about insurance compensation. It deals with any confusion or doubt by defining that an "employer in the coal industry" is any employer whose employees work in or about a coalmine. The Christian Democratic Party is pleased to support the bill.

**Mr DAVID SHOEBRIDGE (15:53):** The Greens support the Coal Industry Amendment Bill 2018. The first time I had the misfortune of being mentioned in *Hansard* was when I was insulted by Reverend the Hon. Fred Nile because I had the temerity to make a submission opposing the then Labor Government's changes to workers compensation legislation in 2001 and 2002, which represented a savaging of workers' rights. Reverend the Hon. Fred Nile read my representation onto the record and wondered which ratbag had penned it. He decided it was obviously a self-interested lawyer.

That was a lesson in the reality of decision-making in this place because the changes made in 2001 and 2002 were brutal and seriously eroded the rights of a raft of injured workers. It was extremely ugly stuff. I remember the then Premier lording it over a large rally of thousands and thousands of unionists who had gathered at the front of Parliament House in an attempt to prevent the changes being made. He forced then Labor caucus members to break the picket line and to support amendments that would savage workers compensation rights. As I said, it was extremely ugly stuff. However, the changes this Government made in 2012 were far uglier and had much worse impacts.

We have now experienced more than 15 years of repeated attacks on workers compensation rights. The 2001 and 2002 changes, which were repeated in 2012, meant that coalminers' workers compensation rights were protected, largely because of their industrial muscle. Emergency service workers' rights were also protected in 2012 because of their industrial muscle and the way in which they took on the Government. However, I remember Lee Rhiannon moving a worthy amendment to the 2001 and 2002 bills seeking to change the definition of a "coalmine". She pointed out that if it was fair for coalminers to have decent workers compensation rights and to have their rights protected, it should be fair for every worker. Her amendment sought to change the definition of a "coalmine" to be any workplace in New South Wales. As she said, if it is fair for coalminers, it should be fair for every worker in New South Wales.

These carve-out provisions do make the legislation fairer for coalminers; they preserve their rights as they were in 2001 when decent lump sums were available, when they were entitled to ongoing weekly payments and fair medical expenses, and when they had fair access to the courts. They now go to the District Court when

they cannot agree. The Greens support this legislation, which will ensure that the financial arrangements for paying for coalminers' workers compensation remain viable. That is what this is all about. A bunch of employers who employ people at coalmines are currently getting away without paying proper premiums or properly contributing to the fund so that it is viable, and this legislation will rope them in.

However, if this House is serious about delivering fair workers compensation across New South Wales, there should be no carve-outs; every worker should have the superior workers compensation rights enjoyed by coalminers. The only fair amendment to this bill—I know it will not succeed, which is why The Greens will not move it—would be to define every workplace in New South Wales as a coalmine. Despite that, The Greens support this bill to keep the scheme viable.

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:57):** In reply: I thank members for their contributions to debate on the Coal Industry Amendment Bill 2018. Of course, it is a matter of record that the coal industry makes a significant contribution to the State's economy and it is vital for the prosperity of New South Wales. It is the backbone of our State's electricity supply and continues to meet a little more than 75 per cent of our electricity needs. The great majority of energy users in New South Wales rely on coal in some form. Of course, it is also a major exporter in value terms.

The coal industry employs more than 19,000 workers directly and approximately 80,000 indirectly. The health and safety of coalminers is critical. I note that the Leader of the Opposition correctly referred to the worrying return of pneumoconiosis—a potentially fatal lung disease. Unfortunately, there have been two reported cases of pneumoconiosis in New South Wales coalmine workers. These are the first cases since the 1970s. We have also had a confirmed case of simple silicosis. Pneumoconiosis and silicosis are preventable if appropriate procedures are in place for dust and atmospheric control and for monitoring workers' health. The work being done by Coal Services in this area and by Coal Mines Insurance plays a critical role in protecting workers in the New South Wales mining industry from future harm and is funded largely through premiums paid to Coal Mines Insurance.

The amendments to the Act will ensure rigorous dust and airborne contaminants monitoring continues and workers' health is checked throughout their employment and beyond. That is why this bill is so important and why I am pleased it has received the support of all members who have spoken in this debate. The bill ensures that the original purpose and intent of the scheme continues to be delivered within contemporary employment practices and that the coal industry remains fit for purpose. I commend the bill to the House.

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

**Motion agreed to.**

### Third Reading

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

That this bill be now read a third time.

**Motion agreed to.**

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

### *Visitors*

### VISITORS

**The PRESIDENT:** On behalf of all honourable members, I welcome to the public gallery Katie Li, who is studying a Bachelor of International and Global Studies at the University of Sydney. Katie is an intern in the office of the Hon. Mick Veitch and is observing question time as his guest. I hope her presence here will be both informative and enjoyable.

### *Questions Without Notice*

### POWERHOUSE MUSEUM RELOCATION

**The Hon. ADAM SEARLE (16:00):** My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, in his ministerial capacity and as Leader of the Government. Given that the Minister's Government has released only the summary business case and not the full business case in relation to the Powerhouse Museum, despite a resolution of the Legislative Council compelling it to do so, why did his Government fail to produce the full business case to the House? Did the Minister not have the document or does the Government simply not believe it is legally required to provide that business case to the House?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:01):** The latter.

**The Hon. ADAM SEARLE:** I ask—

**The Hon. DON HARWIN:** I have not finished.

**The Hon. Walt Secord:** We have not finished either.

**The PRESIDENT:** Order! I remind the Hon. Walt Secord that he is on two calls to order and question time has only just begun.

**The Hon. DON HARWIN:** The House ordered the production of the preliminary and final business case for the relocation of the Powerhouse Museum from Ultimo to Parramatta on 12 April 2018. On 26 April 2018 a response was provided by the Department of Premier and Cabinet, acting on behalf of the Government, advising that no documents covered by the terms of the resolution were held by the Minister's offices and agencies named in the resolution. I am advised that the Government complied fully and within the time frames specified in respect of the order.

The Government respects the authority of this House to make orders to compel Ministers and agencies to produce documents. The Government acknowledges its obligation to comply with these orders, despite the resource and cost burden that is sometimes imposed as a result. However, the New South Wales Court of Appeal in *Egan v Chadwick* concluded that the power of the House to compel the production of documents does not extend to Cabinet information. Accordingly, even if otherwise covered by the terms of an order, Cabinet documents are neither identified nor produced in response to an order. Premier's Memorandum "M2006-08 Maintaining Confidentiality of Cabinet Documents and Other Cabinet Conventions" is significant, as it gives guidance to agencies for protecting the confidentiality of Cabinet documents. The memorandum states:

... a convention at the core of the Cabinet system of government is the collective responsibility of Ministers for government decisions. Ministers are collectively responsible for all Cabinet decisions and must publicly support them, even if they do not personally agree with them.

The unauthorised and/or premature disclosure of Cabinet documents, including draft Cabinet documents (such as draft Cabinet minutes), undermines collective ministerial responsibility. It also undermines the convention of Cabinet confidentiality. It is accordingly essential that the confidentiality of Cabinet documents, including draft Cabinet documents, is maintained to enable full and frank discussions to be had prior to Cabinet making its decision.

This is a memorandum issued by the former Government in 2006 and it has continued in operation by this Government. All government agencies are required to comply with this memorandum, as they have been since it was issued by the former Government in 2006—the former Government that was always respected by the Labor Party. A similar order to the one moved by Mr David Shoebridge was passed by the House on 1 December 2005 in relation to Cabinet information concerning grey nurse sharks. In the event that any document that fell within the scope of the order was not produced as part of the return order on the grounds that it formed part of a Cabinet minute or was held for consideration as part of Cabinet deliberations, the resolution on that occasion required that— [*Time expired.*]

**The Hon. ADAM SEARLE (16:05):** I ask a supplementary question. Would the Minister elucidate that part of his answer where he was providing the House with important information about how the policy of the Government has been implemented?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:05):** In the event that any document that fell within the scope of the order was not produced as part of the return order on the grounds that it formed part of a Cabinet minute or was held for consideration as part of Cabinet deliberations, the resolution on that occasion required that:

A return be prepared showing the date of creation of the document, a description of the document, the author of the document and the reasons why the production of the document would "disclose the deliberations of Cabinet" as discussed by the Court of Appeal in *Egan v Chadwick*.

The response provided by the then Director General of the Premier's Department is available on the Parliament's web site. It states:

An index of documents not produced because of the Cabinet exemption has not been provided. After considering advice from the Crown Solicitor, the Government does not concede that the Council has the power to impose such a requirement.

This Government, like successive governments before it, recognises and respects the importance of Cabinet confidentiality as a system of a responsible government. Accordingly, no Cabinet information will be produced or referred to in responding to a resolution made under Standing Order 52. Furthermore, the Government will not be creating new documents brought into existence after the date of the order to identify how the provision of certain documents to the House would breach the immunity attaching to Cabinet documents. I conclude by making

the point that what this Government is doing with regard to Cabinet documents is entirely consistent with the Government of the Leader of the Opposition's party when it was in office. If members opposite are elected to government at a future date and they intend to change the policy, I await with interest to see what their position will be.

### POWERHOUSE MUSEUM RELOCATION

**The Hon. SHAYNE MALLARD (16:08):** My question is addressed to the Minister for the Arts. Will the Minister update the House on the new Powerhouse Museum at Parramatta and the proposal for a creative industries precinct at Ultimo?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:09):** I thank the Hon. Shayne Mallard for his question. Undoubtedly the honourable member has an unwavering commitment to enhancing the vibrant arts culture of New South Wales, in particular in Western Sydney. The New South Wales Government announced last Saturday an investment in Australia's most exciting museum and precinct infrastructure project. It will support strong economic returns to the State and position New South Wales as the cultural capital of the Asia-Pacific region. The Government took the Powerhouse Museum relocation to the 2015 election and is delivering on that commitment. Relocating the Powerhouse Museum to the banks of the Parramatta River will provide a strong anchor for a broader cultural precinct in Western Sydney, Sydney's demographic and geographic centre. Since becoming Minister for the Arts I have consulted widely with the public.

**The PRESIDENT:** Order! Stop the clock. The Minister will resume his seat. I am having difficulty not only hearing the Minister but also hearing the interjections that are coming one on top of the other. I call members to order. This is a first and last warning to members.

**The Hon. DON HARWIN:** Since becoming Minister for the Arts I have consulted widely with the public and stakeholders to see that there is a viable future for both the Parramatta and Ultimo sites.

**The PRESIDENT:** Order! I call the Hon. Lynda Voltz to order for the first time. I do not know why my first and last warning did not resonate.

**The Hon. DON HARWIN:** I am pleased that following extensive geotechnical engineering, heritage reporting and community consultation the business case was delivered to Government at the end of 2017. It has been independently assessed and informed by community consultation and advice from an expert advisory panel of global museum experts, which I established. The preferred option invests in a Parramatta cultural precinct and commits to the Ultimo creative industries precinct. It is a double win for New South Wales. It also means we will have the spaces, venues, technologies and world-class reputation to imagine and to deliver truly inspiring future possibilities. The new Powerhouse Museum in Parramatta will be bigger and better than anything the State has ever seen.

**The PRESIDENT:** Order! I call Mr David Shoebridge to order for the first time. The member not only interjected on the Minister but also interjected on my calling the House to order.

**The Hon. DON HARWIN:** It is a once-in-a-generation opportunity to create a purpose-built museum to welcome people from across New South Wales and around the world to experience the Museum of Applied Arts and Sciences [MAAS] collection. The new Powerhouse Museum will be the largest museum in New South Wales, offering 18,000 square metres of exhibition and public space—15 per cent more space than the current space at Ultimo. Featuring New South Wales's first major planetarium, it will provide much-needed spaces for families and the wider community to participate in a range of learning and interactive activities. But great cities need more than just—

**The PRESIDENT:** Order! The Minister will resume his seat. The clock has to be rectified. I am advised by the Clerk that the correct time should read one minute and 48 seconds. Start the clock. The Minister has the call.

**The Hon. DON HARWIN:** Great cities need more than just transport, jobs and homes; great cities need a beating heart. That is why we will be working with the community to create not just one but two major new cultural venues in Parramatta, with the revamped Riverside Theatre's Performing Arts Centre. An international design competition for the new museum and master planning for a Parramatta arts and cultural precinct will respond to the location and to Parramatta's identity. The planned Ultimo site will retain a cultural presence, with a creative industries precinct that will have enhanced public space with the aim of making a new Australian home for fashion, design and cultural exchange.

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

**The Hon. Niall Blair:** Point of order: Mr President, although you have warned members, I cannot hear the Minister's answer because Mr David Shoebridge is interjecting across the Chamber.

**The PRESIDENT:** I uphold the point of order. I remind members that I will call members to order who interject.

**The Hon. DON HARWIN:** The Ultimo site will have additional master planning for a planned new design and fashion museum and a 1,500 seat Broadway-style theatre. I hear laughter from the Opposition. This is something that the live performance community is crying out for. This is a positive result for the arts and culture sector and the growing arts and culture audiences and visitors to New South Wales. It is a huge bonus for arts and culture in Western Sydney, for the State and for further afield. It is a great result.

### POWERHOUSE MUSEUM RELOCATION

**The Hon. WALT SECORD (16:15):** My question is directed to the Minister for the Arts. Given the Powerhouse summary business case cautions that fewer than expected visitor numbers and lower than expected property sales for the sites could lead to a benefit-cost ratio [BCR] of less than one, how will the Government fund the relocation of the Powerhouse Museum if the funds are no longer available through Restart NSW due to a BCR of less than one?

**The Hon. Dr Peter Phelps:** Point of order: This is a hypothetical question. It is couched entirely on hypotheticals.

**The Hon. Shaoquett Moselmane:** To the point of order: The Minister began answering the question.

**The Hon. Niall Blair:** To the point of order: The member is entitled to take a point of order. The Minister had not commenced his answer. The question contains a hypothetical scenario. The Opposition is now asking the Minister to provide comment on the hypothesis that is being put forward by the Opposition.

**The Hon. Walt Secord:** To the point of order: The question is very specific. It refers specifically to the summary of the business case, page 9, where it spells out very clearly the criteria of Restart NSW.

**The PRESIDENT:** Before I hear any more on the point of order, I will read the question. The House will come to order. It was a very important question and I want to focus on each member's comments to the point of order. All members will have an opportunity to speak, but I want to digest what is being said.

**The Hon. Niall Blair:** Further to the point of order: From my recollection of the question—and I do not have the benefit of having the question in front of me—the last part asked the Minister what the Government would do in the event of the business case falling below a BCR of one. That is a hypothetical situation, and therefore the question should be ruled out of order.

**Mr David Shoebridge:** To the point of order: It is perfectly in order to ask a question about what actions the Government is proposing to take now in the event that we have a complex scenario in the future which may have a variety of outcomes. This is not about the variety of outcomes; it is about what decisions the Government is making now, given there are a variety of potential outcomes in the future.

**The Hon. Dr Peter Phelps:** To the point of order: Standing Order 65 (1) (g) states that questions must not contain hypothetical matter. The entire question does not have to be hypothetical; the mere presence of hypothetical matter within the question renders it invalid.

**The Hon. Niall Blair:** Further to the point of order: The Opposition's question infers that the BCR is more than one and therefore the project is subject to Restart NSW funds. The proposition is hypothetical.

**The Hon. Lynda Voltz:** To the point of order: The Minister in his previous answer clearly indicated that the business case was before the Government. The BCR must be known to it. It is not a hypothetical question; it is an answer that the Minister should be able to give.

**The PRESIDENT:** The question states:

Given the Powerhouse summary business case cautions that fewer than expected visitor numbers and lower than expected property sales for the sites could lead to a benefit-cost ratio [BCR] of less than one, how will the Government fund the relocation of the Powerhouse Museum if the funds are no longer available through Restart NSW due to a BCR of less than one?

The last part of the question clearly contains hypothetical matter. Previous Presidents have ruled that if a question can still be answered by deleting the part that contains hypothetical matter it is up to the Minister to decide how he will answer the question. I therefore will allow the question, taking away the part "if the funds are no longer available through Restart NSW due to a BCR of less than one".

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:21):** Of course, it is a question, so one cannot necessarily expect the Hon. Walt Secord to give all of the context or read all of the page from the business case summary onto the record; that is reasonable. But if the member kept going he would have read, "Forecast property receipts at Parramatta and Ultimo were also independently tested and appropriately conservative assumptions have been adopted." The key paragraph is the final one, which states, "On the basis of the business case and the further work undertaken, Infrastructure NSW is satisfied that the business case provides a sound basis for ministerial decision-making on a preferred option." That is the critical conclusion in the business case summary and that is why we are proceeding.

The BCR for this project is 1.02. It is a very positive and excellent project and there is every reason to proceed with it on the basis of the work and, might I say, the extraordinarily conservative assumptions. The Hon. Walt Secord was talking about reduced visitation numbers. The scenario he mentioned was visitation numbers being halved. Talk about conservative. No-one pretends that that is the case. Certainly Infrastructure NSW does not, which is why it has reached the conclusion that it has. In terms of the forecast property receipts, they are very conservative. I hope that my unit value has not fallen by as much as I am told that we have to discount some of the property income.

**The PRESIDENT:** Order! If the Deputy Leader of the Opposition refers again to the Leader of the Government by his first name I will call him to order for the third time. I have given the member more than a sufficient number of warnings. This is my final warning. The Hon. Walt Secord will cease interjecting.

**The Hon. DON HARWIN:** Even with those inherently conservative property estimates, it is still positive and we are going ahead. Why would we not? The document that the Hon. Walt Secord is quoting from—the "Final Business Case Summary: Powerhouse Museum in Western Sydney"—was never produced when those opposite were in government. No final business case summaries were ever released when those opposite were in government. All of the relevant materials that need to be disclosed are in the summary, warts and all. Nevertheless, the conclusion is, "the business case provides a sound basis for ministerial decision-making on a preferred option." That is what we have done and that is what we are doing.

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

#### POWERHOUSE MUSEUM RELOCATION

**Mr DAVID SHOEBRIDGE (16:25):** My question without notice is directed to the Minister for the Arts. Which, if any, theatre operators and/or developers has the Minister and/or any other Minister in his Government communicated with regarding the decision to move the Powerhouse Museum and the development on the Ultimo and Parramatta sites?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:25):** Like all other Government Ministers, I have disclosed my diary and any meetings related to my portfolio as Minister for the Arts. That diary is publicly available. There is absolutely no secret about that. To the best of my recollection, while I have met one theatre owner and several theatre producers, I have not undertaken any sort of soundings about the project. Whenever someone has come to see me about their interest in having more theatres in Sydney, I have always referred them to the Executive Director of the Cultural Infrastructure Program Management Office, who has responsibility for cultural infrastructure planning. That is the way it appropriately should be. I have met people from the theatre industry on several occasions. The excitement in the theatre industry about Sydney getting a third lyric theatre is palpable. People are delighted with the news that they heard on the weekend. A couple of weeks ago the Hon. Penny Sharpe asked me a question about bringing *Hamilton* to Sydney, and I gave a detailed answer on that occasion about why we need another theatre in Sydney.

**The Hon. Walt Secord:** The man who lost *Hamilton*.

**The Hon. DON HARWIN:** Point of order: It is absolutely intolerable to be constantly sledged by the Hon. Walt Secord while I am giving—

**The Hon. Walt Secord:** I will give you a sledging, you fibber.

**The PRESIDENT:** Order! The Hon. Walt Secord will withdraw that comment that the Leader of the Government is a fibber.

**The Hon. Walt Secord:** That the honourable member lost *Hamilton*?

**The PRESIDENT:** I will make it very clear. The Hon. Walt Secord will immediately withdraw his comment that the Leader of the Government is a fibber.

**The Hon. Walt Secord:** I will not withdraw. He is a fibber. He has lied at every stage involving the Powerhouse Museum. He has lied, lied and lied. He is a liar and a fibber.

**The PRESIDENT:** Order! I do not need any assistance from members. This is a very serious matter. I gave the Hon. Walt Secord an opportunity on two occasions to withdraw his comment. He refused to follow those requests from the Chair. I note that the Hon. Walt Secord is already on two calls to order. I call the Hon. Walt Secord to order for the third time. In accordance with Standing Order 192, I direct the Usher of the Black Rod to remove the Hon. Walt Secord from the Chamber. The member is excluded until 6.30 p.m.

*[Pursuant to standing order the Hon. Walt Secord left the Chamber, accompanied by the Usher of the Black Rod.]*

**The Hon. DON HARWIN:** I have lost my train of thought, but I will do my best to regain it. I believe I was discussing why having more theatres in Sydney is important. The sort of theatre in Sydney that is able to take commercial musical theatre is a—

**Mr David Shoebridge:** Point of order: My question was not directed to a long treatise on various theatre operators. It was a direct question about which developers and which theatre producers this Minister or any other Minister has seen in relation to the redevelopment of the Powerhouse Museum. It was not time for the Minister to have a long chat about his cultural experiences.

**The Hon. Scott Farlow:** To the point of order—

**The PRESIDENT:** I do not need to hear any further on the point of order. I uphold the point of order, but I also note that the Minister did indicate that he had lost his train of thought because of what had occurred earlier. It was good of Mr David Shoebridge, in effect, to repeat the question; I thank him for that. The Minister is aware of the question and I ask him to be generally relevant.

**The Hon. DON HARWIN:** Perhaps I should conclude my answer. I had made the point earlier that all people with whom I meet in relation to my duties as Minister for the Arts, I disclose in the usual fashion—as all Ministers do—via a disclosure to the Premier.

**Mr DAVID SHOEBRIDGE (16:31):** I ask a supplementary question. Given the Minister's disclosure is now some months old, will he advise which, if any, developers and/or theatre operators he has met since that disclosure? Will he also advise which, if any, theatre operators or producers he has referred to the executive director?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:32):** On that basis, I do not recall any meetings with any developers at all. I do not think I have met with any developers at all in relation to—in fact, I know absolutely that I have met with no developers in relation to the future of the Ultimo site. I have had, to the best of my recollection, no—

**Mr David Shoebridge:** I asked about the Parramatta site too.

**The Hon. DON HARWIN:** I am sorry. I can only apologise to Mr David Shoebridge. It is now so long since the question was asked and so much has transpired during the course of my answer that probably the best thing at this particular juncture is to offer to take the question on notice and to give the member a proper response, rather than labour in the situation I am in, where it is now some time since the original question was asked.

#### WATER COMPLIANCE AND ENFORCEMENT

**The Hon. WES FANG (16:33):** 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 how the New South Wales Government is delivering water compliance on our water systems?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:33):** I thank the honourable member for his question. As members of this House are aware, water is the most precious natural resource and is of critical importance to industries, the environment and people. In 2017 this Government made a commitment to overhaul water management in New South Wales. This was off the back of an investigation carried out by Mr Ken Matthews and commissioned by the New South Wales Government. We released a comprehensive action plan in late 2017, setting out our road map for water reform in New South Wales. At the centre of this reform was establishing the Natural Resources Access Regulator [NRAR] to oversee water compliance and enforcement in New South Wales. We have announced an independent board that will be chaired by the Hon. Craig Knowles, who will oversee and guide the regulator. Grant Barnes was also recently appointed as the chief regulatory officer.

With the independent board and executive structure in place, the regulator is set to deliver a compliance and enforcement regime that gives confidence to everyone in New South Wales. It commenced operations

yesterday and the first on-the-ground compliance work starts this week. Those seeking to do the wrong thing are on notice, because significant penalties are in place under the legislation. NRAR has already stated it will not hesitate to take proactive enforcement action up to and including prosecutions to protect our precious water resources, and the Government wholeheartedly supports this mission. NRAR has published its Establishment Plan—a key deliverable identified by Ken Matthews—and also recently signed a memorandum of understanding with the Murray-Darling Basin Authority.

This is what the community is looking for: clear and transparent rules that all water users can understand and a proactive regulator that enforces the rules without fear or favour. That is why this Government established NRAR and it is also why it continues to deliver a broader water reform plan. The Government committed to consulting with the public before introducing the next round of legislative reforms. These broader reforms are aimed at simplifying information and increasing transparency, as well as introducing a "no meter, no pump" policy, while ensuring environmental water is managed for the benefit of our rivers and communities. More than 250 people attended the recent water reform public consultation sessions held across the State in March and April, all providing invaluable input on the exposure draft bill and discussion papers. While there is always a diversity of views when it comes to water management, these contributions will be an important part of the legislation we intend to introduce into this House this year.

This week the Department of Industry released the first of the quarterly reform progress reports that we committed to, and I can inform the House that things are well and truly on track. This is what this Government does. Establishing NRAR is a major step forward in this reform, because it delivers an independent water compliance regime that people can trust. The commencement of operations reaffirms the message to the community that this Government is serious about ensuring the legal, equitable and monitored use of water in New South Wales. We have honoured what we said we would do in this place. This has been a matter of much discussion in this House. The establishment of NRAR and its commencement of operations is welcome. We are proud to move forward when it comes to water management in New South Wales. I hope this is not overshadowed by the actions of the Australian Senate, which next week has a vital opportunity to make a clear decision about how we move forward—if we move forward at all—on the Murray-Darling Basin Authority and the Basin Plan. I am sure we will talk about that at a later time.

#### INTEGRATED FORESTRY OPERATIONS APPROVALS

**Ms DAWN WALKER (16:37):** My question is directed to the Hon. Niall Blair, representing the Minister for Lands and Forestry. Will the new Integrated Forestry Operations Approval protect the current formal and informal reserves that form part of the comprehensive, adequate and representative reserves system for forests?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:38):** I thank the honourable member for her question directed to me, representing the Minister for Lands and Forestry in this place. New South Wales is home to a world-class forestry sector: world-class when it comes to strong sustainability standards and world-class in terms of strong industry development. The sector contributes some \$2.4 billion to the New South Wales economy. Forestry operations are carried out in accordance with strict proscriptions designed to protect environmental values. These operations are independently audited by the Environment Protection Authority [EPA].

The measures form part of an extensive governance and legislative framework that cements these tough environmental standards into law. This includes measures such as Regional Forest Agreements [RFAs], and Integrated Forestry Operations Approvals [IFOAs]. For instance, harvesting in the coastal State forests is carried out in accordance with the Coastal IFOA, which prescribes the detailed requirements and conditions for where and how forestry operations can be conducted. The Comprehensive, Adequate and Representative [CAR] Reserve System for forests was a requirement and outcome of the Regional Forest Agreement processes between New South Wales and the Commonwealth, and is an important element to the continued sustainability of the industry. In 2016 the New South Wales Government developed a vision and plan known as the NSW Forestry Industry Roadmap to ensure that the forestry industry is economically viable and ecologically sustainable into the future.

The NSW Forestry Industry Roadmap is the strategic action plan of the New South Wales Government to build a stronger, more competitive and ecologically sustainable forestry industry. It includes strategic actions around four key pillars—regulatory modernisation, balancing supply and demand, improving community understanding and confidence, and industry innovation and new markets. The remake of the Coastal IFOA is a vital step forward in the Government's forestry reform agenda. In finalising this draft we are delivering on our public commitment set out in the NSW Forest Industry Roadmap. Our commitment on any new IFOA is clear. The new IFOA will maintain our strong environmental safeguards and current wood supplies. The Government is determined to strike the right balance between the environment and industry. That means ensuring that we do

not erode environmental values or impact vital wood supplies that our regional economies and the \$2.4 billion forestry and product manufacturing industry rely upon to survive.

There are 22 million hectares of native forests in New South Wales. Of that area, approximately 7.5 million hectares are managed by the Crown. Approximately 75 per cent—or 5.581 million hectares—of the area managed by the Crown is made up of nature conservation areas under the National Parks and Wildlife Conservation Act. Those nature conservation areas are not available for timber harvesting. The remaining two million hectares are managed by Forestry Corporation as multiple-use public forest. Approximately 50 per cent of that area is not available for harvesting due to various restrictions. That leaves one million hectares available, of which approximately 30,000 hectares, or 3 per cent, are harvested annually. Whilst that represents a relatively small area, we are committed to the strongest environmental safeguards, ensuring the long-term sustainability of this important sector. *[Time expired.]*

### POWERHOUSE MUSEUM RELOCATION

**The Hon. JOHN GRAHAM (16:42):** My question without notice is directed to the Minister for the Arts. Given that in February 2015 then Premier Mike Baird said, "We want to extend Sydney's cultural ribbon to Western Sydney so we will invest \$10 million to relocate the Powerhouse Museum to Parramatta," what is the Minister's response to community concerns—given the Government's track record on large project cost blowouts—that the project cost could go beyond the new projection of \$1.18 billion?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:42):** What an extraordinary question. Its first aspect is a statement of what allegedly—

**The Hon. Daniel Mookhey:** Point of order: The Minister is debating the question, not answering it.

**The PRESIDENT:** Order! I do not uphold the point of order. The Minister was identifying parts of the question. He was not debating it. When a question has a number of facets, it is open to a Minister to refer to which particular part that Minister is answering. It would otherwise be impossible to know what part of the question was being answered. The Minister has the call.

**The Hon. DON HARWIN:** The first part of the question referred to what was said to be Premier Baird's statement in February 2015. As I have said in the House before, Premier Baird said that he was investing \$10 million in the preparation of a preliminary business case on whether or not we should move the Powerhouse Museum to Parramatta. Opposition members keep repeating the misrepresentation over and over again, but telling the same mistruth over and over again does not make it true. They are wrong.

**The Hon. Scott Farlow:** Point of order: Unfortunately, the Minister is unable to answer the question because Mr David Shoebridge keeps interjecting and interrupting him.

**Mr David Shoebridge:** That's not why he is unable to answer it.

**The Hon. Scott Farlow:** Mr David Shoebridge is even continuing to interject during this point of order. Obviously, he is a little bit buoyed by Mr Jeremy Buckingham not being here this week.

**The Hon. Ben Franklin:** To the point of order—

**The PRESIDENT:** Order! I do not need to hear further on the point of order. I call the Hon. Scott Farlow to order for the first time based on the second part of his point of order. I uphold the first part of his point of order. I call Mr David Shoebridge to order for the second time. I remind members that points of order are not to be used to make debating points. More importantly, they are not an excuse to have a go at another member. That behaviour will cease. The Minister has the call.

**The Hon. DON HARWIN:** I am again suffering under the same burden as I was when answering the previous question on this issue. There has been so much interruption since the question was asked that it is now difficult to remember the second half. My recollection is that the second part of the Hon. John Graham's question contained an assertion that the cost of the Powerhouse Museum relocation was \$1.8 billion. I do not know where he has plucked that figure from.

**The PRESIDENT:** Order! I call Mr David Shoebridge to order for the third time. In accordance with Standing Order 192, I direct the Usher of the Black Rod to remove Mr David Shoebridge from the Chamber. The member is excluded until 5.30 p.m.

*[Pursuant to standing order Mr David Shoebridge left the Chamber, accompanied by the Usher of the Black Rod.]*

**The Hon. DON HARWIN:** Was it \$1.18 billion or \$1.8 billion?

**The Hon. Penny Sharpe:** It was \$1.18 billion.

**The Hon. DON HARWIN:** Thank you. I am glad we have got that cleared up. Unfortunately, it would seem that Mr David Shoebridge and the Hon. John Graham cannot tell the difference between the concepts of net present value and nominal cost. I will not be too critical of that. Experts throw around those sorts of concepts in business cases and assume that esteemed members of the Legislative Council have the economic literacy to understand them. Clearly, not everyone does. I am happy to take those members through the costs.

**The PRESIDENT:** Order! The Minister will resume his seat. I call the Hon. Shaoquett Moselmane to order for the second time. I call the Hon. Daniel Mookhey to order for the first time. The Minister has been unable to complete one sentence without several interjections from Opposition members. The interjections will cease. The Minister has the call.

**The Hon. Scott Farlow:** Point of order: The clock was not stopped. I think the Minister's time earlier was at 53 seconds.

**The Hon. DON HARWIN:** It could not possibly have been because I had barely started.

**The Hon. Niall Blair:** It does not get stopped unless there is a point of order.

**The PRESIDENT:** Order! I direct that the clock be reset at one minute. The Minister has the call.

**The Hon. DON HARWIN:** I am very happy to take the Hon. John Graham through the cost-benefit analysis output table.

**The Hon. John Graham:** You were not asked about the net present value. There is a supplementary coming.

**The Hon. DON HARWIN:** Mr President, this is ridiculous. If the Hon. John Graham is not interested in hearing the answer, I do not know why I am even bothering.

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

#### EARLY CHILDHOOD EDUCATION

**The Hon. SCOTT FARLOW (16:50):** 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 increasing places and improving choice and quality options in early childhood education for families and children?

**The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:50):** I thank the Hon. Scott Farlow for his question. This Government knows that choice and quality are priorities for families when determining the best childcare and early educational options for their young children. New South Wales has the largest and most diverse early childhood education sector in Australia, which reflects the diverse needs of our families and communities. As members will be aware, the Commonwealth Government has primary responsibility for funding long day care and family day care services and for reducing the fee burden on families through the childcare benefit and childcare rebate. This will change to the new childcare package in July this year.

At a State level our Government supports quality early childhood education by streamlining planning, driving quality improvement and allowing services to reduce fees for children in the year before school. This Government is committed to easing the financial burdens faced by families. We have proved this by supporting educators to provide quality and cost-effective early childhood education. We have listened to the concerns of working families and the sector about the availability of childcare places. This has resulted in the Government streamlining the approvals process for childcare centre operators responding to the market. Last year we introduced the educational and childcare facilities State environmental planning policy, making it easier for education and childcare providers to build high-quality facilities in response to market demand—and the demand is there.

In March 2015, there were 3,121 approved childcare places in the electorate of Sydney. This has increased to 3,762 approved places in March 2018, which is a 21 per cent increase. While supporting the development of new services, the safety and quality of the education remain paramount to the New South Wales Liberals-Nationals Government because it is important to protect our kids. To support this rapidly growing and highly diverse sector, New South Wales has a strong regulatory system that promotes compliance and continuous quality improvement. The Government assesses and rates services under the national quality framework. Rating results are publicly available through the Australian Children's Education and Care Quality Authority [ACECQA] website. This system enables families to make informed choices about which services best meet their child's needs. It also enables services to improve educational and learning outcomes for the children in their care. The ACECQA

website is great. I certainly recommend to anybody considering entering their child in any form of care to visit the site and to check out the valuable information it has for parents.

This Government will continue to invest in the future of children and families through the Start Strong reform, which delivers more affordable and higher quality early childhood education by subsidising services that provide a preschool program for children in their year before formal schooling. Thanks to Start Strong funding, last year the average daily fee for children enrolled in preschool decreased for all children across New South Wales by 25 per cent. For eligible equity children, the average daily fee decreased by 41 per cent. This equates to direct savings for New South Wales families, thanks to continued investment by this Government. The Government further extended its commitment to Start Strong through to 2021 with a further \$217 million over four years. This is a great result for children of New South Wales and their families because we know through Start Strong that participation in quality early childhood education has become more affordable and more parents are enrolling their children in preschool programs.

Since 2015 there has been a significant increase in the number of children enrolled for 600 hours. In 2015 there were approximately 23,800 children enrolled for 600 hours in community preschools. This increased to approximately 27,500 children in 2016 and further increased to approximately 38,500 in 2017. Those figures indicate significant growth. Through the Start Strong capital works program, a projected 1,194 extra preschool places have been created across this State. The Government will continue to invest in early childhood education. More and more children are obtaining access to early childhood education because of this Government.

### HUNTER WATER QUALITY

**The Hon. ROBERT BORSAK (16:54):** My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Is it true that Hunter Water applied to the Independent Pricing and Regulatory Tribunal [IPART] for an increase in water rates after advising residents that their water supply was undrinkable? What action has the Government taken, or will it take, against the Hunter Water Corporation for supplying "raw water" to the people north of Dungog for the past 30 years?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:55):** I thank the Hon. Robert Borsak for his question. I know this issue was raised recently, but I am not the Minister who is responsible for Hunter Water. That is actually Minister Harwin. However, I know this is an issue in the Hunter Valley and around the Dungog area. I know that there has been some angst about it and, I believe, potentially some misinformation. The best thing to do is for me to take the question on notice. Previously I was the Minister responsible for Hunter Water, but my portfolio now includes Regional Water, which excludes Hunter Water and the Sydney Water Corporation—Minister Harwin's areas of responsibility. However, I will facilitate a response. I will take the question on notice, liaise with my colleague, and come back with a detailed response.

### POWERHOUSE MUSEUM PLANETARIUM

**The Hon. PENNY SHARPE (16:56):** In directing my question without notice to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, I refer to part of the announcement on the Powerhouse Museum on the weekend, and I ask: When was the suggestion of a planetarium at the Parramatta site first mentioned in official materials? Was it his idea or the Premier's?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:56):** I am pleased to inform the House that it was not my idea. By the way, I think it is an excellent idea. All the visitor studies, which were prepared as part of the final business case, show that outer space, space travel and a planetarium were what people most wanted to see in a new museum. The planetarium at Parramatta will be the first in New South Wales and the largest planetarium in Australia, and I have no doubt it will be enormously popular.

The Premier is closely in touch with what the people of New South Wales want. It may well have been her idea; I do not know. I would have to check that and inform the House later on that issue. If it is not the Premier's excellent idea, I will find out where it emerged from and inform the House. But I can inform the House that extraordinarily the member for Granville apparently called it lame and said that it would bore people to death. Can members believe that? If the member for Granville said something so stupid, she obviously is not in touch with the people of New South Wales. I point out that her comment is certainly not—I emphasise "not"—the feedback on this fantastic new museum.

## WESTERN SYDNEY ARTS AND CULTURE

**The Hon. DAVID CLARKE (16:58):** My question is addressed to the Minister for the Arts. Will the Minister update the House on how the New South Wales Government is supporting arts and culture in Western Sydney? Are there any alternative policies?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:59):** In the time available, I am not sure how long I will be able to speak on alternative policies, but I can say that the Government is standing up for the people of Western Sydney. As I have detailed to the House already, the relocation of the Powerhouse Museum to Parramatta is a bold and exciting plan for the future of the entirety of Sydney. The Powerhouse in Parramatta is not the limit of our ambitions. This is the first government in the history of New South Wales to develop a cabinet-endorsed plan for the arts and culture sector. This plan, along with other key Government policies including the Cultural Infrastructure Strategy, prioritises support for arts and culture in Western Sydney.

As part of the deal secured by this Government, we will be injecting \$40 million over the next 20 years at \$2million per year into arts and culture in the Parramatta local government area alone as a result of an agreement we have made with the City of Parramatta for the purchase of land on which the relocated Powerhouse Museum will be built. Recently, the Government also announced new funding totalling \$1 million and targeted specifically at Western Sydney arts and cultural organisations. The Government's investment into arts and culture will fuel a creative boom across Western Sydney. In view of the time and as there are a large number of committee reports to be discussed this afternoon, I will wind it up there. If any other members have questions they would like to ask, I suggest they put them on notice.

## POWERHOUSE MUSEUM RELOCATION

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:01):** I will supplement my answer to the Hon. John Graham's question, hopefully this time without interruption so that I may give the information that the honourable member wanted. In table 1 of the business case summary, which is entitled, "Table 1—Cost benefit analysis", the key thing for the honourable member to note is that it shows a cost benefit analysis done on net present value. When costs are totalled under option 3 at \$1.1793 billion, that is the net present value of all of the items that are taken into consideration in the calculation of a benefit cost ratio [BCR]. That does not mean it is the costs of developing the museum or the costs of the project—quite the contrary.

Life cycle costs and project operating costs are not costs of developing the museum; they are recurrent budget costs for employing staff related to the construction of the museum and they cannot be capitalised. The new museum operating costs are absolutely the last thing someone would regard as a cost of developing the museum because they are nothing other than the existing budget of the Museum of Applied Arts and Sciences [MAAS] trust times 40—which is the lifespan of the project—expressed in net present value. It is completely incorrect to include that \$355.9 million figure and think of it as a project cost. It is not. It is just 40 years worth of recurrent budget for MAAS in 2018 dollars. To say that \$1.1793 billion is the total cost of the project is completely wrong.

### *Deferred Answers*

## LAND MANAGEMENT (NATIVE VEGETATION) CODE

In reply to **the Hon. WALT SECORD** (13 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:

The Government does not comment on the legal costs of specific cases.

## BELLS LINE OF ROAD UPGRADE

In reply to **the Hon. PAUL GREEN** (13 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:

I am advised:

On 26 March 2018 the New South Wales Government announced a recommended corridor for the Bells Line of Road—Castlereagh Connection to provide a new link between the Bells Line of Road at Kurrajong Heights and the Motorway network.

This corridor to the M7 at Colebee will provide for a future connection to make it easier for journeys between the Central West of New South Wales and Sydney.

In March, the New South Wales Government released the Future Transport 2056 Strategy, which includes investigations of further upgrades to the Bells of Line of Road to improve east-west connections between Central West and Greater Sydney. Improvements would include land and shoulder widening with clear zone works.

The New South Wales Government is committed to connecting the Central West to Sydney, Newcastle and Wollongong in a safe and efficient way that enhances economic development but preserves social, environmental and tourist values along the route.

As part of this, council representatives from both sides of the dividing range were consulted and have agreed on a way forward.

### COUNTERTERRORISM LEGISLATION

In reply to **Reverend the Hon. FRED NILE** (13 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:

I am aware of the case of Svetlana Powell. Administration of the National Security Hotline, the national security and counter-terrorism reporting hotline, is a matter for the Commonwealth Government.

I note that, at the Special Meeting of COAG in October 2017, it was agreed that the Commonwealth, in partnership with States and Territories, will develop a terrorism hoax offence. This offence would aim to deter terrorism hoaxes and ensure that the potentially broad nature of terrorism hoaxes is criminalised in all jurisdictions.

### TANDOU WATER ENTITLEMENT

In reply to **the Hon. DANIEL MOOKHEY** (13 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:

I am not briefed on every letter my department sends, particularly when the correspondence is operational in nature as was the case with this letter, and was not formally briefed on this departmental correspondence.

A redacted form of the letter, along with a separate independent valuation, was tabled in the Australian Senate in 2017 and is publicly available.

### LAW ENFORCEMENT CONDUCT COMMISSION OVERSIGHT

In reply to **Mr DAVID SHOEBRIDGE** (14 March 2018).

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

It is a matter for the LECC to appropriately manage its budget.

### TAFE TEACHERS

In reply to **Ms DAWN WALKER** (14 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:

These reports are incorrect. TAFE NSW is undertaking a once-in-a-generation reform to reduce duplication and boost frontline services. Locally, some leadership positions have changed or shifted focus based on community needs. Students will be able to continue their studies unaffected.

### NSW NATIONAL PARKS AND WILDLIFE SERVICE FIRE CONTROLLERS

In reply to **Dr MEHREEN FARUQI** (15 March 2018).

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

I am advised there is no reduction in National Parks and Wildlife Services' fire-fighting capacity.

### *Committees*

### COMMITTEE ON THE OMBUDSMAN, THE LAW ENFORCEMENT CONDUCT COMMISSION AND THE CRIME COMMISSION

#### Report: 2017 Review of the Annual Reports of Oversighted Bodies

Debate resumed from 14 November 2017.

**The Hon. TAYLOR MARTIN (17:04):** It gives me great pleasure to speak about the work of this committee. One of the annual functions required of the Committee on the Ombudsman, the Law Enforcement

Conduct Commission and the Crime Commission is the examining of each office's annual and other reports. As part of the inquiry, the committee held public hearings with the New South Wales Crime Commission, the Information and Privacy Commission, the New South Wales Ombudsman and Child Death Review Team as well as the Inspector of Custodial Services. I thank the members of the committee who participated in this inquiry: chair Lee Evans from the other place, deputy chair Steven Bromhead from the other place, the Hon. Trevor Khan, the Hon. Lou Amato, the Hon. Adam Searle, and Paul Lynch and Dr Hugh McDermott, both from the other place. I thank also the oversighted bodies that contributed to this inquiry.

**The DEPUTY PRESIDENT (The Hon. Ernest Wong):** The question is that the House take note of the report.

**Motion agreed to.**

**COMMITTEE ON THE OMBUDSMAN, THE LAW ENFORCEMENT CONDUCT COMMISSION  
AND THE CRIME COMMISSION**

**Report: Review of the Public Interest Disclosures Act 1994**

**Debate resumed from 14 November 2017.**

**The Hon. TAYLOR MARTIN (17:06):** I speak on the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission's review of the Public Interest Disclosures Act 1994. The Public Interest Disclosures Act is an important piece of legislation that provides protection to public officials who raise issues of corruption, maladministration, waste of public money and government information contraventions in their workplace. The Public Interest Disclosures Act was amended in 2010 and the committee was charged with an inquiry into the Act and whether the 2010 amendments had achieved their aims.

During the inquiry, the committee heard evidence that, on the whole, the public interest disclosures regime is working well. However, there are elements of the system that could be improved. The recommendations for changes to the Public Interest Disclosures Act include simplifying the disclosure process, improving remedies for detrimental action and clarifying the Act itself. I thank the members of the committee who participated in this inquiry: chair Lee Evans, deputy chair Steven Bromhead, the Hon. Trevor Khan, the Hon. Lou Amato, the Hon. Adam Searle, Paul Lynch and Dr Hugh McDermott. I also thank all those who contributed to this important inquiry, which will provide a scheme that is more effective in supporting and protecting whistleblowers in New South Wales.

**The DEPUTY PRESIDENT (The Hon. Ernest Wong):** The question is that the House take note of the report.

**Motion agreed to.**

**COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION**

**Report: Protections for people who make voluntary disclosures to the Independent Commission Against Corruption**

**Debate resumed from 13 February 2018.**

**The DEPUTY PRESIDENT (The Hon. Ernest Wong):** The question is that the House take note of the report.

**Motion agreed to.**

**JOINT STANDING COMMITTEE ON ELECTORAL MATTERS**

**Report: Inquiry into Preference Counting in Local Government Elections in NSW**

**Debate resumed from 13 February 2018.**

**The Hon. JOHN GRAHAM (17:09):** I speak briefly to this report to commend the House and the chair for dealing with this issue. It is a significant and longstanding issue and I was glad to see it brought to the House and dealt with in this manner. It is a very good report on a significant issue and I recommend all the conclusions reached by the committee.

**The Hon. BEN FRANKLIN (17:10):** I do not intend to speak at length on this report, but I do wish to make two points. This report contains important, albeit small, recommended changes. This inquiry was initiated and these recommendations arrived at only because of the work of the chair and the personal focus of the Hon. Dr Peter Phelps. I thank him and commend him for drawing this Parliament's attention to an issue which was wrong, utterly inappropriate and needed to be changed. It was archaic and I believe it will be fixed due to his

attention and the unanimous determination of the Joint Standing Committee on Electoral Matters. This committee represented Parliament as it should be. It was collegial and informative. This inquiry looked at the evidence, considered the issues and made recommendations that will be followed through. It was a privilege to be part of the committee and I pay tribute to the Hon. Dr Peter Phelps for his advocacy on this important issue.

**The Hon. Dr PETER PHELPS (17:12):** In reply: I thank all members who have contributed to the debate on this report and the members of the Joint Standing Committee on Electoral Matters for the wonderful way that they approached it. I also thank the secretariat staff who helped produce a well-written report on a quite complex issue, especially concerning the issue of the various modes of preference counting and the optional preferential, multi-list system of voting. I thank the Hon. Ben Franklin for his kind words, but it was Antony Green who first drew my attention to this matter in an excellent work of his. We should never forget what an absolute treasure Antony Green is not merely to psephologists but also to the broader political debate in Australia today.

Not all of the recommendations received the overwhelming support of the Government. I ask the Government to go back and relook at those matters where it has given in-principle support or less than enthusiastic support. I think if the Government understood the full context of the recommendations and that they were determined unanimously it would do well to look at the full suite of recommendations made in the report and to move towards legislative enactment as soon as possible. That being said, I think it was a good report. I very much enjoyed working with all members of the committee and I commend the motion.

**The DEPUTY PRESIDENT (The Hon. Ernest Wong):** The question is that the House take note of the report.

**Motion agreed to.**

## **PORTFOLIO COMMITTEE NO. 6 – PLANNING AND ENVIRONMENT**

### **Report: Budget Estimates 2017-2018**

**Debate resumed from 13 February 2018.**

**The Hon. PAUL GREEN (17:14):** I am pleased to present this report on the inquiry into budget estimates for 2017-18. This annual inquiry into the budget estimates ensures parliamentary oversight of the budget and provides an important mechanism for the accountability of the Executive Government to the Legislative Council. The inquiry consisted of three hearings to examine the portfolios of Environment, Local Government, Heritage, Resources, Energy and Utilities, Arts, Planning, Housing, and Special Minister of State. On behalf of the committee I thank the Ministers, their staff and officers who assisted the committee during this important inquiry. I am grateful to my fellow committee members and the secretariat staff for their contribution to the inquiry. The hearings were held on 1 and 8 September 2017. The hearing transcripts and questions taken on notice are on the record.

One of the more pertinent issues raised in the Local Government portfolio was the exhaustive topic of local government amalgamations. That has since been resolved by some good leadership by the Premier. There was the issue of membership of local councils by developers, the concern being that developers elected to local councils could perhaps use that opportunity for their own benefit rather than for the benefit of the community. There were exhaustive questions on that subject. The committee looked at national parks policy. Questions were also asked of the Minister regarding the Centennial Parklands and Moore Park master plans. The issue of contaminated water at Williamtown, which is still unresolved, was also addressed. The committee looked at ways of ensuring that residents receive uncontaminated water through the use of tanks and water being brought in.

Questions were also directed to the portfolios of Resources, Energy and Utilities, and Arts. The South Coast art trail and the Regional Cultural Fund, which are very important, were discussed. The future of coalmining in New South Wales and the Shenhua mining licence in the Liverpool Plains was also discussed. The residents in that area have great concerns about mining, coal seam gas and the impact on water tables and prime agricultural land. The committee considered renewable energy, electricity prices for households and small businesses, and the increase in energy disconnection rates. We talked about those likely to be disconnected from energy, who obviously are the more vulnerable in our community and the aged, given that there has been a spike in pricing. It was stated that energy supply assistance programs were available to those facing hardship. As a result of these issues, an inquiry has been established to examine electricity pricing.

The third area examined related to the Planning, Housing, and Special Minister of State portfolios. The committee asked questions about the implementation of local planning panels, urbanisation projects affecting koala populations in south-western Sydney, housing affordability in Sydney, and affordable housing initiatives. It was revealed yesterday in the media that only 1 per cent of housing in Sydney is affordable in real terms.

The Government's introduction of the educational and childcare state environmental planning policy was an extremely good move. It is one policy about which the Government can crow. It has made local schools and other educational infrastructure available for use by communities that do not have sufficient childcare centres. That was a fantastic initiative on the part of Minister Roberts. The policy also provides for education infrastructure to be used by churches and other community groups on weekends, and many of them pay for that privilege. That is money that would not otherwise be raised because that infrastructure normally sits idle on weekends. It makes sense that churches and faith groups can use those facilities and thereby contribute to local schools by paying rent. Of course, that use provides increased social capital as well as a financial return. It can raise tens of thousands if not hundreds of thousands of dollars every year across New South Wales. The committee also visited the Pitt Town development.

I thank the Ministers who appeared before the committee. I am sure they are eagerly awaiting this year's budget estimates hearings. Of course, committee members are also eagerly awaiting another opportunity to fire questions at Ministers and to keep them accountable to the people of New South Wales. I commend report No. 6 entitled "Budget Estimates 2017-2018" to the House.

**Debate adjourned.**

*Business of the House*

**POSTPONEMENT OF BUSINESS**

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

That Committee Reports Order of the Day No. 6 be postponed until next sitting day.

**Motion agreed to.**

*Committees*

**PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE**

**Report: Budget Estimates 2017-2018**

**Debate resumed from 13 February 2018.**

**Reverend the Hon. FRED NILE (17:23):** As chairman of Portfolio Committee No. 1—Premier and Finance, I am pleased to speak to report No. 5 entitled "Budget Estimates 2017-2018". I spoke briefly on this report when presenting it to the House. I will now conclude my remarks on this important inquiry into the portfolios of Finance, Services and Property, The Legislature, Innovation and Better Regulation, Treasury, Industrial Relations, and the Premier. I have already thanked the Ministers for their appearance at the hearings. There was some tension many years ago about whether Ministers should attend budget estimates hearings. I am pleased that the Government has supported the request of the Upper House that Ministers attend because the Legislative Council has no power to force them to do so. They simply demonstrate their goodwill by attending, and I appreciate that. Their appearance makes the hearings far more meaningful because they answer questions and, when necessary, call on their staff to provide assistance.

The committee examined a number of areas of the Finance, Services and Property portfolio. At the time, some workers were due to lose their benefits as a result of amendments to section 39 of the Workers Compensation Act, and members wanted to do all they could to ensure that those benefits were protected. The committee also examined the controversial issue of Uber. Uber allows people to register as drivers and in the process become de facto taxi service providers but without being subject to the same regulations that apply to those involved in the taxi industry.

I have always strongly supported the taxi and hire car industries in New South Wales and have worked to ensure that they get a fair go. Participants in the industry must fulfil certain requirements to obtain a licence and must conduct themselves appropriately, present themselves properly by wearing a uniform, and care for their vehicles. None of that is required of Uber drivers. Unfortunately, a number of women have also been sexually assaulted by Uber drivers and it has been very difficult to prosecute the perpetrators because it has been impossible to identify them. I again call on the Government to honour its promise to support to New South Wales taxi industry, which continues to do a great job.

The committee also examined asset sales, how they are conducted and the future of school cleaning contracts. It had been reported that the cleaning contracts would be privatised, and members wanted to know what impact that would have on school cleaners and sought to ensure that schools were still properly cleaned. When examining The Legislature portfolio, members asked the President to update the committee about the broadcasting system, and we were pleased to hear that it was working very effectively. Members also asked about the rationale

behind the new security barriers and their operation, and were satisfied with the explanations provided. The committee also sought to ensure that those with disability would have good access to Parliament House.

While examining the Innovation and Better Regulation portfolio, members expressed strong feelings about buildings in New South Wales that had aluminium composite cladding. That was a particular concern after the fire in London that resulted in many deaths. As members know, a large apartment building went up like a torch when the cladding burned from the bottom to the top in minutes, trapping many people. Committee members wanted to be sure that that would not happen in New South Wales.

We also addressed the issue of ticket scalping to ensure that that was eliminated wherever possible. Other members and I have always been supportive of the biofuel industry. It can operate only if the petrol stations and oil companies comply with the biofuel mandate. There has been evidence that they have been avoiding their responsibilities. The committee called on the Minister for Resources and Energy to ensure compliance with the biofuel mandate. Another area addressed was the Treasury and Industrial Relations portfolio. The operation of the fire and emergency services levy was investigated. The goods and services tax [GST] distribution was raised due to the current reviews as to how the revenue raised should be distributed. New South Wales is always severely disadvantaged by the GST formula. The committee tried to rectify that to allow for a fair distribution of the GST, with each State receiving back the revenue it collects.

There was a discussion about housing affordability. Domestic violence leave entitlements, workers compensation and industrial diseases were also discussed. When questioning the Premier and her staff we asked what could be done to slow electricity price rises, which obviously affect working class families. We referred to the State's energy sources and asked what plans the Government had in mind to meet those needs in New South Wales. We referred also to the authorisation and distribution of electoral material. All the discussions were beneficial to the committee. I thank Ministers for their attendance and for their answers. I also thank all members of the committee for their hard work.

**The Hon. SCOTT FARLOW (17:31):** I contribute to debate on Portfolio Committee No. 1 – Premier and Cabinet and congratulate Reverend the Hon. Fred Nile on his expert chairmanship and stewardship of the committee throughout the budget estimates process. As outlined by the chair, Ministers willingly gave extensive answers on areas of concern. Reverend the Hon. Fred Nile asked questions of Ministers, including the Premier, regarding items of importance. Budget estimates work well in New South Wales because of the attendance of Ministers. Lower House Ministers are not compelled to attend upper House committee hearings. In the Senate in Canberra, a Prime Minister or member of the House of Representatives does not appear before an estimates committee but in New South Wales the Premier and the Treasurer do.

All Ministers appear at budget estimates hearings and provide extensive answers to members' questions, which is a hallmark of the New South Wales system. The length of budget estimates hearings has always been an issue. I am aware that the Hon. Dr Peter Phelps has a different view on this matter. Last year one of the items noted by members of Portfolio Committee No. 1 was that there were not as many questions. Ministers, in particular the Premier and the Treasurer, gave committee members all the answers that they required in a timely manner. I commend Reverend the Hon. Fred Nile for his chairmanship of the committee and I thank Ministers for attending and for the thoroughness of their answers.

**Debate adjourned.**

## **PORTFOLIO COMMITTEE NO. 2 – HEALTH AND COMMUNITY SERVICES**

### **Report: Budget Estimates 2017-2018**

**Debate resumed from 13 February 2018.**

**The Hon. GREG DONNELLY (17:35):** I speak in debate on the report of Portfolio Committee No. 2 – Health and Community Services entitled "Budget Estimates 2017-2018" dated December 2017. The budget estimate hearings for this committee were held on Tuesday 5 September 2017, when the committee dealt with the portfolio areas of Family and Community Services, Social Housing, Prevention of Domestic Violence and Sexual Assault. In the afternoon the committee dealt with the portfolio areas of Mental Health, Women and Ageing. On Wednesday 6 September 2017 the committee dealt with the portfolio areas of Health and Medical Research. On Thursday 7 September the committee dealt with the portfolio areas of Disability Services and Multiculturalism.

Two supplementary hearings were held which augmented evidence presented at the primary hearings. The first supplementary hearing on Thursday 26 October dealt with the portfolio area of Disability Services. On 31 October the committee held a supplementary hearing for the Health portfolio and a number of issues were covered. Members who have participated in budget estimate hearings over a long period would appreciate the ebb

and flow of questioning. One of the key issues covered in the portfolio areas of Family and Community Services, Social Housing, Prevention of Domestic Violence and Sexual Assault related to the action being taken by this Government following the tragic death of a child in the care of Life Without Barriers and the use of temporary accommodation for children in out-of-home care.

It is tragic that the Government has to find emergency accommodation for approximately 20,000 children and young people in this State as it is unsafe for them to live with their parents. Children and young people who are at risk of serious harm are reported to the Department of Family and Community Services, but only one-third of the cases that are reported are followed up with face-to-face consultation to determine whether the reports are accurate.

I find it hard to understand the dimension of the problem and how so many children and young people in this great State are living in the most difficult of circumstances. I struggle to comprehend how parents can place their children in these circumstances. What has got our society to the point where so many children are put in such difficult circumstances by their parents? Clearly, this State finds it difficult to deal with all of these issues involving children and young people. I found the Minister's speech about these matters pretty disheartening because little comfort was given with respect to the issues raised by the committee.

It seems to me that the Minister is unable to comprehend the size of the problem; nor is the Government coming to terms with the need to take a very hard look at the way in which the Department of Family and Community Services operates in this State. The committee also touched on the issues of the number of women's refuges and behaviour modification for domestic violence perpetrators. This is a matter that the Hon. Paul Green has spoken about before in the House. I think he said that damaged people tend to repeat the cycle—

**The Hon. Paul Green:** Hurt people hurt people.

**The Hon. GREG DONNELLY:** Yes, hurt people hurt people throughout their lives. One of the big challenges in this area of domestic violence is in changing the behaviour of the perpetrators so that they will not repeat that offending behaviour. Very clearly, this is an area of policy development that is in its early stages. It clearly needs to be expanded because of the large number of cases of domestic violence. There has to be a way of modifying the behaviour of perpetrators; we have to work on that. Finally, in this portfolio area we looked at the sale of social housing stock in the State and concerns about the fact that the stock is being sold or not used effectively.

In the portfolio areas of Mental Health, Women and Ageing the committee covered staffing issues at Lismore Base Hospital and Cumberland Mental Health Services. It looked at the gender pay gap and how that affected women. The committee looked at suicide prevention and at the issue of attracting and retaining older workers in the workplace. Under the portfolio area of Health and Medical Research, the committee touched on paediatric services in New South Wales. We looked at the influenza outbreak. Members would be well aware that during the flu season last year an extraordinary number of people contracted the disease. There were record numbers of fatalities associated with the outbreak—not just in this State but also in other States and Territories in Australia. There was some detailed questioning of the Minister about whether the Government had been caught out because of the nature of the influenza virus last year and about what would happen in the flu season that is about to start.

The committee also dealt with the issue of avian flu mutations in the poultry industry and investigations into cladding used in the construction of hospitals. That flowed on from the Grenfell Tower disaster in the United Kingdom, which was reported on earlier this afternoon. The committee also looked at the availability of ambulances in regional and rural New South Wales. In a supplementary hearing in the same portfolios areas the committee looked at a number of issues that were covered in the first hearing, but also touched on the issues surrounding the use of e-cigarettes and the legality of cafes with indoor baby facilities. The committee also looked at ambulance super stations and the evaluation that was taking place. Concerns were raised for paramedics working in these super stations, as was the matter of paramedics around the State not taking crib breaks.

The committee looked at a number of areas under the portfolio areas of Disability Services and Multiculturalism. A memorable hearing looked at access to public housing, social housing and group homes for people with disability. Another important issue was the rates of reportable incidents in government and non-government facilities for people with disability. The committee also touched on educational opportunities and social inclusion for students with disability.

A supplementary hearing touched on funding of advocacy services for people with disability. It is interesting that last year the Government talked about not continuing the funding of organisations that do advocacy work for people with disability. The argument by the Government at the time was that the National Disability Insurance Scheme [NDIS] provides vehicles for satisfactory advocacy on all matters with regard to disability and

therefore there was no need to directly fund such organisations—mainly non-government organisation and often small ones doing niche work. It is interesting to note that over the past couple of weeks, after a concerted campaign by advocacy groups, the Government has backed down on that matter and has agreed to continue to fund this very important advocacy work done by some pretty small organisations on behalf of people with disability.

The committee also looked at the issue of the inclusion of children with disability in schools. This is a matter that is dear to the hearts of some of us in this House. There has been an inquiry by a committee chaired by, I think, the Hon. Lou Amato, into the issue of the way we treat, look after, and include children with disability in our school system—our preschools, primary schools and high schools.

I conclude by thanking the Ministers and the departmental officers for their attendance at our hearings. I thank the committee members who participated—permanent members and non-standing members—and secretariat staff. I thank the members of Hansard, who do a wonderful job. Their job was made challenging by the number of acronyms that were thrown around, thick and fast, by Ministers and departmental officers. I note that they have been able to render them accurately. The committee is looking forward to the next round of budget estimate hearings for the current year; they will be coming up relatively soon. I commend the report to the House.

**Debate adjourned.**

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**The Hon. WES FANG:** On behalf of the Hon. Robert Borsak: I move:

That Committee Reports Order of the Day No. 9 be postponed until the next sitting day.

**Motion agreed to.**

**The Hon. WES FANG:** On behalf of the Hon. Robert Brown: I move:

That Committee Reports Order of the Day No. 10 be postponed until the next sitting day.

**Motion agreed to.**

*Committees*

**STANDING COMMITTEE ON LAW AND JUSTICE**

**Report: Statutory Review of the State Insurance and Care Governance Act 2015**

**Debate resumed from 13 February 2018.**

**The Hon. SHAYNE MALLARD (17:50):** It gives me pleasure to contribute to debate on the report of the Legislative Council Standing Committee on Law and Justice entitled "Statutory review of the State Insurance and Care Governance Act 2015". Today I speak as the former chair of the committee. This is my last report in that capacity that I am aware of as I now chair the Standing Committee on Social Issues. Those who have been in Parliament much longer than I have would realise that this is an unusual report. Parliament does not usually conduct statutory reviews of legislation. In fact, statutory reviews of legislation, for example, the performance of the Act, are usually the responsibility of bureaucrats who report to the Minister. However, in 2015 the Parliament in its wisdom deemed that a statutory review of this Act should be incorporated into legislation and be conducted after the State Insurance and Care Governance Act 2015 had been in operation for at least two years.

The report, which was tabled out of session in December 2017, responds to that legislative requirement. The State Insurance and Care Governance Act 2015 has been in operation for just over two years. As the Standing Committee on Law and Justice has previously noted, the Act brought significant reforms to the governance and regulatory arrangements of the State statutory insurance and compensation schemes with the establishment of Insurance and Care NSW [icare], the State Insurance Regulatory Authority [SIRA] and SafeWork NSW. The purpose of this statutory review, the first of its kind undertaken by a Legislative Council committee, was to examine whether the policy objectives of the Act remain valid—there is an important distinction between the phrase "policy objectives of the Act" and the term "performance of the Act"—and whether the terms of the Act remain appropriate for securing those objectives.

As such, the inquiry focused solely on the Act and those objectives—not other Acts. Overall the committee is of the view that the policy objectives of the Act, particularly the structural separation of the organisations responsible for operating and regulating the relevant schemes and for regulating workplace safety, remain valid. There is much that icare, SIRA and SafeWork NSW have achieved in their first two years of operation. I have chaired two inquiries into icare and SIRA, the reports of which have been tabled in Parliament in the past. Those inquiries looked at the organisations operational performances. However the committee has

made some recommendations aimed at improving the performance in the future, particularly around the themes of transparency and access to information. There were five key recommendations covering the areas, which included:

Recommendation 1

That icare publish minutes and communiques of its board meetings...

That recommendation was about transparency. The recommendations also included:

Recommendation 2

That SIRA undertake the necessary work to ensure the timely publication of workers compensation statistical bulletins...

Recommendation 3

That SIRA commence work on developing comprehensive real-time data for workers compensation claims...

I do not think that any committee members are in the Chamber, but that recommendation has controversially turned into what is referred to as data lake. "Data lake" is a term that I appreciate, but it was excluded from the recommendations. However, the department and the Minister have embraced the term, which involves putting real-time data into a pool for extracting different sets of information that will help the department and Minister to make more informed decisions about investment, treatment and fees. The key recommendation of the report is as follows:

Recommendation 4

That the NSW Government introduce legislative amendments to give SIRA statutory information collection and sharing powers in the area of workers compensation, modelled on the equivalent provisions in the Motor Accident Injuries Act 2017 for compulsory third party insurance.

SIRA does not have that ability at the moment. We look forward to hearing about the Government's response to that recommendation. The final recommendation is as follows:

Recommendation 5

That the NSW Government note the evidence received in this review concerning the relationship between icare and SIRA, and SIRA and SafeWork NSW's effectiveness in carrying out their enforcement and compliance functions, and keep a watching brief on these issues for consideration as part of the five-year statutory review of the State Insurance and Care Governance Act 2015.

As I said, this review is unique. It follows, from memory, two reviews that the Standing Committee on Law and Justice conducted, including one into the performances of icare and SIRA, the report of which has been tabled in the Parliament. Another review is about to start this year. The review requirement every two years is a task that the Parliament assigned to the Standing Committee on Law and Justice. I wish the new Chair, the Hon. Natalie Ward, success in conducting that inquiry. As the former chair, I thank the committee members. The committee comprised the Hon. Lynda Voltz, Deputy Chair; the Hon. David Clarke, a former chair of the committee—I appreciated his experience in that role; the Hon. Trevor Khan, whose guidance was always valuable; the Hon. Daniel Mookhey; and Mr David Shoebridge, who also brought a lot of experience in this area to the committee.

There were one or two times when committee members had differences in opinion—I do not recall there being too much of that during this inquiry, but certainly in previous inquiries—but each of the committee members brought a set of skills to the inquiry that were valuable and appreciated and represented different stakeholders. We hear it in the Chamber often, but the committee system works best when we get different points of view and when we work together to try to achieve some changes that might improve the performance of legislation. I thank members for their support and understanding. I am no lawyer—in fact, I think I am one of the first non-lawyers on this committee—so I was thrown in the deep end, but I was surrounded by lawyers who gave me great guidance throughout.

The new Chair, the Hon. Natalie Ward, is a distinguished lawyer who has a solid background in this portfolio area. She will, no doubt, manage future inquiries with great professionalism. Finally, I thank the secretariat. We all thank the secretariat when we table our reports, but they make us look so good. Committee members come and go, which must sometimes be daunting for the secretariat. The Chair of this committee went to the Standing Committee on Social Issues just after he had been briefed and he understood the portfolio. The secretariat and its knowledge pool are important in the continuum and are helpful in these portfolios. I thank Teresa McMichael, Sharon Ohnesorge and the team for their tremendous work behind the scenes.

During this time in the parliamentary cycle there is more pressure on the secretariat because of the additional inquiries. I wish them well in the work that they are doing and thank them for their detailed knowledge of this complex area. Our interrogation of issues and witnesses is made to look very professional with the

secretariat's ability to package it up into an important report such as this. The report will be picked up by the Government and bureaucrats—which they are probably doing behind the scenes anyway. The report reinforces the position of Parliament in regard to this legislation. It was great to work on this report and to work with such a professional team. Again I emphasise the recommendations relating to the access of data. We have learned a lot in government and in the inquiries we have conducted into these areas about how well the Motor Accident Injuries Act is performing as it compulsorily requires data concerning third party insurance. That allows the department to effectively manage the cost—this falls outside the report—and we have seen some reforms as a result.

The inquiry was very much of the view that the Government should look at giving SIRA those legislative powers so that it can collect data on workers compensation from insurers and develop a more transparent set of data for all involved—including stakeholders such as workers, unions, carers and insurers—so that they can understand the assumptions and costs relating to their work. This unusual report represents my last inquiry as Chair of the Standing Committee on Law and Justice. I commend the report to the House.

**Debate adjourned.**

*Adjournment Debate*

**ADJOURNMENT**

**The Hon. BEN FRANKLIN:** I move:

That this House do now adjourn.

**TRIBUTE TO CAROLE LINDE JOBLING, OAM**

**The Hon. NATALIE WARD (18:00):** It is with deep sadness, shock and regret that I give this adjournment speech today. New South Wales has lost one of its best. A charming, delightful, intelligent, articulate and yet a warrior of a woman has left us: Carole Linde Jobling, wife, mother, grandmother and staunch supporter of her husband of 57 years, the Hon. John Jobling, OAM, who served in this place until 2003. It was with shock that I learned the news of Linde's sudden passing, and I thank the Hon. John Ryan, AM, for his usual considered and thoughtful communique to us all.

For me, I have lost someone whose shoulders I stood upon. I stand here today because of women like Linde. Linde was a great, liberal woman. Hansard, please record "liberal" with a small "l". I have the belief system I do because of dripping wet, moderate bleeding hearts like Linde Jobling—people who know that it is our job, our honour, our privilege and our duty to serve others before ourselves, to put the human being first, as good liberals do. Linde was district commissioner for Girl Guides Australia and was involved in Probus, the Red Cross, Meals on Wheels, the Muswellbrook Preschool Kindergarten parents and citizens association, and the Muswellbrook Art Prize. It was for these efforts that Linde was awarded the Medal of the Order of Australia for service to the community of Muswellbrook. So many of us have enjoyed her warmth, her friendship and her sharp wit. In a political party, there are many people who will pretend to be someone's friend; Linde was a genuine friend.

Linde was instrumental in the Liberal Party and the Liberal Women's Council since the 1960s. It is universally agreed that she was one of the hardest workers we had. Like a soldier on night patrol, Linde would never leave her post. Among many other things, she single-handedly ran the Sydney Town Hall polling booth. Linde stood there through pelting rain and searing heat, always with a huge, approachable, warm, endearing smile, all the while getting a how-to-vote card for her beloved liberal cause into every hand. The Hon. Robyn Parker says, "She was so charming, you could not say no to Linde. She was adored by everyone." She was such a hard worker; she never stopped. Chris McDiven, AM, says that one day they were working together at an information centre and in the mail they got an envelope with powder in it. They had to get the hazmat team in. Betty Grant, of the famous Liberal's "Three Bettys" fame, was there. Linde Jobling just ignored it all and kept on working.

Like all good liberal women, of course she had a ferocious side. If it was something that she believed in, people would know about it. She became aware of the different rules for organ transplants between Australian States. She had a motion passed at the Liberal Women's Council but also wrote to the health Minister and got an outcome. She did not want any recognition and said it should be taken off the agenda at the Liberal Women's Council, the job was done. That was Linde. Linde was instrumental in agitating for amendments to criminal trial practice so that children would be able to give evidence in a separate room to avoid the trauma of having to face the alleged perpetrator. Councillor Sally Betts recalls facilitating a meeting between her and the then Attorney General where Linde ferociously fought for this, and of course she was successful. Linde was the archivist for the Liberal Women's Council. Goodness knows what treasures she holds.

Linde believed first and foremost in the Liberal Party. Seven Liberal Women's Council presidents will sit together on Thursday at her funeral. Linde stared down the Liberal Party heavyweights when she thought they

were making the wrong call. She was not just a mother to the party; she was the conscience of the party. A little known member of the Liberal Party Michael Photios recounts how she would make an appointment to see him before every Liberal Women's Council presidential election. She would lead a delegation of ladies into his office to hold him to account.

Photios recounts how he was summonsed to her and John's Balmain home and standing there, pastry in hand, he would be required to defend his views. The Hon. John Jobling would be in the background, hovering around, getting cups of tea while Linde and Photios were duking it out. Occasionally John would stick his nose in and mention a view and Linde would send him back to the kitchen. Photios says, "She was in every sense a team player, but she showed real leadership and integrity of her soul in the way in which she discharged what she considered to be her charter in the party." Linde would remonstrate with "the boys" for getting involved in what was "women's business". It is not that anyone has anything other than love and respect for the Hon. John Jobling, a former Whip in this House. But at home, Linde was the whip in the house.

It was not unusual to hear Linde talk of her children, Mandy, Penny, and Philip, and her daughter-in-law Midori. She was unashamedly proud of her beautiful grandchildren, Primrose, Charlotte, Georgia and Isabella. As the Hon. Robyn Parker says, she was the wind beneath the wings of so many of us. It is with such a very heavy heart that I say these words regretfully and wishing I could just wake up and it were not true, but here we are. Vale Linde Jobling. I thank the Jobling family for the years of Linde they gave to us, and I thank Linde and John for making New South Wales a better place together.

### ANZAC COMMEMORATIONS

**The Hon. SHAOQUETT MOSELMANE (18:06):** Today I pay tribute to all those young men and women who over the life of our nation have sacrificed so much in armed conflicts across the world, including the Boer War, the first and second world wars, Vietnam, Korea, the Gulf wars, Afghanistan and Iraq. The Anzac story is one that endures because it is universal. It does not matter where a person's parents came from, where they were born or how long they have been here, there is always something in the Anzac legend that connects with people.

For me, it began in 1983, one year after I became involved in the Australian Labor Party. That was the year Gary Punch was elected as the member for Barton. It was through his office and the annual dawn service at the Arncliffe sub-branch of the Returned and Services League [RSL] that I became deeply aware of the Anzac tradition. I pause here to congratulate the Arncliffe sub-branch of the RSL, the organisers and the large numbers of people from different cultural backgrounds who now gather there to remember our fallen. The Anzac story is intermeshed with the history of many countries in the Middle East, including that of Lebanon, my country of birth. I was reminded of this in 2015 when I was on a parliamentary delegation of Labor members. I was fortunate enough to visit the Commonwealth War Graves Cemetery in Qasqas, Beirut, and was honoured to lay a wreath for the fallen Australians there.

On SBS recently, I came across the story of George as told by his daughter Nadine Chemali, who is a freelance writer. George, like most Lebanese Australians of his age, lived the brutal reality of war. Surviving the day-to-day violence of the Lebanese Civil War in Beirut, he watched as an entire country tore itself apart. He and his family ultimately fled Lebanon in the 1980s for a safe place: Australia. George loves Australia so much that in 2003 he came up with the idea to organise an Anzac Day ceremony for the Lebanese community to pay their respects to the fallen soldiers of what he calls "the greatest nation on earth". As Chemali tells it, a committee of Lebanese friends and family then approached the local RSL and requested to contribute to and participate in the Anzac ceremony in 2003 and again in 2004. That particular community would go on to establish a hall in Tarragindi, Queensland, and hold events in 2005 and 2006.

Many in the wider community may not realise that the connection between Lebanon and the Anzacs goes deeper than more recent migrant history. Many Lebanese people fought alongside Australian troops and the British to capture Palestine, Lebanon and Syria, and then again in the Second World War when Australian soldiers were stationed in Lebanon. Chemali writes that, in fact, her maternal great-uncles fought alongside the Australians in World War II and were lost in battle. During the fighting in Syria and Lebanon, Australian casualties numbered 416 killed and 1,136 wounded.

And so we come to now. Now the Anzacs and their sacrifice are not just commemorated in Australia, Turkey and France but also in Lebanon. In the village of Madfoun, for example, there is a memorial site which has been restored partially from funds generated by the Lebanese community in Australia. Every Anzac Day the local community of Madfoun, including the local politicians, attend the memorial site for a ceremony to reflect on, and pay respect to, those Australian soldiers who sacrificed so much for Lebanon. The Australian Ambassador to Lebanon, Mr Glenn Miles, delivered a commemorative address and paid particular tribute to the Lebanese-Australian soldiers who were among the fallen, highlighting yet another link between the Anzac story and the Lebanese nation.

These are sentiments I hope we can all share as we commemorate our Anzacs and celebrate Anzac's multicultural connections. By understanding the story of the Anzacs, the high price of armed conflict, the incredible human suffering that it visits on all involved, I hope that the spirit of peace and reconciliation will prevail in all countries and for all people around the globe.

### CLIMATE CHANGE

**Mr JUSTIN FIELD (18:10):** Today I had the pleasure to host renowned author and environmentalist, Bill McKibben, in the New South Wales Parliament and to hear from him about the increasing urgency for action on climate change as part of his Accelerate Climate Action tour. As the founder of *350.org*, Bill has played a critical role globally and in Australia by mobilising a grassroots movement for climate action by both campaigning to keep coal, oil and gas in the ground and in encouraging a massive global divestment from polluting fossil fuels. To paraphrase Bill from his presentation today, one of the problems with climate change is that every single day it is the most important thing going on in the world. But on almost no single day is it the single most urgent and dramatic thing happening that day.

The point he is making is that this is the reality of how the risk of climate disruption is perceived. That can be challenging for driving action, challenging for the media to present the urgency and challenging for the community to demand action from political leaders. But we must meet those challenges. It is our job—the job of parliamentarians—to understand those risks and to recognise the consequences. It is our job to put in place plans to protect people and the environment on which we all will rely into the future. Climate disruption is happening right now. Australia has just had the warmest start to autumn since records began. This follows the third hottest year on record in 2017. We saw back-to-back record global coral bleaching in 2016 and 2017, which has killed as much as a third of coral in the northern parts of the Great Barrier Reef. The Arctic at times during the past northern winter was as much as 20 degrees above average.

We are living with climate disruption. It has never been more critical that we take urgent action. The current New South Wales Government has an aspirational target of zero net emissions by 2050 but there is absolutely no legislated pathway to achieving that target. The climate action plans announced in 2016 as part of the Government's Draft Climate Change Fund Strategic Plan remain in draft form or are not announced at all. I asked the Government questions about this one year ago—six months after the drafts were first released. The Government's response was to talk up its aspirational target and assure us all that the plans would be completed later in 2017. Where are we today? Absolutely no further. The plans remain unannounced. Worse still, earlier this year the *Sydney Morning Herald* reported that, as a result of the delay in finalising and implementing the plans, the Government is underspending more than \$250 million on the Climate Change Fund.

At a time when we really need to pick up the pace on climate action, New South Wales has failed to invest millions. Imagine the opportunities lost or delayed in renewable energy or building community resilience or protecting our beaches, oceans and headlands. There has never been a more important time for climate action. The money is sitting there, but it just is not being spent. That is blatant obfuscation and mismanagement. The consequences could not be more serious. But it is not just the plans. The Government's record when it comes to climate action is just not serious. New South Wales remains one of the largest coal exporting jurisdictions anywhere on the planet. Currently new greenfield coalmines and coalmine expansions are underway. The Government continues to allow both onshore and offshore gas exploration. Added to this, last year's new fossil fuel development and changes to native vegetation laws mean we risk losing more tree cover and reduce the capacity of the land to sequester carbon.

In the lead-up to next year's 2019 State election The Greens will continue to champion real climate action. We need to phase out coalmining and coal burning, and instead invest in renewable energy and electrifying our transport networks. We need to protect our precious native forests as essential carbon stores and support biodiversity that is under increasing pressure from a warming climate. We need to ensure our oceans, estuaries and coastal areas are healthy and resilient and are able to mitigate the increasing impacts of rising sea levels and increasingly extreme weather. We have the technology, the tools and the know-how. Governments need to either get on board or get out of the way. If not, The Greens will be working in the community to build the movement that pushes the Government out of the way.

### BUTLER STREET RESERVE MARKETS

**The Hon. CATHERINE CUSACK (18:14):** Previously I raised the issue of the Butler Street Reserve at Byron Bay, which is Crown land administered by the Byron Shire Council as trustee. It is the venue for the iconic Byron Bay regional markets that are administered under licence by the Byron Community Centre. My previous remarks centred on the controversial proposal to establish a transport interchange on the reserve that would have displaced the markets and impacted upon the land's dedication for public recreation purposes. Thankfully, that proposal has been abandoned. I will not revisit those questions tonight. Instead I will focus more

attention on the environmental issues raised at the time, which, I have discovered, are more seriously alarming than initially feared. I acknowledge and thank the Hon. Andrew Constance, the Minister for Transport and Infrastructure, and his office for their assistance in locating and forwarding the summary of results from testing that was conducted by SMEC Australia as consultants to Transport for NSW. I can only cite without comment the executive findings by quoting the executive summary, which states:

... The proposed new bus interchange is located on the northern intersection of Somerset and Butler Street, Byron Bay NSW.

... In July 2017, SMEC was engaged to carry out a geotechnical investigation of the site for design considerations. During the geotechnical drilling, anthropogenic wastes were encountered in all bore holes. Anecdotal evidence from the drillers and neighbours indicated the site was used as an uncontrolled landfill during the 1970s. The extent of the landfill and the type of wastes disposed were unknown.

After combined discussions with SMEC, Sydney Trains and Byron Shire Council, it was confirmed that the site had been an uncontrolled landfill and a Detailed Environmental Site Investigation would be required ...

The following historical timeline has been assessed:

- Prior to the 1960's the Site was natural swamp land and part of the current Cumbebin Swamp.
- During the 1960's and 1970's, the Site was used as an uncontrolled landfill. The type and extent of the waste was not known or documented.
- Based on observations during the test pitting investigation, it is presumed that municipal largely non-putrescible waste and fill soil was placed directly on the swamp. Due to the Site being low lying and underlain by soft estuarine muds, it appears unlikely that excavations of natural muds occurred prior to filling. Waste was observed to interconnect with natural soils at groundwater level. In general, the waste and accompanied clay/sand fill was heterogeneous throughout the Site, while well short homogenous sand fill was observed in the south-eastern corner.
- The area of the uncontrolled landfill extended beyond the site boundaries of this investigation. The 1979 aerial photograph indicates that clearing/filling activities also occurred up to 200 metres west into the Cumbebin Swamp and on the southern side of Somerset Street underlying residential dwellings.
- A Council Memo and aerial photographs indicate that the site was 'capped' and grassed during the early 1980's.
- Concerns were raised in March 2009 over the potential for radiation to be present on the section of landfill west of the site. Byron Shire Council found that "Butler Street Reserve (as it is now known) does not pose a radiation health risk from buried materials. Council considers that the Butler Street Reserve to be safe for people infrequently using this community land".
- In 2002, Aztec Environmental undertook an investigation on behalf of Council on a section of landfill to the west of this investigation site. These findings indicated ... "almost any type of material could have been dumped there".

Upon review of the laboratory data, SMEC considers the organic and total metals contamination within soil to pose a potentially unacceptable risk to human and environmental receptors ...

The results from the laboratory analysis identified potentially unacceptable levels of dissolved zinc and total mercury within groundwater underlying the Site. SMEC considers the reported metal contamination to pose a potentially unacceptable risk to the downgradient ecological receptors. The presence of a hydrocarbon odour and what appeared to be free product on the surface of groundwater at the base of test pits TP03, TP06, TP07 and TP08 suggests that a light phase hydrocarbon is transient across the site. Due to uncertainty around the characteristics, it is recommended that additional groundwater investigation be carried out to gain greater understanding of the impacts. At the site's current levels, SMEC have assessed that there are potential unacceptable risks from gas and vapours which will require further assessment, management or remediation. A recording of 100 per cent of the lower explosive limit was reached at BH04. The source and composition of the gas and vapour is unknown. The report notes that Byron Shire Council, as operator of the landfill, has never notified the Environment Protection Authority [EPA] or registered the reserve as a contaminated site. Council has evaded requirements for a remediation plan, proper testing and monitoring by the EPA. This could not be more serious. This report is an astonishing document. I can scarcely believe that any modern council could be so reckless and indifferent to public health and its environment.

## BLUE MOUNTAINS ASBESTOS MANAGEMENT

**The Hon. ADAM SEARLE (18:20):** I make a contribution tonight in relation to asbestos management in the Blue Mountains. The Hon. Shayne Mallard gave a speech in this place on 12 April in relation to Blue Mountains City Council's handling of asbestos matters, in particular the management at the Lawson car park, the Lawson Mechanics Institute and Lawson stockpile, the Blackheath landfill, and the council's general approach to asbestos management and the systems, policies and procedures that guide operational practices at the Blue Mountains. In so doing, the Hon. Shayne Mallard was critical of me and of successive mayors of the city of Blue Mountains in relation to how that issue has been handled by the council as an authority. He used these examples to build his case that the council should be suspended and to add his support to the project. His speech was not only highly partisan but it bore all the hallmarks of having been authored in the office of the Minister for the Environment—the same Minister who recently bungled the Return and Earn recycling scheme and has bungled her legal efforts to suspend the elected council at Blue Mountain City.

Asbestos management is a serious issue, and I take it seriously. In 2002 when I was a councillor, I moved that the council adopt policies to toughen our approach on this important issue. As a matter of professional interest as a lawyer and as a member of Parliament, I take these issues seriously, as does the Blue Mountains City Council.

It is instructive that subsequent to the Hon. Shayne Mallard's speech—despite its highly partisan nature—Liberal councillors on the Blue Mountains City Council have spoken publicly about it and rejected what the Hon. Shayne Mallard said. They indicated that although the Hon. Shayne Mallard talked about one independent inquiry into the handling by the Blue Mountains City Council of this matter, he neglected to indicate to the House that there were four reports. The council has adopted the recommendations from all of them and it is clear that the elected council has not been the subject of any adverse findings in relation to these matters.

It is also clear that when the elected council was made aware of allegations about mishandling in relation to asbestos last year, under the leadership of Mayor Mark Greenhill it acted decisively and resolutely. That is why when the Government Minister came calling with her first proposal to suspend the council, she found that the council had already acted and started a process of thorough and independent investigation of the complaints. Instead of proceeding with the suspension, she put in place a performance improvement order that the council would work with SafeWork NSW, the relevant regulatory authority, and would engage independent lawyers to conduct expert inquiries to get to the truth of what had happened.

The council complied with that order for many months until, on the back of a sustained campaign by at least one radio station, it seems that the Minister issued a second intention to suspend council on the basis that one of the people working on the independent reports may have had a prior relationship with a council officer or someone engaged by the council. So poorly framed was this approach by the Minister that she was injuncted in the Supreme Court from proceeding on that basis. Rather than have a matter litigated to finality in the Land and Environment Court where it should have been heard by now, she has instead embarked on appealing this matter to the Court of Appeal.

It is almost as if the Minister has no faith in her actual legal strategy and is only engaging in litigation as a political solution to being criticised in the media for her lack of action. The Minister can take some comfort from the fact that all of these independent expert reports have now been provided to the council and it has unanimously adopted them. The reports totally clear the elected council from any liability in this respect. It is clear that the Local Government Act does not permit the local government to be involved in operational matters, and that is the cause of this problem. I will return to this matter at a subsequent time.

#### **MAX POTENTIAL YOUNG LEADERS PROGRAM**

**The Hon. PAUL GREEN (18:25):** I speak tonight about Max Potential and a recent project by one of its participants. Over 10 years Max Potential has been connecting emerging young leaders aged 16-to-23 years old with local community leaders as volunteer coaches. The program runs over five months with one-on-one coaching, workshops and a focus on delivering community service projects to make a difference in the local region. Julia, a young Christian Democratic Party member and volunteer, participated in this program and created her community service project, the Movers and Shakers project. She started this initiative in order to gain a better understanding of social issues and challenges affecting millennials like her in their development towards adulthood. She conducted a research survey of young people in her community. The survey asked questions on the respondents' demographics, background, active participation and outlook on the future.

From the questions addressing key challenges affecting youth, respondents listed the top three issues as stress, 87.5 per cent, body image, 42.5 per cent, and relationship conflicts, 35 per cent. A Mission Australia survey from 2016 stated that young people continue to nominate coping with stress, school or study problems, and body image as their top three issues of personal concern. Young people were asked to indicate where they would go for help with these important issues in their lives. The top three sources of help for young people were parents, friends, and siblings. Mission Australia's survey showed that friends, parents, and relatives or family friends were among the top three sources of help for young people. Members will note that these results are similar.

The top three activities for young people were sports at 32.5 per cent and then an equal percentage of 30 per cent in student leadership, volunteer work and religious organisations, and arts, cultural or music activities. Mission Australia noted that males were more likely to participate in sports while females were more likely to have participated in arts, cultural or music activities, volunteer work and student leadership activities in the past year. Survey respondents were asked about their outlook for the future. Some 40 per cent of respondents felt neither a positive nor negative outlook for the future. Some 32.5 per cent of respondents were positive and 25 per cent were very positive.

According to Mission Australia's national results, around two-thirds of respondents felt either very positive or positive about the future, a quarter of young people felt neither positive nor negative, and the remaining one in ten young people felt either very negative or negative about the future. However, if regrouped into more neutral categories, 80 per cent of respondents were neutral, a little positive or a little negative, which suggests their outlook could be easily swayed by adverse circumstances. Millennials have strong hopes and concerns about their own lives and about society. They generally turn to family and friends for the support and advice they need.

However, the majority face complex challenges and require additional support to reach their goals. Julia's survey results show that millennials have nominated coping with stress, school or study problems and body image as their top three issues of personal concern. Depression and mental health was also identified as a growing personal concern for young people.

Out of this project, Julia has outlined the need for more practical interactive workshops and opportunities to connect young people with integrated, industry-focused learning experiences. She indicated that opportunities in STEM—science, technology, engineering and math—related fields would be particularly welcome. It is essential that support and opportunities are provided for our young people. I want to see stability and growth in our State to ensure that there is a bright future full of opportunities for my children, and I am sure that my fellow members feel the same way. I commend Julia for this initiative and hope that we as a Parliament can work towards good outcomes for the young people of New South Wales.

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

**Motion agreed to.**

**The House adjourned at 18:30 until Wednesday 2 May 2018 at 11:00.**