



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Tuesday, 15 May 2018

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Tuesday, 15 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.

Saturday, 5 May 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, 7 May 2018

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.

Saturday, 12 May 2018

Bills

ROAD TRANSPORT LEGISLATION AMENDMENT (ROAD SAFETY) BILL 2018

FARM DEBT MEDIATION AMENDMENT 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 (14:33): At 2.00 a.m. on 19 May 1918 the 6th Infantry Brigade launched attacks on German positions in and around the northern French town of Ville-sur-Ancre. As part of this assault the 22nd Battalion advanced on two heavily defended roads known as Big Caterpillar and Little Caterpillar because

of the markings used to show them on the maps. When his company commander was severely wounded, Sergeant William Ruthven, a timber worker from Melbourne, quickly assumed command. With great courage, he rushed a machine gun post, killed one of the crew and captured the gun. When surprised German soldiers emerged from a nearby shelter, he wounded two and captured a further six.

The machine gun position secure, Ruthven hastily reorganised his men. Observing enemy movement near the second sunken road, without hesitation and armed only with a revolver, he crossed open land alone and rushed the position, killing two German soldiers and single-handedly capturing another 32. During the day that followed, with their positions under sustained fire, Ruthven moved constantly along the line, supervising and encouraging his men. For his actions, Ruthven was awarded the Victoria Cross for most conspicuous bravery and initiative in action. The citation read, in part, "throughout the whole operation he showed the most magnificent courage and determination, inspiring everyone by his fine fighting spirit, his remarkable courage, and his dashing action". Ruthven returned to a hero's welcome in Melbourne after he was later wounded in action. In 1945, he was elected Mayor of Collingwood. William Ruthven was one of 64 Australian soldiers awarded the Victoria Cross during the First World War, each for extraordinary acts of bravery and heroism. Lest we forget.

Motions

YOUR LOCAL CLUB ACADEMY GAMES

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

- (1) That this House notes that:
 - (a) the opening ceremony of the Your Local Club Academy Games was held on 27 April 2018 at the Newcastle Basketball Stadium involving 11 regional academies of sport in eight sports with over 1,200 participants;
 - (b) dignitaries in attendance included: the Hon. Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter, representing the Hon. Stuart Ayres, MP, Minister for Sport; Ms Jodie Harrison, MP, member for Charlestown; Ms Kate Washington, MP, member for Port Stephens; Mr Michael Johnsen, MP, member for Upper Hunter; Councillor Nuatali Nelmes, Lord Mayor of Newcastle; Mr Ian Robilliard, OAM, Chair, Regional Academies of Sport; Mr Ted Atchison, OAM, Chair, Hunter Academy of Sport; Mr Peter Newell, OAM, Chair, ClubsNSW; and Ms Samantha Poolman, former Hunter Academy of Sport athlete and member of the GWS Giants in the National Netball League;
 - (c) the games showcased the emerging talent of athletes across sports including basketball, golf, hockey, netball, softball, surfing, AFL, tennis and the inclusion of AFL male and female tournaments; and
 - (d) the event promoted the beautiful Hunter Region of New South Wales and the games provided a good economic boost to the local economy with over 1,000 of some of the State's finest young athletes staying in the Hunter Region for the games which were sponsored by ClubsNSW.
- (2) That this House:
 - (a) acknowledges that regional academies of sport are pivotal in providing elite-level sport pathways, education and advancement opportunities for regional sports players, coaches and officials; and
 - (b) congratulates all those selected to represent their respective regions at the games and commends the outstanding work of Mr Ian Robilliard, OAM, Chair, Regional Academies of Sport, Mr Ted Atchison, OAM, Chair, Hunter Academy of Sport and their staff in developing and supporting emerging young athletes.

Motion agreed to.

HUNTER REGION COMMONWEALTH GAMES MEDAL RECIPIENTS

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

- (1) That this House notes with great pride that athletes from the Hunter Region won 13 medals at the 2018 Commonwealth Games.
- (2) That this House congratulates and commends the following medal recipients:
 - (a) Kurt Fearnley, athletics, one gold—Men's T54 marathon; and one silver—Men's T54 1500 metres;
 - (b) Matt Dawson, hockey—gold;
 - (c) Katie Ebzery, basketball—gold;
 - (d) Damian Martin, basketball—gold;
 - (e) Nastasha Scott, bowls—two gold;
 - (f) Dan Repacholi, 50 metre pistol—gold;
 - (g) Cameron Crombie, F38 shot put—gold;
 - (h) Aron Sherriff, lawn bowls triples and fours—two silver;
 - (i) Erin Cleaver, T38 long jump—silver; and

- (j) Lauren Parker, para-triathlon—bronze.
- (3) That this House extends its best wishes to Kurt Fearnley, who had the honour of carrying the flag at the closing ceremony, on his retirement.

Motion agreed to.

COMMONWEALTH GAMES MEDAL RECIPIENT NICK KAY

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

- (1) That this House notes that:
 - (a) Tamworth's Nick Kay starred in Australia's gold medal win at the Commonwealth Games on the Gold Coast with the Boomers beating Canada 87-47 in the final, with Mr Kay posting 10 points, four assists and three steals;
 - (b) Mr Kay sparked a scoring run that helped give the Boomers a 26-point lead at halftime; and
 - (c) the victory capped off 12 months of great success for Mr Kay, after making his Boomers debut.
- (2) That this House congratulates and commends Nick Kay and his fellow Boomers teammates on winning the gold medal in basketball at the 2018 Commonwealth Games.

Motion agreed to.

COMMONWEALTH BANK TEACHING AWARD RECIPIENT JANEEN SILCOCK

The Hon. BEN FRANKLIN (14:37): I move:

- (1) That this House notes that:
 - (a) the Commonwealth Bank Teaching Awards are a prestigious awards program which showcases, celebrates and recognises great Australian teachers;
 - (b) the 2018 award recipients were recently announced with Janeen Silcock, Principal of Ballina Coast High School, being recognised with one of the 12 national awards;
 - (c) Ms Silcock was recognised with this award for implementing a new learning program at Ballina Coast High School which provides both students and teachers with their own learning coaches and ensures learning is individually tracked;
 - (d) this program is based on a more personalised approach to education to assist in equipping students for jobs of the future; and
 - (e) Ms Silcock will receive \$45,000 as part of the fellowship to grow the program.
- (2) That this House congratulates Ms Silcock for her leadership in the new Ballina Coast High School in implementing this individualised focus on learning and for being recognised with this prestigious award.
- (3) That this House thanks Ms Silcock for her dedication to teaching and educating students of the North Coast for the past 36 years.
- (4) That this House wishes Ms Silcock the very best as she continues to grow this program and supports the Ballina Coast High School students to flourish.

Motion agreed to.

CLIMATE CHAMPION AWARD RECIPIENTS

Mr JUSTIN FIELD (14:37): I move:

- (1) That this House notes that:
 - (a) the 2018 Climate Champion Awards were presented at a ceremony in the New South Wales Parliament on Wednesday 11 April;
 - (b) the awards recognise climate champions in our community who give their time and energy to build awareness and campaign for a safe climate;
 - (c) the annual Climate Champion Award is dedicated to John Davis, a tireless climate activist who tragically died in a helicopter crash while filming in 2015;
 - (d) over 30 nominations were received for the two awards, the "John Davis" Climate Champion Award and Young Climate Champion Award;
 - (e) the 2018 "John Davis" Climate Champion Award was awarded to Bill Ryan, a Kokoda veteran and activist of 96 years who dedicates his time to non-violent direct action, standing with communities in their opposition to coal and gas developments;
 - (f) the 2018 Young Climate Champion Award was awarded to Georgia Wilson-Williams, a volunteer community organiser for the Stop Adani campaign from Western Sydney, working with the Australian Youth Climate Coalition and Seed Indigenous Youth Climate Network; and

- (g) the other shortlisted nominees for both awards were:
- (i) Bev Smiles was a nominee for 2018 "John Davis" Climate Champion Award. Bev is a fearless public advocate who has played a significant role in opposing coal mine expansions in the Hunter Valley;
 - (ii) Steve Posselt was a nominee for 2018 "John Davis" Climate Champion Award. Steve has travelled the world on a kayak to raise the urgency level for climate action, promoting the Climate Emergency Declaration;
 - (iii) Joseph-Zane Sikulu was a nominee for 2018 "John Davis" Climate Champion Award. Joseph is a campaigner for *350.org* and represented Tonga at the United Nations Climate Conference in Bonn, Germany in 2017;
 - (iv) Melinda Wilson was a nominee for 2018 "John Davis" Climate Champion Award. Melinda is a community spokesperson who played a critical role in opposing the Western Sydney Incinerator and a major contributor to the Coal Seam Gas Free Western Sydney and No Coal Seam Gas Blacktown campaigns;
 - (v) Isaac Astill was a nominee for 2018 Young Climate Champion Award. Isaac is a campaigner for Stop Adani and was part of *350.org* Australia's Divestment Campaign, earlier working with the Australian Youth Climate Coalition;
 - (vi) Amelia Telford was a nominee for 2018 Young Climate Champion Award. Amelia is a young Aboriginal and South Sea Islander woman from Bundjalung country who is the National Co-Director of the Seed Indigenous Youth Climate Network; and
 - (vii) Keith Huang was a nominee for 2018 Young Climate Champion Award. Keith is a campaigner in the national Fossil Free divestment network as advocating for climate action through online and offline organising.
- (2) That this House acknowledges the significant contribution that these individuals, and other volunteers throughout the community, make in championing action for a safe climate future.

Motion agreed to.

LAO NEW YEAR FESTIVAL

The Hon. LOU AMATO (14:38): I move:

- (1) That this House notes that:
- (a) on Sunday 15 April 2018, members of the Lao Buddhist Society of NSW, the Lao community and Fairfield City Council held the Lao New Year Festival;
 - (b) special guests at the event included:
 - (i) Abbot of Wat Phrayortkeo Venerable Ajahn Thongsavanh Chantathirach;
 - (ii) President Lao Buddhist Society Mr Bounlap Saenphoumy;
 - (iii) Councillor Frank Carbone, Mayor of Fairfield City;
 - (iv) the Hon. Chris Hayes, MP, Federal member for Fowler;
 - (v) Councillor Dai Le, Fairfield City Council;
 - (vi) Sir Lucas Woo;
 - (vii) Reverend Greg Stone, President of Universal Peace Federation;
 - (viii) Prophet Muhammad Ahmadiyya Anj;
 - (ix) Mr Thuat Nguyen, OAM, President of Children's Festival;
 - (x) Mr Davy Nguyen, President of the Vietnamese Community Australia; and
 - (xi) the Hon. Lou Amato, MLC, on behalf the Hon. Ray Williams, MP, Minister for Multiculturalism.
 - (c) the celebrations commenced with Nang Sangkhan, the procession of the Goddess around the bodhi tree Baci ceremony followed by the bathing of the Buddha statue;
 - (d) participants were welcomed by Mr Bounlap Saenphoumy, President of the Lao Buddhist Society followed by traditional dance;
 - (e) the Hon. Lou Amato, MLC, on behalf Minister Ray Williams, acknowledged the traditional owners of the land and the many distinguished guests and volunteers who attended the New Year celebrations; and
 - (f) a special ribbon cutting ceremony was conducted to celebrate the tenth anniversary celebrating the Lao New Year Festival at Bonnyrigg Town Centre Park.
- (2) That this House acknowledges:
- (a) the significant contribution of Lao people in Australia both culturally and economically; and

- (b) the hardships the people of Laos experienced in their homeland resulting in many arriving in Australia as refugees.

Motion agreed to.

NEWCASTLE AND CENTRAL COAST SEISMIC TESTING

Mr JUSTIN FIELD (14:38): I move:

- (1) That this House notes that:
 - (a) last month, Asset Energy conducted seismic testing for gas off the coast of Newcastle and the Central Coast;
 - (b) the licence area, Petroleum Exploration Permit 11, covers an area off the New South Wales coastline from Sydney's Northern Beaches to Stockton;
 - (c) seismic testing involves underwater blasts that can impact the health of whales, dolphins and other marine animals;
 - (d) it is understood that the company is expecting results from the testing within the next two months and plans to start drilling in 2019;
 - (e) the community, including concerned individuals, commercial fishers and tourism operators, expressed strong opposition to the testing; and
 - (f) the Minister for Resources the Hon. Don Harwin, MLC, expressed concerns in this place that the regulatory regime under which the approval and testing occurred is not at a high enough standard.
- (2) That this House calls on the Federal Government to suspend further consideration of applications for PEP11 until such time as the regulations for offshore petroleum exploration and production have been reviewed in light of the concerns expressed by the Minister for Resources.

Motion agreed to.

ROYAL BATHURST SHOW

The Hon. WES FANG (14:38): I move:

- (1) That this House notes that:
 - (a) the Royal Bathurst Show celebrated its 150th anniversary from 13 April to 15 April 2018;
 - (b) the 2018 Royal Bathurst Show also marks the twenty-fifth anniversary of the show earning royal status; and
 - (c) over 20,000 people are estimated to have visited the show over its three days.
- (2) That this House congratulate the Bathurst Agricultural Horticultural and Pastoral Association [AHPA] organisers on the success of the 2018 Royal Bathurst Show and in particular acknowledge the work of the Bathurst AHPA office bearers:
 - (a) Sam Faraway, President;
 - (b) Col McPhee, Vice President;
 - (c) Matthew Irvine, Vice President; and
 - (d) Brett Kenworthy, Secretary.
- (3) That this House commend the continued work of the Bathurst Agricultural Horticultural and Pastoral Association for their promotion of agricultural activities and all aspects of rural and country life in Bathurst and the Central West of New South Wales since 1858.

Motion agreed to.

ROYAL FAR WEST RIDE FOR COUNTRY KIDS

The Hon. WES FANG (14:39): I move:

- (1) That this House notes that:
 - (a) Royal Far West's Ride for Country Kids 2018 was held from 29 April until 1 May 2018; and
 - (b) the 67 cyclists covered up to 500 kilometres from Lightning Ridge to Bourke, raising funds to ensure better access to healthcare and medical services for children in regional, rural and remote areas.
- (2) That this House congratulate the riders and support crews who volunteered their time to make the Ride for Country Kids such a success.
- (3) That this House acknowledge and commend the work of Royal Far West who have, for 94 years, helped support sick children across New South Wales.
- (4) That this House wish Royal Far West the very best of luck for the 2019 Ride for Country Kids event.

Motion agreed to.

NEWCASTLE MOTHERS' UNION

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

- (1) That this House notes that:
 - (a) the Newcastle Mothers' Union was founded in 1907 and currently has over 700 members in 43 branches from Taree in the north to Muswellbrook in the west and Woy Woy in the south;
 - (b) the union financially supports the Neonatal Intensive Care Unit at the John Hunter Hospital with approximately \$10,000 annually and provides baby bundles for families in need;
 - (c) the union also provides a Ministry of Coffee and Care at the Worimi Children's Court, raises funds to help the Northern Outreach and Training Fund for Indigenous Women as well as raising money to help with literacy and health programs and promote peace and reconciliation in Central Africa; and
 - (d) the current Newcastle Executive Committee consists of Denise Brown, President; Pat Calder, Secretary; Jacqui Sorby, Treasurer; Reverend Gary Harman, Chaplain; and life members Robyn Southerden and Noelle Freeman.
- (2) That this House acknowledges and commends the Newcastle Mothers' Union for its outstanding service since 1907.

Motion agreed to.

AUSTRALIA'S BIGGEST MORNING TEA

The Hon. WES FANG (14:39): I move:

- (1) That this House notes that:
 - (a) the Cancer Council's Australia's Biggest Morning Tea event will be held nationwide on 24 May 2018;
 - (b) in 2017, Australia's Biggest Morning Tea raised \$11.9 million and this year will mark the twenty-fifth anniversary of the initiative; and
 - (c) one in two Australians will be diagnosed with some form of cancer before the age of 85.
- (2) That this House congratulate the work of the Cancer Council for their research, support services, prevention programs and advocacy to fight all forms of cancer.
- (3) That this House encourage those who are able to either host or attend one of the hundreds of Biggest Morning Tea events around Australia on 24 May 2018.

Motion agreed to.

WANGI WANGI LIBRARY KNITTING GROUP

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

- (1) That this House notes that:
 - (a) in June 2012, Mrs Christine Langshaw founded the Wangi Wangi Library Knitting Group which has since knitted and crocheted thousands of items for local charities, hospitals and leprosy patients in India;
 - (b) women's refuges, the Men's Recovery Centre, Mission to Seafarers, Mum's Cottage run by the devoted Sister Helen-Anne Johnson and John Hunter Hospital have all benefited from the group's work;
 - (c) the group has worked tirelessly in conjunction with Jenny Dacombe of the local Mothers' Union, Father Glen, All Saints Anglican Church, Morisset, and St Vincent De Paul (for Hunter Homeless Connect Day) and Mater Hospital at Newcastle;
 - (d) the group has also demonstrated and taught knitting at the Wangi Wangi Peter Pan Preschool, Avondale College and Wangi Wangi Public School with the school winning first prize at the Morisset Agricultural Show for its work; and
 - (e) seasonal stalls are organised in Wangi Wangi by Bernie Gill, Lorraine Davies and Lesley Austin with proceeds raised from the raffle going to local charities, and that Jenny Mallaby, Dianne Ross and Marg Tomlinson-Smith all deliver materials to the charities and cancer patients in hospitals.
- (2) That this House congratulates and commends the Wangi Wangi Library Knitting Group on its outstanding service to charities and the community, particularly cancer patients, the homeless and mothers of newborn babies.

Motion agreed to.

*Documents***TABLING OF PAPERS**

The Hon. SCOTT FARLOW: I table the following papers:

- (1) Workplace Surveillance Act 2005—Report of the Attorney General, according to section 42 of the Workplace Surveillance Act 2005, on surveillance applications for year ended 31 December 2017.

- (2) Report of the NSW Biosecurity Advisory Committee entitled "New South Wales State of Biosecurity Report 2017", dated December 2017.

I move:

That the reports be printed.

Motion agreed to.

Committees

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 54/56

The Hon. NATASHA MACLAREN-JONES: I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 54/56", dated 15 May 2018. I move:

That the report be printed.

Motion agreed to.

SELECTION OF BILLS COMMITTEE

Reports

The Hon. NATASHA MACLAREN-JONES (14:41): I table report No. 6 of the Selection of Bills Committee, dated 15 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) National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018; and
- (b) Road Rules Amendment (Slowing Down for Police and Incident Response Vehicles) Bill 2018.

Mr DAVID SHOEBRIDGE (14:42): I move:

That the motion be amended by omitting all words after "That" and inserting instead:

- (1)
 - (a) the provisions of the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 be referred to the Standing Committee on Law and Justice;
 - (b) the bill be referred to the committee on receipt of the message on the bill from the Legislative Assembly; and
 - (c) the committee report by 31 May 2018.
- (2) That the Road Rules Amendment (Slowing Down for Police and Incident Response Vehicles) Bill 2018 not be referred to a standing committee for inquiry and report this day.

The National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 is an extremely important part of what will hopefully be a national redress scheme. Every member in the House wants the legislation to pass in time for the scheme to commence on 1 July. For decades, we have heard about victims desperately needing adequate and fair redress. They are victims of child sexual abuse that occurred in institutions, and those institutions have an obligation to pay. We as State and Federal parliaments have an obligation to put in place fair and just provisions for redress. Too often, victims do not get fair access to redress. The institution has either disappeared, does not have sufficient resources, or the extreme cost, delay and anxiety of existing civil proceedings mean that victims cannot get access to justice.

We need a fair statutory scheme that will not expose victims to the uncertainty and cost of civil litigation. If they choose to move through the scheme and not proceed with civil litigation, we have an obligation to put the scheme in place. On behalf of The Greens, I am fundamentally committed to the scheme being in place by 1 July 2018. However, there is a very real concern about the form of the scheme—that is, the exemptions that operate in it. After complex State and Federal negotiations, anybody who has been sentenced to imprisonment for five years or more is exempted from the scheme and does not have a right to compensation. It does not matter that they may have suffered repeated unacceptable and appalling child sexual abuse.

I do not suggest, by any means, that there is a category of acceptable child sexual abuse; anybody who was abused in an institution as a child deserves fair redress. The reason that the exemption is unfair and harsh is this: think about what too often and tragically happens in the life cycle of a victim of child sexual abuse. As a victim their life will spiral out of control. That can mean addiction and serious mental health problems. We know

all too well that a combination of problems can result in a person's life spiralling out of control. They can be caught up in the criminal justice system and do serious time in jail. A serious drug offence or violent offence due to their mental health or addiction issues could lead to them receiving a sentence significantly greater than five years. We have an obligation to look at the bill before we rubberstamp it. I do not pretend that we will be able to come up with perfect amendments just through debate in the House. We have the referral process to look at exactly this kind of thing.

Reverend the Hon. Fred Nile: We will debate the bill.

Mr DAVID SHOEBRIDGE: You will get your chance in a moment, Reverend the Hon. Fred Nile. On behalf of The Greens, I propose that we refer the bill for inquiry and report to the Law and Justice Committee, and that we conclude the inquiry and report by 31 May. That will not delay the implementation of the proceedings. We can deal with the bill in the first sitting week in June. There is a Federal inquiry on the Federal bill that will not report until 15 June. There is no reason not to accept this referral. It will mean that we are doing our job as legislators, standing up for the rights of victims and ensuring that when we pass a redress bill we consider all victims of child sexual abuse. I commend the amendment to the House.

Reverend the Hon. FRED NILE (14:47): Mr David Shoebridge seems to be under a misunderstanding that the bill will not be debated in the House. It is the first item of business to be debated and all members will have the opportunity to speak, as he will. He has already given a minor second reading contribution. He will have another opportunity later today. The Christian Democratic Party does not support his proposal.

The Hon. MARK PEARSON (14:47): The Animal Justice Party supports the amendment moved by Mr David Shoebridge and The Greens for the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 to be sent to the relevant committee. The very purpose of establishing the Selection of Bills Committee was for occasions when bills have issues that a committee may need to grapple with in more forensic detail.

Reverend the Hon. Fred Nile: The committee rejected the proposal.

The Hon. MARK PEARSON: I did not, and I am on the committee. During the royal commission an expert in psychiatry was called to give evidence for an entire day on the issue underpinning Mr David Shoebridge's request that the bill be sent to the committee. In that evidence, it became clear that many people who are damaged from ongoing sexual abuse in institutions develop serious drug problems, become dysfunctional, develop personality disorders and fall into criminality. If that is the case, they should not be prevented from receiving the same just compensation that a person who was sexually abused and did not go down that path would receive.

Some people do not go down that path, or do so minimally, and do not receive sentences of five years or more imprisonment. Whether or not they have gone to prison for five years or more for various criminal activities should not preclude them from just access to compensation for what happened to them in their developmental years that led to them becoming damaged and falling into criminality. They should have the same protection as a person who had a better upbringing and was able to avoid such a path.

The Hon. ROBERT BROWN (14:50): I sit on the Selection of Bills Committee and I supported the amendment moved by Mr David Shoebridge in that committee. The amendment was lost on a count. The point of contention appears to be whether Mr David Shoebridge's amendment would delay the process of having that bill debated in the House and either passed or amended before the Federal committee reports on 15 June. Mr David Shoebridge has pointed out that the Law and Justice Committee should be able to assess the points raised regarding the exemptions clause by the end of May, and therefore his contention is that it would not interfere with the process and we would get to debate the bill in the House. He is probably correct. I think the Government's and perhaps the Opposition's position was that it was too dodgy time wise. I say that the principle is right; it is just a question of time. I support Mr Shoebridge's amendment.

The Hon. ADAM SEARLE (14:51): The Opposition supports the amendment moved by Mr David Shoebridge. Our chief concern was not to delay the implementation of the National Redress Scheme. We know it is not perfect and that there are a number of legitimate criticisms about the scheme in its current form. But it is also the product of interstate agreement and, of course, involves the Federal Government. The host legislation will be Federal legislation. My understanding is that the Labor Party and perhaps others in the Senate have sufficient concerns about the scheme as it is currently conceived and there may well be amendments proposed in the Senate, which is where that driving legislation is to be found. So I think there would be some difficulties with this Parliament amending the legislation in a way inconsistent with the interstate and Federal agreement. But that does not mean that there is no work for this Parliament to do in terms of ventilating the details and perhaps identifying those imperfections that do require redress.

Mr David Shoebridge: Which is why we do it in a committee, rather than in amendments.

The Hon. ADAM SEARLE: I acknowledge that interjection. The Parliament and the committee still have valuable work to do in fulfilling that role and identifying those imperfections, which may well help to inform deliberations in the Senate. So as I indicated at the outset, our chief concern was to not risk delaying the implementation of the national scheme, imperfect though it is. Mr David Shoebridge has, by his deadline that is in the resolution, addressed that concern. On that basis, we support his amendment.

The Hon. Dr PETER PHELPS (14:53): As a member of the Selection of Bills Committee, what we have just heard is extraordinary. One hour and 45 minutes ago in that committee, the Labor Party indicated that it would not support referring this bill to the Law and Justice Committee. Now it has indicated that it does support it. That is outrageous. I am not sure if it was a miscommunication between the Labor Party representatives on that committee and the leadership group, but it makes a mockery of what we are supposed to be doing. The committee's recommendation would not have been in the form currently before this House in the Government Whip's motion if the Labor Party had indicated to the committee that it would be supporting referral. This is a very poor state of affairs. It does no credit to the process that I personally have been trying to implement for some time now. The position in which we now find ourselves certainly does no credit to the Labor Party.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:54): I formally put on the record the Government's position. Of course, the Government supports the Selection of Bills Committee process and supported the resolution establishing the committee. I note the comments made by the Hon. Dr Peter Phelps, but I will not extensively canvass them. Perhaps the position we are in is unfortunate, but nevertheless we will deal with the other issues. Mr David Shoebridge and the Hon. Mark Pearson have raised issues of policy substance about the legislation. The reality is that an earlier version of this bill—which is, of course, a Commonwealth bill—was considered by the Senate Community Affairs Legislation Committee. That committee's report has been taken into account in the development of the final Commonwealth bill. So a lot of the issues that have been raised by members have already been previously canvassed, and that is why we have the legislation in its current form.

The New South Wales Government is committed to seeing the National Redress Scheme for institutional child sexual abuse commence on 1 July. I am advised by the Attorney General that the time frame for passing legislation in the Commonwealth and State parliaments is extremely tight. The enabling legislation for the scheme cannot pass through the Commonwealth Parliament until the referral legislation has passed in New South Wales. This means that any unnecessary delays to the passage of the referral bill should be avoided to ensure that survivors can apply to the redress scheme and receive support at the earliest possible time. On the basis of the Attorney General's advice, the Government formally opposes the amendment moved by Mr David Shoebridge.

Mr David Shoebridge: Mr President—

The PRESIDENT: Mr David Shoebridge does not have a second opportunity to contribute to the debate. I indicate to all members that Standing Order 90 states:

- (1) A reply is allowed to a member who has moved a substantive motion ... A reply is not allowed to a member who has moved an amendment. The Hon. Natasha Maclaren-Jones has moved a motion to which Mr David Shoebridge has moved an amendment. The question is that the amendment be agreed to.

The House divided.

Ayes19
Noes21
Majority.....2

AYES

Brown, Mr R
Faruqi, Dr M
Houssos, Ms C

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

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

Pearson, Mr M
Secord, Mr W
Veitch, Mr M
Wong, Mr E

Primrose, Mr P
Sharpe, Ms P
VOLTZ, Ms L

NOES

Amato, Mr L
Colless, Mr R

Blair, Mr N
Cusack, Ms C

Clarke, Mr D
Fang, Mr W (teller)

NOES

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

Franklin, Mr B
Khan, Mr T
Mallard, Mr S

Mitchell, Ms S
Taylor, Ms B

Green, Mr P
MacDonald, Mr S
Martin, Mr T

Nile, Reverend F
Ward, Ms P

Amendment negatived.

The PRESIDENT: The question is that the motion of the Hon. Natasha Maclaren-Jones be agreed to.

Motion agreed to.

*Documents***STATE CORONER****Reports**

The CLERK: According to the Coroners Act 2009, I announce receipt of a report of the New South Wales State Coroner entitled "Report by the New South Wales State Coroner into deaths in custody and police operations for the year 2017", dated April 2018.

*Committees***PORTFOLIO COMMITTEE NO. 5 – INDUSTRY AND TRANSPORT****Report: Augmentation of water supply for rural and regional New South Wales**

The CLERK: According to standing order, I announce receipt of report No. 47 of Portfolio Committee No. 5 — Industry and Transport entitled "Augmentation of water supply for rural and regional New South Wales", dated May 2018, together with transcripts of evidence, submissions, tabled documents, correspondence, answers to questions taken on notice, and supplementary questions, received out of session and authorised to be printed on 14 May 2018.

The Hon. ROBERT BROWN (15:07:2): I move:

That the House take note of the report.

Debate adjourned.

*Bills***TRANSPORT ADMINISTRATION AMENDMENT (SYDNEY METRO) BILL 2018****Second Reading Speech**

The Hon. SCOTT FARLOW (15:26): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

I support the Transport Administration Amendment (Sydney Metro) Bill 2018. The purpose of the bill is to amend the Transport Administration Act 1988 to establish Sydney Metro as a standalone transport agency and statutory corporation, charged with end-to-end responsibility for the delivery and operation of Sydney's world-class metro system. Sound familiar? That is because it is almost exactly the same as the Act introduced by the Labor Government in 2008 to establish a Sydney Metro organisation. I remind the Deputy President that this is the same entity that was established by members on the other side of the House to deliver the Sydney metro project which the Labor Government then cancelled.

After 16 long years of neglect under Labor, when the people of New South Wales were promised 12 rail lines—of which only half of one rail line was delivered—had nine transport master plans and six transport Ministers, this Government has got on with the job of building tomorrow's Sydney. That is because Sydney Metro is a game-changer for Sydney. It will revolutionise the way we and generations to come will get around our great global city. Australia has seen nothing like this new metro. The time is right to take the great work done by the Sydney Metro Delivery Office and transform it into an enduring statutory corporation, overseen by an expert decision-making board.

Those on the other side of the House will have us believe that the new Sydney Metro entity will not be accountable to government and that it will be able to go off on its own frolic. That is purely and simply wrong. Just like Transport for NSW, Sydney Trains and New South Wales trains, Sydney Metro will be subject to appropriate accountability mechanisms, including being required to prepare financial reports in compliance with the requirements of the Public Finance and Audit Act 1983.

The Hon. Penny Sharpe: How about GIPAA?

The Hon. SCOTT FARLOW: I am glad the member asked. It will be subject to annual audits by the New South Wales Auditor-General. It will also be subject to the Government Information (Public Access) Act 2009 and the Privacy and Personal Information Protection Act 1998. The bill will support the delivery of the biggest urban rail infrastructure investment in Australian history and will allow Sydney to get maximum benefits from what will be one of the world's greatest metro rail systems. Sydney Metro is the centrepiece of this Government's vision for Sydney's future.

Since 2015, the Greater Sydney Commission has been leading metropolitan planning for the Greater Sydney region, with a focus on aligning infrastructure decision-making and land use planning, while also promoting the supply of housing and supporting improvement in productivity, livability and environmental quality in our great city. Sydney's new metro network will deliver the necessary step change in rail infrastructure to deliver our vision for Sydney's three 30-minute cities. By providing safe, fast, frequent turn-up-and-go services 24/7, Sydney Metro will make Sydney an easier and quicker place to get around and will make destinations across our city more accessible.

This rapid transport solution will be complemented by a range of other transport solutions and investments already underway, as detailed in the Government's Future Transport Strategy. This strategy recognises that transport is an enabler of economic and social activity and contributes to long-term economic social and environmental outcomes. Those on the other side of the House would have people believe that the right to operate buses is a shifty attempt by this Government to privatise the bus network; that is purely and simply wrong. It seems that those on the other side of the House do not believe in the benefits of integrated transport planning. However, that should not come as a surprise because they never actually delivered anything during their 16 years in government. Let me be clear, clause 38 (3) (b) of the bill provides that the Sydney Metro may operate other transport services, including bus services, whether or not in connection with its metro passenger services.

If those on the other side of the House, who would like the people of New South Wales to believe that they are a legitimate source of alternative government, had bothered to read the Transport Administration Act they would have realised that this is a standard provision for Transport Administration Act entities—for example, rail operators need to operate rail replacement bus services during line maintenance and for unplanned events such as power outages. Sydney Metro delivers on every outcome identified in the Future Transport Strategy, including customer focus, successful places, growing the economy, safety and performance, accessible services and sustainability. As noted in the Future Transport Strategy, Sydney Metro is Australia's first fully automated metro system, using technology that is operational on metro railways all around the world.

Sydney Metro is much more than just a state-of-the-art railway system. It will provide future mass transit, high-frequency, high-capacity metro passenger services using cutting-edge technology. These technological advances will not only change the way that service is delivered in future but they will also revolutionise the passenger experience. Customers will not need timetables on the Sydney Metro; they will just turn up and go. New world-class metro services will start before we know it. In the first half of next year services will begin in the north-west of Sydney. Sydney Metro Northwest will provide eight new stations, with a further five existing stations to be upgraded. There will also be an additional 4,000 new commuter car spaces to support the metro system. It will not be long before we see the first metro services delivered in the north-west. Indeed, more than 94 per cent of rail track has already been laid, with the first of 22 metro trains delivered last year, and testing is currently being done on commissioning systems, including brakes, passenger information displays, and light and door operations.

Sydney Metro Northwest will be just the beginning of this world-class metro system. It will extend from the north-west, under Sydney Harbour, to new underground stations in the central business district, and beyond to Bankstown in 2024. The first of five mega tunnel boring machines for the Sydney Metro City and Southwest project will be in the ground before the end of the year. In 2024 Sydney will have 31 metro stations and 66 kilometres of new metro rail. Sydney's new metro trains will run every four minutes at full operational mode in the north-west. The ultimate capacity will be to run a metro train every two minutes each way under the centre of Sydney, with the further extension of metro services to Bankstown by 2024. That is a level of service never before seen in Australia. I am also pleased to reconfirm that planning is well underway for the Sydney Metro West project, which will provide a new direct underground metro link between the Sydney central business district and

Parramatta. It will also service Olympic Park and the Bays Precinct. Detailed community and industry consultations are currently underway on further station locations for the Sydney Metro West.

The Minister for Transport and Infrastructure, Mr Andrew Constance, announced that one of the major milestones for the Sydney Metro City and Southwest project has been achieved with the commencement of the Central station upgrade works. New metro platforms will be delivered under Central station, as well as the landmark east section of Central Walk—a new underground pedestrian concourse to help customers get around Sydney's busiest railway station. This is the first step in the renewal of Central station. It will create a new pedestrian gateway to Chalmers Street and better link the suburban rail network. These will be the biggest improvements to Central Station in decades and will ensure that the metro system is fully integrated with other transport modes, including trains, light rail and buses. It will open up the "rabbit warren" that is currently Central Station to provide seamless passenger services for the more than 400,000 commuters expected to use Central Station by 2036.

Further to this, one of the Sydney Metro's express objectives will be to deliver safe and reliable passenger services. Sydney Metro will also be subject to directions issued by Transport for NSW and the Minister. These directions are an important means by which transport agencies are required to align with Transport for NSW policies. Safety has always been one of the Government's key concerns in the delivery of the Sydney Metro. Importantly, Sydney Metro and its subcontractors will be subject to the Rail Safety National Law (NSW) and oversight by the National Rail Safety Regulator. Sydney Metro will be required to have a safety management system in place under the Rail Safety National Law (NSW) and to have other management plans, including a security management plan and an emergency management plan. In addition, as a public transport agency under the Transport Administration Act 1988, Sydney Metro will be required to exercise its functions in accordance with the objectives and service delivery priorities of the Act as a whole, including providing safe transport services in accordance with an appropriate safety regulatory framework.

The fact that Sydney Metro will be using the most cutting-edge technology is a further demonstration of our commitment to safety. The metro technology being used in Australia for the first time includes platform screen doors, barriers and doors that keep people and objects like prams away from tracks, and allow trains to get in and out of stations much faster, whilst also providing the maximum safety for passengers. Sydney Metro will be Australia's first fully automated rail system. Expert rail controllers will monitor the entire system from a brand-new operations centre. Each train will have 38 security cameras, including on the front and back of the train, and one will be able to see from one end to the other inside the train. This will provide a significant security benefit. The state-of-the-art signalling and communications systems will control the trains, tunnels, tracks, platforms, platform screen doors and skytrain to ensure that we deliver a safe and reliable journey to our customers. All these systems will be talking to each other and controlled by the expert train controllers back in the operations centre.

However, we need to focus on more than just the first day of operations of the Sydney Metro. We want great outcomes for all of Sydney for generations to come from this \$20 billion-plus investment. The Sydney Metro Board will have skills and experience relevant to the administration of Sydney Metro to maximise the Government's already significant investment in the metro and future growth. The proposed role and composition of the board is intended to attract and leverage appropriate local and global expertise to assist the business in exercising its functions. Establishing the Sydney Metro as a dedicated statutory corporation is a demonstration of this Government's commitment to delivering world-class, customer-centred transport services to meet the needs of the community both now and into the future. Those on the other side of the House would have people believe that the establishment of the Sydney Metro entity is a means to sell off the metro. Plainly and simply, they are wrong. Sydney Metro will be owned by the New South Wales Government and will be part of the Government's transport cluster. It will operate as a transport agency similar to Sydney Trains, NSW Trains, and Roads and Maritime Services.

The bill contains provisions to ensure Sydney Metro remains under the control of the Government in future. Clause 38B (3) ensures that whilst Sydney Metro can acquire, build and dispose of metro assets, the metro system itself cannot be disposed of by Sydney Metro. This is evidence of the Government's commitment to ensuring the benefits of the Sydney Metro system remain available for future generations. Sydney Metro will be subject to the requirements for closure and disposal of railway lines under section 99A of the Transport Administration Act 1988.

The Government announced in 2014 that passenger services on the Metro Northwest system will be operated by the private sector under a public-private partnership. It is intended that Sydney Metro fares will be set and controlled by the New South Wales Government in the same way as the rest of the public transport fares are set. Importantly, to ensure full integration with the current transport network, the Opal card ticketing system will apply to Sydney Metro. Sydney Metro will also have an important role to play in relation to place-making in

the precincts that will be serviced by the metro. In order to ensure transport and land use planning are truly integrated, and to enable Sydney Metro to play an effective place-making role, Sydney Metro will be empowered to assist planning and transport authorities in preparing strategic plans for the revitalisation of land in the locality of the Sydney Metro.

Sydney Metro will provide the catalyst for the revitalisation of vibrant and active local communities. Those on the other side of the House would have people believe that the Sydney Metro does not need to have the right to compulsorily acquire land. Only someone who has never actually delivered a project, who has never actually planned for the future, would think that. How else would Sydney Metro be able to open new stations in the future? Wow! Those on the other side of the House forget about that. Sydney Metro will be tasked with working across Government to lead the delivery of a world-class metro system focused on customers and great local places, driving the State's economic growth well into the future.

The bill further contains provisions to assist Sydney Metro with its place-making functions. Sydney Metro will be authorised to carry out, finance, manage and otherwise participate in residential, retail, commercial, industrial, mixed-use development, community, open space and recreational facilities on land in the locality of metro stations, depots and stabling yards. This will ensure the Sydney metro system is fully integrated into, and forms part of, local communities, providing maximum opportunities for people to work, rest and play close to home, in line with the three cities concept set out in the Greater Sydney Commission's Greater Sydney Region Plan.

Schedule 1 to the bill amends the Transport Administration Act 1988 to establish Sydney Metro as a standalone statutory corporation, which is a New South Wales Government agency. Clause 38A of the bill sets out the principal objectives of Sydney Metro, being the delivery of safe and reliable metro passenger services in an efficient, effective and financially responsible manner and to facilitate and carry out the orderly and efficient revitalisation of land in the locality of metro stations, depots and stabling yards. Under clause 38B of the bill, Sydney Metro will be enabled to design, construct, develop and operate metro passenger services. It will also be expressly authorised to assist relevant planning and transport authorities in preparing strategic and other plans for the revitalisation of precincts in the locality of the metro. This will ensure truly integrated transport and land use planning at the local level.

Where land is required in order to build Sydney Metro and its associated transport infrastructure, it may be necessary for Sydney Metro to acquire privately owned land. As with all major infrastructure projects, compulsory acquisition remains a necessary part of development. Appropriately, Sydney Metro will have the same compulsory acquisition powers as Transport for NSW in relation to the transport infrastructure component of the metro. This means that Sydney Metro may, for the purposes of exercising its curtailed transport-related functions, acquire land by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

Clause 38D of the bill authorises Sydney Metro to additionally acquire land by agreement with owners in the locality of a metro station, depot or stabling yard where it is needed for the purposes of carrying out, financing, managing or otherwise participating in residential, retail, commercial, industrial, mixed-use development, community, public open space or recreational purposes. This is important because it will ensure the Sydney Metro system is fully integrated into, and forms part of, local communities, providing maximum opportunities for people to work, rest and play close to home, in line with the three cities concept set out in the Greater Sydney Commission's Greater Sydney Region Plan. This means that the community, rather than developers, will benefit from the revitalisation of localities surrounding metro stations.

I remind the House that this Government made important changes to the property acquisition process in 2016 following reviews undertaken by David Russell, QC, and the then Customer Service Commissioner Michael Pratt, AM. Our Government has implemented 17 of the 20 review recommendations, including the establishment of the Centre for Property Acquisition. The centre provides guidance, training and communications materials to ensure acquiring authorities treat residents affected by property acquisition with respect and empathy throughout the process. This means ensuring residents have access to an appropriately trained point of contact, usually a personal manager, to guide them through the acquisition process, providing greater transparency by ensuring that communication is clear and provided in a timely manner, and managing all acquisition data through the whole-of-government database acquisition hub. Sydney Metro will continue to act in accordance with the new whole-of-government acquisition standards developed by the Department of Finance, Services and Innovation and the supporting guidelines and procedures developed by the Centre for Property Acquisition.

An organisation charged with end-to-end responsibility for the development and ongoing operation of Sydney's metro system into the future needs to have best practice governance arrangements in place. That is why clause 38F of the bill provides for the establishment of an expertise-based board to oversee Sydney Metro's functions. Clause 38G provides that the board will be specifically responsible for determining Sydney Metro's

policies and for ensuring that the organisation performs its functions properly and efficiently. Those on the other side of the House would have people believe that having access to world-class experts is wrong. But there is nothing bad or shady, about ensuring that the largest infrastructure investment in Australia's history is planned on the advice of industry experts. Those on the other side of the House are plainly and simply wrong.

The bill includes appropriate governance arrangements for the constitution and procedures of the Sydney Metro Board. These will be set out in schedule 2B to the Transport Administration Act 1988. Consistent with best practice governance arrangements, board directors will be required to make pecuniary interest disclosures so that any conflicts of interest can be appropriately managed. Under clause 38I of the bill, the chief executive will be responsible for the day-to-day management of Sydney Metro, subject to the policies and directions of the board. Importantly, as part of its governance arrangements, Sydney Metro will be required to prepare annual corporate plans. Appropriately, clause 38L of the bill requires these plans to include specific targets and criteria for the purpose of assessing Sydney Metro's performance over time.

To ensure the community has an opportunity to have its say, draft corporate plans will be subject to public consultation. Clause 38L requires Sydney Metro to take account of any public submissions made in response to a draft before it is finalised. Once adopted, Sydney Metro will be required to exercise its functions in accordance with its corporate plan. Importantly, the Sydney Metro Board will also be able to set up advisory committees to help inform its decision-making. Let there be no doubt, Sydney Metro will be a game changer for Sydney. It will not only transform the way we travel around this great global city but also change the way we work, live and play by providing truly integrated, world-class transport to vibrant and active communities. It is time to look to the future and realise Sydney Metro's true potential to help manage Sydney's growth moving forward. I commend the bill to the House.

Second Reading Debate

The Hon. PENNY SHARPE (15:49): I lead for the Opposition in this House in debate on the Transport Administration Amendment (Sydney Metro) Bill 2018. I note that my colleague the shadow Minister for Transport, and shadow Minister for Roads, Maritime and Freight has indicated Labor's opposition to the bill in some detail in the Legislative Assembly. Labor opposes this bill. This bill seeks to amend the Transport Administration Act 1988 to establish the Sydney Metro Delivery Office as a standalone transport agency and statutory corporation.

The stated object is to facilitate the development, implementation and operation of a metro in Sydney by constituting Sydney Metro as a corporation and to provide generally for the corporation's management and functions. Essentially it will create Sydney Metro as a statutory corporation rather than existing as part of the government agency Transport for NSW. The bill outlines the role of the new Sydney Metro corporation, which would be to deliver safe and reliable metro passenger services in an efficient, effective and financially responsible manner and to facilitate and carry out the development of land for metro stations, depots and stabling yards. The bill also lists what are described as "other objectives" of Sydney Metro, the first of which is:

- (a) to be a successful business and, to that end:
 - (i) to operate at least as efficiently as any comparable business, and
 - (ii) to maximise the net worth of the State's investment in the metro ...

Labor argues that this bill is really about fattening the pig for market so that Sydney Metro can be sold off sometime in the future. Of course Sydney Metro should run efficiently: The question is whether the Government's motivation in legislating for maximising net worth is due to its overwhelming desire to offload the corporation to the private sector at some undisclosed time in the future. Of course, this Government's record gives every indication that this is precisely what is planned.

As my colleague the shadow Minister outlined, the current Sydney Metro Delivery Office has been working successfully as part of Transport for NSW since 2011, so what is the reason for this change? The answer is simple and, when it comes to this Government, predictable: privatisation. That is the reason for being, and it is the answer to anyone wondering about its plans for public agencies and public assets: Whenever it gets the chance, it will privatise them. Let us not forget that we have a transport Minister who proudly said that one day he hopes he does not have to deal with any sort of transport staff; that someone else will be running them.

Given that the Minister could not provide a single credible reason that the delivery office cannot achieve the objectives of the Sydney Metro, the Opposition and the community are deeply suspicious, because we know that, when this Government sees a public asset, it sees dollar signs. Think of the privatised bus services and the looming sale of 51 per cent of the Sydney Motorway Corporation, think of the Land and Property Information service, think of the poles and wires, think of Miller's Point—all gone to private hands and lost to the public. The

Liberals and The Nationals of New South Wales are nothing more than purveyors of balance sheets. Community assets, public services and heritage are not first order considerations for this Government.

I note that the Parliamentary Secretary, the Hon. Scott Farlow, said that the Sydney Metro will be owned by the Government, but there are too many concerning parallels between the establishment of a Sydney Metro statutory corporation and the underhand way that the Government managed the development and sale of the Sydney Motorway Corporation. My colleague the shadow Minister hit the nail on the head when she said, "The Minister is seeking the privatisation of all public transport in this State ... Every action he is taking is about privatising public transport." This is the sad truth.

My colleague in the Legislative Assembly revealed that the bill also allows for Sydney Metro to operate other transport services. I note that the Parliamentary Secretary finally mentioned that in the speech he just gave, but the Minister in the other place did not. The bill allows for the Sydney Metro to enter into passenger service agreements, including bus services—so the question must be asked, why would the Sydney Metro corporation want to operate bus services? The bill even states that those bus services do not have to be connected to the Sydney Metro's own operations. The Opposition believes this inclusion in the bill would effectively give the new Sydney Metro corporation the ability to take over any bus services in this State.

Again, remember the Inner West bus privatisation being undertaken by this Minister—a change undertaken without a shred of evidence that it was either required or would lead to improvements for passengers. Let us also look at what has happened in Newcastle. If the Minister wants to talk about how privatisation of bus services impacted the people of Newcastle, he should talk to the thousands of people who have signed petitions and turned up to public meetings and who still cannot get to work in a reasonable manner—yet this Minister says that privatisation has worked.

In a further increase to its powers, the bill provides for the Sydney Metro corporation to acquire, develop, sell or lease land. Again the shadow Minister hit the nail on the head regarding the intention of these provisions: if you buy land and put it within the statutory corporation, you get yourself a big corporation with all the bells and whistles, with bus services and land to develop and, even better, it is protected in legislation. This means that the Government can then sell the Sydney Metro as a big, bright package for the private sector to profit from. The bill gives Sydney Metro the power to finance, manage and develop land for residential, retail, commercial, industrial or mixed-use development.

We already have UrbanGrowth NSW, Landcom, the Department of Planning and Environment and the Greater Sydney Commission, all of which are involved in land development. Why do we need yet another player and developer of land in this State? The answer may lie in the Government's silence about its plans for development around metro stations. Perhaps the Government's plans for the Sydney Metro are for it to be a developer of high-rise residential buildings and retail shopping centres along the metro corridor. We do not know, and the Minister will not tell us. Given that the Parliamentary Secretary seems to think he has all the answers today, perhaps he can provide that in his reply. What are the Government's plans for development along the metro corridor and what is the role of the Sydney Metro agency in that development? Communities along the Metro Northwest, the CBD metro and the Sydenham to Bankstown metro lines have a right to know that this agency can develop land around any of the stabling yards and stations. I would appreciate this being addressed in reply.

The Labor Opposition is also concerned about the governance of the Sydney Metro Board. The bill creates a Sydney Metro Board of directors with very broad powers and not much information about what experience they need to have to be appointed. Essentially it gives the Minister almost unfettered discretion as to the appointees to the board. The board is to have between three and seven directors appointed by the Minister, with a further director able to be appointed by the Transport secretary. There is a significant difference between having three people at the table making multimillion dollar decisions for public money and seven people with more diverse views. Why make provision for just three directors? Labor believes that this is poor governance and should not be in the bill. In terms of the composition of the board, the bill states only that:

The directors are to be persons who, in the opinion of the Minister or Transport Secretary ... have skills and experience relevant to the administration of Sydney Metro and that will assist Sydney Metro in exercising its functions.

The mix of requirements needed for such a board are not very clear. Essentially Labor believes that this is more about who the transport Minister of the day feels should be on the board rather than a serious way to set up strong governance structures that are clear so that the public can understand the type and the mix of skills that are needed to run such an entity. Across many other pieces of legislation regarding boards with far less power in terms of expenditure, land development and straightforward bearing on the everyday lives of people travelling around Sydney, the required experience and skills of the directors is specified. More than that, it is also diversified. It may be that having three to seven financiers is not the best fit to run Sydney Metro but the Minister could be of the opinion that it is. It may be that three to seven lawyers is not the best fit, but under this bill that is what we

could end up with. There is no stipulation that transport policy, for example, is required or that a community engagement expert is required. We do not believe that is good enough.

The bill requires Sydney Metro to complete a corporate plan, but there is still a real sting in the tail—and I ask the Parliamentary Secretary to address this in more detail. The bill specifically gives the corporation a free pass to exclude any information that might be commercially sensitive in any plans released to the public. If that is the case, we want to know, because that is not full and open disclosure; that is more hiding behind corporate governance and less about transparency. This Government has real form in relation to transparency on all of its infrastructure projects, and Labor does not support setting up yet another entity that can hide behind provisions.

I was pleased that this organisation will be subject to the Government Information (Public Access) Act, but I also place on record Labor's concern about the current use of that Act. We already know that the Government makes great use of commercial-in-confidence, Cabinet-in-confidence and not enough resources, and pretty much uses every delay in the book rather than releasing information in relation to a number of projects and programs across government. The Opposition continues to be frustrated with the lack of information that is provided and does not want to see this under this organisation.

The secrecy with which significant decisions are made and significant sums of public moneys spent by this Government will see this time go down in history as a dire one for public debate and open democracy in New South Wales. Members of this Chamber have talked about this at length. The Opposition continues to pursue information from this Government, and there are even some Government members who have supported measures for greater transparency. This bill does nothing to improve transparency. Labor has many concerns about this bill. Whether it be privatisation, the operation of bus services by Sydney Metro, developing or selling land, you name it: This agency will be able to do it. I reiterate the view of my colleagues in the Legislative Assembly: Labor categorically opposes the bill.

Debate adjourned.

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

Questions Without Notice

ELECTRICITY PRICES

The Hon. ADAM SEARLE (15:59): My question is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given that New South Wales electricity customers have been overcharged almost \$100 million by Essential Energy, will the Minister guarantee that Ausgrid and Endeavour Energy have not overcharged customers? Will he also guarantee that customers will receive refunds for the overcharged amounts within the financial year?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:00): There are a number of aspects to the honourable member's question and I am happy to address them. It is pleasing to see that the New South Wales electricity distribution businesses—Ausgrid, Endeavour Energy and Essential Energy—have reduced their operating and capital expenditure over the past five years. These reductions build on the network reforms that were started in 2011 and 2012 by this Government.

Network prices for the average New South Wales household have fallen by 25 per cent over the past five years. The New South Wales distribution businesses are now commencing a process with the Australian Energy Regulator [AER] for determining their allowed revenue for the period 2019 to 2024. Ultimately, this revenue allowance will influence the network prices and therefore the electricity bills consumers will face over the next five years. The AER is expected to publish the three New South Wales distributors' regulatory proposals shortly.

Ausgrid, Endeavour Energy and Essential Energy have all indicated that network charges should be relatively stable or go down over the 2019 to 2024 regulatory period. Ausgrid is proposing price reductions for the 2019 to 2024 period, with network charges forecast to go down by 6 per cent. Ausgrid's business customers should also see their bills reduced, with Ausgrid recommending that average business customers will see their electricity bills go down by \$192 in July 2019. It estimates that electricity bills for the typical suburban household will go down by \$30 in July 2019 as well. Endeavour Energy and Essential Energy have proposed relatively stable network charges over the next five years.

Ausgrid, Endeavour Energy and Essential Energy are transitioning to more streamlined, innovative and cost-effective businesses. All three businesses have objectives to deliver an efficient, affordable, safe and reliable network, place downward pressure on network charges and undertake targeted investments in innovative and enabling technologies. I am pleased to see that all three New South Wales distribution networks have been actively engaging with their stakeholders as they prepare for the 2019 to 2024 revenue determination process. I encourage

stakeholders to provide feedback to the AER to ensure that consumer views are included as part of its decision-making process. The AER is expected to issue draft decisions later this year.

STATE ECONOMY

The Hon. DAVID CLARKE (16:03): My question is addressed to the Leader of the Government, Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Will the Minister update the House on the state of the New South Wales economy? Are there any threats to our prosperity?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:04): The very experienced honourable member asked me an excellent question. When we came to government in 2011, we promised we would make New South Wales number one again. The 16 lost years of the Labor Government made New South Wales the worst-performing State on a range of economic indicators: lowest jobs growth on mainland Australia, slowest economic growth of any mainland State, business confidence dropping through the floor, housing supply at 50-year lows. That is what Labor did to this State. That is on top of a \$5.2 billion black hole in its budget, a \$30 billion infrastructure backlog and out-of-control public service costs. The Labor Government also introduced 11 new taxes and increased taxes 21 times. Does Labor want to fix this? Will it come to the table and support our economic reforms to fix the budget and repair the economy? Of course not. Labor opposed every economic reform measure that we implemented to put New South Wales back on top.

The Hon. Lynda Voltz: Point of order—

The PRESIDENT: I ask the member to wait. I want all interjections to stop so I can hear the point of order.

The Hon. Lynda Voltz: The Minister's speech is fascinating but I am unable to hear it, given the noise coming from the Government benches.

The PRESIDENT: I uphold the point of order. I had trouble hearing the Minister because of the noise coming from Government members and because of continued interjections from Opposition members. There were equal noise levels on both sides of the Chamber. I inform all members that the noise level is too high. The Minister should not have to scream out his answer to get over the noise level in the Chamber.

The Hon. DON HARWIN: Labor has opposed every measure to balance the books. Whether it is building infrastructure or boosting the economy, Labor has opposed our measures. Those opposite have no plans to grow our economy; they want to take us back to the dark days of the Labor Government. The State cannot afford to go backwards. We made New South Wales number one again and we will keep it that way. The latest CommSec State of the States report has proven that New South Wales remains the number one State in the country. We have retained the top spot on five of the eight economic indicators. New South Wales has the strongest job market, with unemployment at only 4.9 per cent compared to other States. We have delivered more than 480,000 new jobs since April 2011. We are leading on construction work because we are rebuilding New South Wales, with \$80 billion in infrastructure projects—roads, rail, schools and hospitals.

We are keeping the State moving and we are building for the future. We delivered almost 2,000 kilometres worth of new or upgraded roads since 2011, more than 28,000 new weekly train, bus, ferry and light rail services, the Opal card and we are building the Sydney Metro. We have delivered 59 new or upgraded schools and funded more than 3,000 new classrooms. We have delivered 77 new or upgraded hospitals and health facilities. This Government is a government that delivers and it delivers for all of New South Wales. Those opposite could not run a bath, let alone the New South Wales economy. They proved that in their 16 years in office and nothing has changed. The Labor Party is not fit to govern. This Government is delivering where Labor failed and it has made New South Wales number one again.

DAIRY INDUSTRY

The Hon. WALT SECORD (16:08): My question is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, in his own capacity and representing the Minister for Health. In light of adverse community reaction to the Government's decision to dump Norco as the milk supplier to 16 hospitals across northern New South Wales, does the Minister support the Government's procurement policy that has led to New South Wales farmers missing out on the NSW Health contract?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:09): I thank the honourable member for his question. It is a good opportunity for me to put some facts on the record relating to this issue. I am advised that 95 per cent of the milk products purchased by NSW Health are processed and packaged in New South Wales using New South Wales milk. What the honourable member fails to recognise is that many other milk processors in New South Wales to

which New South Wales dairy farmers are contracted will also have the opportunity to supply health institutions across New South Wales.

HealthShare NSW can confirm that the milk supplied in northern New South Wales health facilities is sourced from a cooperative of New South Wales farmers. New South Wales government procurement guidelines require products for health facilities to be supplied, where possible, via local franchisees. Local businesses are supported through our supply chain, including locally sourcing fresh fruit and vegetables for our facilities. This is not a case of picking a farmer on the North Coast over a farmer on the South Coast; this is ensuring that on balance New South Wales farmers are supplying milk to our hospitals in New South Wales.

The Hon. Walt Secord: You are putting Queensland first.

The Hon. NIALL BLAIR: Norco has Queensland farmers on its books as well.

The PRESIDENT: Order! The Deputy Leader of the Opposition asked a question. I thought it was a very good question. The member should allow the Minister to answer it.

The Hon. NIALL BLAIR: If those opposite want to stand up for farmers in New South Wales they need to lead by example, not play politics when a government agency puts out a tender that results in New South Wales farmers supplying our health facilities. They should lead by example, look in their own fridges and tell us what milk they are drinking. When Luke Foley, Leader of the Opposition, brought television cameras into his house it revealed that he was drinking dollar milk. If Opposition members want to support New South Wales farmers they should get behind New South Wales processors. When they go into a restaurant they should ensure that they choose New South Wales wine. When they go to the supermarket or butcher they should ask for New South Wales products. First and foremost, when they bring television cameras into their homes to do an exposé and to show that they are family men, they should ensure that they are supporting our farmers by not buying one dollar milk. That is not helping our farmers.

The Hon. Shaoquett Moselmane: Point of order—

The PRESIDENT: Order! I cannot hear the point of order over the chorus of interjections from Government members.

The Hon. Shaoquett Moselmane: The Minister is now screaming and it is unparliamentary to scream in the Chamber.

The PRESIDENT: I note that is the second time the Hon. Shaoquett Moselmane has raised the issue of screaming. Members will not interject while I am speaking. As all members are aware, comments are directed through the Chair. I will reserve on the point of order and look at previous rulings relating to this issue, if I can find any. If the Hon. Shaoquett Moselmane knows of any past ruling he should forward it to my office. The Minister has the call.

The Hon. NIALL BLAIR: When it comes to standing up for our farmers I will scream from whatever platform I have to ensure that as many of their products as possible end up in our fridges or on our plates. I reiterate that I have been advised that 95 per cent of the milk products purchased by NSW Health are processed and packaged in New South Wales using New South Wales milk. The Hon. Walt Secord fails to realise that there are many other processors in New South Wales. This Government supports its farmers. When members go to the supermarket they can choose what products to buy.

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

The Hon. NIALL BLAIR: I choose to buy milk that is processed in New South Wales in order to support our farmers. [*Time expired.*]

DROUGHT ASSISTANCE

The Hon. ROBERT BROWN (16:14): My question is directed to the Minister for Primary Industries. On 3 May my colleague in the other place asked the Minister whether it would be possible to provide stock fodder bunkers in regional New South Wales to fortify farmers against the drought. I acknowledge the difficulty of solving the drought problem without any rain. However, will the Minister provide members with information that shows that my suggestion is either not practical or not economical?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:15): I thank the member for his question relating to drought and to the provision of fodder bunkers. I state at the outset that I do not believe this is something that is economically viable, and nor do I think it is practical. I will run through a couple of reasons. I will be referring the issue to the Regional Assistance Advisory Committee to look at it further. That committee includes farmers' representatives,

non-government social support and advocacy organisations, agribusiness banking, Local Land Services and Rural Financial Counselling Service representatives.

If fodder bunkers are provided by the Government producers would receive a stable average price without having to pay transport fees. That in turn would lead to market distortion with the Government as a captive purchaser and prices would skyrocket as a result. Where would the feed come from at the moment? The biggest issue we have is that a lot of feed is coming from South Australia and Victoria. If this concept is an effort to reduce transportation costs that would not be eliminated because we still need to get fodder to the bunker. In the past agencies have used fodder bunkers. I give as an example cottonseed and the agency that was subjected to legal action by farmers who received contaminated cottonseed.

How would we prioritise? If we have community fodder bunkers to which farmers would we say yes and to which farmers would we say no? In times of drought this Government has a strong record in feed storage and infrastructure with its Farm Innovation Fund. I would prefer to use government resources to assist farmers to put fodder bunkers on their farms not just in times of drought but so they can capitalise on them in subsequent years to store grain, hay or feed. Farmers should decide what feed they need for their farms and that will depend on their farm operations—for example, lambing, trading, or cattle breeding operations. All those operations require different nutrition mixes and stock rations. It should be up to farmers to decide how to run their farms.

The Government supports farmers by making sure they have the infrastructure they want and need to make decisions in line with management practices. I thank the member for his question. We have had conversations about this matter previously. We must be careful. As Minister for Trade and Industry I reiterate that we will not talk ourselves out of markets we are in at the moment. We will talk up our farmers and stand by them. They will get through the drought. Let us not race to the bottom or paint a picture that all farmers are struggling. Our overseas competitors are watching for that. They want to jump into those markets. The message from the farmers I met last Friday and yesterday was to continue to talk them up. They will get through this. The Government will stand by them and help them through this drought. It will be tough but we will all work together.

DROUGHT ASSISTANCE

The Hon. BRONNIE TAYLOR (16:17): 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 continuing to work with farmers to manage the impacts of the current drought?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:19): I thank the honourable member for her question. More than a third of the State is now in drought or approaching drought. Pastures are greatly diminished, soil moisture is low and agronomic conditions in general are poor. Producers are now at a critical decision point, waiting for the rain. They need to either get winter sowing underway in earnest or choose when to de-stock and by how much. As I said earlier today, the New South Wales Government is standing by our farmers. Yesterday Premier Gladys Berejiklian, member for Dubbo Troy Grant, and I met with farmers to hear firsthand how they are coping with the drought. Last week, Deputy Premier John Barilaro, member for Bathurst Paul Toole, and I met with farmers near Blayney to hear their experiences and to see the situation ourselves.

Yesterday the New South Wales Government announced that former New South Wales Rural Woman of the Year, Pip Job, would be our new State Drought Coordinator. When asked by the media what her role was, Pip said, "I am here to hear." Pip will help ensure farmers and their communities can raise concerns and identify opportunities for our current drought strategy. As a grazier herself, Pip knows firsthand the impacts of drought and she will ensure the Government is providing farmers with the right support at the right time. Yesterday we also announced the appointment of a new rural support worker for the Central West and Central Tablelands—James Cleaver—who has a background in law and agriculture. These two new appointments follow the recent announcement of a new Drought Transport Fund, which will provide farmers low-interest loans of up to \$20,000 to transport stock, fodder or water for drought-affected properties. That fund complements the wider \$300 million New South Wales drought strategy, which includes transport subsidies, a rural resilience program, rural support workers and financial counselling, and a Farm Innovation Fund for on-farm drought preparedness.

The Farm Innovation Fund is worthy of special mention. Right now, we are receiving applications worth more than \$3 million per week through the fund for low-interest loans for on-farm infrastructure. Since its inception, the fund has approved more than \$211 million in loans, including more than \$62 million this financial year alone. I encourage producers to consider using the Farm Innovation Fund as well as other assistance measures available and remind everyone that the fund is available to all primary producers year round and it is not tied to current seasonal conditions. Despite some claims to the contrary, Farm Innovation Fund applications have been

taking around 15 days to process on average. Producers can also access training advice, decision-making support and more via the DroughtHub website.

The New South Wales Government is committed to ensuring ongoing whole-of-government coordination and response to the current drought. I have heard a lot of people say that the current drought in New South Wales looks much like the 1982 drought. However, there are a few big differences. At the moment interest rates are different from what they were in 1982, farm income is different from what it was in 1982, and stock and commodity prices are different from what they were in 1982. I was at the Carcoar sales on Friday and there were some light cattle. However, people were paying what the stock was worth, which was not too bad a price. Even in the Dubbo sales we recently saw stock bought from Queensland and Victoria. This is different; it is tough. Even the Premier said yesterday that there was light at the end of the tunnel. We just do not know how long the tunnel is. Again we will stand by our farmers. Pip Job has a direct line to my office to tell me what we need to change. We will act accordingly on the advice of those in the field.

LIVERPOOL PLAINS PETROLEUM EXPLORATION LICENCES

Mr JEREMY BUCKINGHAM (16:23): My question is directed to the Minister for Resources, and Minister for Energy and Utilities. Six petroleum exploration licences cover part of the iconic Liverpool Plains. Given that at Santos' recent annual general meeting its chief executive officer Kevin Gallagher told farmers that Santos has no plans to drill the wells in the Liverpool Plains but it cannot excise those parts of its licences that cover the Liverpool Plains and that it is something it will have to live with, will the Government provide certainty to the farmers of the Liverpool Plains by cancelling or buying back the parts of the petroleum exploration licences that cover the Liverpool Plains and permanently rule out gas extraction in this area?

The PRESIDENT: Order! I call the Hon. Rick Colless to order for the first time.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:24): I thank Mr Jeremy Buckingham for his question. As he indicates, those licences do have a connection with the Narrabri project that is currently being investigated by Santos. The Santos-Narrabri project and its associated environmental impact statement [EIS] were lodged on 1 February 2017 and exhibited between February and May last year. It is a matter of public record that the EIS attracted a large number of submissions from the community and Government—the highest number of submissions ever received for a publicly exhibited EIS.

On 13 April, just a few weeks ago, the Department of Planning and Environment received Santos' formal response to submissions for the project. The department is currently reviewing the response to submissions, which will be thoroughly considered by the department on its merits under legislation and New South Wales Government policy guidelines alongside the EIS. The application is currently progressing through a system of processes under the State significant development provisions of the Environmental Planning and Assessment Act. I am sure Mr Jeremy Buckingham would be aware that the development assessment process is being handled by the Minister for Planning, but there are clear project benefits from the Narrabri—

Mr Jeremy Buckingham: Point of order. My point of order relates to relevance. I do not believe the Minister is being genuinely relevant to the question which related to petroleum exploration licences over the Liverpool Plains. The Narrabri gas project is a distinct project. I asked a question about petroleum exploration licences [PELs] and not about the Narrabri gas project. The Minister has talked only about the Narrabri gas project. I ask that he be drawn back to the substance of the question.

The PRESIDENT: I will look at the question. I thank Mr Jeremy Buckingham for his point of order. I believe that the Minister is being generally relevant. The Minister has the call.

The Hon. DON HARWIN: The project can deliver on the Government's priorities for a secure, reliable and affordable gas supply for the residents of New South Wales within the current market and related gas supply framework. It can provide a mid-to long-term domestic gas supply in New South Wales. It can also offer certainty to wholesale and retail customers in the short term by providing insulation from price shocks. It will have the capacity to generate up to 50 per cent of the State's gas supply at peak production, or 200 terajoules a day for more than 25 years.

I visited the site of the project and some of the wells that have been dug. I spoke to people in the community who are concerned about the project and I met with a range of groups in the Narrabri community. There is extremely strong support for the Santos-Narrabri gas project in the town of Narrabri. The community understands what this project is worth to the town. It also understands the royalties and what that would mean for the State Government. The PELs surround the Narrabri Gas Project. Nevertheless, the project and what is affected is dealt with by the EIS. While the project is in the development assessment phase, I am not proposing to take any

action on the PELs until that process is concluded. I note that the PEL that covers the area south of Gunnedah—*[Time expired.]*

Mr JEREMY BUCKINGHAM (16:30): I ask a supplementary question. Will the Minister elucidate his answer about his comment that the petroleum exploration licences over the Liverpool Plains were "connected to the Narrabri Gas Project" by informing the House how they are connected to the Narrabri Gas Project?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:30): I thank the honourable member for his supplementary question. That is not my recollection of what I said. In any case, the key point is that the exploration licence known as PEL 1, which covers the area south of Gunnedah and the Liverpool Plains, is currently subject to a renewal application and will be assessed in accordance with digital imaging of geological system guidelines.

INTERGOVERNMENTAL AGREEMENT ON NATIONAL DROUGHT PROGRAM REFORM

The Hon. MICK VEITCH (16:31): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. What is the Minister's response to community concerns that the former Deputy Prime Minister, the member for New England, did not progress the Intergovernmental Agreement on National Drought Program Reform?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:32): I thank the honourable member for his question. The intergovernmental agreement on drought is due to be renewed later this year. The five-year renewal period for the agreement that was last signed by New South Wales representatives comes up later this year.

The Hon. Mick Veitch: Has it been rolled over?

The Hon. NIALL BLAIR: No. The renewal period was a topic of discussion at the ministerial council meeting in Brisbane about four Fridays ago—I stand to be corrected—at which all State representatives got together to discuss the intergovernmental agreement. Drought is not an issue that we are facing just in New South Wales. Queensland is experiencing a prolonged drought and Victoria also has had its challenges in recent times, as has South Australia. At that meeting all State representatives agreed that they would make every attempt to bring forward the intergovernmental agreement for consideration. The general consensus was that there does not need to be too many changes from the previous agreement. However, we Ministers will have to wait to see what we have before going forward. The agreement served as a guiding principle for New South Wales when it developed its \$300 million drought strategy.

There is still confusion in many sectors. A lot of people are not aware of some of the changes that were made to the declarations, depending on when it was that they last went through a drought in their area of New South Wales. There was a broad discussion between the State representatives about the intergovernmental agreement. It was my expectation that New South Wales would receive certainty from the Commonwealth as to what a new agreement would look like and any other assistance measures that it can help us with. We have to remember that for the assistance programs in New South Wales we not only direct people to the Rural Assistance Authority, we also administer a number of programs on behalf of the Commonwealth through the Rural Assistance Authority. We must continue to work with the Commonwealth on this, particularly the farm household allowance, which is a Commonwealth program that we administer that provides financial assistance to households that are facing significant hardship; Commonwealth drought assistance concessional loans for refinancing, drought recovery and ongoing expenses, and business improvement concessional loans as well as farm management deposits.

We are in discussions with the Commonwealth about other areas that may lead to the finalisation of the intergovernmental agreement. Those discussions are ongoing. If there is a concern that the agreement had not been ratified, that is incorrect. The existing agreement is in place. The new agreement was to be finalised around November or December this year. We have asked to bring that forward. We hope that we get an indication from the Commonwealth so that we will be in a position to consider it at our next ministerial council meeting. I would think that we see some further development on that in the middle of the year rather than the end of the year. I am more than happy to keep the member informed about that process. All States must work with the Commonwealth on this agreement because we all face these challenges, no matter what our political colours are or what State we are in. *[Time expired.]*

ILLAWARRA WINGECARRIBEE ACCORD

The Hon. SCOTT FARLOW (16:36): My question is addressed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on how the Government is supporting Aboriginal people in the Illawarra?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:36): I thank the Parliamentary Secretary for his question. Yesterday I had the honour of travelling to Windang to sign an accord with the Illawarra Wingecarribee Alliance Aboriginal Corporation [IWAAC]. The event was well attended by members of the alliance as well as senior members of the New South Wales Government, including the Parliamentary Secretary for the Illawarra, and the member for Kiama, Gareth Ward. The Illawarra Wingecarribee Accord is the latest milestone to be achieved through the New South Wales Government initiative Local Decision Making [LDM] and the second such accord to be signed in the State.

Local Decision Making recognises the need for a localised and flexible place-based approach to service delivery in New South Wales Aboriginal communities. Under LDM, Aboriginal communities are given an increased voice in service delivery, and through LDM regional alliances they will be progressively delegated greater powers and budgetary control as capacity is proven and agreed conditions are met. Early evidence suggests that Local Decision Making is successfully shifting the relationship between government and Aboriginal communities from one of service provider recipient to a true partnership. Historically, some mistrust has existed between Aboriginal communities and government organisations, but through processes such as the signing of accords and LDM, this Government is committed to working hand in hand with Aboriginal communities to achieve real results.

The agreement signals a new relationship of mutual trust between Aboriginal people and our government and is a major step towards self-determination for the local Aboriginal community in that region. The community-led agreement seeks to drive economic growth and governance to improve outcomes for Aboriginal people and their communities in the Illawarra Wingecarribee region. The accord is the result of more than four years of effort by IWAAC and the New South Wales Government, including 12 months of formal negotiations between IWAAC members and senior government representatives. It represents the demonstrated and genuine commitment of both parties to share decision-making and a willingness to share information and work differently. I acknowledge the commitment of IWAAC members who, as volunteers, have invested their time and resources to establish strong governance arrangements and to meaningfully engage with the Government on service delivery.

Through the accord, IWAAC has worked with senior government negotiators to design a raft of new solutions to meet the needs of local communities in five priority areas. These include education and early childhood, including a new Aboriginal preschool and two alternate learning centres; housing and homelessness, including a new plan to address homelessness in the region; economic development, including investment in new Aboriginal enterprises, regional cultural tourism and new employment and procurement policies; health, including a focus on early childhood, cultural safety in hospitals and in drug and alcohol rehabilitation services, and new healthy lifestyle programs as well as a specific health program for elders; and police and justice, including a new committee to strengthen partnerships and improve relations in the police and justice sectors.

I thank everybody who has been involved. I am proud of the work between the IWAAC and the New South Wales Government to allow this to happen. The signing of this accord follows on from 2015 when we negotiated the Murdi Paaki Regional Assembly Murdi Paaki Local Decision Making Accord. As some members in this House would know, the Murdi Paaki accord aimed to improve government service delivery for Aboriginal communities in Far West New South Wales.

The Hon. Rick Colless: Hear, hear!

The Hon. SARAH MITCHELL: I note the endorsement of the Parliamentary Secretary for Natural Resources and Western New South Wales. They are working in the priority areas of housing, economic development, education and early childhood services. Currently a number of other alliances are undertaking local decision-making. I am looking forward to seeing continued positive outcomes between the New South Wales Government and Aboriginal communities. [*Time expired.*]

BELLS LINE OF ROAD UPGRADE

Dr MEHREEN FARUQI (16:40): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, representing the Minister for Roads, Maritime and Freight. Two weeks ago the Premier said that the concern and genuine distress of residents affected by the proposed corridor for the Bells Line of Road—Castlereagh Connection has informed the Government's thinking. Will the Government now abandon this corridor?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:40): I thank the honourable member for her question, which was directed to me in my capacity representing the Minister for Roads, Maritime and Freight.

The PRESIDENT: Order! Stop the clock. Opposition members are assisting the Minister with their continued interjections.

The Hon. Daniel Mookhey: We are very helpful.

The PRESIDENT: Do not be. The Minister has the call.

The Hon. NIALL BLAIR: A lot of people have a great interest in these corridors but the member is not going to trick me into revealing government policy or any decision changes. This is a trap. If the member had asked a question concerning the detail of this corridor I would have referred it to the Minister for Roads, Maritime and Freight but she has not done that. The member is asking about a Cabinet decision and I will not answer a question about that.

WATER MANAGEMENT AND COMPLIANCE

The Hon. DANIEL MOOKHEY (16:42): My question without notice is directed to the Minister for Regional Water. Is the Minister satisfied that his department has undertaken sufficient consultation with water users regarding the draft Water Management Amendment Bill 2018?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:43): I thank the honourable member for his question. When the legislation gets to this House he will hear all about the level of consultation that has taken place in its drafting. The Government did not only prepare an exposure draft of this legislation, it also held a number of workshops for anyone who was interested to attend. There have been ongoing conversations. I acknowledge that some people chose not to attend those workshops—for example, the constitution of some organisations may state that unless people can consult in a particular manner then they may not attend a workshop conducted in this way. However, it will be detailed in the second reading debate when the legislation is introduced.

The Government said it would do this after the Matthew's inquiry; however, there may be some differences between the draft exposure bill and the legislation that will be introduced following that consultation. Indeed, that is how we do things on this side of the House: We take an exposure draft and we speak to the stakeholders. The decisions made in this place may have a range of impacts in different valleys in this State so there will be further parts of our water reform that will require more consultation. When the water reform legislation is introduced into this Parliament there will be a robust debate and those opposite will have an opportunity to decide where they stand—at the moment it is very confusing.

The Hon. Daniel Mookhey: Point of order: My point of order is relevance. My question was specific. It related to the consultation that had been undertaken in respect of this bill. The matter to which the Minister is now referring has no relevance to my question.

The PRESIDENT: Order! The Minister was being generally relevant.

The Hon. NIALL BLAIR: One of the people I consulted about this legislation was Tony Burke. Last week when the Senate was dealing with the Murray-Darling Basin Plan, Tony Burke voted down the disallowance motion of The Greens. He committed to making sure that we get the Northern Basin Review reinstated. Tony Burke wants the Murray-Darling Basin Plan back on track, yet the Labor water spokesperson in this State is still disagreeing with Tony Burke. He wants him to back The Greens in Canberra. He is more interested in jumping in a car with Mr Jeremy Buckingham—

The Hon. Daniel Mookhey: Point of order: My point of order is relevance. The travel companion of the member for Kogarah has no relevance to the question. I ask that the Minister return to the leave of the question.

The PRESIDENT: Order! The member was being generally relevant.

The Hon. NIALL BLAIR: As I said, we do not know what those opposite stand for when it comes to water but they will get their chance to tell us during the debate. The Government has consulted on this matter. As I said, Tony Burke was confident enough to make sure that he and his party room voted down the disallowance motion of The Greens. We hope to see the Northern Basin Review reinstated in the Murray-Darling Basin Plan. Those opposite need to sharpen up as to where they stand. The Labor spokesperson on water needs to work out whether he is a mate of Mr Jeremy Buckingham or whether he is backing in communities in New South Wales. *[Time expired.]*

The Hon. DANIEL MOOKHEY (16:48): I ask a supplementary question. Will the Minister elucidate his answer as to the workshops he referred to? Were any of those workshops attended by coastal irrigators? Is the Minister aware that coastal irrigators have said that they have not been consulted and they are simply unaware of the draft of the bill?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:48): I thank the honourable member for his supplementary question. I know the specific issues that coastal irrigators have raised through the consultation process and those concerns will be adequately addressed during the debate in this House. Those opposite need to be very careful about where they are leading with these questions. They will be given an opportunity to make a decision as to where they draw the line on water metering in New South Wales, but they should not lead with their chins now because it might come back to haunt them. We need to make sure that we get the line drawn at an acceptable level so that across New South Wales we have the water metering and transparency we have committed to. They should read the exposure draft, make sure they sharpen up on their debate and arguments, find out what the water spokesperson for their party is interested in or where he stands, and come in here to have a debate. I will run through the consultation and the options, and then those opposite can make a decision on where they stand.

WESTERN SYDNEY INVESTMENT

The Hon. NATASHA MACLAREN-JONES (16:49): My question is addressed to the Leader of the Government. Will the Leader of the Government update the House on how the New South Wales Government is delivering for the people of Western Sydney and are there any alternative policies?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:50): I thank the Hon. Natasha Maclaren-Jones for her question. We are a government that delivers for Western Sydney. We are delivering for the people of Western Sydney an iconic new museum by relocating the Powerhouse to Parramatta. Combined with the upgrade to the Riverside Theatres, our investment is giving a massive boost to the cultural fabric of Western Sydney.

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

The Hon. DON HARWIN: We hear the cavalcade of abuse. The Labor Party opposes this investment and in doing so it has turned its back on the people of Western Sydney. We are also delivering a 40 per cent boost in recurrent arts funding in Western Sydney.

The Hon. Trevor Khan: Point of order: You called the Hon. Lynda Voltz to order and within moments of her being called to order she started sledging again. I ask that she again be called to order.

The Hon. Lynda Voltz: To the point of order: The term "sledging" is unparliamentary in a point of order. All the Government has to do is pay for Parramatta pool and I will stop it.

The Hon. Niall Blair: To the point of order: The Hon. Lynda Voltz was doing well in the first part of her point of order but she went straight into a debating point, which, Mr President, you have consistently ruled is out of order.

The PRESIDENT: Order! I do not believe that the Hon. Lynda Voltz was sledging. However, I believe that she was continuing to interject, which is disorderly. I acknowledge that the member raised a debating point in her point of order. I call the Hon. Lynda Voltz to order for the second time. I call the Hon. Trevor Khan to order for the first time.

The Hon. DON HARWIN: We are not just delivering a funding boost in arts and culture to Western Sydney. The Government is also relocating the Industrial Relations Commission to Parramatta. It is a great idea; it will be a huge boost to the local economy and it will create new jobs. But that also has been opposed by the Leader of the Opposition at the behest of his union masters. Every chance it gets Labor opposes delivering for Western Sydney. We are delivering WestConnex. When WestConnex is completed it will cut out 52 sets of traffic lights and it will remove up to 3,000 trucks a day from Parramatta Road. Yet Labor opposes all three stages of WestConnex.

Those opposite promised the M4 and M5 extensions, but—surprise, surprise—they never delivered. Labor simply opposes infrastructure for Western Sydney. We are delivering the Sydney to Bankstown metro; Labor wants to scrap it. Labor cannot even decide whether it supports the Western Sydney Airport and the thousands of jobs that will bring to the region. The member for Blue Mountains thinks that the jobs it will bring is "a con". The only con is the lie that Labor supports Western Sydney. We are also investing in stadiums in Western Sydney, investing in Parramatta Stadium and upgrading the ANZ Stadium. But Labor opposes that too.

And Labor certainly ran hard opposing stadiums in the Penrith council by-elections—there were corflutes everywhere stating, "Stadiums, stadiums, stadiums" and "Stop the stadium splurge". How did that campaign work out? Eleven per cent and 9 per cent primary vote swings towards the Liberal Party in the east and south wards of Penrith council. The people of Western Sydney are smarter than Labor gives them credit for. A year ago, when we were commencing the business case for the Powerhouse, Luke Foley said that it was a stab in the back for the

people of Western Sydney. The people of Western Sydney have worked him out and they realise that it is Labor who is stabbing them in the back.

EARLY CHILDHOOD EDUCATION

Mr JUSTIN FIELD (16:54): My question without notice is directed to the Hon. Sarah Mitchell, the Minister for Early Childhood Education. As part of the 2018 Federal budget the Coalition Government has indicated that the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care will not be renewed and will lapse on 30 December 2018. Does the New South Wales Government support the continuation of the national partnership agreement and, if so, what action will the Minister take to advocate for a new partnership agreement for New South Wales?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:55): I thank the member for his question. It is an important question and an important issue. The 2018-19 Commonwealth budget impacts significantly on early childhood education and care. While \$128.8 million is available to New South Wales under the 2019 Universal Access National Partnership, which is an increase of \$5.5 million, this funding is reward based and therefore dependent on performance measures. New South Wales is disappointed to see no indication from the Australian Government that it will extend the Universal Access National Partnership past 2019, and we are surprised by the discontinuation of the National Partnership on the National Quality Agenda beyond this financial year, as referred to in the member's question.

For New South Wales, this means a loss of \$6.9 million per annum or approximately 25 per cent of funding allocated to the regulation of early childhood education and care services in New South Wales. This is an untenable position, not only for New South Wales but also for all Australian States and Territories. I have written to the Commonwealth Minister to communicate my concern and to seek discussion and possible revision of this action at the Education Council. A long-term sustainable system of funding for early childhood education must be a priority if we are to take the future of our children seriously.

The National Partnership on the National Quality Agenda was first signed in 2012 between the States, Territories and the Commonwealth Government and ensures that State and Territory governments are adequately resourced to maintain the highest standards of safety and quality in early childhood education and care. The policy intent of the national partnership was for continued joint funding until 2020, with the Commonwealth contributing 40 per cent of the cost of regulation. This funding split was, in fact, never realised. The funding cut represented by the end of the National Partnership on the National Quality Agenda marks a significant policy shift, without clear reasoning or communication from the Commonwealth Government.

The Commonwealth Government made the announcement that from next month State and Territory regulatory bodies would be without Federal funding, without consultation, without communication, without even a phone call. At the core of the issue the national partnership funding impacts directly on the children and families relying on early childhood education and care services around the country. As a mother, when I send my child to an early childhood education and care service I want to have the assurance that the service they attend is of the highest quality. National partnership funding ensures that the New South Wales Regulatory Authority is adequately resourced to manage quality and safety in the nearly 5,500 services providing early childhood education and care in New South Wales.

Assessment and ratings visits ensure that services are complying with the standards set out in the Education and Care Services National Law, and are prioritising the safety and wellbeing of our children. Families have a right to expect that, and New South Wales is proud of its track record in this area, having relied heavily on Commonwealth funding. National partnership funding has ensured that the department has been able to support services to provide the highest-quality education and care through a range of programs to support quality service delivery in our early childhood education and care services. I have spoken in the House previously about a range of examples.

National partnership ensures the ability of the department to respond to critical, national-level compliance issues as they emerge. Adequate funding for regulation is particularly important given the prevalence of compliance issues in areas affected and driven by Commonwealth funding incentives. For example, the number of Family Day Care services in New South Wales grew by more than 300 per cent between 2012 and 2016, and that was driven by Commonwealth funding incentives that paid benefits directly to the provider. We have invested significant resources in New South Wales to address these quality issues in family day care to safeguard the integrity of the sector. Our compliance actions have resulted in significant savings for the Commonwealth, estimated at \$150 million in 2016-17. As Minister I am very concerned about the impact of this cut. [*Time expired.*]

NATIONAL ART SCHOOL BOARD

The Hon. SHAOQUETT MOSELMANE (16:59): My question is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. In light of recent community concerns about the appointment of prominent Liberal associates Shauna Jarrett, Kathryn Greiner and Christine McDiven to prominent arts boards, what is the Minister's response to similar community concerns about his Government's proposal to appoint Ross McDiven and Carolyn Fletcher to the National Art School board?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:00): I have not had anyone say anything to me other than that they are excellent and outstanding appointments. They are highly credentialed people. To suggest that an arts school that has significant building issues will not be assisted by someone who has worked for 46 years as a builder and was an executive chairman of Brookfield Multiplex is absolutely ridiculous. I have heard nothing but praise for the suggestion that Ross McDiven join the board. Ross McDiven has an enormous interest in the arts. Both of his parents were artists and he has experience as a member of a State cultural institution board as a former trustee of the Museum of Applied Arts and Sciences. He is well aware of what skills are required to do that job effectively.

Carolyn Fletcher is an outstanding person with a masters degree in urban and regional planning. She has served on State Government boards before, originally as a member of the Darling Harbour Authority board and more recently as a member of the Sydney Harbour Foreshore Authority board. Ms Fletcher was the chairperson of the Australian Theatre for Young People. In that role she performed outstanding service by turning around that struggling organisation, and has a lot of experience in the arts sector and working with arts organisations. Ms Fletcher is also on other arts boards. They are both excellent appointments. I have not heard a word of criticism about them. The Hon. Shaoquett Moselmane referred to concern about three other persons in his question. No-one has raised any concerns with me about the appointments of Shauna Jarrett, Kathryn Greiner—and who was the third person?

The Hon. Shaoquett Moselmane: Christine McDiven.

The Hon. DON HARWIN: Absolutely ridiculous. They are four excellent women appointments. I am pleased and proud to still have the record that on cultural institution boards and the National Art School board the majority are women. [*Time expired.*]

The Hon. Walt Secord: Supplementary!

The PRESIDENT: Order! The Chair determines who gets the call. The Minister has the call.

The Hon. DON HARWIN: If honourable members have further questions, I invite them to place them on notice.

NATIONAL ART SCHOOL BOARD

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:04): I refer to my earlier answer about the National Art School board. In my capacity as the Minister for the Arts, I am one of two first members of the National Art School—the other being the Minister for Education. The Government is working towards a long-term solution to secure a future for the National Art School that preserves its independence and renowned studio teaching model for future generations of visual artists. A public expression of interest was conducted in March 2018 to help identify people for appointment to the National Art School board who can work with the Government and other stakeholders to secure the school's future through commercial, academic and philanthropic strategies.

The expression of interest [EOI] process invited people who met one or more of the following criteria to apply: activating and managing a commercial and/or cultural precinct; philanthropy; the visual arts including National Art School alumni; leading organisational reform and enhancing performance; developing commercial, community and institutional partnerships; and audit and governance. As a result of this EOI, and in accordance with the National Art School [NAS] constitution, I have nominated nine highly capable applicants to be considered for appointment at the National Art School's annual general meeting [AGM] on 28 May.

Each of the nominees has the capacity to achieve the Government's ambition of a vibrant and independent National Art School at the Darlinghurst site. This year's AGM provides a unique opportunity to bring new approaches and thinking to the NAS board at a time when the Government is working hard to secure the school's vibrant and independent future and to maintain its standing as the leading visual arts school in New South Wales. I have already talked about two appointments, but I want to inform the House of the other excellent appointments.

John Mitchell is a lawyer and partner at Arnold Bloch Leibler, a member of the Carriageworks board whose term will come to an end shortly and who has a lot of interest in the visual arts. David Kent is a former

Deputy Chair of the Art Gallery of New South Wales Foundation and a former chair of the Brett Whiteley Foundation, and a person with an outstanding record of philanthropy. He was a former trade commissioner at two overseas posts and a former president of Allianz France. Guy Maestri is an amazing and outstanding artist, an alumni of the National Art School, a former Archibald prize winner and a finalist on many occasions who will be a great ambassador for the National Art School. Susan Rockwell is a former finalist in the Archibald prize on two occasions, and a qualified artist who has served on three State cultural institution boards.

The Hon. Walt Secord: Point of order: Supplementary answers are supplementary answers. They are not adjournment speeches or ministerial statements. The Minister is making a ministerial statement by announcing a series of government appointments.

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

The Hon. DON HARWIN: Jennifer Byrne is a well-known art journalist with a long career, currently presenting *The Book Club* program on the ABC and who lives close to and has a huge interest in the National Art School. Brooke Horne is a former member of the Snow Family Foundation board. She has a lot of experience in philanthropy and raised \$10 million for the Yes campaign. Finally, I have been honoured to re-appoint Glenda McLachlan, who currently serves as chair of the finance and audit committee, to the board. It is an extremely strong board and I am looking forward to working with them.

WATER MANAGEMENT AND COMPLIANCE

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (17:09): Earlier in question time the Hon. Daniel Mookhey asked me a question. Consultations were held on 20 March in Coffs Harbour where 32 people attended, in Maitland on 10 April where 26 people attended, and in Bega on 9 April where 15 people attended. All these are relevant to the coastal catchment areas. I also remind the member that the New South Wales Irrigators' Council that represents all valleys and water users has made a submission as part of the consultation process.

Deferred Answers

SANTA SABINA COLLEGE

In reply to **Reverend the Hon. FRED NILE** (10 April 2018).

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education)—The Minister provided the following response:

I am aware of media attention concerning school uniforms at Santa Sabina College. As reported, this is a matter for the school's proprietor.

The Education Act 1990 provides for parental rights over the education of their children. Parents have the choice of enrolling their children in a government school, a registered non-government school or home schooling.

Parents with concerns about the uniforms at Santa Sabina College may raise those concerns with the school in accordance with its policies and procedures for handling complaints.

If a parent is dissatisfied with the philosophical approach or policy adopted by a non-government school, they are free to seek enrolment in another school.

All schools in New South Wales must deliver the New South Wales curriculum.

The Safe Schools program is not, and has never been, part of the New South Wales curriculum.

REGIONAL INTERNET AND MOBILE PHONE INFRASTRUCTURE

In reply to **the Hon. PAUL GREEN** (10 April 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:

While to date this has been a Federal responsibility, we know that the current Federal initiatives only go so far to address connectivity issues in New South Wales. The New South Wales Government is working on further opportunities to address connectivity for regional and remote New South Wales communities.

Education is incredibly important for our current and future generations. The Connecting Country Schools program has been created to improve wireless infrastructure and internet services in rural and remote schools. Connecting Country Schools is a \$70 million program and is now upgrading wireless networking in 13,000 learning spaces at over 900 schools around the State. This includes schools that require satellite communication due to their remoteness. Some schools are also being converted to new internet infrastructure from June onwards. Already 48 schools have been equipped with a customised wireless network delivering strong, reliable internet connectivity to all learning spaces.

Connecting Country Schools will deliver:

- High Performance Wi-Fi: Improved coverage, speed and reliability

- Uninterrupted learning: Seamless connectivity and the same digital learning experience whether inside school buildings or in networked outdoor spaces
- Advanced security: Secure network access for students, teachers and guests, and
- Remote Network Management: Centralised monitoring, control and troubleshooting.

As well, the New South Wales Government's Connecting Country Communities Fund, part of the \$1.3 billion Regional Growth Funds, has been designed for investment in communications infrastructure that will deliver improved regional voice and data connectivity. This fund will help to build the infrastructure and innovative solutions that will better connect businesses and communities to local, national and global networks, making it easier to live, learn, work and do business.

A further \$500 million is also available under the Growing Local Economies Fund to develop the enabling infrastructure to grow regional centres. This could include telecommunications infrastructure and data networks.

These funding opportunities build on the New South Wales Government commitment of \$39 million for rounds one and two of the Commonwealth's Mobile Black Spot Program. This has been leveraged for a total program investment in New South Wales of over \$120 million. A minimum of 183 sites will be delivered in New South Wales under the first two rounds of the program with 103 sites already completed.

The recently released NSW State Infrastructure Strategy recommends seizing opportunities to improve connectivity to support statewide access to uncontended fast internet connectivity. The New South Wales Government has already commenced work to deliver on these recommendations as a priority.

Committees

PORTFOLIO COMMITTEE NO. 6 – PLANNING AND ENVIRONMENT

Report: Budget Estimates 2017-2018

Debate resumed from 1 May 2018.

The Hon. NATASHA MACLAREN-JONES (17:10): I make a contribution to the debate as I participated in the committee inquiry of Portfolio Committee No. 6 – Planning and Environment. During the hearing the committee examined housing affordability in Sydney and regional New South Wales. The Minister outlined the Government's commitment to ensuring that infrastructure is focused on new communities across New South Wales. Between 2006 and 2011 house prices increased due to strong population growth and low levels of residential construction. We also inherited a dwelling deficit of more than 100,000 from former Premier Carr. The Minister outlined the need to catch up on this backlog. Last year the Government announced an increase of \$113 million to accelerate the delivery of vital infrastructure across New South Wales.

The use of the Housing Acceleration Fund has delivered \$2.48 billion in investment over the past five years and has funded the completion of 12 major infrastructure projects including the construction of stage one of Campbelltown Road in Greater Macarthur with \$38 million funding, the extension of Bernera Road in the Western Sydney Priority Growth Area with a further \$11.37 million funding, further upgrades of Hambledon Road in the North West Priority Growth Area with \$26.85 million funding for construction works, and the upgrade of Boundary Road and McCulloch Street in the North West Priority Growth Area.

To ensure that housing in Greater Sydney is affordable the Government is providing the necessary funding and infrastructure to accommodate growth in communities, providing people with more options as to where to live throughout the State. To support the development of new communities in south-west Sydney, the Government has released 1,500 hectares of land at South Creek West, just south of the proposed Western Sydney Airport. The land release will provide an opportunity to create a great new community for 30,000 families and has the potential to lead to about 1,000 local jobs. The land release will also capitalise on the record \$73.3 billion that the Government is spending in the next four years on vital infrastructure including roads, schools, hospitals and public transport.

To support regional centres the Government has released a number of regional plans that outline the long-term strategy for those areas. For example, the Central Coast Regional Plan 2036 Monitoring Report has been released, which charts the progress of the first year of the regional plan and the Government's 20-year blueprint for the Central Coast. In the first year the regional plan enabled almost 1,600 homes to be approved and more than 1,000 to be constructed for the people of the Central Coast. The plan also identifies 1,800 hectares of industrial land that could lead to a \$66 million investment to generate new local jobs and ensure a supply of land for housing well into the future.

Priority precincts are playing a vital role in maintaining housing supply within our city. One example is the Rhodes Priority Precinct that was released last year and has the potential for the creation of up to 3,600 new homes, including affordable housing close to transport, a new school, community facilities, shops, cafes and new pedestrian and cycling paths. Overall, the budget estimates process was robust and provided an opportunity for members to be updated on key issues. I commend the report.

The Hon. PAUL GREEN (17:15): In reply: I thank honourable members for their contributions to the take-note debate of the report of Portfolio Committee No. 6. They presented an array of thoughts about the good work that the Government is doing. The Opposition and other parties were also able to prosecute some of the bits that the Government is not doing so well. We commend the report to the House.

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

Motion agreed to.

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. 2 be postponed until the next sitting day.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Report: Budget Estimates 2017-2018

Debate resumed from 1 May 2018.

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

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: On behalf of the Hon. Greg Donnelly: I move:

That Committee Reports Order of the Day No. 4 be postponed until the next sitting day.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: On behalf of the Hon. Robert Borsak: I move:

That Committee Reports Order of the Day No. 5 be postponed until a later hour of the sitting.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: On behalf of the Hon. Robert Brown: I move:

That Committee Reports Order of the Day No. 6 be postponed until a later hour of the sitting.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: On behalf of the Hon. Shayne Mallard: I move:

That Committee Reports Order of the Day No. 7 be postponed until the next sitting day.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: On behalf of the Hon. Robert Borsak: I move:

That Committee Reports Order of the Day No. 8 be postponed until the next sitting day.

Motion agreed to.

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

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

Motion agreed to.

*Committees***PORTFOLIO COMMITTEE NO. 6 – PLANNING AND ENVIRONMENT****Report: Energy from Waste Technology****Debate resumed from 10 April 2018.**

The Hon. PAUL GREEN (17:20): I speak on report No. 7 of Portfolio Committee No. 6 - Planning and Environment entitled "Energy from Waste Technology". The inquiry into energy from waste technology received 395 submissions and held five public hearings. The report forwarded 36 recommendations to the New South Wales Government. I acknowledge the Hon. Penny Sharpe and Dr Mehreen Faruqi, who I joined in a media conference to release the report. I also acknowledge the Hon. Shayne Mallard, the Hon. John Graham, the Hon. Taylor Martin and the Hon. Matthew Mason-Cox, who were all part of the committee.

A major reason for this inquiry was to deal with the section 88 waste levy. That levy was installed in good faith to divert waste from landfill. The inquiry heard witnesses who gave accounts about places such as Shoalhaven and Wollongong that have paid tens of millions of dollars to the section 88 waste levy, only to get a pittance back to work on diverting their waste from landfill. Of course, that is unacceptable. It is not only this Government—consecutive governments have, over time, changed the direction of the section 88 waste levy. Two-thirds of that money now goes to consolidated revenue, which was not what the people of New South Wales were told. They were told that the money would go towards environmental incentives and diverting waste from landfill. In some cases, when people are going across the weighbridges at their local tips, something like 50 per cent of their tip fee goes to the waste levy.

That is annoying when you are trying to build on the environmental initiatives of diverting the waste from landfill, because local ratepayers have to pay twice. They are paying a levy into government coffers to build better and more strategic infrastructure to divert waste, but instead it is going somewhere else. Councils are trying to beg, borrow and steal from the State Government to build infrastructure to do what the waste levy was collected for. Ratepayers have to pay that money twice to try to establish initiatives to divert that waste.

Over the next four years, it is projected that \$2.2 billion will be collected by the section 88 waste levy. That is shameful. There are complications with waste management, particularly with China closing its door to importing Australia's waste. There is a real dilemma happening right now. Had that money been going where it was needed—into regional infrastructure around New South Wales—we would see far better management of our waste stream.

The second issue is illegal dumping of asbestos, which is of great concern to the people of Sydney. On some occasions, people have dumped commercial waste on the streets because they do not want to deal with the asbestos, which is to get rid of it in a form so that it will not contaminate anyone. This illegal dumping subjects the public to fatal health impacts. That is unacceptable. We noted in the report that more needs to be done to tackle this crime. As I say, a plethora of money has been collected to do so.

The third issue is the Eastern Creek incinerator. At the time, we acknowledged that there was a live development application [DA] for an incinerator at Eastern Creek. The DA process, if it is ignited—so to speak—should involve independent persons with expertise in planning and environmental health to address issues in those areas. We did not want to derail the DA system, but the evidence received by the committee was such that the committee strongly noted its view that the Government should not approve the Eastern Creek incinerator. One major reason for that is the fact that air pollution in Sydney moves differently across geographical areas, particularly air basins. One geographical area is in that region, and this development will have implications if it creates pollution. People are worried about the health impacts, particularly the impact on children in schools. Therefore, based on the evidence we received, we strongly recommended not to approve the Eastern Creek incinerator.

The fourth issue was evidence suggesting that the Environmental Protection Agency [EPA] is struggling in some areas. The committee recommended a structural review based on media reports—such as those on *Four Corners*—that people were not being held to account. The inquiry found that there are a lot of good operators but sometimes things go wrong. Instead of just accepting that sometimes things go wrong and they have to be made right, those people have been pinged. Yet all those people who are doing the wrong thing are taking advantage of the system by illegally mobilising and stockpiling waste, and they seem to be getting off scot-free. We drew attention to that. The EPA needs to be restructured so that the right people are doing the right job, and that they are not conflicted with regulation and compliance in one go and handling the books. So we strongly recommended that that should be looked into. I thank everyone who made submissions to the inquiry. It was an in-depth inquiry and the secretariat, as usual, did an excellent job and put together a great report. I commend the report to the House.

Debate adjourned.

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Report: Alcoholic Beverages Advertising Prohibition Bill 2015

Debate resumed from 10 April 2018.

Reverend the Hon. FRED NILE (17:30): I am pleased to continue my remarks on the Alcoholic Beverages Advertising Prohibition Bill 2015. An inquiry was conducted by Portfolio Committee No. 1, of which I am chair. It is unusual for the chair of an inquiry to be the person who introduced the bill that the committee was considering. It placed pressure on me as chair to ensure that the inquiry was conducted fairly and openly with all points of view being considered. The liquor industry had a major part to play in the inquiry. Its representatives attended and gave evidence, as was their right. The bill dealt with their products. They presented persuasive material representing their industry's point of view, which is understandable. The committee faced the reality of increasing levels of alcohol-related harm occurring in our society at too high a cost to individuals, their families and the wider community.

Alcohol advertising is prolific in Australia with more than \$222 million a year spent on promoting alcohol products through a multitude of mediums. This is particularly apparent, I am sure members will acknowledge, in the area of sport where everything from televised broadcasting to merchandising is branded with some form of alcohol advertising. People concerned about their health, as sportspeople are, know that you cannot be a heavy drinker and a successful sportsman. There would not be too many heavy drinkers in Australia's cricket team or the top football teams. The industry promotes alcohol through all televised broadcasts and presents merchandise. This is a significant contributor to the normalisation of alcohol consumption in our society, particularly amongst children and young people. Alcohol can affect the behaviour even of members of Parliament. We had an example of that the other day with an upper House member affected by alcohol.

The Hon. Dr Peter Phelps: Name them.

Reverend the Hon. FRED NILE: The Greens will know who I am speaking about. The committee has found that it is difficult to regulate alcohol advertising in the same way as the successful prohibition of tobacco advertising. I played a major role in that through the bills I presented to prohibit tobacco advertising, the promotion of tobacco and attempts to normalise the consumption of tobacco. I was successful with a second bill to prohibit smoking in public places. That has had a dramatic effect on the culture of Australia: 80 per cent to 90 per cent of people were smoking, and now it is 14 per cent.

The Hon. Walt Secord: That's not correct: smoking rates are going up under this Government.

Reverend the Hon. FRED NILE: The rate is going down every day. That is a successful use of legislation.

The Hon. Niall Blair: Point of order: In order for Hansard to hear the debate, and for everyone to hear and then participate in the debate, it must be conducted in an orderly fashion. The member opposite will have an opportunity to contribute to the debate. I know he is tempted to make a debating point, but Reverend the Hon. Fred Nile should be allowed to continue in silence, and then every member has an opportunity to contribute to the debate.

The DEPUTY PRESIDENT (The Hon. Ernest Wong): I encourage all members to be polite and respectful. Reverend the Hon. Fred Nile has the call.

Reverend the Hon. FRED NILE: As the Hon. Walt Secord knows, all interjections are disorderly. The committee reached the consensus that much more should be done to strengthen the current regulation of alcohol advertising. To this end the committee recommends a finalisation of the New South Wales Liquor Promotion Guidelines by the end of the year, the consideration of discontinuing promotions on Shop A Dockets, and the development of comprehensive labelling standards on alcoholic beverages. In particular, warnings should include the harm caused by alcohol to pregnant women and to the unborn baby in the womb. Foetal alcohol syndrome is caused by the mother consuming alcohol during her pregnancy. It has a disastrous impact on the development of the baby in the womb, which is obvious once it is born.

The committee found that a mixture of strategies including legislation and education, which I have always supported, will be necessary to effect any change of behaviour in this area. We saw it was successful in tobacco control more than three decades ago, and I believe we can be positive about the future in relation to alcohol. The Senate has a fair number of members that consume alcohol. A report it issued stated that alcohol is Australia's number one social problem. If that is true, and I believe it is, then surely this House should give serious consideration to reducing that harm as far as it can with legislation in New South Wales.

The committee made many recommendations that are available in the report. I urge all members to read the report and study the arguments. There are arguments from the liquor industry. With my role as chair I had to ensure that the inquiry was fair and balanced and allowed all points of view to be presented, even if I totally disagreed with them, and that is what I did. We heard good evidence from organisations that represented children and young people, which indicated their concern. For example, Ms Anita Dessaix, Director Cancer Prevention and Advocacy, Cancer Council NSW, argued that "at the end of the day, young people are their future customers" and that alcohol advertising is aimed "at young people who 'look to adults to role-model behaviour' and, more significantly, are the future market for the alcohol industry". In her evidence she said:

Alcohol advertising and sponsorship targets young people who are a vulnerable and susceptible audience and who in essence are the future market and future customers for the alcohol industry.

[*Business interrupted.*]

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Ernest Wong): I welcome to the Parliament members of the public attending the A Little Night Sitting program conducted by Parliamentary Education.

Committees

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Report: Alcoholic Beverages Advertising Prohibition Bill 2015

[*Business resumed.*]

Reverend the Hon. FRED NILE (17:39): The Cancer Council NSW and a number of other organisations form the New South Wales Alcohol Policy Alliance. It maintained that alcohol companies intentionally direct their marketing strategies to promote alcohol to vulnerable groups including children. I am sorry that some members do not agree with this, obviously because they consume alcohol, but that is their problem. The Alcohol Policy Alliance's report went on to say:

The alcohol industry claims that their advertising is intended to encourage existing drinkers of legal drinking age to switch products, rather than encourage excessive drinking or non-drinkers to drink. Yet industry documents reveal a different story, where brands have used market research data on 15 and 16 year olds to guide campaign development, target their products and advertising to attract new drinkers and encourage people to drink early and drink often.

The Australian Council on Children and the Media supported this view, reporting that the research it has conducted reveals that alcohol brands most popular with under-aged young people have ads with elements that appeal to that age group. Indeed, stakeholders have expressed concern over the use of content that would appeal specifically to children and young people, arguing that positive messages about social benefits are particularly attractive to that demographic. For example, the Cancer Council NSW stated:

As Australian alcohol advertisements typically link alcohol consumption with positive messages of fun, friendship and social situations, the appeal to children and adolescents is of concern.

The alcohol industry says one thing in its evidence, but it does something totally different in its conduct in promoting its products. This was revealed in its survey of the potential market, which guided it in its advertising. The committee also received a report from the McCusker Centre for Action on Alcohol and Youth, which argued that children and young people are regularly exposed to alcohol advertising that they perceive to be inherently positive and appealing. Obviously, companies would not spend money on advertising if it were not going to be positive and appealing. The McCusker Centre said in its evidence:

There are concerns that many alcohol promotions to which young people are exposed contain features that would be expected to appeal to young people. Children and young people are regularly exposed to advertisements depicting alcohol consumption as fun, social and inexpensive. Research has found that young people perceive messages in alcohol advertisements regarding social benefits of consuming alcohol, including that the advertised products would make them more sociable and outgoing, help them have a good time and fit in, and be more confident.

I agree completely with the McCusker Centre for Action on Alcohol and Youth's judgement on the alcohol industry. Finally, the Australian Council on Children and the Media has advised that alcohol advertising is so persuasive and varied that the industry is now using "advergaming" to engage youth. In its evidence, it said:

Ways of attracting underage youth to alcohol are expanding in the online environment and of concern are advergaming that engage attention more than TV ads. (Advergaming is used by companies to advertise (usually to children) their products by engaging them in an online game that involves characters/images associated with the product.) Surveys have shown that children who had played advergaming report significantly more positive brand—

[*Time expired.*]

Mr JUSTIN FIELD (17:44): I am pleased to make a contribution on behalf of The Greens to the committee report on the Alcoholic Beverages Advertising Prohibition Bill 2015. I was pleased to work with Reverend the Hon. Fred Nile and the Hon. Walt Secord in getting support.

The Hon. Walt Secord: I was not on that committee.

Mr JUSTIN FIELD: No, you were not, but you did agree to refer this bill to an inquiry. I was pleased that we had an opportunity to look at this in some detail. It was an informative inquiry. I appreciate the work that the members of the committee, the staff and the Chair put into it. There were a lot of detailed submissions to the inquiry. The sporting codes were particularly concerned about some of the ramifications of this bill, which was instructive. The inquiry was taken seriously not only by the industry but also by public health organisations, which gave compelling evidence to the inquiry about the ongoing harm caused by alcohol in the community.

The Greens are not prohibitionists. We are not against all alcohol advertising either. We support a vibrant night-life in cities and towns, and we support the local businesses that contribute to that. Alcohol use is clearly part of that story, so we support the burgeoning small bars and local boutique beers, wines and spirits that have emerged within our communities. Australia has a maturing culture around alcohol consumption. While alcohol use continues to cause significant social and health consequences, I acknowledge that consumption does appear to have fallen in some areas. Tastes have changed in ways that point to some improvements in health outcomes. However, it is clear from the evidence of public health authorities that the harm caused by alcohol use continues. Therefore, government has a responsibility to address the health and social consequences of alcohol use.

The Hon. Dr Peter Phelps: At what level?

Mr JUSTIN FIELD: "At what level is government responsible?" is actually the critical question.

The Hon. Dr Peter Phelps: No, what's the level of harm? One glass a day?

Mr JUSTIN FIELD: That is the exact point, because we heard unequivocal evidence from the Cancer Council based on international research from other public health authorities that there is an inherent harmfulness at any level.

The Hon. Dr Peter Phelps: So there's no safe level; is that your position?

Mr JUSTIN FIELD: No. That is the case.

The DEPUTY PRESIDENT (The Hon. Ernest Wong): Order! There should be no conversations across the Chamber. If members do not direct their comments through the Chair, I will begin calling members to order.

Mr JUSTIN FIELD: It was disappointing that the committee chose not to make a more unequivocal statement about the inherent harm of alcohol consumption. The industry and some public health organisations talk about the harmful use of alcohol, but the question of what constitutes harmful use often remains unanswered. That is clear. The World Health Organization describes harmful use as:

... drinking that causes detrimental health and social consequences to the drinker, for people around the drinker and society at large, as well as the patterns of drinking that are associated with increased risk of adverse health outcomes.

The Cancer Council states that:

Alcohol use is a cause of cancer. Any level of alcohol consumption increases the risk of developing an alcohol-related cancer; the level of risk increases in line with the level of consumption.

It leads from this that alcohol use, at any level, is inherently harmful.

No-one would deny that there are also social, cultural and religious connections and benefits to consuming alcohol, but it is important to recognise, as a starting point in the development of public policy and the regulation of the promotion of alcohol, that alcohol use is inherently harmful. That is a useful starting point when developing policy, and that is the point I made in my dissenting statement. It is disappointing that the committee was not able to find a clearer position in its recommendations. This was mostly because of the industry's unsurprising and strident rejection of that notion and of the public health debate. While in that committee, it was difficult not to feel similarities with the tobacco discussion 30 years or 40 years ago.

This is where it started: a complete rejection by the industry. We cannot make the same case as tobacco because the impact on the people around us is that every cigarette is doing much more evidential damage than every drink of alcohol. We must start with recognising the inherent harmfulness. When we do, we will come to a different conclusion about the role that public policy plays in addressing that harm, particularly when it comes to what makes people start drinking or consuming more? We see a vertical integration from the team level to the code level to the relationship with the broadcaster and it is evident that alcohol is fundamental to the promotion

of sport. The two are deliberately connected. The industry has decided that sport is the key vehicle for promoting many brands of alcohol.

While members of the committee accepted that restricting alcohol advertising in sport needs more active consideration, ultimately the majority of members supported the notion that the risk to the sporting code and the losses incurred from the lack of alcohol advertising justified a slow approach. While I understand that, the community will remember hearing the big sporting codes claim financial devastation when cigarette advertising was prohibited. Those sporting codes found new sponsorship and they have since thrived. There can be no clearer example than the evidence we heard from representatives of the major sporting codes, such as the Football Federation. Soccer, which is one of the most popular sports in the country, has no major alcohol sponsor. I asked the representative of that code why that was the case. Their response was that it was not for a lack of trying. Soccer is the fastest growing sport. It is seen as being family friendly and parents want their kids to be involved. Although the Football Federation is pursuing an alcohol sponsor, it does not need it to thrive economically so that key argument falls away.

We should be more willing to have a look at the impact of advertising in sport. We only need to look at the way that alcohol brands are directly interwoven into the sporting codes and their teams and into broadcasting rights. The advertising of alcohol is all about making a connection between sporting success, hero status and alcohol consumption. This is not a new story. As regulators we have a responsibility to take that into account if it is harming our children. That is the critical question. Children are seeing alcohol advertising on a grand scale. We heard evidence from the Alcohol Beverages Advertising Code [ABAC], which considers whether alcohol advertising is appropriate. It imposes conditions on alcohol advertising, particularly in sport, if children are likely to see the advertising. If alcohol advertising is likely to be seen by more than 25 per cent of people who are under the drinking age, it is deemed to be not suitable advertising.

Some of the key platforms for alcohol advertising are our public transport infrastructure such as buses, bus stops, trains and train stations. Our kids often take buses or trains to school and there is no way of guaranteeing that those messages portrayed in the advertising are not hitting a greater proportion of the public at rates higher than ABAC's guidelines suggest. I was pleased that the Committee agreed on recommending that the Government consider appropriate restrictions and/or exclusions on alcohol advertising on all government infrastructure and property, particularly advertising to which children and young people are exposed. The Government has not yet responded to the report. I hope it supports our recommendations, but particularly that one.

The message is not lost on people. Train stations in the city often have wall-to-wall advertising for alcohol and gambling. Our kids are being exposed unfairly. If the Government does not agree to the recommendations, The Greens will introduce legislation in this place to prohibit the advertising of alcohol and gambling on public infrastructure, particularly public transport infrastructure. I thank everyone for their contributions to the inquiry. Despite members having their differences, the recommendations in the report are strong. I encourage the Government to support the recommendations in full. [*Time expired.*]

Debate adjourned.

Adjournment Debate

ADJOURNMENT

The Hon. NIALL BLAIR: I move:

That this House do now adjourn.

Motion agreed to.

OPERATION ACACIA

The Hon. Dr PETER PHELPS (17:54): I once again raise my concerns about Operation Acacia, an investigation by the Independent Commission Against Corruption [ICAC] into the Doyle's Creek Training mine. One of the allegations raised against the Doyle's Creek operation was that it was not a serious training mine because it had only one panel. In response to that, I quote the testimony of Lawrence Ireland, the engineer who drew up the plan for the mine, in *R v Ransley* from 9 October 2017. Counsel said:

- Q. There's a reference within that drawing to a training panel of 150,000 tonnes; do you see that?
- A. Yes.
- Q. In relation to the training panel, was that the proposed change over time?
- A. Well, there was only 150,000 odd mineable tonnes in it.

Later Mr Ireland was asked:

- Q. There was no limitation that there was only 150,000 tonnes available?
- A. That was for panel 1.
- Q. Panel 1. How long would that perhaps take?
- A. How many shifts a day are you going to mine it, one a day, two a day? What's the tonnage, 100, 200, 300, you know. So it could take nine months.
- Q. What happens when that's exhausted; you build another one?
- A. Yes. Build up some brick walls and seal it off.
- Q. And then you would create another training panel?
- A. Yes.

The person who designed the mine admits that the single training panel was absolutely within the guidelines of what a training mine would look like. Once again, ICAC knew this and suppressed it. The second thing I wish to raise is whether there was some relationship between Macdonald and Maitland. The only motive adduced by the ICAC was that Macdonald owed Maitland for delivering the miners union for his preselection. Were they friends? I go to the secret testimony of Anthony Albanese, former Deputy Prime Minister of Australia. The question from Mr Braham, counsel assisting, is:

- Q. I'll start that question again. In, in, between 1999 and 2006 did you have a friendship with Ian Macdonald?
- A. Yes.
- Q. One that extended beyond mere, the fact that you were members of the same political party?
- A. Yes.
- Q. And you socialised with him and —?
- A. Yes.
- Q. — got to know him well?
- A. Yes. I, he was someone I regarded as a friend.
- Q. Did you become aware of an association between him and Mr Maitland?
- A. Not really ...
- Q. But as a friend of Ian Macdonald's, did you witness him interacting with John Maitland?
- A. No.

The allegation from ICAC that Maitland and Macdonald were friends is refuted by, arguably, Macdonald's closest friend at the time, the Hon. Anthony Albanese. Maybe there was a deal done that he paid Maitland back because he delivered the miners union for his preselection. Once again, we go to the evidence of Anthony Albanese at the time:

- Q. Was Mr Maitland a participant in New South Wales Labor Party politics in any way of the time that you've been involved in?
- A. A participant in terms of very much on the, on the fringes, not, not active in any way.
- ...
- Q. And to the extent he did participate, he was, he associated himself, didn't he, with the hard Left faction of the party?
- A. Very, very vaguely, but not, he, he wasn't an activist in the Labor Party.

We now know that Maitland is not an activist in the Labor Party nor in the Labor Party hard Left. The Commissioner asked:

- Q. ... didn't he point out those people—

that is Macdonald—

or groups who support him and who wouldn't like to see him go?

- A. No. The people, the people who were in that, in that room, Mr Macdonald would have known enough about the structures in the Labor Party to know that if those people in that room decided that he should go, then that, that position would have held.

Counsel asked:

- Q. I want to suggest to you that he did, he said something in that meeting along the lines of, I've got the support of the miners.

- A. I don't recall that and that, that jars with, with due respect to the miners in terms of their structures and they're just not big players in terms of numbers. What about the leadership? I continue to quote from the transcript of the Independent Commission Against Corruption inquiry:
- Q. And was Ian Macdonald one of this group?
- A. Ah, he certainly would have been ah, earlier on. Ah, by ...
- Q. And ... ? ... By 2006 he wasn't really.
- ...
- Q. Okay. No. Was Mr Maitland part of this group?
- A. No.
- Q. Was he not somebody who had also fought the good fight for the, for the Hard Left?
- A. No.
- Q. In the Union movement?
- A. No. He was not a player in terms of the internal Left dynamics ...

It then continues with the miners' union being sometimes in and sometimes out and how it never takes part. Where does this lead? It clearly leads to the Independent Commission Against Corruption knowing from Mr Albanese's testimony that Mr Macdonald and Mr Maitland were not friends and that Mr Macdonald did not owe Mr Maitland any favours. The Independent Commission Against Corruption suppressed this evidence and went with a completely false statement. [*Time expired.*]

TWEED HOSPITAL SITE

The Hon. WALT SECORD (18:00): In my dual capacity as the shadow Minister for the North Coast, and the shadow Minister for Health, I speak on the recent controversy surrounding the new Tweed Hospital site. We all recall the great fanfare on 4 April when the Minister for Health, Mr Brad Hazzard, and member for Tweed, Mr Geoff Provest, announced that a \$534 million hospital would be built on 23 hectares of agricultural land on the boundary between Cudgen and Kingscliff, with an expected completion date of 2022. An announcement such as this should have brought forth cheers and bouquets. Instead, it has generated jeers and brickbats. Why? Because like so many projects of the Berejiklian Government such as the Sydney stadiums, the relocation of the Powerhouse Museum, the light rail fiasco and the WestConnex blowout, the Tweed Hospital has now become mired in controversy and secrecy. Indeed, the community is rightly questioning the State Government's surprise decision to put a hospital on prime farmland without any consultation.

On 6 May, with Craig Elliot, Labor's candidate for the Tweed, I visited the site selected by the Berejiklian Government—stunning farmland with rich, red volcanic soil. In 2002 it was designated as land of State significance by the Carr Labor Government. I state at the outset that State Labor is 100 per cent committed to building a new hospital in the Tweed if it is elected in March 2019. That commitment is ironclad. We recognise this area has an ageing and growing population and that the Tweed needs a world-class facility. At a recent community meeting the member for Tweed said that the situation is dire and that it is at a crisis point; I agree with him. But the issue here is the choice of site and how that choice was made. The Berejiklian Government claims that it has examined more than 30 sites yet it will not provide a full and detailed list. The Government will only speak in general terms about so-called "zones". However, what is certain is that the Berejiklian Government did not properly consult.

New South Wales and Federal Labor have called for an independent external auditor to determine why this site was selected and other sites were rejected. We do not want to see any more unnecessary delays so perhaps the best way forward would be for a short, sharp examination by an independent outsider such as a former judge of all the available material. An independent auditor could determine if the State Government made the right decision or whether it was based on other criteria. It is time for the secrecy to end. Disclosing the options and criteria for this decision should not be a problem if this is truly the best site. In the absence of transparency, it is little wonder that locals have expressed concern that the decision to put the hospital at Cudgen is part of an overall strategy to start rezoning the Kingscliff area. Suffice to say, this is an area that The Nationals and their white shoe brigade mates would love to get their hands on and start bulldozing.

It is well known that The Nationals have prominent identities who own land in the area that they have been desperately trying to rezone. In fact, a number of years ago they tried to sell this land to the former Baird Government for a police station but when they were exposed the acquisition plans were quietly dropped. Locals fear that if this prime agricultural land is rezoned there will be a stronger case for property developers to rezone other parts of the area. The hospital will attract more commercial and residential development. I repeat, it is little wonder that the community fears for these agricultural lands.

I conclude my contribution on an issue that I believe warrants closer examination—namely, the involvement of Mr Peter Lawless in the selection of the site. Mr Lawless is one of four co-owning directors of the Calcutta Group. Apparently Mr Lawless tried to make the community believe he was an officer with Health Infrastructure NSW but when questioned by the crowd at a community meeting he was forced to admit he was a contractor who had been brought in to "spin" community meetings because of the anger about the Cudgen site selection. One of his previous assignments with the New South Wales Government was a failed attempt to convince local communities that they needed privatised hospitals at Maitland and Bowral—those proposals were soundly rejected. Now a survey on electoral donation returns has revealed he has a close relationship with the Berejiklian Government—namely, in March 2015 he gave a \$1,000 donation to then Treasurer Andrew Constance at a fundraising function at Sydney's Doltone House. Whilst that may seem as money well spent for Mr Lawless and the Calcutta Group, the selection of the Tweed Hospital site just gets murkier and murkier. I thank the House for its consideration.

UNITED STATES EMBASSY JERUSALEM

Reverend the Hon. FRED NILE (18:04): Tonight I speak about a very important event that occurred yesterday, namely, President Donald Trump has kept his promise to open a United States embassy in Jerusalem, Israel. In September last year when I was in Jerusalem I made inquiries about the potential site of the new United States embassy. I was shown an empty block. At that time about 28 representatives from a number of countries and I prayed that God would give a victory to the establishment of the United States embassy in Jerusalem on that land. The United States consulate in Jerusalem has now been dedicated as the United States embassy and in due course a \$2 billion embassy will be built on the land. Yesterday some 800 guests attended the embassy dedication ceremony, including John Sullivan, Deputy Secretary of the State Department; Steven Mnuchin, Secretary of the Treasury; Jared Kushner, the President's son-in-law and senior adviser; Ivanka Trump, the President Trump's daughter and adviser; Jason Greenblatt, Special Representative for International Negotiations; and David Friedman, the United States Ambassador to Israel, who presided over the ceremony.

I will give the House a brief background. On 6 December 2017 President Trump promised that the United States would begin recognising Jerusalem as the capital of Israel and would officially open a United States embassy in Jerusalem. Congress had urged the President to recognise Jerusalem as the capital of Israel with the bipartisan 1995 Jerusalem Embassy Act and that was unanimously reaffirmed by the United States Senate in 2017. For decades past Presidents have been committed to moving the embassy to Jerusalem on the campaign trail but often once elected have failed to act—if Donald Trump says he will do something, as distinct from past Presidents, he does it. On 14 May 2018 the United States officially opened the United States Embassy in Jerusalem, 70 years to the day that President Truman recognised Israel as an independent country. The United States is the first nation to have done this.

President Trump has recognised Jerusalem as the capital of Israel and has helped to advance peace between Israelis and Palestinians. He said that announcing Jerusalem as Israel's capital is simply a recognition of reality. He said also that Israel is a sovereign nation and, like every other sovereign nation, it has the right to choose its own capital. However, for 70 years the United States, and other countries, neglected to extend this basic courtesy to Israel. How would we feel if we were told that the Australian capital was to be in Alice Springs or in New Guinea? We chose our capital; Israel has the right to choose its capital. Jerusalem is the seat of the modern Israeli Government. It is the home of the Israeli Parliament—the Knesset—and the Israeli Supreme Court. Over many years I have been a guest of the Knesset and I have been invited not only by the Speaker but also by members of the various political parties of the Knesset, including the Israeli Orthodox Party, which has a number of rabbis as elected members. It is also the location of the official residence of the Prime Minister and the President. I congratulate President Donald Trump. [*Time expired.*]

RELIGIOUS FREEDOM

The Hon. TREVOR KHAN (18:09): In February this year I, along with other parliamentary colleagues, appeared before the Religious Freedom Review expert panel, chaired by the Hon. Philip Ruddock. In the course of the appearance we were asked our view about teachers proselytising about their sexuality in the classroom. My colleagues and I said that there was appropriately a limit on free speech in that respect. Classrooms are not the place for teachers, of whatever sexuality, to be proselytising students. This limitation, in practice, is not confined to the classroom. Religious schools expect teachers to lead religious lives outside the classroom. If students were to find a teacher's Facebook page—as they have on occasions—that advocated views inconsistent with the teachings of the religion, their school is currently entitled to dismiss them. If a parent saw a teacher holding hands with their same-sex partner in a supermarket, their school is currently entitled to dismiss them. These are self-imposed limitations that schools and teachers generally freely agree to. Indeed, as I said, the law more generally acknowledges and allows for limitations on free speech.

We are in New South Wales in the nation of Australia—not in one of the 50 states of the United States of America. No Australian can seek the protection of the First Amendment to the United States Constitution. We, in this country, have been afforded merely an implied freedom of political communication. In a long line of authority, the High Court of Australia has acknowledged that there is a freedom to be implied from sections 7 and 24 of the Constitution of the Commonwealth of Australia. I quote *McCloy v New South Wales*, wherein, at paragraph 30, Chief Justice French and Justices Kiefel, Bell and Keane said:

It has repeatedly been explained ... that the freedom is not a personal right. In *ACTV v the Commonwealth*, Justice Brennan said that "the freedom cannot be understood as a personal right the scope of which must be ascertained in order to discover what is left for legislative regulation". The freedom is best understood as a constitutional restriction on legislative power and the question is more generally as to the effect that the impugned legislation has upon the freedom.

The implication to be drawn from this is that legislation may burden the freedom of political communication as long as it is permissible. In assessing whether or not a law that burdens the freedom will be permissible, the court must satisfy itself that two questions are answered in the affirmative: Is the purpose of the law legitimate, in the sense that it is compatible with the maintenance of the constitutionally prescribed system of representative and responsible government? Is the law reasonably appropriate and adapted to advance that legitimate object in a manner that is compatible with the maintenance of the constitutionally prescribed system of representative and responsible government? If the answers to those two questions are yes any impugned law that burdens the implied freedom will be valid. In other words, freedom of speech is not absolute in this State or in Australia. As I have often said, I am but a mere traffic court lawyer. I appeared in the High Court only once, for a respondent in a special leave application, and it was one of the most terrifying experiences of my life.

The Hon. Niall Blair: Did you win?

The Hon. TREVOR KHAN: We did win actually. Luckily, I did not have to say terribly much.

The Hon. Shaoquett Moselmane: *The Castle*.

The Hon. TREVOR KHAN: It was that sort of thing. Nevertheless, I find this area of the law to be very interesting. I ask all members to keep in mind my remarks about the limits of the implied freedom in the coming weeks.

ANZAC DAY COMMEMORATIONS

The Hon. ERNEST WONG (18:13): On Wednesday 25 April I had the privilege of attending the Anzac Day dawn service at Burwood Park to commemorate the Australians and New Zealanders who served and died, as well as all those who continue to serve, in wars, conflicts, and peacekeeping operations. I take this opportunity to share with members some under-presented stories of Chinese Anzacs within the larger story of the First World War. When the First World War began in 1914, many men and women from around Australia joined up and volunteered for service in the Australian Defence Force. They came from a range of cultural backgrounds, and more than 200 of them have been confirmed as Chinese-Australians, who fought bravely for Australia during the First World War but who were almost stopped from enlisting because they were not of "sufficient European origin or descent". That was despite the fact that almost all Chinese-Australian volunteers had been born in Australia.

Historian Emily Cheah Ah revealed that at least 218 Chinese-Australians went to the front, with 36 dying in battle. Nineteen of those won 23 gallantry awards—an impressive achievement by anyone's standards. When war broke out in 1914, William "Billy" Sing was accepted into the 5th Light Horse Regiment and was sent to Egypt in December 1914 and then to Gallipoli in May 1915. In Gallipoli, Billy was given the nickname "the Murderer" or "the Assassin" for his skill as a sniper. In 1916, Sing was awarded the Distinguished Conduct Medal, an honour second only to the Victoria Cross, as well as the Belgian Croix de Guerre for his service at the September 1917 battle of Polygon Wood. Benjamin Moy Ling was born in Australia to a Chinese father. He too was initially found to be not fit for service, but after two attempts to enlist he was finally accepted in 1917 at the age of 31. He served with the 60th Battalion and later with the 4th Divisional Signals Company. In the *Spectator Central Mission Gazette* on 9 May 1917 he was reported as saying:

If Australia is good enough to live in, it is good enough to fight for. I hope to live in it again after the war.

Caleb James Shang was the most highly decorated Chinese-Australian soldier to serve in the First World War. He was decorated with the Distinguished Conduct Medal twice and received the Military Medal. He served with distinction on the Western Front, primarily as a scout and sniper, until his wounds rendered him unfit for further duties. He went on to serve on home defence duties in northern Queensland during the Second World War. Hunter Robert George Poon was born near Ballina, New South Wales, in 1894. He enlisted successfully in the Australian Imperial Force in September 1916 and sailed for England in January 1917 on the transport ship *HMAT Ayrshire*, and was later posted to the 15th Battalion in Belgium. Samuel John Tong-Way was the only student to be excluded

from training in a military drill during high school, due to his Chinese ancestry. After two failed attempts to enlist, Samuel was 22 years old when he successfully enlisted and was posted to the 5th Division Signalling Company.

Langtip brothers Henry, Leslie, Bertie and Ernest served in the 4th Australian Light Horse Regiment. Leslie Langtip was awarded the Distinguished Conduct Medal. Richard Wesley Wong and his brother, William, tried to enlist. William was rejected on the basis that he was "not substantially of European origin" and Richard was almost rejected on medical grounds but was accepted in January 1916 and was posted to the 17th Battalion. Thomas William Ah Chow tried to enlist early in the war but was rejected for the same reason. Undeterred, he reapplied in June 1917, by which time restrictions were being relaxed and William's enlistment was accepted. William joined the 25th Reinforcements for the 5th Battalion and was one of two 5th Battalion men wounded on 8 July. The few I have mentioned were only a small portion of those with Chinese heritage who fought in our honour. When the battle was on they fought and died on the same ground and in the same manner as any other Australian soldiers and that is reason enough to acknowledge and commemorate their sacrifice in the same way. Lest we forget.

DROUGHT ASSISTANCE

The Hon. ROBERT BROWN (18:18): When I was considering what subject to talk about tonight I came to the conclusion that it should probably be about the drought. Having moved on from Premier Mike Baird I was hoping that the current Premier would have fixed some of the messes Mr Baird left after he moved on from this place. I have been disappointed. His Government's ill-fated greyhound issue is starting to raise its head again with the appointment of Madeleine Love as General Counsel for Greyhound Racing NSW. I am sure there will be problems there. His Government's disastrous council amalgamation decision is today causing council rates to rise across the State, despite assurances to the contrary. An election was fought on his Government's decision to privatise poles and wires and it is causing financial distress for people across the State, particularly for the elderly.

However, the most pressing issue today in New South Wales is probably the drought. Earlier in question time I asked the Minister about the drought as some farmers are suffering and rural communities are being badly affected. We all know that a downturn in agricultural industries in the bush causes a rippling effect. A constituent mentioned an interesting anecdote—in a medium-size country town the lawn mowing industry is down by 70 per cent. That town has only one lawn mowing man who is getting three-tenths of the work that he used to get because there is no grass. He might be able to get by with trimming.

Water is an essential resource that is vital to the lives and livelihoods of our citizens. This House and Portfolio Committee No. 5 have spent more than two years talking and thinking about it. However, serious to severe rain deficiencies—which is bureaucratic speak for droughts—are expanding across the State, extending along the coast from Batemans Bay to Newcastle and reaching well inland to the centre of the State. Just yesterday I commented that the Government had promised drought relief but instead delivered what in my opinion were small government loans with deferred interest repayments. I take note of the additional information that the Minister provided in the House today. But forcing farmers to accept a loan as drought relief means that its impact will linger long after the rains and fodder have returned.

The concept of the intergovernmental agreement that money should be spent to drought-proof properties works until such time as fodder cannot be obtained to put into the sheds and the silos that have been built with that money. I was in Scone with our party's candidate in the upper House, John Preston. We hoped to speak to the Premier but she cancelled her trip to Scone and decided instead to make a drought announcement in Dubbo. Whilst I would suggest that a lot of farmers desperately need urgent further financial assistance, it appears to me that the Premier instead announced a new public service position—the appointment of a State Drought Coordinator. I am not sure that that was what they were after.

Today my party colleague the member for Orange, Phil Donato, moved a notice of motion in the Legislative Assembly which resulted in a lively exchange between him and the Premier. He also noted that the Premier of New South Wales attended drought stricken Dubbo and announced the appointment of the State Drought Coordinator. The Government's unaltered drought assistance measures—that is, the same policy that applied in the past five years that may have been designed to enhance drought preparedness—does not provide answers when farmers are literally on their knees. For many this is the worst drought since 1982. Some farmers—not all—are deciding daily whether or not to shoot their livestock. Conversations with the Minister tonight perhaps tell me that that is not necessarily a wise move. There are other ways for farmers to get rid of their stock without shooting them. My party calls for immediate drought relief grants for farmers by whatever means the Government can find. My party will support any legislation put by the Government to alleviate the situation.

RAMADAN

The Hon. SHAOQUETT MOSELMANE (18:23): As Ramadan commenced today, Tuesday 15 May 2018, I wish the 500,000 or more Australian Muslims, Muslims around the world and all peace-loving people a happy Ramadan. I note also that Nakba Day, which marks 70 years of Israeli occupation, coincides with Ramadan. Palestine is for Palestinians and Jerusalem will always be the capital of Arab Palestine.

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

Motion agreed to.

The House adjourned at 18:25 until Wednesday 16 May 2018 at 11:00.