



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Thursday, 17 May 2018**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE COUNCIL

Thursday, 17 May 2018

**The PRESIDENT (The Hon. John George Ajaka)** took the chair at 10:00.

The President read the prayers.

### *Motions*

#### **GLENAEON ANZAC CEREMONY**

**The Hon. NATASHA MACLAREN-JONES (10:01):** I move:

- (1) That this House notes that:
  - (a) the twenty-seventh annual Glenaeon Anzac Ceremony of Remembrance was held on Wednesday 18 April 2018 at Glenaeon Village in Belrose;
  - (b) the ceremony was supported by local RSL sub-branches and the Pittwater House Cadet Unit;
  - (c) this ceremony marked 20 years of association between Glenaeon Village and the Pittwater House Cadet Unit, which provides the catafalque party for these events; and
  - (d) those in attendance at the ceremony included:
    - (i) the Hon. Natasha Maclaren-Jones, MLC, Government Whip in the Legislative Council;
    - (ii) Mr John Scifleet, President of the Forestville RSL Sub-Branch;
    - (iii) Mr Michael McKenzie, Glenaeon Village Manager;
    - (iv) Corporal Danny Daniel, School of Military Engineering; and
    - (v) Captain (AAC) Steven McClean, Officer Commanding Pittwater House Cadet Unit.
- (2) That this House acknowledges the efforts of Mr Ralph Schubert, Ms Heather Johnson, Ms Shirlee Moffet and the social committee in organising the ceremony.
- (3) That this House acknowledges and honours the service, sacrifice and bravery of the men and women who have defended our country in wars, conflicts and peacekeeping operations.

**Motion agreed to.**

#### **ANZACS OF GREECE LUNCHEON**

**The Hon. NATASHA MACLAREN-JONES (10:01):** I move:

That this House notes that:

- (a) the annual Anzacs of Greece luncheon was held on Tuesday 24 April 2018, hosted by the Hellenic Club of Sydney to honour and commemorate the Anzacs who fought in the Greek Campaign and Battle of Crete;
- (b) the Greek Campaign and Battle of Crete are known as the second Anzac Campaign, where 34,000 Anzacs defended Greece until their forced retreat;
- (c) the theme for this year's luncheon was "Poems of the Anzacs", with the luncheon featuring poetry recitals from primary school students;
- (d) the luncheon was host to the Hellenic Presidential Guard, the "Evzones", who guard the Tomb of the Unknown Soldier, situated in front of the Hellenic Parliament;
- (e) the Presidential Guard is visiting Sydney as part of the seventy-seventh anniversary commemoration; and
- (f) the event was attended by:
  - (i) Mr Christos Karras, Consul General of Greece;
  - (ii) the Hon. Natasha Maclaren-Jones, MLC, Government Whip in the Legislative Council, representing the Minister for Veterans Affairs;
  - (iii) Ms Eleni Petinos, MP, member for Miranda;
  - (iv) the Hon. Courtney Houssos, MLC; and
  - (v) Mr Steven Kamper, MP, member for Rockdale.

**Motion agreed to.**

**ASSYRIAN NEW YEAR 6768****The Hon. DAVID CLARKE (10:02):** I move:

- (1) That this House notes that:
- (a) on Monday 2 April 2018 the Assyrian New Year 6768 was celebrated at a festival at the Fairfield Showground and attended by approximately 15,000 members and friends of the Assyrian-Australian community;
  - (b) the festival was jointly hosted by the Assyrian Universal Alliance and the Assyrian Australian National Federation; and
  - (c) those who attended the opening ceremony included:
    - (i) His Beatitude Mar Meelis Zaia, Metropolitan of the Assyrian Church of the East (Australia, New Zealand and Lebanon);
    - (ii) His Grace Mar Benyamin Elya, Bishop of the Assyrian Church of the East in Victoria and New Zealand;
    - (iii) Reverend Chorbishop Narsai Youkhanis of the Assyrian Church of the East;
    - (iv) Mr Hermiz Shahen, Deputy Secretary General of the Assyrian Universal Alliance;
    - (v) Mr David David, President, Assyrian Australian National Federation;
    - (vi) the Hon. Concetta Fierravanti-Wells, Federal Minister for International Development and the Pacific, representing the Hon. Malcolm Turnbull, Prime Minister;
    - (vii) the Hon. Chris Bowen, MP, Federal member for McMahan, and shadow Treasurer;
    - (viii) Mr Chris Hayes, MP, Chief Opposition Whip;
    - (ix) the Hon. Tanya Davies, MP, member for Mulgoa, and Minister for Mental Health, Women and Ageing, representing the Hon. Gladys Berejiklian, MP, Premier;
    - (x) Mr Luke Foley, MP, Leader of the Opposition;
    - (xi) Councillor Frank Carbone, Mayor of Fairfield;
    - (xii) Reverend the Hon. Fred Nile, MLC, Assistant President of the Legislative Council;
    - (xiii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
    - (xiv) Dr Geoff Lee, MP, Parliamentary Secretary to the Premier, Western Sydney and Multiculturalism;
    - (xv) the Hon. Paul Green, MLC;
    - (xvi) Mr Guy Zangari, MP, shadow Minister for Justice and Police;
    - (xvii) Dr Hugh McDermott, MP;
    - (xviii) Councillor Nella Hall, Deputy Mayor of Strathfield;
    - (xix) Lieutenant Colonel Sargis Sangari [United States];
    - (xx) Mr Emmanuel Khoshaba, representing the Assyrian Patriotic Party North of Iraq; and
    - (xxi) representatives of numerous Assyrian community organisations.
- (2) That this House extends greetings and best wishes to the Assyrian-Australian community of the occasion of the Assyrian New Year 6768.

**Motion agreed to.****GLOBAL ORGANISATION OF PEOPLE OF INDIAN ORIGIN YOUNG ACHIEVERS AWARDS****The Hon. DAVID CLARKE (10:02):** I move:

- (1) That this House notes that:
- (a) on Sunday 11 March 2018 at the Roselea Community Centre, Carlingford, the Global Organisation of People of Indian Origin [GOPIO] held its annual Young Achievers Award ceremony attended by more than 400 members and friends of the Indian-Australian community;
  - (b) the event honoured:
    - (i) New South Wales Higher School Certificate students of Indian origin for their 2017 examination results, particularly those with an ATAR of 97 and above;
    - (ii) young Indian-Australians who have excelled in sports, performing and visual arts, journalism, literature and community service;
  - (c) students who were awarded a trophy for their achievement in the New South Wales Higher Schools Certificate comprised: Sonalie Yardi, ATAR 99.93; Bobby Dey, ATAR 99.70; Kiran Kumar, ATAR 99.50;

Srikar Ayalasmayajula, ATAR 99.15; Abhay Mahajan, ATAR 98.85; Vibha Khanna, 98.85; Ria Singh, ATAR 98.60; and Shreya Joshi, ATAR 97.70;

- (d) those who received awards for community service comprised: Jagdish Chaudhary, Anagan Babu, Jaspreet Kaur, Dr Sangeeta Garg and Srilalitha Suresh; and
  - (e) special guests at the event included: Mr B. Vanlalwawna, Consul General for India in Sydney; Mr Damien Tudehope, MP, member for Epping, representing the Minister for Multiculturalism, the Hon. Ray Williams, MP; Ms Michelle Rowland, MP, Federal member for Greenway and shadow Minister for Communications; the Hon. Scott Farlow, MLC, Parliamentary Secretary to the Premier (Leader of the House in the Legislative Council); the Hon. David Clarke, MLC, Parliamentary Secretary for Justice; Dr Geoff Lee, MP, Parliamentary Secretary to the Premier, Western Sydney and Multiculturalism; Councillor Reena Jethi, The Hills Shire Council; Councillor Suman Saha, Cumberland Council; Councillor Moninder Singh, Blacktown City Council; and Councillor Susai Benjamin, Blacktown City Council.
- (2) That this House:
- (a) congratulates all those who were honoured with a trophy or award at GOPIO's Young Achievers Award ceremony; and
  - (b) commends GOPIO for organising the event, particularly its President, Balvinder Ruby, and committee comprising of: Mr Amarjit Dhot, Mr Jagmohan Dhaliwal, Mr Manish Gaur, Mr Piyush Attri, Dr Kanan Shah and Ms Deepa Adhav.

**Motion agreed to.**

**POLISH INVESTMENT AND TRADE OFFICE**

**The Hon. DAVID CLARKE (10:02):** I move:

- (1) That this House notes that:
- (a) on Thursday 1 March 2018 the Polish-Australian Business Forum in conjunction with the Consulate General of Poland, Sydney, hosted a celebration to mark the launching of the new Polish Investment and Trade Office Australia at the Consulate in Woollahra; and
  - (b) those who attended the launch included: Mrs Regina Jurkowska, Consul General of Poland in Sydney; Mr Rafal Jarosz, representing the Polish Embassy in Canberra; Ms Justyna Orłowska, Advisor to the Prime Minister of Poland; Mr Mike Walpole Skwarczynski, Sydney Bureau Chief of the Polish Investment and Trade Office; Mr Tomasz Pisula, Polish Investment Trade Office; the Hon. David Clarke, MLC, Parliamentary Secretary for Justice; and representatives and members of the Polish-Australian Business Forum and numerous Polish-Australian community organisations.
- (2) That this House:
- (a) congratulates the Polish Investment and Trade Office Australia on its official launch; and
  - (b) commends the Polish Australian Business Forum for its ongoing work in encouraging trade and investment between Poland and Australia.

**Motion agreed to.**

**FESTIVAL OF HOLI**

**The Hon. DAVID CLARKE (10:03):** I move:

- (1) That this House notes that:
- (a) on Sunday 4 March 2018 the India Club Inc. held a community picnic at Fagan Park, Galston to celebrate the annual Festival of Holi, which was attended by members and friends of the Indian-Australian community;
  - (b) the Festival of Holi, also known as the Festival of Colours, widely celebrated throughout the Indian subcontinent and also worldwide where there are Indian communities, signifies the victory of good over evil and is an occasion for thanksgiving; and
  - (c) special guests at the event included:
    - (i) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
    - (ii) Mr Damien Tudehope, MP, member for Epping, and Mrs Diane Tudehope;
    - (iii) Mr Julian Leeser, MP, Federal member for Berowra;
    - (iv) Mrs Rekha Rajvanshi, President of the Indian Literary Society of Australia; and
    - (v) representatives of numerous Indian-Australian community organisations.
- (2) That this House commends the India Club Inc. and particularly President Mrs Shubha Kumar, Chairman Dr Aksheya Kuma, JP, and the committee for their initiative in organising the event.
- (3) That this House extends greetings to the Indian-Australian community on the occasion of the 2018 Festival of Holi.

**Motion agreed to.**

### ST NASAI ASSYRIAN CHRISTIAN COLLEGE

**The Hon. DAVID CLARKE (10:03):** I move:

- (1) That this House notes that:
  - (a) on Sunday 21 January 2018 the official opening of the new campus of the St Narsai Assyrian Christian College situated in Horsley Park took place attended by several hundred members and friends of the Assyrian-Australian community;
  - (b) those in attendance included: His Beatitude Ma Meelis Zaia, AM, Assyrian Church of the East (Australia, New Zealand and Lebanon); the Hon Gladys Berejikian, MP, Premier; Mr Luke Foley, MP, Leader of the Opposition; the Hon Tanya Davies, MP, Minister for Women and Mental Health; Mr Gareth Ward, MP, Parliamentary Secretary for Education, representing the Hon, Rob Stokes, MP, Minister for Education; the Hon. David Clarke, Parliamentary Secretary for Justice; Mr Guy Zangari, MP, shadow Minister for Police; His Eminence Archbishop Basilios, Antiochian Orthodox Church; His Eminence Archbishop Robert Rabbat, Melkite Catholic Eparchy of Australia and New Zealand; His Beatitude Mar Yabob Daniel, the Ancient Church of the East; His Grace Bishop Haigazoun Najarran, Armenian Apostolic Church; His Grace Bishop Mar Amel Nona, Chaldean Catholic Church; His Grace Mar Benyamin Elya, Assyrian Church of the East Victoria and New Zealand; Dr Hugh McDermott, MP, member for Prospect; Mr Nick Lalich, MP, member for Cabramatta; the Hon. Philip Ruddock, AM, Mayor of Hornsby; His Excellency Anwar Al-Issa, Ambassador for Iraq; Councillors Andrew Rohan, Ninos Khoshaba and Charbel Saliba, Fairfield City Council; Councillor Josphe Haweil, Melbourne City Council; Mr Younathan Betkolia, Iran; the Very Reverend Fr Shenouda Mansour, NSW Ecumenical Council; Reverend Benyamin Shlimon, Assyrian Church; Reverend Chor-Bishop Ashoor, Assyrian Church; Reverend Chorbishop Narsai, Assyrian Church; Reverend Kivarkis Atto, Assyrian Church; Reverend Fr Shamuel Shamuel, Assyrian Church; Reverend Younan Dawood, Assyrian Church; Reverend Fr Neil Makko, Assyrian Church; Sister Irene Boughosn, Deputy Principal of the Maronite College of the Holy Family; Professor Diane Speed, Dean of Sydney College of Divinity; Professor Rifaat Ebeid; Mr John Haskel, first principal of the college; Miss Edessa Shmoel, college captain; and representatives of numerous Assyrian social, educational, political, sporting, religious and charitable community organisations;
  - (c) St. Narsai Assyrian Christian College, established in 2006 as a year 7-12 co-educational College of the Holy Apostolic Catholic Assyrian Church of the East, is the first Assyrian College to be established in the Western World and is a vision and initiative of His Beatitude Mar Meelis Zaia, AM, who leads the church in Australia; and
  - (d) the new campus of the college which opened in Horsley Park is a natural consequence of the college having rapidly outgrown its original campus established in 2006.
- (2) That this House:
  - (a) congratulates the Holy Apostolic Catholic Assyrian Church of the East and the Assyrian-Australian community on the occasion of the official opening of the new campus at Horsley Park of the St Narsai Assyrian Christian College; and
  - (b) commends the Assyrian-Australian community for its ongoing contribution to the social, cultural and economic wellbeing of the State of New South Wales.

**Motion agreed to.**

### FOODBANK CHARITY ORGANISATION

**The Hon. ERNEST WONG (10:04):** I move:

- (1) That this House acknowledge the findings of the "Rumbling Tummies" report released by the Foodbank in April this year that investigates child hunger in Australia, and which revealed:
  - (a) more than one in five children in Australia has experienced food insecurity in the last 12 months, meaning that it is more likely for a child in Australia, at 22 per cent, to experience food insecurity than it is for an adult, at 15 per cent;
  - (b) one in three, or 32 per cent of, Australian parents living in food insecure households report their children experience not having enough to eat at least once a month because they cannot afford to buy food;
  - (c) one in five parents living in food insecure households say that their children go a whole day each week without eating any fresh food;
  - (d) one in 10, or 9 per cent, of these parents say their children go a whole day each week without eating at all;
  - (e) at least once a week, 18 per cent of children from food insecure households go to school without eating breakfast; and
  - (f) 15 per cent go to school without a packed lunch or lunch money and 11 per cent go to bed without eating dinner.
- (2) That this House notes that this report confirms that the "cost of living" is the main reason for food insecurity in households with children, with "bill shock" at 52 per cent, not having enough money in the first place at 44 per cent and housing affordability at 38 per cent being the top three causes.

- (3) That this House recognise that Foodbank provides 15 million meals a year to more than 600 charities and schools in New South Wales and the Australian Capital Territory.
- (4) That this House call for a long-term bipartisan strategy on food security to provide immediate relief to food insecure households across New South Wales.

**Motion agreed to.**

**SUNCORP NATIONAL NETBALL LEAGUE**

**The Hon. LOU AMATO (10:04):** I move:

- (1) That this House notes the great efforts of broadcast partners Channel Nine Network and Telstra in bringing equality to women's sport in broadcasting live, weekly games of the Suncorp National Netball League.
- (2) That this House notes that:
  - (a) New South Wales has two teams entered in the National Netball League:
    - (i) Giants netball team comprising: Head Coach Julie Fitzgerald, Kiera Austin, Kristina Brice, Bec Bulley, Kimberlee Green, Serena Guthrie, Jo Harten, Kristiana Manu'a, Susan Pettitt, Sam Poolman, Jamie-Lee Price, sponsored by HCF, Bing Lee, Nissan, Woolworths, CBR Canberra, FDC Construction and Fitout, Hawaiian Airlines, National Storage, Samsung, Brokenwood, Castlereagh Imaging, Coast to Coast Sport, Darrell Lea, Elastoplast, Gilbert, Mount Franklin, Skins, Sydney Olympic Park, Western Sydney University and Giant; and
    - (ii) Sydney Swifts netball team comprising: Briony Akle, Kate Eddy, Sophie Garbin, Paige Hadley, Helen Housby, Sarah Klau, Abbey McCulloch, Claire O'Brien, Maddy Proud, Maddy Turner, Sam Wallace, sponsored by QBE, Bing Lee, Nissan, Samsung, Sydney Swans, Woolworths, Bioglan, Coast to Coast, The Kids Cancer Project, Sydney Olympic Park, BBX and Printhe Wines.
  - (b) both the Giants and Swifts have won their first two games of the season.
- (3) That this House:
  - (a) acknowledges and commends the Channel 9 Network and Telstra for supporting equality and female sport by broadcasting live Australia's most popular women's team sport and the Suncorp National Netball League;
  - (b) acknowledges and commends sponsors of the Giants and Swifts teams for their support of women's sport; and
  - (c) congratulates and commends all members of the Giants and Swifts and wishes them well for the rest of the Suncorp National Netball season.

**Motion agreed to.**

**SPECIAL CHILDREN SERVICES CENTRE INC. TENTH ANNIVERSARY**

**The Hon. ERNEST WONG (10:05):** I move:

- (1) That this House congratulate the Special Children Services Centre Inc. [SCSC] which is celebrating its tenth anniversary in 2018, in particular the committee of management which invests itself wholeheartedly into this service.
- (2) That this House note that:
  - (a) a group of professionals, volunteers, parents and carers of people with intellectual disabilities and the aged established the SCSC;
  - (b) since its establishment the SCSC has extended services to many ethnic families from Chinese, Korean and Vietnamese communities in the inner west and Western Sydney; and
  - (c) this organisation was officially recognised as a tax deductible charity in 2014.
- (3) That this House acknowledge the SCSC's aim is to develop and provide specialised educational programs, training and therapeutic programs to people with intellectual disabilities, particularly young children from culturally and linguistically diverse backgrounds, and that the SCSC also aims to address the service gap issues encountered by people with disabilities, the aged and their carers from culturally and linguistic backgrounds in the Australian community.
- (4) That this House recognise the impact the SCSC has on struggling families through its unwavering efforts to provide a high quality support service, crucial respite service and information to carers and families to assist them to cope with the demands of caring for people with intellectual disabilities or the aged, via educational workshops and information sessions.
- (5) That this House commend the SCSC for also providing opportunities and performance training for people with intellectual disabilities, to showcase their talents in the public arena in available art forms.

**Motion agreed to.**

**LIONS CLUB OF SYDNEY PACIFIC INC.**

**The Hon. ERNEST WONG (10:05):** I move:

- (1) That this House congratulate the Lions Club of Sydney Pacific Inc. District 201N5 on celebrating its twenty-second anniversary gala ball on Saturday 28 April 2018, particularly the contribution of the President Lion Eugenia Liu and the executive committee who put in an outstanding effort to serve the community.
- (2) That this House note that this annual gala event is one of the major fundraising events for this club, and that the attendance number exceeded 300 guests from both Chinese and non-Chinese backgrounds who came together to support a very worthy cause and have a great time in the process.
- (3) That this House acknowledge the recipient of funds from this year's event, WHO [We Help Ourselves] who are one of the largest drug and alcohol, non-government treatment providers in Australia that provide a wide range of services and high-quality care and effective residential and day program treatment for people who have high levels of dependence on drugs and alcohol or complex needs, including mental health issues.
- (4) That this House commend the efforts of the Lions Club of Sydney Pacific Inc. in raising much-needed funds for countless organisations in our community including community, education, medical, children and aged care groups just to name a few, and that without the efforts of clubs like this many of these organisations would be unable to offer critical services and assistance to those in our community who are most in need.

**Motion agreed to.**

**WOMEN'S COMMUNITY SHELTERS**

**The Hon. COURTNEY HOUSSOS (10:06):** I move:

- (1) That this House notes that Women's Community Shelters [WCS]:
  - (a) works with the local community, advocates and volunteers, both men and women, as part of setting up new shelters;
  - (b) engages with and mobilises local communities to support the concept of a shelter in their neighbourhood; and
  - (c) opened its fifth and newest shelter, the Haven, in the Nepean region in April 2018 and that it has the capacity to accommodate up to 22 people.
- (2) That this House notes that in addition to providing emergency housing for women and children WCS:
  - (a) works in partnership with women to rebuild the confidence to regain control of their lives; and
  - (b) provides service to rebuild an independent life free from violence and establish a sense of community, connection and safety.
- (3) That this House congratulates:
  - (a) the Nepean local community, local businesses and organisations for their support of the Haven;
  - (b) the board of the Haven, Nepean Women's Shelter, and the centre manager Samantha Campbell; and
  - (c) the board of WCS and CEO Annabelle Daniel on opening the fifth women's shelter in their network and for the excellent work they do to support women and children across New South Wales.

**Motion agreed to.**

**STEM PITCH NIGHT**

**Mr SCOT MacDONALD (10:06):** I move:

- (1) That this House notes that:
  - (a) on 8 May 2018 the official launch of Startup Xpress as part of the Hunter Innovation Festival and Defence STEM Pitch Night was held at the Business Centre, Newcastle West;
  - (b) the STEM [Science, Technology, Engineering and Mathematics] Defence and Innovation Project is a collaborative project between Regional Development Australia, the Department of Defence, the Business Centre, and recognised the achievement of 11 outstanding high school students: Ryan Bailey, Joshua MacTavish, Matt Fay, Joel Mackenzie, Brandon Love, Thomas Vidler, Mitchell Green, Jack Staples, Bryce Tupperainen, Kenyon McMahon and Matthew Rigby;
  - (c) distinguished guests at the event included: Mr Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter; Pierre Malou, CEO, the Business Centre; David Abraham, Group Captain, Tactical Fighter Systems Program Office; and Claire Kluge, FA-18 Classic Hornet Program Manager, Boeing Defence Australia;
  - (d) the STEM Pitch Night was part of the Hunter Innovation Festival, sponsored by the University of Newcastle and Port of Newcastle;
  - (e) the Business Centre, based in Newcastle, works with business owners and provides a foundation for advice, learning and mentoring, helping with start-ups, scaling up and existing business and helps to deliver the Government's Business Connect program across the Hunter and Central Coast regions; and
  - (f) the board of the Business Centre consists of: Janice Knowles as Chair, Bob Purser, Janelle Kirk, Sandra Gilshenan, Derek Eube, Warwick Gilbertson, Vince Stanton, Stephen Barr and Frank Herb.

- (2) That this House notes acknowledges and commends the work of the Business Centre, the STEM Innovation Project and congratulates those students selected to present at the STEM Pitch Event.

**Motion agreed to.**

**AHEPA NSW IPPOKRATIS MEDICAL AWARDS**

**The Hon. COURTNEY HOUSSOS (10:06):** I move:

- (1) That this House notes that:
- (a) the AHEPA NSW Ippokratis Medical Awards dinner dance was held on Friday 27 April 2018;
  - (b) AHEPA NSW presents these awards in acknowledgment of outstanding achievement in the field of medicine within Australia;
  - (c) the Ippokratis award is presented to a medical professional of Greek heritage for outstanding achievement in his or her chosen profession; and
  - (d) the George Thomas Award is presented to a medical student of Greek descent who has demonstrated a high standard of personal development and academic achievement.
- (2) That this House notes that attendees at the event included:
- (a) the Hon. Courtney Houssos, MLC;
  - (b) Mr Mark Coure, MP, member for Oatley;
  - (c) Mr John Kallimanis, Grand President of AHEPA NSW and New Zealand; and
  - (d) Mr Steve Georgiou, President of AHEPA Ippokratis Inc.
- (3) That this House recognises the founding member of the medical awards Mrs Irene Anestis for her efforts in establishing the AHEPA NSW Ippokratis Medical Awards.
- (4) That this House congratulates:
- (a) Dr Betty Messazoz-Trapesta, 2018 Ippokratis award recipient, who is a fellow in pediatrics at the Royal Children's Hospital, Melbourne and is completing a doctorate of medicine in endocrinology and diabetes;
  - (b) Dr Peter Farmakis, 2018 George Thomas award recipient, who is training as a psychiatry register at the Royal North Shore Hospital and has been assisting with research in the field of schizophrenia; and
  - (c) AHEPA NSW Ippokratis Inc. on the success of the 2018 Medical Awards dinner and President Steve Georgiou who celebrated his birthday on the night.

**Motion agreed to.**

**SEAHAM ANZAC DAY COMMEMORATION**

**Mr SCOT MacDONALD (10:07):** I move:

- (1) That this House notes that:
- (a) on 25 April 2018 the Seaham Anzac Day morning service was held at the Seaham Community Hall, after inclement weather required the service to be moved from the Knitting Circle Memorial;
  - (b) special guests included Mr Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter; Councillor Ken Jordon, Port Stephenson Council; and Mr Alan Earle, long-term organiser of the event and dedicated 45 years' service in the Royal Australian Navy and Navy Reserve;
  - (c) support for the service was provided by Mrs Caroline Hill of Brandy Hill who lead the singing, Mr Bruce Lyon of East Seaham who played the *Last Post*, Fiona Lyon, photographer, the Seaham Scout Group that provided morning tea, Scout Leader Mrs Jane Hogno, flag bearer, with Seaham Public School and the RSL;
  - (d) the Seaham Knitting Circle Memorial is perhaps one of the few in the country that was dedicated to the memory of World War I soldiers entirely by the women of the community when in October 1914 the Seaham Branch of the Red Cross was established, Mrs J. W. Boag was the president and Mrs Bert Adams the secretary and from its beginning the group was known as the Seaham Knitting Circle;
  - (e) at the conclusion of World War I the people of Seaham welcomed back their sons and mourned those lost with the first expression of remembrance being a memorial tablet in the Presbyterian Church, unveiled in October 1920, followed in May 1921 with the unveiling of the memorial gates at the School of Arts;
  - (f) the Knitting Circle members met and agreed to erect a memorial flagpole on the eastern side of the river as the western side already had two memorials and in the latter part of 1921 the flagpole was erected on a piece of land donated by the Boag family whose residence Burnbrae stood behind the memorial; and
  - (g) John Wilson Boag was a successful businessman closely connected to the pioneer families of the district, two of his sons by his first wife, enlisted in the Australian Imperial Force, one son, William Fisher Boag, died in May 1917 in Randwick Repatriation Hospital as a result of an accident sustained in Egypt in March 1916, and the eldest son of his second marriage was killed in 1925 as the result of a buggy accident 500 metres from the family home.

- (3) That this House acknowledges and commends Mr Alan Earle for his outstanding service in organising for the past 15 years the Seaham Anzac Day Service.
- (4) That this House acknowledges the dedication of so many in the community over the decades that have worked to ensure that the Anzacs of the region are properly honoured and remembered.

**Motion agreed to.**

**MARRIAGE OF HIS ROYAL HIGHNESS PRINCE HENRY CHARLES ALBERT DAVID OF WALES**

**The Hon. TAYLOR MARTIN (10:07):** I move:

- (1) That this House notes that:
  - (a) on Saturday 19 May 2018 His Royal Highness Prince Henry Charles Albert David of Wales and Rachel Meghan Markle will be married at St George's Chapel in Windsor Castle; and
  - (b) Prince Harry is the beloved grandson of the Queen of Australia, Her Majesty Queen Elizabeth II, and is sixth in the line of succession to the British throne.
- (2) That this House congratulates Prince Harry and Ms Markle on their wedding and wishes them well in their marriage together.

**Motion agreed to.**

**BALLINA RUGBY UNION CLUB LEN DIETT MEMORIAL GAME**

**The Hon. BEN FRANKLIN (10:08):** I move:

- (1) That this House notes that:
  - (a) on Saturday 5 May 2018 the Ballina Rugby Union Club held the Len Diett Memorial Game at Quays Reserve in Ballina;
  - (b) the game was played in honour of local rugby legend Len Diett who passed away earlier this year; and
  - (c) the memorial game was a contest between the Ballina Seahorses and the Casino Bulls.
- (2) That this House acknowledges the important role Len played in the development of rugby in Ballina and on the wider North Coast, particularly in establishing the Far North Coast under 19s competition.
- (3) That this House congratulates the Ballina Seahorses first grade and second grade teams for their wins over the Casino Bulls.
- (4) That this House congratulates and thanks Pam Steel, Graham Steel, Rebecca Hickey, Chris Hickey and the whole Ballina Rugby Union Club for organising this important game.

**Motion agreed to.**

**BYRON SHIRE COUNCIL POSITIVE AGEING AWARD**

**The Hon. BEN FRANKLIN (10:08):** I move:

- (1) That this House notes:
  - (a) the Byron Shire Council's Positive Ageing Award ceremony was held on Monday 9 April 2018;
  - (b) the Positive Ageing Award recognises community members who remain fit and active in the community while getting older in years;
  - (c) Fae Flick from Ewingsdale received the 2018 award for being a role model for people of all ages; and
  - (d) Fae is a well-known member of the Byron community, particularly as the founder of the Ewingsdale Biggest Morning Tea and coordinator of local Cancer Council fund raising events, while also working and managing her family farm.
- (2) That this House congratulates Fae and all the award finalists for being longstanding hardworking members of the Byron Bay community.
- (3) That this House thanks the Byron Shire Council for coordinating the 2018 Positive Ageing Award and recognising the importance of senior members of the Byron Bay community.

**Motion agreed to.**

**BALLINA SHIRE RELAY FOR LIFE**

**The Hon. BEN FRANKLIN (10:09):** I move:

- (1) That this House notes that:
  - (a) the Ballina Shire Relay For Life was held from 5 to 6 May at the Alstonville Showground;
  - (b) 33 teams and 335 participants took part in this year's event; and
  - (c) over \$40,000 was raised at the relay.

- (2) That this House congratulates:
- (a) Maxene McVie who not only led a team but also joined the survivors who participated in this year's relay;
  - (b) members of the Ballina community who took part in the Relay For Life; and
  - (c) Hannah Brooks on organising this year's event.
- (3) That this House recognises the important role Relay For Life events play in acknowledging those who have overcome cancer, those who are undergoing treatment and the importance of carers, as well as celebrating the memory of loved ones lost through cancer.

**Motion agreed to.**

**TRIBUTE TO DOROTHY MCHUGH, OAM**

**Mr SCOT MacDONALD (10:09):** I move:

- (1) That this House notes:
- (a) with sadness the recent passing of international netball legend, Miss Dorothy (Dot) McHugh, OAM, who served in a variety of administrative capacities at a district, State, national and international level since 1953;
  - (b) Miss McHugh first became involved in netball (then women's basketball) as a player in the early 1940s and when injury later prevented her from playing, instead she became an administrator of the game and also an umpire, earning her All Australian Umpires Badge at the national tournament in 1957;
  - (c) Miss McHugh served as State Vice President in 1953, State Secretary from 1954-1960, State Insurance Officer 1961-62, State Treasurer in 1963 and State Umpires Convenor in 1965 and 1968;
  - (d) in recognition of her outstanding service to NSW Netball Association, she was awarded life membership in 1970;
  - (e) Miss McHugh served as the State's delegate to the All Australia Netball Association (known now as Netball Australia) for many years, 1954-1959 and 1966-1989 and also served on many AANA Committees;
  - (f) in recognition of her contribution to the sport at the national level, Miss McHugh was awarded the Netball Australia Service Award in 1974;
  - (g) Miss McHugh represented Australia as a delegate at the International Federation of Netball Associations Councils at the World Tournaments of 1975, 1979, 1983 and 1987;
  - (h) in 1987 Miss McHugh was elected General Secretary of the International Federation of Netball Associations [IFNA], holding the position until after the 1991 World Championships held in Sydney; and
  - (i) in 1995 she became the first person from New South Wales to be awarded the IFNA Service Award.
- (2) That this House acknowledges and commends the outstanding service of Miss Dot McHugh, OAM, to netball at a district, State, national and international level and extends its sympathy to her family and all those in the netball community on her passing.

**Motion agreed to.**

**TRIBUTE TO WILLIAM FREEMAN**

**Mr SCOT MacDONALD (10:10):** I move:

- (1) That this House notes:
- (a) with sadness the recent passing of Minmi artist, William (Bill) Freeman, at 88 years of age, who has been described as a legend of the Minmi community and an outstanding community member who helped put Minmi on the map;
  - (b) Mr Freeman was born on 16 June 1929, and attended Minmi Public School, where, many years later, he would paint a mural of the town as it used to be;
  - (c) Mr Freeman's first job was working with his father as a timber-getter as his father was not keen on his son pursuing art, and he later worked at a clothing factory in Newcastle, working alongside his future wife, Dawn, who he later married in 1950;
  - (d) Mr Freeman was a teenager when he commenced painting and had been teaching himself to paint landscapes on his family's Minmi property that generations of his family had called home when an undertaker in Wallsend saw the then young artist's work and encouraged him to have an exhibition in the funeral home, with numerous paintings selling for 30 shillings each;
  - (e) since the first exhibition in the funeral home, Mr Freeman's paintings were later purchased by many in the Hunter and beyond;
  - (f) Mr Freeman's bush scenes and seascapes, which often portrayed his favourite fishing spots, were keenly sought after; however, his most popular artworks were his depictions of the rusting and rotting old buildings in the faded mining town where he was born, lived and painted, Minmi;
  - (g) Mr Freeman was largely self-taught but was given lessons and tips by one of Australia's greatest painters, William Dobell, who lived at Wangi Wangi; and

- (h) Mr Freeman was married to his wife, Dawn, for nearly 68 years and is survived by her, their two children and four grandchildren.
- (2) That this House acknowledges the outstanding work Mr William (Bill) Freeman undertook in the arts, teaching young artists and promoting the Minmi community, and extends its sympathy to his family on their loss.

**Motion agreed to.**

*Documents*

**AUDITOR-GENERAL**

**Reports**

**The CLERK:** According to the Public Finance and Audit Act 1983, I announce receipt of a Performance Audit Report of the Auditor-General, entitled "Regional Assistance Programs", dated 17 May 2018, received this day.

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

That the report be printed.

**Motion agreed to.**

*Notices*

**PRESENTATION**

*[During the giving of notices of motions]*

**The PRESIDENT:** Order! There is too much audible conversation in the Chamber and I cannot hear the notices of motions being given. I have 50 per cent hearing loss in both my ears, so if I can hear the conversations that means they are too loud. Members will reduce the sound level of their conversations. If they need to speak loudly, members will take their conversations outside.

*Visitors*

**VISITORS**

**The PRESIDENT:** I take this opportunity to welcome into the President's Gallery His Excellency Mr Baeksoon Lee, Ambassador of the Republic of Korea. I had the opportunity to meet with His Excellency yesterday, and it was an excellent meeting. On behalf of all honourable members I welcome His Excellency to the Legislative Council. I also welcome Counsellor Jinhae Kim and Counsellor Gyubong Lee from the Embassy of the Republic of Korea, who are visiting the New South Parliament with His Excellency today.

*Business of the House*

**SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

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

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of the business of the House this day.

**Motion agreed to.**

**ORDER OF BUSINESS**

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

That the order of Private Members' Business for today be as follows:

- (1) Private Members' Business item No. 2080 outside the Order of Precedence standing in the name of the Hon. Penny Sharpe relating to the Public Health Amendment (Safe Access to Reproductive Health Clinics) Bill 2018.
- (2) Private Members' Business item No. 1812 outside the Order of Precedence standing in the name of Ms Dawn Walker relating to the Defend TAFE Bill 2018.
- (3) Private Members' Business item No. 2189 outside the Order of Precedence standing in the name of the Hon. Greg Donnelly relating to an order for papers in regard to the reports of the independent review of the out-of-home care system in New South Wales conducted by Mr David Tune, AO, PSM.
- (4) Private Members' Business item No. 1956 outside the Order of Precedence standing in the name of Reverend the Hon. Fred Nile relating to violence in South Africa.
- (5) Private Members' Business item No. 2025 outside the Order of Precedence standing in the name of the Hon. Mark Pearson relating to the live animal export industry.

- (6) Private Members' Business item No. 2051 outside the Order of Precedence standing in the name of the Hon. Ben Franklin relating to Anzac Day 2018.
- (7) Private Members' Business item No. 1842 outside the Order of Precedence standing in the name of the Hon. Ernest Wong relating to a select committee on homelessness.
- (8) Private Members' Business item No. 1996 outside the Order of Precedence standing in the name of the Hon. Bronnie Taylor relating to agricultural shows in New South Wales.

**The Hon. ROBERT BORSAK:** I move:

That the question be amended by inserting after paragraph (1):

- (2) Private Members' Business item No. 2192 outside the Order of Precedence relating to the establishment of a select committee to inquire into and report on the extent of protection for landowners from unauthorised filming and surveillance.

**The PRESIDENT:** The Hon. Natasha Maclaren-Jones has moved a motion, to which the Hon. Robert Borsak has moved an amendment. The question is that the amendment of the Hon. Robert Borsak be agreed to.

**Amendment agreed to.**

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

**Motion as amended agreed to.**

### *Bills*

## **PUBLIC HEALTH AMENDMENT (SAFE ACCESS TO REPRODUCTIVE HEALTH CLINICS) BILL 2018 (SHARPE)**

### **Introduction**

**The PRESIDENT:** I call the Hon. Penny Sharpe.

**Reverend the Hon. Fred Nile:** Point of order: My point of order is based on legal advice that this bill raises complex issues about the fundamental freedoms of speech and assembly, and the implied freedom of political communication that the High Court has found exists in the Commonwealth Constitution. This implied freedom of political communication requires Commonwealth, State and Territory laws and executive action to comply with this implied freedom. The High Court will shortly hear an appeal by Ms Kathy Clubb regarding Victoria's version of these "safe access zone laws" around abortion clinics and, if successful, that law will be invalidated. This will raise issues about the validity of safe access zone laws operating in other States.

This case follows the High Court's decision in *Brown v Tasmania*, where the plurality invalidated safe access zone provisions in a law on the basis that it breached the implied freedom. Given that this bill is largely a replication of Victoria's safe access zone laws, debate on this bill should be postponed until the verdict of the High Court is known.

**The Hon. Adam Searle:** To the point of order: With great respect, the honourable member, who is the Assistant President of this Chamber, should know better. He has not relied upon any standing order. That is not a point of order; at best, it is a debating point. For a person in the member's position it was an outrageous step. The Hon. Penny Sharpe already had the call from you, Mr President, before the point of order was taken. The Hon. Penny Sharpe should be allowed to proceed with her second reading speech. Even if anything said by Reverend the Hon. Fred Nile was correct, it is a matter for the courts, not a question of this Parliament not having a second reading speech or debate.

**Reverend the Hon. Fred Nile:** Further to the point of order—

**The Hon. Walt Secord:** What's the point of order?

**The PRESIDENT:** I make the rulings. I appreciate that all members have a right to speak on a point of order, but they do not have a right to, in effect, make a ruling. That is my job.

**Reverend the Hon. Fred Nile:** That is the whole point of what I was doing—to give you the opportunity, Mr President, to make a ruling.

**The PRESIDENT:** A point of order was taken and a number of points were raised by the Leader of the Opposition. First, I am of the view that notwithstanding that a call has been given to a member, another member can at any time seek to take a point of order. I therefore do not uphold that point taken by the Leader of the Opposition. Secondly, I do not regard the point of order taken by Reverend the Hon. Fred Nile to be "outrageous" in the circumstances. Reverend the Hon. Fred Nile has the right to take a point of order. Thirdly, I do not uphold

the point of order of Reverend the Hon. Fred Nile. I do not believe that the Hon. Penny Sharpe is prevented from now proceeding with her second reading of the bill. The Hon. Penny Sharpe has the call.

### First Reading

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

### Second Reading Speech

**The Hon. PENNY SHARPE (10:28):** I move:

That this bill be now read a second time.

Today, somewhere in New South Wales, women woke up wondering, "Am I pregnant?" Today, somewhere in New South Wales, some of those women hurried to take a pregnancy test and were delighted to find out the answer is yes. Today, somewhere in New South Wales, other women took that same test and saw the positive result with dread, fear or even panic. For some, they know they are just not ready to be a parent. Others have children already and cannot imagine how to fit another into lives and household budgets that already are stretched to the limit. Today, somewhere in New South Wales, some women woke up filled with excitement about their pregnancies, only to have that happy anticipation destroyed by the realisation that they had begun to miscarry. Today, somewhere in New South Wales, a woman sat in a doctor's office and heard the shattering news that the much-wanted child she is carrying has terrible health problems, problems that mean that child cannot survive and that even her own health is in danger.

And today, all across New South Wales, doctors, psychologists, counsellors, nurses, practice managers, receptionists and in some cases security guards got ready for their daily work at a reproductive health clinic where they are committed to providing the best reproductive health care for every woman who walks in their doors. These staff wonder what will greet them at their place of work. Like all health workers and allied professionals, they wonder how many patients they will see and what health care those patients will need. But they also wonder if, when they arrive at work, they will be photographed, followed, shouted at and threatened. They wonder if they will have to run the gauntlet of two or 10 or 20 people who are determined to bully and harass the staff, and the patients, at their clinic.

They wonder and they worry how many women seeking reproductive health care will have graphic images of dismembered fetuses shoved in their faces. How many will have leaflets full of lies about the dangers, risks and consequences of abortions shoved in their hands? How many will have holy water splashed in front of them, how many will have the intimidating experience of a camera or a phone shoved in their faces? How many women will these self-appointed sidewalk counsellors call "baby murderers"? How many women who are going to the doctor to receive the lawful treatment they need to look after their health—as is the right of every person—will arrive shaken and distressed by having had to push their way through people trying to shame and bully them? How many women and their partners, seeking to see their doctor about a range of issues associated with their reproductive health, will be pushed and shoved as they try to enter the clinic? How many will be threatened, intimidated, and harassed?

I have spoken to doctors, nurses, practice managers and receptionists who work at clinics in New South Wales. Women and men across New South Wales have told me their stories of what they experienced when going to a clinic. I cannot believe that our laws continue to allow this public shaming, interference and gross invasion of privacy to occur. At the clinic in Albury, the behaviour is so extreme that the clinic has been forced to employ a security guard to ensure that people entering the clinic are not harassed by those gathering outside. At the clinic in Surry Hills, regular reports to police detail a level of aggression, threats and intimidation that our current laws do not address. The practice manager at Surry Hills explained recently how the current laws are failing. He explained:

Over at least 15 years of reporting protesters to the local police on almost a weekly basis, there have been only a small handful of move-on orders issued during the whole time.

As members may know, a move-on order is temporary; it means that the protester has to leave for six hours. But as the practice manager explained, even that little protection is almost impossible to obtain. He said:

For any crime, there needs to be a victim, so the police require the woman to provide them with a witness statement. The police will explain that there is a likelihood that the protester will challenge the charges and she will be subpoenaed to attend court to provide evidence. Considering the distress that the woman and her partner have just been through, they almost universally decline to provide the statement rather than risk the need to go to court to face their tormentors again.

But even when a move-on order is issued this also happens. He said:

... protesters will nearly always lodge a formal complaint with the local area commander, the Commissioner of Police or the Ombudsman. If the police officer can't support the move-on order with a witness statement or detailed security footage, they have even been reprimanded and forced to issue an apology to the protester.

Let us think about this: People are out the front of these places harassing women going into a clinic and the police, under our current laws, are apologising to them because those people are actually allowed to be there under the current laws. These so-called sidewalk counsellors rely on their form one: a notice of intention to hold a public assembly.

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

**The Hon. PENNY SHARPE:** The form one is the permission they have received from the NSW Police Force under the Summary Offences Act to gather in a public place. The form one allows them to stand at the entrance and exit of the reproductive health clinic they are targeting and to make it as difficult as possible for those seeking to enter the clinic to get past without having to talk to or interact with them. They say they are there to help women. It is not helping anyone to push and shove those trying to enter a clinic, to threaten, intimidate and harass women and their partners about decisions they have made long before approaching the entrance of a clinic. Nor is it protesting our laws to try and coerce and manipulate women into not having an abortion.

The women attending reproductive health clinics can do nothing about changing the laws in relation to abortion in New South Wales. They are there for a range of reasons—including, quite simply, seeking advice on the best form of contraception. Those on the footpath shouting "baby murderer" at women do not know who those women are or why they are there. They do not know if a woman is the victim of rape. They do not know if she is ending a pregnancy because of a diagnosis of cancer. They do not know if she is struggling to come to terms with the fact that the child she longed for has a fatal medical condition. Those sidewalk counsellors do not know, and they do not care. They do not care about those women, their actions do nothing to change the laws, and their behaviour certainly helps nobody. That is why women need safe access zones. This is why the Hon. Trevor Khan and I have co-sponsored the bill I introduced today. I will turn to the details of the bill. The bill inserts a new part 6A into the Public Health Act 2010. The bill states:

*reproductive health clinics* means any premises at which medical services relating to aspects of human reproduction or maternal health are provided, but does not include a pharmacy.

*safe access zone* means:

- (a) the premises of a reproductive health clinic at which abortions are provided, and
- (b) the area within 150 metres of:
  - (i) any part of the premises of a reproductive health clinic at which abortions are provided, or
  - (ii) a pedestrian access point to a building that houses a reproductive health clinic at which abortions are provided

The objects of the bill are very clear:

- (a) to ensure that the entitlement of people to access health services, including abortions, is respected, and
- (b) to ensure that people are able to enter and leave reproductive health clinics at which abortions are provided without interference, and in a manner that protects their safety and well-being and respects their privacy and dignity, including employees and others who need to access such clinics in the course of their duties and responsibilities.

The bill creates three new offences. The penalties of each offence are the same. The penalty for a first offence is 50 penalty units or imprisonment for up to months or both. For a second or subsequent offence the penalty is 100 penalty units or imprisonment for 12 months or both. New part 98C creates an offence to interfere with access of persons to reproductive health clinics. When we say "interfere with", this is what we mean:

... harass, intimidate, beset, threaten, hinder, obstruct or impede by any means.

- (2) A person in a safe access zone must not interfere with any person accessing, leaving, or attempting to access or leave, any reproductive health clinic at which abortions are provided.
- (3) A person who is in a safe access zone, must not, without reasonable excuse, obstruct or block a footpath or road leading to any reproductive health clinic.

New part 98D creates an offence of causing actual or potential distress or anxiety to persons in safe access zones:

- (1) A person who is in a safe access zone must not make a communication that relates to abortion, by any means, in a manner:
  - (a) that is able to be seen or heard by a person accessing, leaving or attempting to access or leave, or inside a reproductive health clinic at which abortions are provided, and
  - (b) that is reasonably likely to cause distress or anxiety to any such person.

New part 98E creates an offence of capturing and distributing visual data of persons in safe access zones and states:

- (1) A person must not intentionally capture visual data of another person, by any means, without that other person's consent if that other person is in a safe access zone.
- ...
- (2) A person must not publish or distribute a recording of another person without that other person's consent if the recording:
  - (a) was made while that other person is in a safe access zone, and
  - (b) contains particulars that are likely to lead to the identification of that other person ...

This section does not apply to the operation of security cameras, the activities of staff or clinics or police officers. This bill has been carefully drafted to ensure that the right to protest or campaign on the issue of abortion is not curtailed.

The bill does this by providing three exemptions to the operation of safe access zones. The provisions in the bill do not apply in these areas: the conduct occurring in a church or other building that is ordinarily used for religious worship, or within the curtilage of such a church or building; the conduct occurring in the forecourt of or on the footpath or road outside Parliament House in Macquarie Street, Sydney; or the carrying out of any survey or opinion poll with the authority of a candidate, or the distribution of any handbill or leaflet by or with the authority of a candidate during the course of a Commonwealth, State or local government election, referendum or plebiscite.

The bill is the result of consultation with lawyers, doctors, women's groups and others with interest and experience in the unacceptable behaviour that women are currently forced to endure under our current laws. In the course of our consultations, the issue arose of whether our bill would withstand a challenge to the High Court on the matter of implied freedom of political communication. Reverend the Hon. Fred Nile raised that today. To those with these concerns, I say that I am not afraid of that possibility. I am not afraid of what we are doing with this bill, and I will explain why.

This bill is balanced, as it protects the ability of citizens to protest as well as the right of citizens to seek medical treatment free from the interference of others. It is important to note that the implied freedom of political communication is not a personal positive right, such as the First Amendment in the United States. It is merely a limitation on legislative power that serves to protect the exercise of representative government. Even in the United States, the right of free speech and expression is subject to limitations for the protection of public order and public safety. Safe access zones in the United States have withstood legal challenge.

In Australia, the most recent case that sought to test the limits that parliaments can make on the implied freedom of political communication was *Brown v The State of Tasmania*, in which former Greens leader Bob Brown challenged the validity of the Tasmanian Workplaces (Protection from Protesters) Act 2014. The High Court, by majority, held that while the Act pursued the legitimate purpose of protecting businesses and their operations from interferences from protesters, the burden imposed by the impugned provisions was impermissible because those provisions were not reasonably appropriate and adapted or proportionate to the pursuit of that purpose. Bob Brown was successful. In accepting that the protection of business operations was a legitimate object, Justice Nettle said:

The implied freedom of political communication is a freedom to communicate ideas to those who are willing to listen, not a right to force an unwanted message on those who do not wish to hear it, and still less to do so by preventing, disrupting or obstructing a listener's lawful business activities. Persons lawfully carrying on their businesses are entitled to be left alone to get on with their businesses and a legislative purpose of securing them that entitlement is, for that reason, a legitimate governmental purpose.

The Hon. Trevor Khan and I have taken a measured and considered approach in formulating the objects of the bill, the zone and the offences. This bill is reasonably appropriate and adapted to promote the legitimate object of maintaining the safety and dignity of people accessing reproductive health clinics and the safety of the staff of those clinics.

If the High Court is willing to accept that forestry businesses should be free from interference, I am sure that it would accept that people accessing reproductive health clinics and the people who work in them should also be able to do so free from interference. I note that in New South Wales, the whales that are currently migrating up our coast are given 300-metre exclusion zones by law for their health and wellbeing. It is ironic that in New South Wales we have not been prepared to give women that same protection.

Some members may be aware that safe access zone laws in Victoria and Tasmania are being challenged by those who seek to be able to continue the behaviour I have described. That is not a reason to not support this bill. The laws in Victoria and Tasmania are valid until they are deemed not to be. I believe the challenges will fail, as they have failed in the United States and other jurisdictions when challenged.

Nowhere else in our community do we tolerate the behaviour that women in New South Wales are forced to endure as they try to access reproductive health clinics. Nowhere else in our community do we tolerate the

behaviour in the workplace that staff at reproductive health clinics experience every day. This bill is reasonable and appropriate in providing protection, dignity and privacy to every citizen as they make health decisions about their own lives—health decisions that are in their best interests, absolutely necessary, and very well thought out.

I thank the people who have assisted in drafting and refining this bill over the past 12 months. I particularly acknowledge Claire Pullen, Emily Howie, Adrienne Walters, Richard Karaba, Matt Yeldham, Liam Caulfield and my colleague the Hon. Adam Searle. I thank the organisations that have been campaigning for a long time on this issue. I acknowledge the work of Dr Mehreen Faruqi in pursuing this issue and standing up for women's reproductive rights. I thank the reproductive health clinics across New South Wales. The work they do is so important. I hope that the passage of this bill will make their workplaces much safer and less eventful places.

I thank the Hon. Trevor Khan for his willingness to co-sponsor this bill. Trevor has done more than just put his name to this bill; he has assiduously worked through its important technical legal aspects. Access to reproductive health services is not a Left or Right issue. It is an issue of privacy and respect, and Trevor has been willing to stand up for that. I thank him for it. I also acknowledge the women members in this Parliament, and I acknowledge my colleagues here today. So many of them, publicly and privately, have been very supportive of the development of this bill. If anyone wants an example of why having more women in all parties is important, they should look at this bill. We cannot dismiss what is happening to women in this State because it is hard or makes some people uncomfortable, or because it is necessary to fight powerful people who want to continue the status quo. There are many women in this place who are working hard, and I wish all strength to them as we try to convince our colleagues to pass this bill. Finally, I again quote from the practice manager at the clinic in Surry Hills:

When our clinic opened in Surry Hills, the first thing we noticed was how distressed women were after being intimidated and harassed by those gathered out the front of the clinic. When these people are not present, women arrive at the clinic, calm and showing no visible signs of distress or sadness. But when women arrive after having been confronted, they are emotionally shattered. Often trembling or breaking down in tears as they approach the front desk. These women tell us that this isn't sadness at having an abortion, it's distress and anger at having their privacy violated at such a sensitive and emotional time.

The current laws are failing women. No person seeking lawful medical advice and care should be forced to run a gauntlet of abuse. Every person has the right to expect their Government to protect them from being intimidated and harassed. We have an obligation to provide that protection, and with this bill we have the ability to do so. I commend the bill to the House.

**Debate adjourned.**

#### *Committees*

### **SELECT COMMITTEE ON LANDOWNER PROTECTION FROM UNAUTHORISED FILMING OR SURVEILLANCE**

#### **Establishment and Membership**

**The Hon. ROBERT BORSAK (10:47):** I move:

- (1) That a select committee be established to inquire into and report on the extent of protection for landowners from unauthorised filming or surveillance and in particular:
  - (a) the nature of protection for landholders from unauthorised filming or surveillance, including but not limited to installation, use and maintenance of optical surveillance devices without consent under the Surveillance Devices Act 2007;
  - (b) the extent and appropriateness of penalties for unauthorised filming or surveillance, including but not limited to on-the-spot fines and/or relevant penalties under the Summary Offences Act 1988;
  - (c) the implications with regard to self-incrimination of the request of disclosure by a person of any recordings made by that person;
  - (d) the implications of a rapidly changing media environment, including social media platforms such as Facebook Live; and
  - (e) any other related matter.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of seven members comprising:
  - (a) three Government members, being Mr Colless, Mr Khan, and Mr MacDonald;
  - (b) two Opposition members; and
  - (c) two crossbench members, being Mr Borsak and Mr Pearson.
- (3) That the Chair of the committee be Mr Borsak.

- (4) That members may be appointed to the committee as substitute members for any matter before the committee by providing notice in writing to the Committee Clerk, with nominations made as follows:
  - (a) nominations for substitute Government or Opposition members are to be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whip or Deputy Whip, as applicable; and
  - (b) nominations for substitute crossbench members are to be made by the substantive member or another crossbench member.
- (5) That a committee member who is unable to attend a deliberative meeting in person may participate by electronic communication and may move any motion and be counted for the purpose of any quorum or division, provided that:
  - (a) the Chair is present in the meeting room;
  - (b) all members are able to speak and hear each other at all times; and
  - (c) members may not participate by electronic communication in a meeting to consider a draft report.
- (6) That, unless the committee decides otherwise:
  - (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;
  - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement;
  - (c) the sequence of questions to be asked at hearings alternate between opposition, crossbench and government members, in that order, with equal time allocated to each;
  - (d) transcripts of evidence taken at public hearings are to be published;
  - (e) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and
  - (f) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

Although The Greens sought to interrupt the setting up of this select committee to inquire into and report on the extent of protection for landowners from unauthorised filming or surveillance, it will be passed by this House. We have seen an ever increasing level of intrusion, trespass and vilification of farmers, their families and employees, and invasion of their business premises and homes. In these rapidly changing times, it is clear that the law is not keeping up with technological change, and farm invaders who seek to destroy farming businesses are taking advantage of the shortfall. Social media especially is being abused. The inquiry will accept submissions from all interested parties from all sides. Despite what The Greens may want, it will properly consider evidence and make recommendations. I commend the motion to the House.

**Dr MEHREEN FARUQI (10:49:0):** The Greens oppose this motion because it is plainly another attempt by the Shooters, Fishers and Farmers Party to get an ag gag in by the back door by establishing this inquiry. The Shooters have been playing this game for many years, and The Greens will not stand by and allow it continue. Over the years it is animal welfare activists who have exposed extreme animal cruelty—whether it was the live export industry, cruelty in the greyhound racing industry, or cruelty in factory farming. The animal welfare group Voiceless defines an ag gag as a variety of laws which seek to hinder or gag animal protection advocates by limiting or preventing them from recording the operations of commercial agriculture facilities or making those recordings public. This is what this inquiry is all about.

In the absence of serious monitoring by the Government of animal welfare outcomes on factory farming, these animal welfare activists fill the void. If members of Parliament and members of this House are seriously interested in ending animal cruelty the Parliament should target the people who are committing the cruelty, not the people exposing it. I would be surprised if any party in this Chamber that cares about animal welfare votes in support of a motion that will form a committee to give a platform to those who seek to cover up animal abuse. The Greens will oppose this motion.

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (10:50):** The Government will be supporting this motion. The contribution from Dr Mehreen Faruqi underpins why the issue should be looked at in further detail. This committee will provide a forum for the member's statements that this Government is not serious about animal welfare and the wrong people are being targeted. It will give everyone from all sides of the argument an opportunity to present their case and for the issue to be looked at in detail. The role of, and extended use of, social media and platforms such as Facebook Live and the implications for legitimate business owners—

**The PRESIDENT:** Order! The Minister will be heard in silence. Mr David Shoebridge will have an opportunity to contribute to the debate. Dr Mehreen Faruqi was heard in silence and the same courtesy will be extended to the Minister. The Minister has the call.

**The Hon. NIALL BLAIR:** The legitimate issues of business owners and those who protest in opposition to such businesses need to understand how the interaction of these new social media platforms comes into play. It is clear from the terms of reference that the committee will look at the issue of self-incrimination. We must have a robust system in this State that underpins animal welfare standards and respects those who are legitimately carrying out business in this State to do so unimpeded, if they are doing the right thing. It is a complex issue, and it is an issue across the State.

It warrants further investigation. The best way to do that is through the committee system. The committee will provide guidance and advice to the House for changes or future decisions in this space. This will give everyone on all sides of the argument the opportunity to make submissions and the opportunity for their ideals, ideas and values to be questioned through an inquiry process. For those reasons the Government will support the establishment of this committee.

**Mr DAVID SHOEBRIDGE (10:53):** I join Dr Mehreen Faruqi in opposing the establishment of this inquiry. This is the third go this Government has had at putting ag gag laws through this Parliament. The first was putting into the biodiversity laws the appalling ag gag provisions that were deliberately designed to criminalise animal welfare advocates. Then the Government put similar provisions, targeting animal welfare advocates who are exposing cruelty on an industrial scale, into the Crown Lands Act.

This is the third attempt. The Government has decided to team up with the Shooters, Fishers and Farmers Party and the Labor Opposition to create this inquiry. The Deputy Leader of the Government said that there will be a balanced inquiry, despite who will be chairing it and the majority of members on the committee, and that is false. This is not just putting Dracula in charge of the blood bank; this is putting a shooter in charge of the rabbit hutch. The Hon. Robert Borsak will be chairing the inquiry. There will be three Government members to back him up and back him in on the anti-democratic approaches that will be taken on animal welfare laws. This will not be a fair inquiry. We know what it is designed to do.

To suggest that animal welfare advocates such as the RSPCA—those brave people putting themselves on the line to expose animal cruelty—will receive a fair hearing at the inquiry is a joke. The inquiry is designed to further the agenda of the Shooters Party and to shut down scrutiny of the cruelty that is endemic in much of industrial agriculture. The majority of Australians want to name, call out and end that cruelty. The Greens will not support this inquiry. In a way, I am glad there is no Greens member on the committee. This inquiry will have no legitimacy. This inquiry is designed to produce an outcome. It is designed to shut down scrutiny and The Greens will never support it.

**The Hon. MICK VEITCH (10:55):** Before I start my contribution to debate on this motion, I think Mr David Shoebridge meant to refer to the biosecurity legislation, not the biodiversity legislation, in his speech.

**Mr David Shoebridge:** Yes, biosecurity.

**The Hon. MICK VEITCH:** The Labor Opposition will be supporting the establishment of this committee, which arises from a private member's bill. The Government did not introduce the legislation that led to this motion. Members have heard me say many times that one of the great things we do in this place is the committee work that looks at issues in detail. We should not be scared to look at these issues in detail. The concern I have in relation to the Hon. Robert Borsak's motion is the issue of self-incrimination.

I am keen to look at how the current legislative framework accommodates emerging technology, such as drones being used in a greater capacity in a range of areas. There are a number of things that we can explore with this committee. I am certain that the Animal Justice Party has a view about this. The Hon. Mark Pearson has spoken to me a number of times about the way animal welfare activists collect information, and he used personal experiences when discussing this. It is fair, adequate and correct that this committee be established to examine the private member's bill. It is what this House does. Labor will support the motion.

**The Hon. MARK PEARSON (10:57):** I was surprised yesterday when it came to my attention that this committee was to be established. I consulted with my constituents, who obviously had concerns about it. This is a committee where everybody needs to—and will, in my view—have a neutral approach to this question. I have been part of these investigations for 25 years. I do not care who is initiating the inquiry, but the time has come to turn our mind to why it has to occur, why activists are doing this, and why it is that the work of the activists are of enormous public interest. These questions will be looked at in great detail.

**The PRESIDENT:** Order! Mr David Shoebridge was heard in silence and the same courtesy will be extended to the Hon. Mark Pearson.

**The Hon. MARK PEARSON:** Even though some members of the inquiry may see it as a vehicle to restrict or shut down people documenting evidence, I see it as a vehicle to expose the reasons that members of the community are willing to risk their personal liberties to expose what is being kept out of sight and out of mind. Every time this cruelty is exposed, the public support the people who have exposed it. For example, we would not be dealing with the issue of the live export trade in Australia if it were not for people who were willing to risk their personal liberties in documenting it. I see this committee as a vehicle to expose and analyse why people—whether they are activists or just concerned members of the general public—are willing to risk their personal liberties and expose animal cruelty. I can see why The Greens members have difficulty with this. They see this committee as a way of shutting it all down or making legislation stronger to incriminate people who do this. I see it as opposite to that; it is a way of showing that members of the community who risk their personal liberties to do this are doing it for the right reasons. This committee is a vehicle to analyse and honestly examine those activities so we can all see why they occur.

**Reverend the Hon. FRED NILE (11:00):** The Christian Democratic Party supports the establishment of a select committee. People will give evidence under oath, and hopefully that will aid the search for truth and facts.

**The Hon. WALT SECORD (11:00):** As Deputy Leader of the Opposition I make a brief contribution in support of the motion. My views on animal welfare and my personal association with animal welfare groups are well-known and are on the public record. Without going into deliberations within the Labor Party, I find myself at times sharing the views of the Hon. Mark Pearson and locking horns in disagreement with my colleague the Hon. Mick Veitch, who is a strong voice for rural and regional areas. I understand the views of the Hon. Mark Pearson. I believe this select committee will thoroughly ventilate all aspects relating to this issue. I support the motion.

**The Hon. PAUL GREEN (11:01):** The Greens members speak time and again about grassroots politics, community, giving people a say and representation. I would have thought that they would back this motion because it gives everyone a say. The Greens want to shut down anything with which they disagree.

**Mr David Shoebridge:** That's the purpose of ag gag. That's why you're putting ag gag laws through.

**The Hon. PAUL GREEN:** Hang on, a fair go for all. Everyone gets a say.

**Mr David Shoebridge:** Don't talk to me about it. Don't you dare lecture me.

**The PRESIDENT:** Order! The Hon. Paul Green will resume his seat. Members will immediately cease yelling at each other from across the table. I have already warned Mr David Shoebridge twice. I call Mr David Shoebridge to order for the first time. I warn the Hon. Paul Green.

**The Hon. PAUL GREEN:** I apologise. I am passionate about everyone getting a say, and committees do that well. I commend the motion to the House.

**The Hon. ROBERT BROWN (11:02):** We have some young people in the public gallery who are here to see how this place works. This debate is a perfect example of how this place works—the majority rules. This is a House of review. The committees run by the Legislative Council are a vital part of the parliamentary process and reach out to the public of New South Wales to have their say. I understand the viewpoint of The Greens but there are only a certain number of crossbench members in this House. The Greens are well represented on a number of committees. The Hon. Robert Borsak nominated a member of the Animal Justice Party as a member of the committee, and I take that as a sign that this committee is prepared to be open; there is no fear there.

**Mr David Shoebridge:** There are guaranteed numbers to shut him down.

**The PRESIDENT:** Order! I call Mr David Shoebridge to order for the second time.

**The Hon. Greg Donnelly:** Point of order: The imputations in Mr David Shoebridge's interjection were appalling. He should be asked to withdraw them.

**The PRESIDENT:** I have already ruled on the matter and called Mr David Shoebridge to order for the second time. It is not for me to order Mr David Shoebridge to withdraw his interjection. The member to whom the comment was made should be the one to seek withdrawal, but that has not occurred. I do not propose to canvass this matter any further.

**The Hon. ROBERT BROWN:** I know it is not in order to respond to interjections but before the Hon. Mark Pearson became a member of Parliament, and certainly now, I have never known him to be stood over. I am sure he will contribute to the committee. I support the motion.

**The Hon. ROBERT BORSAK (11:05):** In reply: As a number of members said in this debate, I also believe in the strength of the committee system in this place. It is important to understand that that is what this place is all about. From time to time certain issues need to be debated. Mr Shoebridge has been on many committees with me and he knows how fair I can be. I take the political points that he has made. However, this committee will be run fairly and properly. I appreciate the participation of the Hon. Mark Pearson and I thank him for his contribution. I commend the motion to the House.

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

**The House divided.**

Ayes .....35  
Noes .....5  
Majority.....30

**AYES**

Amato, Mr L  
Brown, Mr R  
Cusack, Ms C  
Farlow, Mr S  
Green, Mr P  
Khan, Mr T

Blair, Mr N  
Clarke, Mr D  
Donnelly, Mr G  
Franklin, Mr B  
Harwin, Mr D  
MacDonald, Mr S

Borsak, Mr R  
Colless, Mr R  
Fang, Mr W (teller)  
Graham, Mr J  
Houssos, Ms C  
Maclaren-Jones, Ms N  
(teller)  
Mason-Cox, Mr M  
Moselmane, Mr S  
Phelps, Dr P  
Sharpe, Ms P  
Voltz, Ms L

Mallard, Mr S  
Mitchell, Ms S  
Nile, Reverend F  
Searle, Mr A  
Taylor, Ms B  
Ward, Ms P

Martin, Mr T  
Mookhey, Mr D  
Pearson, Mr M  
Secord, Mr W  
Veitch, Mr M  
Wong, Mr E

**NOES**

Buckingham, Mr J  
Shoebridge, Mr D  
(teller)

Faruqi, Dr M  
Walker, Ms D

Field, Mr J (teller)

**Motion agreed to.**

*Visitors*

**VISITORS**

**The PRESIDENT:** I welcome to the public gallery year 11 students attending the Young Women's Leadership Seminar, conducted by our Parliamentary Education office.

*Bills*

**DEFEND TAFE BILL 2018**

**First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by Ms Dawn Walker.**

**Second Reading Speech**

**Ms DAWN WALKER (11:16):** I move:

That this bill be now read a second time.

The name of the Defend TAFE Bill 2018 says it all. We desperately need to defend TAFE. The Liberal-Nationals Government has a relentless destructive agenda to privatise everything so that we must consistently defend our

public institutions, otherwise they will disappear. This bill will ensure that TAFE, our once world-class educational system, is still standing at the end of this Government's term. Recently the Victorian Government announced that it is making 30 TAFE courses and 18 pre-apprenticeship courses free for students in areas experiencing skill shortages. The approach taken by the Victorian Government reflects the value of gaining skills through TAFE and vocational education and training today and in the future. Those skills will power the economy. This Government is hostile to TAFE and is determined to undermine, underfund and undercut it. As a consequence, New South Wales is being left behind.

As The Greens spokesperson for TAFE I will spend all my energy to ensure that this dire situation does not get worse. Rather than building our skills training institution we have to spend all our energy defending it, but I am proud to do this. I am proud to spend my time in Parliament protecting TAFE because this public institution should be supported as the world-class training provider it has proved itself to be. TAFE has provided practical vocational training for decades. It has been the place where our plumbers, carpenters and electricians have learned their trades.

**The Hon. Lou Amato:** And mechanics.

**Ms DAWN WALKER:** I acknowledge that interjection. It has been the place where early childhood education workers and community service workers gained the skills that they use every day. It provides people with the skills they need to get jobs to ensure that our workforce is equipped to deal with the challenges of tomorrow. I have seen how TAFE transforms lives. One of the great privileges of being the spokesperson for TAFE on behalf of The Greens in this place is that I get to speak to people from across New South Wales—and from Bega to Murwillumbah they all have something in common. Every person I have met who has been to TAFE is passionate about it. They speak highly of the training received and of the skill and expertise of their teachers. As a former Federal and State policy adviser in trade training, a former TAFE student and, as I have said, an advocate for TAFE in this place, I share that passion with them. I am determined to defend this great institution so that everyone has the opportunity and support they need to attend TAFE. But for that to happen we must make sure that TAFE survives the vicious attacks of this Government.

The Defend TAFE Bill 2018 will stop the sell-off of TAFE campuses and ensure they stay in public hands. It will also ensure that 100 per cent of the public vocational education and training [VET] funding will go to TAFE and not to for-profit, private providers. We desperately need this bill in New South Wales because over recent years TAFE has suffered persistent funding, staffing and resources cuts—both of the old parties had a hand in that—and its valuable role has been gradually eroded. Last year \$105 million was cut from TAFE's annual budget. That was not because there was not enough money—we had a budget surplus of billions of dollars—but because this Government does not value TAFE. This was in addition to the \$1.7 billion slashed from the education and training funding following the introduction of the Smart and Skilled scheme. Instead, public money has been redirected to for-profit, private providers, many of whom have rorted students while pocketing taxpayers' money. This bill will ensure that 100 per cent of public funding for vocational education is allocated to the public TAFE system. We should not be using taxpayers' money to prop up dodgy private providers when TAFE is underfunded.

We have already seen the effect of money being ripped out of the TAFE system—for example, since 2015 some 5,000 experienced TAFE staff members have lost their jobs. Those people have taken with them irreplaceable experience and knowledge. Hands-on facilities like metal and woodworking shops are being replaced with cheap and tacky Connected Learning Centres [CLC]. Now that may sound like a harsh description but, having toured the State to look at these new CLCs, I can assure members it is an accurate description. Last year I hit the road to see firsthand the impacts of the Government's TAFE changes—I called it my "Teachers not Terminals TAFE tour". I visited TAFE colleges that the Government is replacing with CLCs. To train people in skills we need teachers in classrooms, not students plugged into computers.

My first stop was Dapto, near Wollongong, where the Government's first CLC has been built. I saw a wall of computers in a room the size of a takeaway fish and chip shop that had replaced a once thriving TAFE college with 650 students. I was shocked to see there was no library, no support staff, no permanent teachers and, unbelievably, no toilets for the students at that facility—they were directed to use the toilet facilities across the road at the railway station. However, since my visit, and subsequent questioning during the budget estimates hearings, the Government has backtracked. I have now been told that it was not a connected learning centre at all; despite the signage at the front of the building, which has now been taken down, clearly labelling it as such. I have also been told that students are now allowed to use the onsite bathroom.

Tenterfield TAFE was a tragic site. The campus looked abandoned—community artworks were overrun by weeds, the TAFE sign was falling off the front entrance and there were no students or teachers in sight. There was also a construction site at the back of this derelict property for another small CLC. Locals say that the campus is unlikely to remain an educational asset and that many items of learning equipment have already been given away. This blatant cost-cutting and underfunding is unacceptable. This Liberal-Nationals Government is

desperately trying to sell the idea that CLCs are the way of the future—that somehow they will be better than students being taught real skills by real people with real experience. But CLCs will effectively replace TAFE campuses with online learning hubs, which will take students out of classrooms and put them in front of computers. This questionable model is set to be rolled out across the State. There will be very little face-to-face training and practical skills will be taught via a mobile workshop—we are still waiting on details about how often it will roll into town. How is a computer going to teach a bricklayer to build a wall or a plumber to fix a leak?

We also need to make sure that TAFE campuses stay in public hands. We already know that this Government will sell off anything it can. Our TAFE system has already been badly affected by the decision to close campuses and replace them with cramped shopfronts being sold as CLCs. Campus closures have already happened in communities like Quirindi, Dapto and Tenterfield and there is a real threat that many more will follow. This loss of face-to-face teaching will have a devastating impact on learning outcomes for many students, especially those in need of extra learning support or service. Once these campuses are sold off, it will be impossible to get them back. Many of them are in prime locations near public transport and easily accessible to students in the surrounding community. Accessibility is vital for students; it makes it much harder to learn if students have to commute for hours each day. There is a very real threat that this Government will value the land these campuses sit on more highly than the opportunities they give students. This land may be sold off to the highest bidder and TAFE campuses and students forced out. It is vital that that does not happen.

In New South Wales we are facing a skills drought. The Federal Department of Jobs and Small Business has published a skills shortage list for New South Wales as long as one's arm, including in trades such as motor mechanics, sheet metalworkers, structural steel welding trades, fitters, metal machinists, panelbeaters, vehicle painters, carpenters and joiners, plasterers, plumbers, cabinet-makers, electricians, bakers, chefs, automotive electricians, stonemasons, glaziers, roof tilers, floor tilers, and the list goes on. Tragically, these skills shortages are happening at a time when youth unemployment is at crisis levels in this State. Is this creating a picture? We have a skills shortage yet the Government is running down our training institution when our young people cannot get jobs. Perhaps what is even more disturbing is that regional areas, which have some of the highest levels of unemployment, are also being approved for targeted, skilled migration sponsorship through the Skilled Provisional Regional Sponsored Visas Program.

To be clear, we have youth unemployment, the Government is running down TAFE colleges and we have a skills shortage, and we are allowing these skills to be brought to the regions through a sponsored visa program—for example, in the Riverina overseas applicants are invited to fill jobs in the trades of diesel motor mechanic, sheet metalworker, metal fabricator, welder, fitter, panelbeater, bricklayer, carpenter and joiner, stonemason, plasterer, tiler, plumber, baker, chef, cook, cabinet-maker and nurse. What are the courses that TAFE has excelled in for decades? That is what we need TAFE for. The State to our south recognises that and is making those courses free for students—and what are we doing in New South Wales? We are running down the TAFE system. Explain to me how that makes sense. Rather than training our young people in the areas where we are experiencing skills shortages, the Government—let us be clear that it is the Government—is running down the very institution that for decades has been a world leader in skills training.

We know that vocational training and education are vital for skilled employment and to ensure that our young people are trained in skills that are in demand. Faced with those facts, it is easy to understand why Victoria has made TAFE free for some students. It is prioritising courses that teach the skills we most desperately need. Victorians are ensuring that they have a skilled workforce and that their young people will have jobs in those areas. In New South Wales we are defunding and degrading our public TAFE system. To have jobs and growth for the future, we need to give young people a chance to gain the skills they need to find employment and be part of building the Australia of tomorrow. I call on all members to support the Defend TAFE Bill 2018 so that we can restore our public TAFE system back to the world-class vocational training system that it once was. I commend the bill to the House.

**Debate adjourned.**

*Documents*

## **INDEPENDENT REVIEW OF OUT OF HOME CARE IN NEW SOUTH WALES**

### **Production of Documents: Order**

**The Hon. GREG DONNELLY (11:31):** I move:

That, under Standing Order 52, there be laid upon the table of the House within four calendar days of the date of passing of this resolution the following documents created since 1 January 2016 in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Minister for Family and Community Services, or the Department of Family and Community Services:

- (a) the final report and final draft report of the independent review of the out of home care system in New South Wales conducted by Mr David Tune, AO, PSM; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a motion that, in a very real sense, we should not be debating. Many might ask why and my answer is straightforward: This Parliament and the public know that the child protection system in the State is experiencing serious dysfunction. I use the phrase "serious dysfunction" carefully. This is not a political statement but a statement of reality. The difficulties and challenges facing child protection are large and manifest. I invite those who have any doubt about this—although I do not expect many members of this or the other place would have any doubts—to examine the inquiry report of the then-named General Purpose Standing Committee No. 2, now known as Portfolio Committee No. 2, entitled "Child Protection" that was tabled in this place in March 2017, roughly a year ago. I invite those who have not read the report to do so—and not in a cursory way. I ask them to look at the committee's web page to access the submissions, *Hansard* of the public hearings and the answers to questions on notice to gain an insight into the malaise that is our child protection system.

If one takes the time to do that without political blinkers on, it will become clear that much needs to be done to improve the lot of many children and young people who find themselves in problematic—and, in many instances, dangerous—circumstances that are not of their making. This House needs all the expertly prepared research, information and advice it can obtain to assist in the formulation of policy, laws and regulation that will make inroads into tackling the manifest child protection issue. That is why the Opposition, and I suspect members of all parties in this House—except the Government—have been patiently waiting to see the full content of the Tune review into the out-of-home care system.

The Government commissioned the Tune review in November 2015 when the Hon. Mike Baird was Premier and the Hon. Brad Hazzard was the Minister with the responsibility for children services. At the time, they both publicly championed that it would be a significant and independent review of the out-of-home care aspect of child protection. It has been with great expectation that many people inside and outside the Parliament have been waiting for the report produced by a person who is noted for his professionalism, experience and knowledge of child protection broadly and the out-of-home care system in particular. Mr David Tune completed his inquiry some time ago and the report was presented to the Government many months ago; however, its content continues to be cloaked in secrecy. All we have from the Government is a short, barely 10-page leaflet when the large photographs and big headings are taken away.

Why should this House and this Parliament be denied full access to such a significant review—and its significance is acknowledged by all those who are looking into this important social policy area—from such a highly regarded expert in the field? There can be no question at all that child protection in general, and out-of-home care in particular, is screaming out for new thinking, policies and initiatives. All members of this House, if they were completely honest with themselves, would acknowledge that what I have said is correct.

There can be no doubt that the report by Mr David Tune, AO, PSM, contains detailed research, information and policy proposals that this Parliament and the citizens of this State would greatly appreciate having access to. The Parliament would have the benefit of being able to study the content in detail and to debate what Mr Tune has to say. There can be no good or cogent reasons why the Tune report should not be released today following the passing of this motion, if it is the will of the House, for the scrutiny that such a significant report deserves.

Much more could be said about this motion, but because a number of members wish to participate in the debate, I will draw my comments to a conclusion. Every day, every week, every month and every year the State of New South Wales has to try to find a safe roof to place over the heads of approximately 20,000 children and young people because it is not safe for them to be with their parents. It is a truly tragic state of affairs. In regard to dealing with children at significant risk of harm, the inquiry report that I referred to earlier in my contribution—and I encourage members to read chapter 3, Risk of harm reporting and investigations—states in paragraph 3.4:

Of the total number of reports made to the Helpline—

that is, the Child Protection Helpline in New South Wales—

in 2015-16, 78,186 were identified as children at risk of significant harm. Only thirty per cent (23,609) of these children received a face to face assessment.

I could continue, but I will draw my comments to a conclusion. That report lays bare—and it is not the first report to do so—the significant challenges that this State faces in child protection. The Tune report is, without doubt, a significant contribution to assist many people, but particularly elected members of this Parliament, with information, insights, facts, details and, I expect, proposed policy prescriptions that would be of great assistance to help all of us—all parties—to tackle in a much better way the significant challenge of child protection in this

State, particularly the protection of children in out-of-home care. Why the Government refused to release the report is beyond my comprehension. The Government should support the motion, but I suspect it will not—we will have to wait and see. I commend the motion to the House.

**The Hon. SCOTT FARLOW (11:44):** On behalf of the Government, I oppose the motion moved by the Hon. Greg Donnelly. The 2016 Independent Review of Out of Home Care in NSW led by David Tune was commissioned by and prepared for the Cabinet. It is, therefore, subject to the usual Cabinet confidentiality conventions. A summary of the review, which contains the analysis and findings upon which the recommendations were based, is publicly available online. Surely those opposite can use a website. But if they cannot, the Government is happy to help them.

The independent review concluded that the out-of-home care system responds to immediate crisis but fails to improve long-term outcomes for children and fails to arrest the devastating cycles of intergenerational abuse and neglect. At the end of 2016, the Government announced its response to the Tune review in the landmark reform that is "Their Futures Matter: A new approach"—a long-term strategy for vulnerable children and their families in New South Wales. The reform sets out an accountable system where client outcomes, strong evidence and needs-based supports are centred around children and families.

Since late 2016 the Government has been implementing the Their Futures Matter strategy. The Government committed an additional \$190 million over four years in the 2016-17 budget for services for vulnerable children and their families. The Government has established a cross-agency Their Futures Matter implementation unit, which is overseen by a Their Futures Matter Implementation Board, enabling unprecedented collaboration across government—Health, Justice, Education, Family and Community Services, the Department of Premier and Cabinet, and Treasury—to break through agency silos from the top down.

We have launched new evidence-based service models to improve family preservation and restoration by introducing Multisystemic Therapy for Child Abuse and Neglect [MST-CAN] and Functional Family Therapy Child Welfare [FFTCW] services to help at least 900 children and their families a year. Half of these places are dedicated to Aboriginal children and their families. Those services are now operating in more than 15 locations including Lakemba, Penrith, Blacktown, Fairfield, Nowra, St Marys, Macarthur, Wagga Wagga, Tamworth, Wyong, Shellharbour and Coffs Harbour. I note the Hon. Wes Fang's enthusiasm for the Wagga Wagga service.

The Permanency Support Program commenced on 1 October 2017 with new performance-based contracts for foster care and Aboriginal foster care, to ensure permanency—not years—for children in foster care. The Permanency Support Program is working alongside Their Futures Matter to provide better outcomes for children and families. Every child needs a home for life. The program provides personalised support packages for children in care to ensure they have access to the support they need, and the development of a commissioning approach for vulnerable cohorts is underway. The Government opposes this motion because it seeks to politicise the lives of our most vulnerable, which, of course, is nothing new coming from the Labor Party. Labor has no interest in better outcomes for our most vulnerable; it is only interested in turning complex public policy issues into political footballs.

Whilst Labor uses this portfolio to play games and to score points, this side of the House will continue to lead the way in social policy with clear vision and direction. It is the same old story with Labor, and it stands in stark contrast to the actions of the Government. It is outrageous for Labor to come into this place today and talk about transparency. Labor mismanaged the Community Services portfolio and left it in an absolute mess. It is important to remember that while Labor acts as if it has a skerrick of credibility in this portfolio, the New South Wales Government is spending record amounts of money in child protection. The former failed Labor Government had to be dragged kicking and screaming through a special commission of inquiry before it even uttered the word "reform". Labor mismanaged budgets. But today Opposition members talk about transparency around the release of confidential Cabinet documents.

I remind the Opposition that it was this Government, under Minister Goward's stewardship, that legislated to improve transparency around the deaths of children known to the Department of Family and Community Services through the child deaths annual report. It was this Government, under Minister Goward's stewardship, that began the transformation of our child protection system. Those opposite could only ever dream of delivering the reforms that we have over past seven years of the Coalition Government. It was this Government, under Minister Goward's stewardship, that significantly reduced case worker vacancy rates to historic lows, a far cry from the blow-outs that existed under the Labor Government for 16 years. It was this Government, under Minister Goward's stewardship, that secured one of the biggest investments in the child protection system in 2014-15, Safe Home for Life, with an additional \$500 million later announced in the budget.

It was this Government that presided over a reduction in the number of children entering care by almost 24 per cent in the 2016-17 financial year. Under Labor it doubled over a decade. It was under this Government

that frontline caseworkers have seen a record number of children reported at risk of significant harm, more than 10,000 additional children than under Labor. It was under this Government that we saw an investment of \$63 million over four years in the 2017-18 budget to add additional caseworkers and casework support workers. It was this Government that achieved a record number of 129 adoption orders in 2016-17, compared with only 45 under Labor in 2010-11. Those opposite just cannot stand this Government achieving more social reform and better results than they ever did; it is driving them mad. Government members will get on with the work of improving the lives of vulnerable children and families. It is what good government looks like—something those opposite know nothing about.

**Mr DAVID SHOEBRIDGE (11:50):** On behalf of The Greens I indicate our strong support for this call for papers under Standing Order 52, which requires the Government to produce the Tune report to this House and to the people of New South Wales. What is the Tune report? In November 2015 the Government commissioned Mr David Tune to conduct an independent review of the out-of-home-care system in New South Wales. The purpose of that review was to look at the growth in the out-of-home-care population and the continuing poor outcomes for some of the most vulnerable families and children in New South Wales.

Instead of publishing the review in total, the Government released a sanitised summary. Time after time this Government publishes parts of its so-called independent reviews and hides what it does not want the public to see. More than 12 months ago, this Government published its Orwellian titled paper "Their Futures Matter: A new approach" with a sanitised summary of the Tune report. Since then the entire sector has asked the Government, "Where is the Tune report?" It commissioned an independent report, which went into great detail about the problems in the child protection system—and the problems are legion. The Government heard from almost every substantive stakeholder in this area. They made their submissions and they are now asking, "Where is the report?" Instead, the Government has provided a sanitised summary.

The Parliamentary Secretary, the Hon. Scott Farlow, said it cannot be produced because it is Cabinet-in-confidence. Apparently the Cabinet has concluded its consideration of the Tune report. We have heard about the package of piecemeal recommendations and programs that the Government has put in place following its consideration of the Tune report. There is no reason to keep the Tune report secret, other than the fact that the report almost certainly does not endorse the approach of the current Minister. I will put some facts on the record about the scale of the problem and the boutique response we have had from this Government and Minister Goward.

We know that in 2014-15 43,574 children were the subject of a child protection investigation or notification in New South Wales, more than 20,500 children were the subject of a care and protection order and some 21,426 children were in out-of-home care. That is an extraordinary number of children. There were close to 200,000 reports a year—and more than a quarter of a million children and young people were the subject of those reports—to the Child Protection Helpline. I know that the Hon. Greg Donnelly dealt with this matter in some detail in his contribution, but that is the scale of the system. There is a functional disorder in the system. Money is not being spent upfront as soon as some family dysfunction comes to the attention of the authorities—that is, money is not being spent to keep families together and to keep children in safe homes. Less than \$1 in \$5 is spent on early intervention and keeping families together. Eighty per cent of the budget is spent on caseworkers and dealing with children once they have been removed. It is like having an ambulance at the bottom of the cliff. That is the way the system is currently designed.

What is this Government's and this Minister's main political response? It is to increase adoption rates. The Minister and the Hon. Scott Farlow have been championing the increase in adoption rates—they have talked about a 100 per cent increase in adoption rates. The rate of adoption has gone from less than 50 to less than 150. After all that championing of adoption, there have been fewer than 150 cases. I remind members that in 2014-15 43,574 children were the subject of a child protection investigation or notification—and this Government pretends that the answer is adoption. We can be close to certain that the Tune report does not endorse this Government's adoption approach.

We know from decades and decades of research how damaging this adoption-at-all-costs approach can be to children who lose their identity. We all support permanency where it can be achieved, but permanency and adoption are totally different. This Minister believes a continuing political reliance on adoption is the answer. I have heard deeply disturbing reports that potentially one of the key pro-adoption agencies in this State will be getting the contract for a substantial foster care contract in New South Wales. If that is true—and I hope it is not—it will be a very dark day for foster carers and the foster care system in New South Wales. It would be ideology trumping outcomes from children.

The Government needs to produce the Tune report and show us the evidence. We are going into a State election campaign. We should put politics to one side for a moment. We should stop putting billions of dollars into vanity projects, such as new stadiums and the Powerhouse move. We should stop wasting billions of dollars

on privatised light rail projects. We should all commit to recommendation 2, which was unanimously supported by members from all political parties who participated in the child protection inquiry. It states:

That the NSW Government provide a specific one off injection of additional funding for evidence based prevention and early intervention services, including targeted client services and programs that operate in regional, rural and remote areas.

We should commit to no more vanity projects. The billions of dollars going to new stadiums and the Powerhouse move should be invested in the key infrastructure of this State: our children, keeping them safe at home and stopping their families falling into dysfunction. Let us do it on an evidence base. Let us have the Tune report so we can have a clear political discussion about it. That is in the best interests of children. Let us stop this culture of secrecy that the Berejiklian has now been infected with.

**The Hon. MATTHEW MASON-COX (11:58):** As we all know, the child protection system is one of the most challenging areas of public policy in this State, and it has been for decades. In 2007 when the Labor Party was in office it gave a comprehensive response to the Wood royal commission. Indeed, today we are still responding to the Wood royal commission in relation to the transition of children from out-of-home care into not-for-profit organisations to ensure that they have the best possible future. That is a bipartisan objective. We all want the most vulnerable children and families in this State given the opportunity to have the best possible start. We want to ensure that the best possible evidence is provided on which to make that sort of policy change and to drive those outcomes. That is why the Tune report is so important.

In November 2015, as members have mentioned already, the New South Wales Government commissioned David Tune to carry out an independent review of the out-of-home care system in New South Wales. In late 2016, the Tune review concluded that while the current system responds to immediate crisis, it is failing to address the complex needs of vulnerable children and their families. It is also failing to improve outcomes and arrest the devastating cycle of intergenerational abuse and neglect. At the time, the Government refused to publicly release the full report. It did release a summary, *Their Futures Matter*, on which members have reflected. Since that time, the Government has responded with a range of policy changes. That is to the credit of the Ministers involved—the current Minister for Health and the current Minister for Family and Community Services. We heard from the Parliamentary Secretary about what has been done; I support that and I think all members support it. This is a bipartisan issue. We all want to see the best possible results for these vulnerable children and their families. We all agree that we need to do more. The question is what do we do and how do we best drive the outcomes we all want to see achieved?

Reportedly—because we have to rely on a summary, not the full report—Mr David Tune found that the system is not client-centred. It is designed around programs and service models instead of vulnerable children and their families. Vulnerable families have needs that cross the boundaries of Government agencies, yet we have a siloed approach to dealing with them. Family and Community Services holds primary accountability for very vulnerable families but has little influence over the drivers of that vulnerability or the levers for change. Expenditure is crisis-driven, not well aligned to the evidence, and does not effectively target clients. These are very serious conclusions that come from the summary of the report without the benefit of all the detail that sits behind that.

The review concluded that this siloed approach to design and delivery, with its dependence on goodwill for coordination across multiple agencies and programs, is not adequate to address these problems. We heard from the Parliamentary Secretary on the Government's resultant approach, with a board being set up and *Their Futures Matter* addressing some issues that have been presented. But, again, we do not have the full story. The Tune report was very clear that system reform is necessary to achieve the fundamental level of change required.

In February this year, a draft of the Tune report—so we are led to believe—was leaked to the *Sydney Morning Herald*, which revealed a range of hidden recommendations. Key amongst those was the establishment of a New South Wales Family Investment Commission to take control of more than \$2 billion of funding spent on vulnerable children and their families. Again, we cannot verify that. It was recommended that this new commission be established as a standalone statutory authority reporting directly to the Minister and that it be supported by a high-level advisory and cross-agency board. In particular, Mr Tune warned that reliance on the existing governance arrangements would place implementation at great risk.

This was also largely the conclusion reached by the 2017 General Purpose Standing Committee No. 2 report into child protection chaired by the Hon. Greg Donnelly, who I know feels very passionately about these issues, as does everybody who participated in that report. It was a unanimous, bipartisan report that recommended, as Mr David Shoebridge pointed out, a substantial new investment in early intervention services. Very simply, the idea was to take a stadium-esque investment approach to the most vulnerable children and families in our society and direct \$1 billion to \$1.5 billion to early intervention services to drive families together,

rather than tear them apart and then see them come into the out-of-home care system through the Child Protection Helpline.

Mr President, you would understand these issues firsthand from your time as a Minister. It is a very confronting situation. All members of this House want families to be together in a functional environment if they possibly can. The last resort should be to pull children out of that nurturing environment and put them into an out-of-home care environment through established processes. The outcomes from that have been proven time and again to be very poor. Bringing resources from the back end to the front end was a key recommendation of the committee and, as I understand it, a key tenet of the Tune report.

Sadly, though, we do not really know. We have only been given part of the story. The Parliament is entitled to understand the evidence presented to Mr David Tune and the recommendations of his report, as he was commissioned by the Government to provide that report. Naturally, the report goes to the Minister and it may well go into a Cabinet process; that is normal Government functioning. To stand behind a Cabinet process and say, "Well, we cannot release the report but here is a summary," is not good enough when considering the most vulnerable families in this State who, through years and years of neglect, are being sent down into parlous and horrible conditions. We end up robbing children of their future, and we need to reflect upon that when we make these sorts of decisions.

Governments commission lots of reports. Lots of reports go to Cabinet. Lots of reports that go to Cabinet are released. The most recent one was the excellent Greiner report, an independent review of the New South Wales regulatory system. It was released publicly because the Government agreed with its recommendations and then wanted to use that report to justify its evidence-based response. That is good government. That is where we started in 2011, when we came into government. We made it our mission to make government more accountable and transparent. The benchmark at that time was to put Government reports on the responsible agency's website, to have it publicly available so the Government's decisions in reliance on that report could be seen to be transparent and based on evidence-based research, and could be consulted on and debated with stakeholders so that people understood why the Government was making certain decisions. It is fundamental. We have strayed from where we were in 2011, in a way which sadly brings us to this point in time where a report, so important to the most vulnerable children and families in this State, is denied.

To look at how successful the current system has been, I refer to the Child Protection Helpline. Sadly, only about 30 per cent of the children who were assessed as being at risk of serious harm are being seen in a face-to-face interview. Seventy per cent are effectively ignored, with their files closed, due to resource constraints. That is simply unacceptable in this day and age. I believe the Minister sees it as unacceptable and that the department has the same view. But we cannot seem to improve the situation. Instead, we spend more and more money and see more children at risk of serious harm, but continue to fail miserably in assisting those children and vulnerable families.

Basically, we are throwing more and more money at a system that is not working. I note the financial audit of FACS that the Auditor-General released on 8 December 2017 reported that the department's unaudited data shows that 86,000 children were reported "at risk of significant harm" in 2016-17. That is 7,000 more than the previous year. The number of face-to-face responses has increased to more 27,000, and that is a credit to the Government. Sadly, the number of children not receiving a face-to-face assessment has also increased, from 55,000 children to 59,000 in the past year. These are the latest figures. They show that whilst more children are being seen, the number of children who are not being seen is also increasing.

The system continues to fail. We continue to pretend it is succeeding and suggest that 30 per cent is an acceptable response rate when it is an absolute disgrace. In 2017 we consigned 70 per cent or 59,000 children to the scrap heap by closing the files. What then happens? The result is more dysfunction in society. As at 30 June 2017 the Auditor-General reported departmental data showing 41 per cent of children and young people with closed case plans for the 12 months of 2016 were re-reported at risk of significant harm in 2017. Clearly, the cycle of children at risk of significant harm remains dangerously out of control.

I have advised the Premier, the Leader of the Government and the Government Whip that I consider this an important matter of conscience. This morning I spoke at length to Minister Pru Goward and explained my point of view. I thank her for the hard work she and her department are doing. I note that this is a challenging area of public policy and, as I have previously outlined, there is still much work to be done. Transparency, accountability and consultation must be part of this ongoing reform process. In order to restore trust with the sector the Government must release the Tune report.

With its release a proper explanation of the decisions made will inform stakeholders and vulnerable families and children who are affected by the Government response in this area. Sadly, to date it has been a litany of failure. It is an area that successive governments have found to be very challenging. We must do whatever we

can to improve the appalling statistics that remain a set of numbers on a piece of paper, but are in fact children in homes and communities around our State who are being robbed of a future. That is what is at stake. I urge all members to support this very important motion.

**The Hon. MARK PEARSON (12:12):** The Animal Justice Party supports the release of the complete Tune report. Without it the efficacy of the Government's implementation of the report's recommendations cannot be measured. If a major improvement in the wellbeing and welfare of vulnerable children in vulnerable situations was shown to be the result of implementation of the report's recommendations and that children were remaining at home with proper support and not being adopted out at a higher level then we would know that was in the best interests of the children, but that is not occurring. Therefore, it is incumbent upon the Government to release the report so that the whole of the Parliament can analyse it closely. It is in the interests of these vulnerable children to ensure the fundamental ground of proactive intervention receives the resources needed for initial family contact to be at its absolute peak.

Proactive intervention and support of the family to deal with the changes that are needed to provide an environment and home that is safe and in the child's interest is important for the wellbeing of the child. That must occur at the first signs and symptoms of a breakdown in the functioning of the family. When contact is reactive it is often too late and children are taken from a home that with earlier support they could have stayed in. A foreign environment and possibly several foster care situations may lead to that child becoming damaged and dysfunctional. Irrespective of a member's politics, he or she must stand for the children and do their absolute best to ensure early and proactive intervention. Members cannot really understand how to do that correctly in the interests of the children unless the details of this report are revealed and forensic analysis is applied.

**The Hon. ADAM SEARLE (12:15):** It is important for members to consider that the Government has used public money to commission an independent report to inform it about the efficacy of the governmental and administrative arrangements and policies in place for at least part of the child care and protection system in this State. That system has always been a source of public discussion, controversy and debate, no matter the government of the day. This area is not contested so much in a partisan sense, but there is ongoing anxiety about whether as a society we are doing enough to protect vulnerable children and families in crisis.

As a matter of public interest it is important for us as legislators and for the wider community to understand whether or not the Government is following the recommendations made to it as a result of that inquiry and report. That needs to be debated, discussed and ventilated in this forum and a wider public forum. As a matter of understanding what has informed the Government's current policy we need to know whether it is following the advice it has sought or not. It is important to discuss the policies and structures in place for this important area of State administration. As Leader of the Opposition I support the motion of the Hon. Greg Donnelly. I am in agreement with all of the previous speakers--except the Parliamentary Secretary, who is defending the position of the Government to keep the document confidential.

**The Hon. DANIEL MOOKHEY (12:17):** I commend the Hon. Greg Donnelly for moving the motion and for his ongoing interest in this matter over a long period. I had the pleasure of serving with him as he chaired the general purpose standing committee inquiry into child protection that was undertaken during the life of this Parliament. As other people have stated, members from all parties conducted that thorough and comprehensive inquiry in the best spirit to bring parliamentary scrutiny to complicated public policy. It is incontrovertible that had the committee had access to this report, the quality of its work would have been higher because its ability to focus attention on areas requiring urgent reform would have been increased. Public debate would have been better served and the ability of this Parliament to properly appreciate what is happening in child protection would have been greatly enhanced.

Even without that report, the committee identified a multitude of issues at every level of the child protection system that were worthy of further scrutiny and inquiry, and certainly by someone of the eminence of Mr David Tune. The committee identified that there is an explosion in the number of reports to the Child Protection Hotline. The reasons for the number of reports going up and up included the complicated relationship between those reports and the mandatory reporting scheme, wider societal factors like the onset of different drug epidemics in regional New South Wales, and the complicated areas of poverty that create the need for child protection and State intervention. I am certain all of those issues were also touched upon by Mr David Tune in his report.

Other members have mentioned the low levels of inspection. There are two aspects of this issue that I find most disturbing: First, only 30 per cent of people who file a report receive a face-to-face interview with Family and Community Services or its agents to determine whether they are at risk of serious harm; secondly, and this is most troubling, someone must make 10 reports to the Child Protection Hotline to even qualify to be one of the three out of 10 people who gain access to support. This detail was touched upon by the committee report, and it is worthy and necessary to know Mr Tune's recommendations and advice in that respect.

A lot of people are concerned about the opacity of the child removal process and opportunities for parents to meaningfully contest the State's power as it is applied in this domain. This was equally a subject of huge focus by the committee. To the credit of Family and Community Services, it identified this issue as one of the reasons why it must put such care and diligence into meeting its legal responsibilities—so far as it has the resources to do that. These are serious legal responsibilities. I am sure Mr Tune would have looked into this issue, and it is worthy to see whether he believes it is creating pressure, distortion or diversion of resources that otherwise could be used to help families stay together or otherwise care for families that are subject to massive distress.

The fostering system has not yet proven its ability to take pressure off the child removal system. The absence of foster carers is putting a hell of a lot of pressure on the out-of-home care system. The complex interplay of fostering, child protection and out-of-home care is worthy of examination. This report will help us, as policymakers, to decide whether the current system is working or whether changes need to be made. We should be looking into how a parent can recover their legal authority over their children, when they can make such an application and under what circumstances a child could exit out-of-home care. We should look into whether the department is acting like a model litigant, as it says it is. We should also investigate the extent to which the department could reduce the amount of money it spends litigating and contesting applications by causing Family and Community Services to stick to the model litigant principles and procedures that have enjoyed bipartisan support.

The last stage of child protection is the transition from out-of-home care to adulthood. The committee heard overwhelming evidence that there is nothing that resembles a comprehensive strategy for this complicated issue. Given that a child in care is likely to be the child of someone else who has been in care, it is reasonable and logical to overhaul our strategy in this area. I do not doubt the complexity of these issues and they do not become more or less complex depending on whether there is a Labor or Liberal Government in power. Members in this Chamber and in the other place have displayed a great degree of bipartisanship as we have gone about the difficult job of dealing with children who are suffering distress. Since the Wood commission, it is clear that there has been a bipartisan commitment in this House to a continuous improvement in culture.

All sides of politics have used their powers to encourage the system to continuously improve. When I consider whether this House should use one of its strongest powers as set out in Standing Order 52 to compel the production of this report, I feel that if Family and Community Services is responsible for displaying a continuous improvement in its culture, we in this Chamber should do the same. We should use our powers here to ensure Parliament continuously scrutinises these issues and keeps them at the forefront of both its and the State's collective minds. I cannot think of a more worthy use of Standing Order 52 than to order the production of this report. I commend the motion to the House.

**The Hon. GREG DONNELLY (12:24):** In reply: I thank the Hon. Scott Farlow, Mr David Shoebridge, the Hon. Matthew Mason-Cox, the Hon. Mark Pearson, Leader of the Opposition the Hon. Adam Searle, and the Hon. Daniel Mookhey for their contributions to this debate. I note that the Christian Democratic Party has set itself aside from this debate. It had the opportunity to make a contribution on this motion. Before this debate, I asked Reverend the Hon. Fred Nile about his position on the motion. He informed me that, just before this debate commenced, the Minister for Family and Community Services, Pru Goward, told him she would provide him with a copy of the Tune report. I asked Reverend the Hon. Fred Nile if he would provide that report to others. He said, "No. She will provide me with a copy to read and I will make a decision after that." I pressed him further, but the conversation went no further.

It was my understanding that Reverend the Hon. Fred Nile would make a contribution to this debate and state on the record that Minister Pru Goward would provide him with a copy of the Tune report. I understand that she would do this relatively soon. We will have to wait and see. For reasons beyond my comprehension, Reverend the Hon. Fred Nile has decided not to state that on the record. I have indicated to him that I will follow up with him within the next week or so to ask if he will give me a copy of that report. I believe it is vitally important that this report is in the public domain so that this House, this Parliament and the citizens of this State can be provided with the best possible information to enable the development of policies, practices, and, if necessary, laws and regulations that deal with these troubling matters. I commend the motion to the House.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** The question is that the motion be agreed to.

**The House divided.**

Ayes ..... 20  
 Noes ..... 19  
 Majority ..... 1

## AYES

Borsak, Mr R	Brown, Mr R	Buckingham, Mr J
Donnelly, Mr G (teller)	Faruqi, Dr M	Field, Mr J
Graham, Mr J	Houssos, Ms C	Mason-Cox, Mr M
Mookhey, Mr D	Moselmane, Mr S	Pearson, Mr M
	(teller)	
Searle, Mr A	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Veitch, Mr M	Voltz, Ms L
Walker, Ms D	Wong, Mr E	

## NOES

Amato, Mr L	Blair, Mr N	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Fang, Mr W (teller)
Farlow, Mr S	Franklin, Mr B	Green, Mr P
Harwin, Mr D	Khan, Mr T	MacDonald, Mr S
Maclaren-Jones, Ms N	Martin, Mr T	Mitchell, Ms S
(teller)		
Nile, Reverend F	Phelps, Dr P	Taylor, Ms B
Ward, Ms P		

## PAIRS

Primrose, Mr P

Mallard, Mr S

**Motion agreed to.***Committees***SELECT COMMITTEE ON LANDOWNER PROTECTION FROM UNAUTHORISED FILMING OR SURVEILLANCE****Membership**

**The PRESIDENT:** I inform the House that the Clerk received the following nominations from the Leader of the Opposition for Opposition membership of the newly established Select Committee on Landowner Protection from Unauthorised Filming or Surveillance:

Mr Veitch and Ms Houssos.

*Motions***SOUTH AFRICA RACIST VIOLENCE****Reverend the Hon. FRED NILE (12:36):** I move:

- (1) That this House notes:
- (a) Articles 2 and 3 of the Convention on the Prevention and Punishment of the Crime of Genocide,
  - (b) a political culture of racist violence has been fostered in South Africa, which can be witnessed by:
    - (i) the recent revival of a revolutionary hymn to "Shoot the Boer" among the political elite;
    - (ii) the statement of former President Zuma that "We are going to shoot them with machine guns ... shoot the Boer, we are going to hit them, they are going to run";
    - (iii) the statement of Julius Malema that "We are not calling for the slaughter of white people, at least for now" and more recently that "the time for reconciliation is over", and furthermore, that "go after the white man. If you cut a white man they feel terrible pain";
    - (iv) whites, who make up under 10 percent of the national population and who have been farming the land for over 350 years, are routinely referred to as "settlers" by government officials; and
    - (v) the South African Parliament under President Cyril Ramaphosa recently voted in support of a motion to accelerate the expropriation of white owned and cultivated farm land without compensation to the owners.

- (c) this dehumanisation and targeting of an ethnic minority has created an environment where:
  - (i) white farmers are allegedly five times more likely to be murdered than the general population of South Africa, with an estimated 4,000 already killed since the ANC came to power;
  - (ii) farm attacks are often characterised by extreme brutality, which includes the physical dismemberment, torture, and rape of the victims, and also involves the killing of children and infants in horrendous ways that suggest hate is a motivating factor; and
  - (iii) there is a view that authorities are not treating the farm attack phenomena with the urgency it deserves.
- (2) That this House calls on the Government to:
  - (a) as a matter of principle, strongly condemn:
    - (i) any and all calls for the killing, marginalisation, persecution, victimisation and targeting of any racial minority group in the Republic of South Africa by any of its officials, past or present; and
    - (ii) any law that unjustly expropriates land from any individual without fair, just and equitable compensation.
  - (b) call upon the foreign mission of the Republic of South Africa to confirm the veracity of the factual statements listed in point 1 above;
  - (c) call upon the Commonwealth Government to raise the issue of the alleged racial targeting of farmers in the Republic of South Africa, and to do so in the appropriate international forum; and
  - (d) investigate what New South Wales can do to assist the victims of any racist violence committed against the Boer and white farming community, including investigating the possibility of offering to resettle victims here, or assisting their resettlement in another appropriate jurisdiction.

I took the opportunity to discuss motion No. 1956, Violence in South Africa, in a speech in the adjournment debate of 15 March 2018. I acknowledge that the implicit accusations are strenuously denied by key elements of the Government of the Republic of South Africa and some of its leading politicians, as well as its local and overseas supporters and advocates. However, protestations of human rights abuses are likewise being aired with equal passion by those who claim to be persecuted and victimised. These too cannot be ignored. In fairness, I see no reason that the principle of presumed innocence should not be extended to a nation state for the purpose of this debate. However, I am mindful that the allegations that have been made are not unprecedented for the region. They therefore merit attention.

I am surprised that there is a reluctance to address this issue by powerful members of the international community. On 13 November last year, Janice Atkinson, a member of the European Parliament, moved a motion to discuss racist violence in South Africa, but not even a discussion was allowed. The main victims are known as Boers, descendants of the Dutch, German and French Huguenots, who have had an established presence in South Africa since 1652. It is ironic that the European Union [EU] political class has taken controversial steps to accommodate alleged refugees from other parts of the world but does not seem to have much time to consider the plight of these farmers. Their ancestral homelands have ignored them. Their pleas for help have been made elsewhere as well.

On 1 March this year, Chantal Da Silva reported in *Newsweek* that thousands of people in the United States have petitioned President Donald Trump to offer the Boers asylum. Sadly, no action has been taken in this regard. While others may be silent, we have a duty to speak, especially if lives are at stake. Today I am calling for a debate. The motion is structured in three parts: the relevant international law, the facts and a call for action. The first question I will attempt to answer is whether articles 2 and 3 of the Convention on the Prevention and Punishment of the Crime of Genocide are relevant to the allegations being made. Article 2 defines "genocide" as, among other things, acts committed with "intent to destroy ... a national, ethnic, racial or religious group" by means that include killing, causing grievous bodily or mental harm, or "deliberately inflicting on the group conditions of life calculated to bring about a people's physical destruction in whole or in part. This provision has been interpreted by international case law. In *The Prosecutor v Jean-Paul Akayesu*, a decision of the International Criminal Tribunal for Rwanda dated 2 September 1998, it was considered that inhumane or degrading treatment and persecution of a group constituted bodily or mental harm. In the case of *The Prosecutor v Nahimana, Baryagwiza and Ngeze*, a decision of the same tribunal dated 3 December 2003, it was enough to consider a claim under article 2 if the victims are selected because they are "personified" to be members of the group.

Notably, as illustrated in the 1 September 2004 decision of *The Prosecutor v Radoslav Brdanin* by the international tribunal concerning the 1991 war in Yugoslavia, expelling victims from their homes and property also qualifies as a breach of this provision. Article 3 of the convention declares that conspiracy and attempt to commit genocide and complicity in genocide, and also direct public incitement to commit genocide, are all punishable offences. From my reading of the convention, and from my interpretation of the relevant parts of the cases referred to above, it needs to be established that: a particular group is singled out for vilification so that its

life is unlivable; each individual member of that group is targeted because they are seen as representative members of that group; they are degraded and treated in an inhumane manner; and this can include actual physical violence as well as other forms of persecution such as the forced eviction from homes and property.

I now turn my attention to the factual and evidentiary elements of the allegations. My motion makes reference to a hymn sung by members of the African National Congress [ANC], which includes the words "shoot the Boer". I understand that the term "Boer" is coded language to indicate all white farmers in South Africa; it is obvious what the word "shoot" means. This was a revolutionary song used by black nationalists who were fighting against the injustice of the old apartheid regime. However, it should be noted that the song was held to be a form of hate speech by Acting Judge Leon Halgryn of the South Gauteng High Court in 2011. Despite that ruling, then President Jacob Zuma notably sang it at the African National Congress centenary celebration service in January 2012. It is also telling that the song remains part of the political culture of the ANC today. Paragraph (1) (b) (ii) of my motion refers to the statement of former President Zuma that:

We are going to shoot them with machine guns ... shoot the Boer, we are going to hit them, they are going to run.

That language is hardly ambiguous. Paragraph (1) (b) (iii) refers to the statement of Julius Malema at a recent public rally of his supporters that:

We are not calling for the slaughter of white people, at least for now.

The words "at least for now" are ominous—even if they were sarcastic. More recently Julius Malema said that:

... the time for reconciliation is over.

In fact, that was said to the South African National Assembly on 27 March this year when a motion to accelerate controversial land reforms was being debated. Julius Malema was once a prominent member the ANC, but he now leads his own political party: the Economic Freedom Fighters [EFF]. The EFF wears uniforms that resemble combat fatigues and military-style red berets. The main ideology of the EFF is a particularly virulent form of revolutionary Marxism-Leninism. *Shoot the Boer* was routinely sung at ANC Youth League events when Malema was its president—around 2010. Inflammatory rhetoric like this can inspire bigotry and instigate masses to violent behaviour.

On 15 March this year I made a speech in the adjournment debate. In that contribution, under the heading of "South Africa Racist Violence", I made reference to two editorials in our local press that had discussed this. In addition to those I add reference to an article by Glenn Freeman in the *Sydney Morning Herald* of 22 March with the title, "South African Farmers are Trapped in a Brutal Reality". There was also an extensive report by Paul Toohey in the *Australian* of 27 March titled "Killed Because You're White", as well as a feature by Joe Kelley, Sarah Elks and Paige Taylor in the *Australian* of 13 April, which illustrated the dire state of affairs and suggested that our Federal Government has been bamboozled by South African Government "spin". Judging from these reports it is reasonably arguable that a culture of violence has indeed been fostered in South Africa.

A brief perusal of South African online social media illustrates that an undercurrent of explicitly racist, anti-Boer and anti-white racism appears to be thriving. The evidence really is quite stomach churning, so I will not dwell on it here, but I will give a general impression of what can be found by those inclined to take the plunge into this sewer. They will find images of EFF rallies with what appear to be leaders holding weapons or banners that read, "The honeymoon is over for white people in South Africa." They will find images of rallies in which white dolls are mocked or abused in effigy. Also found will be images of the farm attack victims themselves, including the elderly, children and infants, with mocking comments from individuals who support the kind of rhetoric cited earlier. They will also find declarations of "kill the Boer, kill the farmer", "one settler, one bullet" and references to whites as "settlers", "pigs", "pinks" and "pink aliens". They will find explicit calls for violence and killing. Those are the sorts of sentiments being expressed online. But what is the actual extent of this violence on the ground in real life?

I noted on 15 March in my speech in the adjournment debate that it is difficult to come by reliable statistics concerning the rate and number of victims. Adriana Stuijt reported in the *Digital Journal* of 17 February 2009 that more than 3,000 farmers had been murdered between 1994 and the date of her article. Dan McDougall cited the same number in his article in the United Kingdom's *Sunday Times* of 28 March 2010, entitled "White Farmers Being Wiped Out". An information sheet issued by Genocide Watch on 12 July 2012 also confirmed those figures. Other estimates have been published by various organisations and activists the world over, and these can vary widely depending on what they are tracking. Many who have tried to raise public awareness of these issues have been dishonestly slandered. I emphasise that the President of Genocide Watch, Dr Gregory Stanton, actively supported the anti-apartheid struggle by consulting with the United Democratic Front when he was a Fulbright Professor of Law in Swaziland. Dr Stanton has also been a research professor in genocide studies and prevention at George Mason University, Virginia, United States of America. He is an internationally recognised

authority in this area of research and inquiry, and there is no reason to think that he is biased in any way except in favour of lobbying to stop genocide wherever evidence of it may be found.

Some of the stories of the survivors of farm attacks have been covered by independent journalists. One such journalist is Lauren Southern, who recently interviewed Eileen de Jager. De Jager runs Crime Scene Cleanup, which deals with the aftermath of farm attacks. When Eileen de Jager was asked about her views concerning the horrific and racial aspects of these attacks, she felt apprehensive about answering the question—a voice off-camera suggested that they have to be careful about what they say. This gives the impression of a society submerged in a culture of fear for speaking out about matters that might embarrass the authorities. It is therefore unsurprising that accurate numbers of victims are hard to ascertain and are hotly disputed.

I note that former Prime Minister Tony Abbott stated that 400 Boer farmers have been killed in the past year. The ABC's Fact Check conducted its own research and concluded that his claim was baseless. Interestingly, the ABC's own evidence does not disprove the allegation that a culture of violence targeting white farmers exists in South Africa. For example, information provided to Fact Check by Dr Johan Burger of the Transvaal Agricultural Union illustrated that, between 2001 and 2017, a total of 1,034 white farmers and their family members have been murdered. In that period, another 26 white labourers and their family members were killed. It is also clear that farm attacks have risen drastically since 2011 and that the victims have been overwhelmingly white. For example, in 2017, of the victims who were farmers, their families, farm workers and visitors, 71 were white and 11 were black—quite a disparity.

Black victims of farm attack killings were most numerous in 2004 but, even in that period, there were more than twice as many white victims as black victims. Fact Check even acknowledged that the official numbers may not accurately represent the truth. Dr Chris De Kock of the South African Police Crime Analysis Centre is quoted as stating that local police stations do not reliably record hate-based killings or farm murders. It may be reasonable to presume that official statistics are a poor estimation of the true extent of the crisis. The institutional response does not seem to be helping to alleviate the situation either. Jack Loggenberg of the Transvaal Agricultural Union was interviewed by Human Rights Watch on 17 April 2000. He stated:

The feeling is that it is not a priority for the government. You can see that if there is a human rights problem where a labourer is involved the minister is there, but if a farmer is killed there is no response. The whole story creates mistrust. Our message to the farmers is that if you don't protect yourself then no one else is going to do it for you.

The last information sheet issued by Genocide Watch in relation to South Africa is six years old. The document stated that South Africa was then at stage five of the crisis. That means that it is at the level of polarisation, when society starts to break up into conflicting groups. Stage six is preparation, which is self-explanatory. Recently an association of Boers called the Suidlanders has taken Jack Loggenberg's advice to heart and started to do precisely that: prepare for a coming conflict. This is an absolutely tragic, explosive situation. If true, it is a disaster that was, and I pray is, avoidable.

The motion makes reference to a move that will accelerate the redistribution of South African farming land owned and cultivated by Boers through forced expropriation without compensation. The policy being championed by President Cyril Ramaphosa is abhorrent for three reasons: First, because of the inherent injustice of taking away property from somebody who has inherited and cultivated it; secondly, because it appears to mimic the catastrophic policies of former President of Zimbabwe Robert Mugabe; and thirdly, because it looks very much like the politics of vengeance. Just as with Zimbabwe, the rationale behind the confiscation of white-owned farmland is based on the proposition that the land was stolen from the natives by early European settlers. However, the farm owners have been cultivating that land for almost four centuries, long before the current nationally dominant ethnic groups immigrated to the region. Moreover, the original native population of what is now South Africa was the Khoikhoi and other pastoralist tribes, and these people are now a largely disenfranchised minority in the country.

It is true that the Boers own a majority of the arable land. But it is also true that their expertise, passed down from generation to generation, is feeding the whole country. It is twisted logic to suggest that the present political establishment is correcting some historical wrong by taking land away from its most productive farming population, whereas the people taking that land were not historically the original owners. But the policy and rhetoric are having an effect. South African news outlets *News24* and *City Press* reported that on 26 February this year so-called ex-combatants invaded and occupied more than 200 units of what is described as Pietermaritzburg's flagship housing project, Aloe Ridge Westgate Grange. Clive Ndou reported that, "Members of the South African Police who were seen patrolling around the complex did not attempt to stop the invaders."

That was not the first occasion such an invasion occurred. By some accounts, similar incidents are on the rise. Taking those matters into consideration, there seems to be an arguable case, at the very least, that the following is occurring: A minority group is the subject of land confiscation; the Government is proposing policies and laws that will facilitate that confiscation; the language used by advocates of the government policy has

a strong racist character; the political class has engaged in rhetoric that has inflamed resentment between groups based on their ethnicity; and an atmosphere of fear and resentment has been cultivated, resulting in inhumane and degrading treatment as well as violence against individuals who are singled out as part of a targeted group. A reasonable person may see a possible congruence of fact and law here, or at least be persuaded that higher level investigations are merited.

This is obviously a Commonwealth matter but, remarkably, there seems to be little energy in the Federal sphere to properly discuss this in any official or public capacity. I acknowledge that the Senator for the Liberal Democrats took the text of our motion and put it to the Federal Senate. I am happy to find that the Christian Democratic Party of New South Wales is capable of making its presence felt in the Federal sphere. I have previously noted Minister Dutton's proposed fast-track visas for those who claim to be victims of racist violence. *[Extension of time]*

Both the Prime Minister and the Minister for Foreign Affairs have made it clear that Australia's immigration policy is non-discriminatory. I find much of that commentary to be shrouded in a fog of dishonesty and evasion. If a people are targeted because of a racial attribute, then of course they will be the group that should be the focus of any attention that seeks to relieve their suffering. Does that really need to be explained? What is it about the case that makes our leaders so afraid to speak without politically correct caveats? Were recipients of our compassion from other parts of the world likewise subject to those disclaimers? What makes the Boers so special that the initial reflex is to cynically deny that there may even be a problem? Contrary to what people may think, this issue resonates with our community. I note that on 26 March there was a rally in Queensland about the plight of Boer farmers. Frank Chung reported in *news.com.au* that it was attended by Independent Senator Fraser Anning and other prominent Australians. I pray that the Government of South Africa will treat all its citizens with Christian dignity and that the Boer people will soon find relief from their suffering. I commend the motion to the House.

#### **Debate adjourned.**

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** I will now leave the chair. The House will resume at 2.30 p.m.

#### *Visitors*

#### **VISITORS**

**The PRESIDENT:** I welcome to my gallery Mr Shane Prince, who is the guest of the Leader of the Opposition, the Hon. Adam Searle. Mr Prince is a barrister who is here to witness question time.

I welcome to the public gallery Ms Ivory Iruha'a, a committee officer from the National Parliament of the Solomon Islands who is joining the New South Wales Parliament this week as part of our twinning program. The Hon. Shaoquett Moselmane, the Hon. Catherine Cusack, the Hon. Paul Green and I had the opportunity to meet Ms Iruha'a when we attended a delegation in the Solomon Islands and saw firsthand the wonderful twinning work that is occurring between our two parliaments.

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

#### *Questions Without Notice*

#### **SYDNEY STADIUMS**

**The Hon. ADAM SEARLE (14:30):** My question is directed to the Leader of the Government. I refer to the letter to the Clerk from Karen Smith, Deputy Secretary of the Department of Premier and Cabinet, which was tabled in the House at the conclusion of the adjournment debate yesterday, regarding documents identified as missing from the stadiums call for papers. Will the Minister confirm that the reason for the continued non-production of those documents is the same as for the non-production of the Powerhouse Museum business case as outlined by him on 1 May 2018?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:30):** I will take that question on notice so that I can confirm those facts. Hopefully, I can provide an answer to the member at the end of question time.

#### **RENEWABLE ENERGY**

**The Hon. BEN FRANKLIN (14:31):** My question is addressed to the Minister for Energy and Utilities. Will the Minister update the House on what the Government is doing to put downward pressure on energy bills?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:31):** I thank the Parliamentary Secretary for Renewable Energy for his question, because

renewables play a big part in placing downward pressure on energy prices. The Government is working hard on that and is supporting innovation in our energy system.

**The Hon. Greg Donnelly:** How hard?

**The Hon. DON HARWIN:** Let me tell the member. Today I was pleased to announce co-funding with the Australian Renewable Energy Agency [ARENA] for a feasibility study to allow access to rooftop solar for renters, people living in apartments and those living in low-income housing. This is a fantastic initiative. As of January 2018, there were approximately 408,000 small-scale solar systems installed in New South Wales, with a capacity of more than 1,400 megawatts. In 2017 the number of small-scale solar installations grew by 10 per cent compared to 2016. These small-scale solar installations can help consumers save money on their bills.

However, we need to open up access to solar power for as many communities as possible across New South Wales. That is why the Government is contributing \$155,000 as part of the ARENA study. The study will be undertaken by the University of Technology Sydney Institute for Sustainable Futures and will look at demand for solar gardens, as well as potential regulatory barriers to adoption. To quote ARENA:

A solar garden is a centralised solar array that offers consumers the opportunity to purchase or lease solar panels with the electricity generated credited to the customer's energy bill.

Solar gardens have been popular overseas, particularly in the United States, and it is time we caught up. As part of the study, solar garden trials will be set up in Blacktown, Shoalhaven and Byron Bay. I acknowledge the advocacy and passion of the Hon. Ben Franklin, who has championed solar gardens on the North Coast. New South Wales is also working on initiatives to secure new electricity generation to put downward pressure on prices. I continue to work closely with the Council of Australian Governments [COAG] Energy Council and the Energy Security Board on the National Energy Guarantee [NEG]. The Commonwealth has announced that the NEG is expected to lower average power bills by up to \$400 a year.

This Government is also supporting investments and opportunities for pumped hydro energy storage. The New South Wales Department of Planning and Environment, along with WaterNSW, is engaging with private industry to look at opportunities for pumped hydro, hydro generation and floating solar. The private sector is showing a lot of interest, with 150 industry stakeholders attending a briefing earlier this month on the expressions of interest [EOI] process convened by WaterNSW. The EOI process is expected to be formally opened to the market in mid-2018. I expect to see exciting pitches for pumped hydro and hydro generation, floating solar proposals and more. Importantly, WaterNSW will ensure that there is no impact on water bills and quality and that supply is maintained. We are encouraging investment, driving down costs and keeping the lights on; that is what this Government is all about.

### MEDICINAL CANNABIS

**The Hon. WALT SECORD (14:35):** My question is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Leader of the Government. Will the Minister assure the House that no member of his staff, including his chief of staff Mr Andrew Kirk, has held any interest in a medicinal cannabis company prior to yesterday's question time and the 2 March decision by the Government on access to medicinal cannabis?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:36):** Can I look at the question? I will read it carefully.

**The Hon. Walt Secord:** Slippery Don. Read it really carefully.

**The Hon. Trevor Khan:** Objection! Sorry.

**The Hon. Walt Secord:** Point of order: This might be a courtroom to the Hon. Trevor Khan, but he should get his second job in order.

**The Hon. Trevor Khan:** It has taken me back a long time. I have not heard anything that grubby in a while.

**The Hon. Walt Secord:** You have not read the full question time line-up yet!

**The Hon. Trevor Khan:** Point of order: The description of the Minister by the Hon. Walt Secord is beyond the pale.

**The Hon. Walt Secord:** What was that?

**The PRESIDENT:** The Hon. Walt Secord is well aware of what the description was. The member will withdraw his comment. I call the Hon. Walt Secord to order for the first time for the other comments that he made whilst the point of order was being taken.

**The Hon. Walt Secord:** I withdraw the comment.

**The Hon. DON HARWIN:** I did not take the point of order, even though I have serious doubts about whether this line of questioning is, in fact, in order. Yesterday I gave an answer to the question I was asked. Today I will obtain information relevant to—as far as I can tell and to the best of my recollection—a different question and provide an answer to the House, as I did yesterday. I am absolutely perplexed by this focus from the Deputy Leader of the Opposition. I could stand here and go through a list of questions about various aspects of policy—

**The Hon. Walt Secord:** Point of order: The first point is that the Minister is debating the question. The second point goes to relevance. I asked a specific question relating to probity and governance of the State and the conduct of the Minister's chief of staff involving a medicinal cannabis company, and whether he had access and had declared it before the 2 March announcement by the Government and yesterday's question time.

**The PRESIDENT:** The Minister was being generally relevant. The Minister has the call.

**The Hon. DON HARWIN:** I will not give this member any more air time with this rubbish. Mr Kirk has an outstanding record as a staffer over many years and has given extraordinary service to every Minister he has worked for.

**The Hon. Dr Peter Phelps:** State and Federal.

**The Hon. DON HARWIN:** State and Federal. He is known to many members on both sides of the House and has an extraordinary record in the Health portfolio. This Government's record of 77 new or upgraded State hospitals was supported by the work he did as chief of staff for the Health Minister. Mr Kirk ensured every dollar in the Health budget was driven as far as it could for outstanding outcomes. I am not personally affected, but everybody in the State who is human immunodeficiency virus [HIV] positive benefited from the work that he personally did in preparing the Ending HIV Advocacy Plan together with ACON and the pre-exposure prophylaxis [PrEP] trial that transformed the lives of so many people at risk of contracting HIV in this State. New South Wales is the leader in this area. The work he did with and the support given to Federal immigration Minister Amanda Vanstone regarding children in detention ensured that when the Minister left that portfolio there was not one child in detention. This disgusting attack on a chief of staff is something that every member on the backbench who served as a staff member—

**The Hon. Lynda Voltz:** Point of order. The question is quite clear. The Minister has strayed from the original question. I ask that the Minister be brought back to the leave of the question.

**The PRESIDENT:** Can I have a copy of the question? I believe that the Minister has been generally relevant, but I would indicate to the Minister that he should come back to the substance of the question. The Minister has the call.

**The Hon. DON HARWIN:** Thank you, Mr President, I was about to do so. If I compare Andrew Kirk with the Hon. Walt Secord and what he did in relation to Cecil Hills—what a grub you are.

**The Hon. Walt Secord:** Point of order. Mr President, the Chair has made many rulings about use of the word "grub". I am deeply offended and I ask that the Chair direct the Minister to withdraw the word "grub".

**The PRESIDENT:** I direct the Minister to withdraw the word "grub".

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

**The PRESIDENT:** I indicate to all members that I will not tolerate imputations or insults from one member to another. The fact that one member does it does not justify a second member doing it—two wrongs do not make a right. The Minister has the call. The Minister has concluded his answer.

#### COASTAL INTEGRATED FORESTRY OPERATIONS APPROVALS

**Ms DAWN WALKER (14:43):** My question is directed to the Minister for Primary Industries, representing the Minister for Lands and Forestry. This week the Government released the draft Coastal Integrated Forestry Operations Approvals [IFOA] for consultation. Will the Minister commit to the House to make the submissions public once the consultation period closes?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:43):** I thank the member for her question, which is directed to me representing the Minister for Lands and Forestry in New South Wales. I advise the House that the New South Wales Government is committed to the long-term and sustainable management of New South Wales' forestry estate for the benefit of the community, environment and the State's \$2.4 billion forest and product manufacturing industry. In line with that, this week the New South Wales Government began consultation on the new Coastal

Integrated Forestry Operations Approvals, which set out how native forestry operations are managed and regulated on public land in New South Wales.

The current IFOAs are costly to implement, inefficient and lack clarity. They no longer reflect best practice, with many of the conditions being prescriptive, overlapping and unenforceable. The New South Wales Government has committed to remake the coastal IFOAs with no erosion of environmental values and no net change to wood supply. I repeat: The New South Wales Government has committed to remake the coastal IFOAs with no erosion of environmental values and no net change to wood supply. The draft coastal IFOA released for public consultation delivers on that commitment.

The New South Wales Government is determined to achieve a balance between the environment and industry. Environmental standards can be strengthened at the same time as providing long-term security of wood supply and certainty to investors. The public now has a chance to have their say on the draft IFOA, which is out for consultation for the next six weeks. Having been the forestry Minister in New South Wales I know the challenge presented to balance the two competing interests—no change to wood supply and no erosion of environmental values.

I commend the Hon. Paul Toole for his work with the environment Minister to maintain certainty for the communities and industries that rely on this important sector and retain the two principles of the coastal IFOAs. The community expected that these new IFOAs would balance the two principles, as that is what the Government had committed to. Towards the end of this year a number of wood supply agreements will expire within areas affected by the new IFOAs. Without those agreements there will be a loss of jobs and suffering within communities up and down the New South Wales coastline. The Minister has done outstanding work to achieve the right balance of interests. The agreements are now out for consultation and stakeholders will have an opportunity to make submissions. People in the industry have been waiting for the opportunity to make those contributions. [*Time expired.*]

**Ms DAWN WALKER (14:47):** I ask a supplementary question. Will the Minister elucidate on that part of the question that refers to making the submissions public?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:47):** I will only elucidate on parts of the answer, not parts of the question.

#### FOOD ALLERGY WEEK

**The Hon. TAYLOR MARTIN (14:48):** I address my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on Food Allergy Week 2018?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:48):** I thank the honourable member for his question. Australia has one of the highest food allergy rates in the world, with more than half a million people diagnosed with a food allergy. One in 10 babies born in Australia today will develop a food allergy. Despite this, many people are still unaware of the risks faced by those with food allergies or what to do in the event someone suffers an allergic or anaphylactic reaction. This week is Food Allergy Week. Its primary aim is to raise awareness of food allergies throughout the State. The message is simple: Show you care, be allergy aware. Food allergies and food intolerances can be unpleasant and inconvenient at best. Sadly, in the worst cases they can be fatal. However, they can be managed.

The NSW Food Authority, together with its food safety partners in local government, is at the front line in educating and supporting both industry and consumers when it comes to food allergies. There are a number of myths and misunderstandings around food allergies. For example, many people are unaware that even though someone can be allergic to any food, 90 per cent of allergic reactions are caused by just 10 food types: cow's milk, eggs, peanuts, tree nuts, wheat, sesame, soy, shellfish, fish and lupin. Lupin is the most recent addition to the notifiable allergens list, which means its presence in food must be declared on the label. That requirement will be enforceable from 26 May this year. In New South Wales, all food businesses are required to provide information about the most common allergens and sulphites in food through correct labelling and information. The NSW Food Authority works with businesses to ensure consumers can have confidence and certainty that they are getting accurate information about the food they buy and whether the food is safe for them to eat.

While this is a serious and complex issue, with sometimes devastating consequences, it is a fairly simple ask for each of us—individuals, food businesses, sporting groups, and education and community organisations—to be part of the solution. The Food Authority has worked closely with its health colleagues and with Allergy and Anaphylaxis Australia to develop a wealth of information and resources on food allergy. Very few of us are untouched by food allergy, whether through our own health or that of a child, friend, family member or colleague.

We all have a role to play in minimising risk and improving outcomes for those living with food allergies. I urge everyone to take a moment this week to show they care by being allergy aware.

This issue impacts on many people throughout our communities. Members may remember that last year during Food Allergy Week I painted one of my fingernails—the campaign sought to raise awareness that one in 10 babies born will develop a food allergy—but that was so 2017. This year we want to make sure that we show we care and are being allergy aware. As I said earlier, allergies can be unpleasant at best, but unfortunately severe anaphylactic reactions can be fatal. This Government takes this issue seriously. I know all members share my thoughts on raising awareness of food allergies during Food Allergy Week.

### DROUGHT ASSISTANCE

**The Hon. ROBERT BORSAK (14:53):** My question without notice is directed to the Minister for Primary Industries. Is the Minister aware that many farmers across the Central West and Central Tablelands claim that the current drought is the worst since 1982 or that most farmers have exhausted their droughtproofing and preparedness measures and resources? Given that there have been repeated requests in the other place from my party colleague, the member for Orange, Philip Donato, for the Government to provide immediate and uncapped emergency funding for farmers affected by drought, will the Minister heed the member's advice and urgently provide uncapped freight subsidies for essential, life-sustaining water and fodder and for stock which need to be relocated?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:53):** I thank the honourable member for his question. Unfortunately, he was not here during question time on Tuesday. I am not casting an aspersion or reflection on him for not being here. However, I did address those issues at that time. I am happy to repeat what I said during question time on Tuesday to assist the member. I will start with the comparison between the current drought across New South Wales and the drought of 1982.

I agree that we can definitely draw some comparisons between the seasonal conditions now and what we saw in 1982, or even during the millennium drought. However, there are differences we need to take into consideration when we talk about this. First, in 1982 interest rates were at a different level than they are now. Secondly, farm income was at a lower base than it is now, going into this long, cold winter. Thirdly, in 1982 commodity prices and particularly stock prices were nowhere near where they are at the moment. Some farmers are still getting good money for livestock. I witnessed this myself last Friday when I went to the sale at Carcoar. Even if we flick through *The Land* today and read the stories, many of them talk of stock prices and other positive things in the primary industries sector at the moment.

In relation to subsidies, we have measures in place for the transportation of stock due to animal welfare issues. The member referred to his colleague in the other place, who has been saying that people are shooting their animals. I say in 2018 we have provisions in place to hopefully prevent that from happening. However, if stock are at a condition level of less than two, we have provisions in the system to pay for those stock to be transported off-farm to an abattoir and to be humanely taken care of. No-one should need to shoot livestock at the moment. The stock is worth something. If anyone were in that situation, we would assist. In addition, I am sure that plenty of other farmers would be willing, if possible, to take the stock off others' hands and put them into their own operations.

I refer also to services such as Local Land Services [LLS] and its vets. If farmers had to carry out the grim task of putting down stock, they could contact the LLS to assist them with that task. In relation to the presentation of fodder, we have provisions to meet the cost of fodder if it is donated. We also have a Farm Innovation Fund with a number of components around farm infrastructure. Through the Farm Innovation Fund, farmers can borrow up to \$250,000 at an interest rate of 2.5 per cent with a repayment period of more than 20 years. There is also a new addition to this fund: the Drought Transport Fund. Those low-interest loans have a two-year no repayment no interest period and then a five-year repayment period. They can be used to transport stock, bring in water or bring in feed. There are many other things we can talk about. Our drought coordinator is directly dialled into my office to tell us what we need to do. [*Time expired.*]

### MEDICINAL CANNABIS

**The Hon. WALT SECORD (14:57):** My question is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Leader of the Government. Given that Oz Medicann Group Pty Ltd, a medicinal company linked to the Minister's chief of staff, yesterday changed its company registered office holder and shareholdings with the Australian Securities and Investments Commission, will the Minister confirm that the changes related to his chief of staff, Andrew Kirk? Did the Minister mislead Parliament yesterday and earlier today regarding his disclosures and disposals?

**The Hon. Scott Farlow:** Point of order: I believe that question contains argument in that it makes an allegation that a company is connected to a member of the Minister's staff with no evidence to that effect at all. The question should be knocked out because it contains argument.

**The PRESIDENT:** I will have a look at the question.

**The Hon. Walt Secord:** Point of order: The question does not contain argument. The question contains a statement of repeated fact. There is no argument in the question. Documents are attached.

**The PRESIDENT:** Order! The question is in order. The Minister has the call.

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:59):** I can give the member and the House an assurance based on the advice that I have received that I have absolutely not misled the House. Being mindful of your earlier rulings and the importance of maintaining my equanimity during question time, in terms of all other aspects of the member's question, I will be happy to take them on notice.

### CLARENCE INFRASTRUCTURE PROJECTS

**The Hon. NATALIE WARD (15:00):** 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 the Aboriginal community in the Clarence electorate?

**The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:00):** I thank the member for her question. Last week I had the great privilege of heading up to the State's mighty Clarence with local member Chris Gulaptis. This electorate is booming with vital infrastructure projects underway across the region. I had the opportunity to visit the new Grafton jail, which is one of Australia's largest infrastructure projects. The 1,700-bed facility will be Australia's largest prison and inject more than \$560 million into the local economy as well as creating 1,100 jobs during construction and 600 permanent roles once operational. While I was there I met six local Aboriginal apprentices who have completed their Certificate I in civil construction. They are graduates who have been recruited by local contractor Laser Plumbing to work on a \$20 million plumbing and electrical contract for the correctional centre.

The design and construction company for this project, John Holland, has partnered with Aboriginal Pathways, Aboriginal Employment Strategy and TAFE NSW to conduct a pre-employment program for members of the local Aboriginal community. The pre-employment program gives local Aboriginal community members the right skills to work on projects that make a real difference to their local community. Through the Aboriginal Pathways program, each graduate is given the opportunity to learn and grow in a culturally safe working environment.

While on the site I met Eileen Holten, a 43-year-old Daingatti woman with five children. She had been on the site for approximately four weeks undertaking her plumbing apprenticeship. She said to me that never in her life had she thought she would do a trade, and certainly not as a plumber. She said that at first she was nervous but has overcome her nerves. She loves the hands-on work and her children are proud that she is part of a large project in her community. I also met 17-year-old apprentice Jason Donovan—I think he is too young to know who his namesake is. Jason acknowledged that when he came on site four weeks ago for his first day he was also a little overwhelmed. He loves working on the project and is learning new skills every day. It was great to spend time with those apprentices. I am sure they will have great futures.

I took the opportunity to head to the north of the electorate with Chris Gulaptis to meet one of Clarence's local heroes, Pastor Pete Boughey of Casino. Many people know him as Pastor Pete and he is also the chaplain at Grafton's Acmena Juvenile Justice Centre. So far he has mentored 20 young men who were released from juvenile detention through the Pathways employment project, which is called Toys Change Lives. Pastor Pete has taken it upon himself to break the cycle of repeat offending in Clarence by creating unique toys decorated with traditional Aboriginal artwork. All proceeds from the sale of the artwork go back into the program.

Toys Change Lives is about providing men with an opportunity to be part of a positive working environment while giving them an income and invaluable skills. One young man who joined the program does not work there anymore because he has gone on to study to become a youth worker. Two years ago he was sitting in detention. This initiative does change lives. The young men are also working on renovating a coffee cart. It is sitting in the shop, but to operate it they need funds to comply with council requirements such as floor tiles, hot water services and a sink. I am pleased that the New South Wales Government was able to recognise Pastor Pete and his work by investing \$5,000 in the program so they can get the coffee cart up and running, making it self-sufficient so those boys can gain another skill. I acknowledge and commend Pastor Pete and congratulate him—*[Time expired.]*

### FIREARMS AMNESTY

**The Hon. ROBERT BROWN (15:04):** My question without notice is directed to the Hon. Niall Blair, representing the Minister for Police. In regard to the firearms amnesty announced yesterday, will the Minister confirm that all police stations in New South Wales have the capacity to receive any surrendered firearms and store them in accordance with the Act?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:04):** I thank the member for his question, which has been asked of me in this House in my capacity representing the Minister for Police, the Hon. Troy Grant. Firstly, this amnesty is coming off the back of one that has not long concluded in New South Wales. Because of the success of the previous amnesty the Minister and the Government have decided to have another amnesty. This is a good opportunity for anyone who has a firearm they no longer need to surrender it in an appropriate manner to the appropriate authorities. It can only be a good thing to collect the firearms that are no longer needed or wanted and handle them appropriately.

Regarding the capacity of police stations to successfully participate in the amnesty and to store or dispose of those firearms appropriately, I will not be tempted to hazard a guess that because police are involved we can assume it will have been thought through, particularly since we are coming off the back of a previous amnesty. I do not have the information in front of me. I will take the question on notice and refer it to the Minister for his consideration, which will give both the Minister and the police commissioner the ability to provide the appropriate measures that the NSW Police Force are taking in their participation in the amnesty. I thank the member for asking the question because it gives us another opportunity to raise awareness that the Minister is having another amnesty this week. All members on both sides of the Chamber can raise awareness through their contacts in their communities so that those who want to participate can do so appropriately. I apologise that I do not have the detail with me. I will refer the question to the Minister for a response.

### MEDICINAL CANNABIS

**The Hon. PENNY SHARPE (15:07):** My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities and Minister for the Arts. Why does the Minister's chief of staff's LinkedIn profile state that he is the executive director of Oz Medicann Group Pty Limited and if is he longer a director, when did that position cease?

**The Hon. Scott Farlow:** Point of order: I find it hard to relate the Minister's chief of staff's LinkedIn profile with the public affairs that the Minister has carriage of when he answers questions in this House.

**The Hon. Penny Sharpe:** To the point of order: There is absolutely no point of order. We have had two questions that have been allowed in this question time about this matter. This goes directly to the Leader of the Government's operations of his office. We are entitled to ask the question.

**The Hon. Don Harwin:** To the point of order: Two other questions may have been allowed but that is not quite the whole situation because no points of order were taken on those questions.

**The PRESIDENT (15:10:0):** Order! The fact that a point of order was or was not taken to earlier questions of a similar nature is not relevant. My ruling will be based on the matters raised in this point of order. The question is in order. I remind the Minister and members of an earlier ruling I gave when we were looking at hypothetical matters:

I also remind honourable members that a Minister does not debate a question, the Minister's answer should be generally relevant and the Minister may answer the question in the way the Minister sees fit.

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:11):** Mindful of the President's ruling, I will answer the question in the way I see fit. I am going to give the same answer as I gave to the last question on this matter—namely, I am going to take the question on notice.

### ARCHIBALD PRIZE WINNER

**The Hon. CATHERINE CUSACK (15:11):** My question is addressed to the Minister for the Arts. Can the Minister update the House on the Archibald Prize for 2018? Was the Hon. Walt Secord at the Archibald's?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:11):** I will return to the last comment of the Hon. Catherine Cusack shortly. I thank the honourable member for her question. Last Friday at the Art Gallery of New South Wales, Premier Berejiklian launched Australia's premier art prize: the Archibald Prize. The Archibald was launched alongside the Wynne Prize for best landscape and the Sulman prize for best subject, genre or mural painting. Year after year the

Archibald continues to surprise us with the depth of talent on show in this country and, in particular, in New South Wales and this year is absolutely no different.

This year there is once again a great crop of talent. Many have suggested that the winner, Yvette Coppersmith, who won with her deeply evocative self-portrait subtitled "after George Lambert", is a very worthy winner and that decision has received a lot of acclaim. There were portraits of Susan Kiefel, Chief Justice of Australia, Susan Carland, Guy Pearce and stunning self-portraits by Vincent Namatjira, Guy Maestri and Tsering Hannaford. The portrait of the great Jimmy Barnes won the Packing Room prize, so there was something for everyone. I thought Matthew Lynn's portrait of Premier Berejiklian was very good and it has also been commented on by many people. In my view, it is an exceptional study of a leader with poise and purpose. I also want to mention those who participated, and indeed made the finalists, in the Young Archies.

These portraits are painted by developing artists aged 5 to 18 in four age categories. Members should check them out because I could bet London to a brick that many in this place could not match the talent of some of the five-year-old artists, let alone those aged 18. Say what you will about the grown-up Archibalds, the talent on show in the Young Archies should make us all proud and optimistic about the future of art in New South Wales. It also showed how important this Government's consistent investment in the arts is to encourage the next generation of artists. The launch last Friday was an annual coming together of the great and good in the New South Wales arts community. The Deputy Leader of the Opposition in this place was there.

**The Hon. Shaoquett Moselmane:** He is good?

**The Hon. DON HARWIN:** I will not comment on whether he is either great or good. We will leave that alone now—that was earlier in question time. The Hon. Catherine Cusack asked if the Hon. Walt Secord featured at the Archibald.

**The Hon. Walt Secord:** Regrettably, no.

**The Hon. DON HARWIN:** Regrettably, no. But as it happens he was at the opening and he seemed particularly taken by a certain portrait by the exceptional artist called Mirra Whale. Here is a photograph. It is a stunning portrait by an inimitable artist. I am not surprised the member was absolutely entranced. It is remarkable what one sees on social media. Perhaps he wishes he was hung like me in the Archibald. [*Time expired.*]

#### AIR POLLUTION

**Mr JEREMY BUCKINGHAM (15:16):** My question is directed to the Minister for Resources, and Minister for Energy and Utilities. How can the Government assure more than one million people on the Central Coast and Lake Macquarie who live near two coal-fired power stations, including Eraring which is Australia's largest power station, that they are not being exposed to unacceptable levels of toxic air pollution given that there is only one public air pollution monitor in the region and it is more than 25 kilometres away at Wyong racetrack? Will the Government commit to installing public air pollution monitors on the Central Coast and at Lake Macquarie so the residents can have an accurate understanding of the pollution levels that they are being exposed to from Australia's largest coal-fired power stations?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:17):** I thank Mr Jeremy Buckingham for his question. As the member would be aware each of the five coal-fired power stations in New South Wales are regulated by the Environment Protection Authority [EPA] using environment protection licences. The Minister for the Environment has the carriage of this matter. The member would also be aware that the EPA has published an operational review of air pollutant regulatory requirements, emissions monitoring and estimation, and reporting practices for coal-fired power stations. The EPA found extensive compliance of New South Wales coal-fired power stations with their air pollution licence limits and reporting requirements. The member would probably also be aware that there was quite a bit of controversy about coal blending, but the EPA found there was no evidence that coal blending had been used to purposely lower emissions during testing periods and to produce unrepresentative results.

The EPA made 13 recommendations to improve how emissions are monitored and reported, and also options to improve procedures. It also noted that inconsistent pollution limits apply and it will investigate the practicality of implementing standardised air emission licence conditions, air pollution monitoring and reporting across all power stations in New South Wales. The EPA has set up a working group to oversee implementation of the review findings. I will refer other specific matters, such as the particular location that the honourable member referred to, to my colleague the Minister for the Environment for additional information.

#### ELECTRICITY PRICES

**The Hon. ADAM SEARLE (15:19):** I direct my question to the Minister for Energy and Utilities. Given that Essential Energy has admitted to overcharging its customers by almost \$100 million, and that Ausgrid

has indicated in its most recent pricing proposal that it has also overcharged its customers by more than \$417 million, what steps is the Minister taking to ensure that the big energy companies that his Government privatised are not continuing to exploit their customers?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:19):** Since 2011 the Government has worked with New South Wales electricity distribution businesses to reduce network charges. That is an important thing that we are doing. Even the Leader of the Opposition would be aware that network charges make up more than 40 per cent of electricity bills. In fact, the Independent Pricing and Regulatory Tribunal [IPART] has found that for the average New South Wales residential customer, the network component of electricity bills has gone down 25 per cent from 2013 to 2017. To date, Essential Energy has implemented significant reforms that have achieved savings worth hundreds of millions of dollars. According to IPART, this has delivered a 33 per cent reduction in network charges for Essential Energy customers in regional New South Wales from 2013 to 2017.

I was not sure whether I heard all aspects of the Hon. Adam Searle's question correctly, but I remind him that Essential Energy is still 100 per cent in government ownership. We are delighted with the work that it is doing to reduce network charges. By anyone's reckoning, 33 per cent is a good result. Essential Energy will reduce operating expenditure by 30 per cent and capital expenditure by 29 per cent between 2014 and 2019. Essential Energy is focused on investment in new technology and systems that will deliver material, long-term benefits to customers across rural, regional and remote New South Wales. I am confident that it will put downward pressure on prices in regional New South Wales in the future. We can do many innovative things around the regions to bring down electricity costs.

The Australian Energy Regulator [AER], which is a regulatory body independent of government, determines the revenue a distributor can collect from customers over a five-year period. The AER performs this role in accordance with the National Electricity Law and the National Electricity Rules. As a result of an appeals process and direction to the AER to remake the 2014-2019 determination, on 14 March 2019 the AER made a draft decision to allow Essential Energy to recover up to \$100 million above the April 2015 determination—approximately two per cent more than the original funding of around \$5 billion granted by the AER. This draft decision will contain charge increases in line with inflation from July 2018 to June 2019. Essential Energy has been consulting with customer advocacy groups on its proposals and I am advised that the proposal is supported by the Energy Users Association of Australia, the Public Interest Advocacy Centre and Energy Consumers Australia. I clarify that revenue proposals are a decision for the board of Essential Energy.

**The Hon. Adam Searle:** Are you going to talk about Ausgrid?

**The Hon. DON HARWIN:** I will get to that—we still have time. The board of Essential Energy is appointed by the shareholding ministers—the Treasurer and the finance minister—and not me. I am advised that Essential Energy's proposal was first published on the AER website over five months ago on 30 November 2017. [*Time expired.*]

**The Hon. ADAM SEARLE (15:24):** I ask a supplementary question. Will the Minister elucidate on the part of his answer regarding what his Government proposes to do about the \$417 million overcharging of customers by Ausgrid?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:24):** A final determination by the AER as an independent regulator is yet to be made in terms of the Essential Energy proposal. I am advised that the proposed remittal of Ausgrid for its 2014-2019 revenue decision has not been submitted to the AER yet.

## RECREATIONAL FISHING

**The Hon. WES FANG (15:24):** I address my question to the Minister for Primary Industries. Will the Minister advise the House about new recreational fishing opportunities on the South Coast?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:25):** It is my pleasure to inform the House about the progress of two artificial reefs set to be deployed off the South Coast. Later this year, Merimbula will become home to the fifth offshore artificial reef in New South Wales. The Government recently announced that Subcon will design, build and deploy the reef, which will be a new design consisting of two large steel towers weighing up to 70 tonnes each. On the South Coast alone, we know that the recreational fishing sector helps generate about 1,800 full-time jobs and about \$395 million in economic output each year. The installation of the reef will mean more jobs and more money will flow into the South Coast economy.

I am proud to inform the House that another artificial reef will also be deployed in the Eurobodalla. The Eurobodalla reef will be funded in part from the Regional Growth Fund through a \$500,000 grant, following extensive advocacy by local recreational fishers. The Recreational Fishing Trust Fund will kick in the extra \$600,000, making the Eurobodalla offshore artificial reef the first co-funded reef to be installed along the New South Wales coast. Planning work will get under way in the region and detailed mapping will be undertaken to determine the exact location of the new reef. The public will also have a say on the location. Offshore artificial reefs are a drawcard for local fishers and tourism-related fishing in the region and will certainly prove to be a real benefit for the State's keen recreational fishers. The reefs use a complex design to create intricate habitats for a variety of fish species and marine life and are constructed from a series of steel or concrete modules that are non-polluting.

The Euro Fishing Association, the Recreational Fishing NSW Advisory Council, the Recreational Fishing Trust committees and the Department of Primary Industries have worked together to deliver better opportunities for South Coast fishers. A special mention must go to Peter Turnell from the Department of Primary Industries, who has gone the extra mile to make this project happen. I also mention the great local member, Andrew Constance, who has been a tireless advocate for fishing in his local community. I am not overstating it when I say that the Government's artificial reef program has been nothing short of a roaring success for the State's anglers. We are the only ones who will continue to deliver these opportunities for regional New South Wales. Only the Liberal Party and The Nationals have a strong economic track record to ensure that grants like the one for the Eurobodalla reef will continue to boost tourism, create more jobs and provide more opportunities.

When Labor left office, New South Wales was the worst performing State in Australia. It has taken us years, but I am proud to say that our economy is now the best in the country. With the Liberal-Nationals at the helm it will continue to be the best. With the Liberal Party and The Nationals people know what they are getting—more community-driven projects, improved living standards, more jobs and billions of dollars in regional investment. For our anglers, there are more world-class opportunities to fish. Our fishers love it. We love our fishing communities and we love supporting those projects that will assist our fishers and drive that economic dollar into the region. Get hooked—this is a winner.

#### INFORMATION COMMISSION INVESTIGATION

**Dr MEHREEN FARUQI (15:29):** My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, representing the Minister for Transport. A report in today's *Sydney Morning Herald* revealed that a senior executive at Transport for NSW ordered the deletion of a government record relevant to a request under freedom of information laws. The Information Commissioner has handed the final report of this investigation to the Minister for Transport, Andrew Constance. When will the Government release this report publicly? What steps is the Government taking to stop this from happening again?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:30):** I thank Dr Mehreen Faruqi for her question. I did not see that media clip this morning so I am unable to make any personal comments.

**The Hon. Walt Secord:** You don't read the *Herald*?

**The Hon. DON HARWIN:** I do not read page one of the *Sydney Morning Herald* every morning. I read the clips all the time. However, as it happened, this morning I was quite busy doing something else and I did not have the time. I give Dr Mehreen Faruqi a guarantee that I will refer the question to the Minister for Transport and obtain an answer for her as quickly as possible.

The time for questions has expired. If members have further questions, I suggest they place them on notice.

#### ELECTRICITY PRICES

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:31):** Earlier in question time the Leader of the Opposition asked me a question about the electricity distributors. I provide the Leader of the Opposition with some additional information. Ausgrid, Endeavour Energy and Essential Energy have all indicated that network charges should be relatively stable or go down over the 2019-24 regulatory period. Ausgrid is proposing price reductions for the 2019-24 period, with network charges forecast to go down by 6 per cent. If its proposal is approved by the Australian Energy Regulator, Ausgrid has stated that the typical suburban household will see its electricity bills go down by \$30 in July 2019. Ausgrid's business customers should also see their bills reduce, with Ausgrid estimating that, on average, business customers will see their electricity bills go down by \$192 in July 2019.

## MEDICINAL CANNABIS

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:31):** I have received a number of questions from the Opposition in relation to my chief of staff. I have received some advice from him in relation to those matters and I am very happy to respond to them in one consolidated answer. I am advised that my chief of staff has not been involved with any company, including any medicinal cannabis company, while working for the Government. He has never held a financial interest in any medicinal cannabis company. As my chief of staff he has had no policy discussions on medicinal cannabis. The chief executive officer of Oz Medicann has confirmed to my office that the recent reorganisation of the company that was referred to in one of the questions was not related to Mr Andrew Kirk. For the Hon. Walt Secord or any other member of the Opposition to suggest otherwise is incorrect.

### *Deferred Answers*

## HOMESCHOOLING

In reply to **the Hon. PAUL GREEN** (12 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:

The NSW Education Standards Authority [NESA] administers the provisions of the Education Act 1990 for homeschooling registration.

For many years the minimum age for eligibility for registration for homeschooling was aligned to the minimum compulsory school age.

NESA recently reviewed that policy and recommended that the minimum age for homeschooling registration align with the minimum age for enrolment in a New South Wales Government school.

I approved that recommendation in April with immediate effect.

## CBD LIGHT RAIL PROJECT

In reply to **Reverend the Hon. FRED NILE** (12 April 2018).

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

I am advised:

Supporting small businesses is a priority as we want to ensure those who experience disruption from light rail construction get to reap the benefits once services start.

Small businesses which believe their operations have been negatively impacted by the construction of the Sydney Light Rail Project taking longer than originally expected may request financial assistance to help with their rent.

The Business Assistance Program will be available for the duration of the civil construction to provide ongoing support.

As at 14 April 2018, \$3.1 million in payments have been approved under the Small Business Assistance program.

As the delivery and operation of light rail will increase business opportunities along the alignment in the longer term, payment under this program is to provide targeted assistance for short-term impacts rather than compensation.

As at 14 April 2018, 53 businesses have been offered assistance. Transport for NSW is assessing further applications.

Recently, the New South Wales Government expanded the eligibility criteria for assistance to include businesses with fewer than 50 full-time staff, to ensure more small businesses than ever can access support.

### *Motions*

## LIVE ANIMAL EXPORT INDUSTRY

**The Hon. MARK PEARSON (15:34):** I move:

- (1) That this House condemns the live animal export industry, which has a 40-year history of systemic animal cruelty causing suffering and death.
- (2) That this House notes that the recent *Animals Australia* exposé of the extreme suffering of sheep confined on the *Awassi Express* by Emanuel Exports highlights the ongoing national scandal of animal cruelty by the live export industry being:
  - (a) animals starving to death from inanition;
  - (b) animals dying from overcrowding, which caused the inability to access food and water;
  - (c) animals dying of heat stress from high temperatures due to climatic extremes;
  - (d) animals forced to stand in their own excrement for periods of up to a month, causing respiratory distress and blindness from ammonia fumes; and

- (e) multiple and persistent breaches of Australian animal welfare laws.
- (3) That this House congratulates Faisal Ullah, the *Awassi Express* assistant navigator, for performing a brave and merciful act of public service by recording the scenes of misery and suffering of sheep aboard the ship.
- (4) That this House calls upon the Minister for Primary Industries, the Hon. Niall Blair, to meet with the Federal Minister for Agriculture to convey this House's deep disgust at the continued breaches of Australian animal cruelty laws, and to advocate for a ban on live animal exports.
- (5) That this House calls on the Government to prohibit the land transport of animals to New South Wales ports or other States for the purpose of boarding onto live export ships.

The live export industry cannot save itself from itself, and no government of any persuasion has ever been able to save the live export industry. We cannot accept those constant statements from Ministers for agriculture over the years. Even the Federal Minister for Agriculture and Water Resources, David Littleproud, refers to this as "one incident". The reality is that there is a litany of incidents in live exports. The reality is that if Faisal Ullah had not documented what happened on this ship this would not have been an incident.

In June 2016 there was footage of cruelty in Vietnam where cattle were being bludgeoned to death at the port of disembarkation. In January 2016 a ship was stranded outside of Fremantle, hardly out of Australian waters, and the welfare of 13,000 sheep and cattle was extremely compromised. In fact, 7,500 sheep and 5,500 cattle perished. In June 2015 there were allegations of cruelty to cattle at an Israeli abattoir. On 22 October 2014 there was footage of Australian sheep and cattle being slaughtered outside approved abattoirs in Kuwait, Gaza and Jordan, and Wellard had to cease the Jordan trade. The list goes on and on. From January to February 2014, 4,000 sheep were reported to have died of heat stress on the *Bader III*. From November to December 2013 there were allegations of animal cruelty when footage was taken of bulls being abused prior to slaughter in Mauritius, and of brutal methods of cattle slaughter in Gaza. On 8 November 2013 the Federal Government abolished the Animal Welfare Advisory Committee.

The mortality rates in live export are a clear measure of the savagery of the live export industry. On long haul voyages, an investigation is triggered only when mortality rates of 2 per cent for sheep and 1 per cent for cattle are reached. On a voyage involving 70,000 sheep, 1,400 animals must die before the cause of the deaths is investigated. In the past five years, 32 sheep voyages have had a mortality rate of more than 1 per cent when the industry average is 0.74 per cent, yet only three of them triggered an investigation.

Let us look at this mortality rate—a mortality rate that is stipulated for an average journey of three weeks. Let us apply this mortality rate on a property carrying, say, 10,000 sheep and apply that to a per annum mortality rate. An acceptable mortality rate on ship over three weeks is 1.9 per cent. If that were on a property carrying 10,000 sheep, per annum that would equate to 33 per cent of the animals perishing. If the proposed acceptable rate for sheep becomes 1 per cent, which it is for cattle now, 0.9 per cent is equivalent to a 16 per cent mortality rate of sheep—1,600 sheep—dying on a property over one year. When we measure what mortality rates actually represent, we are seeing an animal welfare disaster—a routine event in the live export trade.

Dr Roger Meischke was the first veterinarian appointed by the Federal Government to carry out an investigation on a live export ship in the early 1980s. He made it very clear that the mortality rate is clearly a measure of the suffering of those sheep that died, but with such high mortality rates it is also a measure of the impacts of welfare on all the animals that are trying to survive—they are suffering in a way which is not acceptable according to Australian laws that are about the prevention of cruelty to animals. Every time thousands of sheep are loaded onto a ship and sent out of Australian waters to the Middle East, that ship is carrying thousands of sheep which will gradually suffer cruelty, distress and death in a way that is totally unacceptable and would be prosecutable if it were to occur on Australian land and where Australian jurisdiction exists.

Why do I ask the Minister for Primary Industries, the Hon. Niall Blair, to address this issue with the Federal Minister? The Minister for Primary Industries serves on the Agriculture Ministers' Forum [AGMIN]. Membership of the Agriculture Ministers' Forum comprises Australian State, Territory and New Zealand government Ministers with responsibility for primary industries. It is chaired by the Australian Minister for Agriculture and Water Resources. The role of AGMIN is to enable cross-jurisdictional cooperative and coordinated approaches to matters of national interest. AGMIN is the peak forum to collaborate on priority issues of national significance affecting Australia's primary production sectors. Following recent actions from the Australian Government to improve the welfare of animals during live export—which is impossible—members discussed a future work program for animal welfare, including the process by which national standards are further developed. It is critical for the Minister for Primary Industries to have an effect on the plight of live animal exports.

The Australian Veterinary Association [AVA] has just released a report on the recent incident of the deaths of so many sheep on the *Awassi Express*, which was exposed only a few weeks ago. It is the first time the Australian Veterinary Association has taken such a stand against live exports of sheep. It has released a detailed and comprehensive analysis of the role of heat stress and space allowance in contributing to poor welfare and

mortality in the live sheep export trade. The report concludes that heat stress causing poor animal welfare and deaths is an inevitable consequence of sheep shipments to the Middle East during the northern summer. This is because the temperature and humidity encountered at that time overwhelms the ability of the animals to thermoregulate.

The report also concludes that space allowances under the Federal legislation governing the exports are inadequate. The report makes several recommendations, including that the northern summer shipments of sheep to the Middle East be stopped, and that space allocations for those shipments at other times of the year be increased by 30 per cent. The Federal Minister cannot misunderstand this recommendation by believing that it is in relation to heat stress; it is not. The Australian Veterinary Association has said it is not acceptable for sheep to be able only to stand and never to rest or lie down, and that is the main reason that there needs to be an increase of 30 per cent.

Even though the Animal Justice Party and many of my constituents would prefer that we do not turn our mind to the issue of animals that are exported live instead being slaughtered in Australia, the reality is that the slaughter of animals for food production in Australia is lawful. Australia has welfare requirements in abattoirs which, if strictly adhered to, dramatically improve the welfare of the animals that are going to be slaughtered. It is not acceptable for us to send animals that have been reared on farms in Australia—animals which farmers say they love and care about—up a gangplank onto a ship on a 2½ to 3½ week journey from Australian waters into waters over which we have no jurisdiction and into countries where Australia has no jurisdiction over animal welfare. Many of the importing countries have no animal welfare laws. It is unconscionable for the people in charge of these animals to participate in any part of live export because when we do that we are contributing to the animals undergoing immense suffering and distress.

Imagine a sheep in Lightning Ridge being put onto a truck, transported thousands of kilometres to Port Adelaide and sent up a gangplank onto a ship which sails to Fremantle. The sheep stays onboard for two or three days while other sheep and cattle are being loaded at Fremantle, and it then travels across the seas for to 2½ to 3½ weeks to the Middle East. There it is trucked from, say, Aqaba to Jordan, the Gaza Strip, Kuwait or other Middle Eastern countries. It is then transported by land across these territories to various abattoirs. The sheep endures all this just to be killed. It is utterly absurd.

The economics of sheep live export is of interest. Fewer than two million sheep are sent for live export each year, mostly to the Middle East. Of these about 1.64 million, or 82 per cent, leave from Western Australia. Twenty-eight per cent of the Western Australian turn-offs go to live export. The bulk of the rest of the Western Australia turn-off, 72 per cent, goes for export as sheepmeat. Because of that, the major impact of any change in the live export of sheep from Australia will only be in Western Australia. Australia is not the largest exporter of live sheep to the Middle East. It has significant competition from Sudan, Somalia and Djibouti. The total value of the live sheep export market is about \$250 million, while the value of the sheepmeat exports—lamb and mutton—is about \$2.65 billion. Thus the live export of sheep accounts for less than 10 per cent of the value of sheepmeat exports and about 6 per cent of the value of all sheep and lamb exports. About 411 kilotons of sheepmeat is exported each year and, of that, about 20 per cent goes to the Middle East, mostly by airfreight as chilled meat.

Several important conclusions can be drawn from this. First, the significant export of chilled sheepmeat to Middle Eastern countries indicates that there is no shortage of refrigeration in those countries. A 2014 survey by the Australian Bureau of Agricultural and Resource Economics concluded that in the Middle East, substitutability between Australian live sheep and sheepmeat imports has increased in recent years, largely reflecting growth in incomes, urbanisation, refrigeration and the availability and popularity of Western-style supermarkets. This is underscored by the experience of Bahrain, which stopped importing Australian sheep in 2014, after which sheepmeat imports from Australia increased twofold and also brought significant income to New South Wales.

It is time for live export be relegated to the scrap heap of history, where it belongs. This industry has been in question and has had numerous investigations going back to the 1970s and 1980s by the Senate Select Committee on Animal Welfare. Every Senate Select Committee on Animal Welfare has concluded that the live export trade is untenable. It can never reach and maintain welfare standards that are acceptable under Australian laws. Therefore, it is unconscionable and unacceptable for us to put animals that we have reared and cared for in Australia up a gangplank, onto a ship and send them off into peril. The live export industry must be relegated to the scrap heap of history once and for all.

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:51):** While I welcome the Hon. Mark Pearson's interest in animal welfare in our primary industries, I oppose this motion because it shows a lack of understanding of the New South Wales livestock sector. Primary producers in this State and across Australia work hard to raise healthy animals for markets across the world; and it is no surprise that our high-quality produce is in demand. The provenance of food

has never been more important: from where the animals come from to how they are fed and raised, and even to how they are transported to market. That journey from paddock to plate has become an increasingly important factor for many consumers and I am pleased to say our primary producers have risen to the challenge. They understand that the way they treat their animals is directly related to their local and overseas reputation.

I assure the House that just as our farmers and the wider livestock industry were horrified by the footage aired recently on *60 Minutes*, so was I. It is important to note that New South Wales does not use its ports for the export of livestock by sea. In fact, last year New South Wales accounted for less than 1 per cent of national live sheep and cattle exports. But that is not to say we just wash our hands of this issue. The guidelines for live animal exports are governed by our Federal counterparts, and they have the full support of this Government to stamp out the substandard treatment of animals—not only to reduce unnecessary distress for those animals but also to ensure that our valuable primary industries trade is not placed in jeopardy. There is too much at stake here—not just for the farmers involved but for the country more broadly.

As recently as this morning, Federal Minister for Agriculture and Water Resources Minister David Littleproud has confirmed there will be no bans on live animal exports to the Middle East during summer. He has unveiled some significant new safeguards which will reduce animal stocking densities onboard those vessels to mitigate against heat stress and reduce onboard mortalities. For those such as the Hon. Mark Pearson, nothing short of a ban will ever be enough. But as Minister Littleproud has reiterated this morning, we have to examine these matters not on emotion, but on fact. I welcome his forthright and pragmatic approach to the issue. The last time we saw this issue explode, the Gillard Government was guilty of a kneejerk reaction; it buckled to emotion and banned live animal exports. Mr Littleproud has taken a more sensible stance, acknowledging the importance of the trade but putting any rogue operators on notice that animal mistreatment will not be tolerated.

Minister Littleproud's announcement follows a review of live animal exports by one of the best in the business, Dr Michael McCarthy. The Federal Government has confirmed it will adopt all 23 recommendations from the McCarthy review, while adding some additional measures to strengthen animal welfare onboard these vessels. Not only is Dr McCarthy a preeminent veterinary practitioner; he has experience in the live export industry. That is what is important: cool, calm heads with the interests of Australia and its animals at heart. If the Hon. Mark Pearson had his way, we would go back down the path of an outright ban on live exports, prompted by another kneejerk reaction. We tried that approach under Federal Labor and it failed.

Minister Littleproud is also focusing on the investigative capability, powers and culture of the independent regulator, the Department of Agriculture and Water Resources. For a Minister to call for an inquiry into his own department is an extraordinary step. To me, that shows how seriously my Federal counterpart takes this issue. The review into the culture of the independent regulator is due to report in late August. No stone is being left unturned and, under this Federal Government, no allegation of animal cruelty will be swept under the carpet. Minister Littleproud has committed to ensuring "the regulator has the right tools, training and culture to make sure exporters do the right thing", including the possibility of prosecutions and "heavy penalties" where breaches occur. The Minister has publicly welcomed the intervention of the whistleblower who provided the footage and has announced the creation of a hotline for others to report animal welfare concerns. In addition, a bill has been introduced to Parliament to increase penalties for those breaching animal welfare standards with regard to live exports.

Trade with the Middle East is important to our economy, but we know the Australian community rightfully expects that it cannot be done at any cost. It is vital that we give confidence to our communities and export partners that we will tolerate only the ethical and humane treatment of our livestock. This shocking incident has provided us with a great opportunity to address any outstanding concerns about live exports and provide additional deterrence to poor practices. This is about turning a negative into a positive. The easy solution—the lazy option—might be to say it is all too difficult, throw up our hands, toss it in the too-hard basket and declare a ban. But our Federal counterparts have justifiably stopped short of that, ensuring much tighter guidelines around live animal exports.

This Government supports in the strongest terms the humane and ethical treatment of animals in our primary industries. However, the motion before the House calling for a ban on live exports—or for New South Wales producers to be banned from participating—fundamentally misunderstands not only the New South Wales livestock sector but also the ongoing work at a national level to strengthen the system. This Government believes that good animal welfare outcomes and live animal exports are not mutually exclusive, and that the right steps are underway to deter poor practices and ensure that those who flout the laws are dealt with.

In addition, the motion calls for me to meet with Minister Littleproud to discuss this issue. I have met with the Minister and we have discussed this issue at the Ministerial Council. That was before today's release of the report and the Federal Government's acceptance of the 23 recommendations put forward by Dr McCarthy. I believe that the Federal Government is best placed to address this issue. I have confidence that Minister

Littleproud is rightly concerned and has taken unprecedented and appropriate action. For those reasons this Government believes its counterparts in Canberra are better positioned to deal with this matter. The Government opposes the motion.

**Debate adjourned.**

*Adjournment Debate*

### ADJOURNMENT

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

That this House do now adjourn.

### FEDERAL BUDGET

**Dr MEHREEN FARUQI (16:00):** This Federal budget is vicious. It is vicious in a multitude of ways that are typical of this Liberal-Nationals Government, such as threatening Robodebt letters or an extended waiting period. But its vicious consequences will be all too tangible as military spending is jacked up and the aid budget hits a record low. At home there is no new funding for women's refuges or social housing which will leave calls for help unanswered leading to horrifying consequences. As always, it is the most in need who suffer, with any skerrick of help or support cut to the bone, further punishing people for not being rich.

In the nineties my family and I arrived in Australia as new migrants and were able to quickly access welfare. We were given the help we needed to find our feet and we could not have survived without it. The Liberals are leaving migrants at their most vulnerable and without support for four years while turning the thumbscrews on refugees by doubling the waiting period for Newstart. It is morally depraved, but dreadfully predictable. Malcolm Turnbull is scared he will soon lose the election and in his fear he has turned straight to the old Liberal playbook. It is the same playbook passed from Howard to Turnbull, via Brendan Nelson, on to Abbott and then back to Turnbull—each man a chorus member of the conservative choir singing a song of social, economic and environmental destruction.

Between well-thumbed pages on "austerity economics" and "inviting racism through national security fearmongering" is the playbook's guide to an election-winning Liberal budget. It prescribes small tax cuts for low-income earners and a press junket to seduce the victims of their most vicious cuts into lending them another three years of their future. Australians have seen through this tired attempt to buy their votes before and I am confident they will again. What should disturb us most about these tactics is the rotten impression they give of government. The Liberals would have us embrace the neoliberal view that people should demand the State benefit them solely as individuals. "What does it mean for me?" Scott Morrison asked rhetorically in the opening of his Budget Speech, begging citizens to ask that question and that question alone. He begs because he knows that the Liberal Party's only hope of electoral success lies in having us look to our own interests while ignoring others.

The Liberals aim to pit citizen against citizen and have us scrapping in the dirt for small tax cuts while corporations rake in profits. It would have us view the budget as nothing more than a transactional document laying out the services "bang" you get for your taxed buck. I utterly reject this view and so do Australians. Polls tell us that Australians would prefer governments to fund hospitals and schools long before they consider individual tax cuts. The strength of the progressive movement lies in the shared belief that a society incapable of protecting the vulnerable, supporting the needy and levelling the playing field is no society at all.

It will not allow the cynical individualism of budget-time rhetoric to distract from the fundamental collective task of building a just society for all. The Greens go to the next election with the livelihood of generations to come in mind, with an eye to the equality and happiness of all Australians and with the knowledge that better politics is possible, but must be fought for. The Greens will meet Malcolm Turnbull and his vicious budget at the next election and those politicians, Labor and Liberal alike, who believe Australians do not care about refugees or the environment because it does not affect them. We will remember those who voted against marriage equality, who voted to keep Manus open, who voted to make accessing welfare a nightmare and who see Australians as self-interested and divided—and we will show them the door.

### RELIGIOUS FREEDOM

**The Hon. DAVID CLARKE (16:05):** The legalisation of same-sex marriage in Australia has been followed by a noticeable escalation in the vilification of Christians and Christian institutions by the cultural Left trying to stifle free speech using identity and gender politics and any other means at its disposal. The end purpose of the cultural left is nothing other than to eradicate any trace of Christian influence, despite the irrefutable fact that Christian values and institutions are the fundamental foundations upon which Western civilisation and Australian values are based. As British author and atheist Douglas Murray said, "Human rights is a concept of Christian origin."

The vitriolic attacks on footballer Israel Folau for expressing his religiously based views on homosexuality is one recent example of the cultural Left attempting to stifle free speech and religious expression. Israel Folau was forced to appear before Rugby Australia to defend himself following pressure from commercial sponsors trying to intimidate Rugby Australia into whipping Israel Folau back into line. Federal Labor member of Parliament Tim Wilson said, "Rugby Australia should take a chill pill." There was a recent bizarre push by a cultural Left clique in the most venerable of institutions—the Country Women's Association—to make gender-neutral uniforms mandatory in New South Wales public schools.

Lesbian, gay, bisexual, transgender, intersex or queer [LGBTIQ] sex and gender dogma is being promoted on the sly and even openly in some schools. In a discussion paper released by the Northern Territory's Attorney-General a new anti-discrimination law is proposed mandating that no religious institution, parish or school will be allowed to refuse bookings by local gay mardi gras groups. In parts of Australia there is a push to remove from all public forms and applications gender-specific terms such as "mother" and "father" and replace them with gender-neutral terms such as "parent one" and "parent two", as is required by British anti-discrimination laws.

Thankfully the notorious Safe Schools Program has been defunded by the Federal Government and is no longer a spearhead for gender fluidity. As a cultural leftist Labor's Bill Shorten has made it clear that he will restore the program if elected. Members will recall that Shorten and Labor were vehemently opposed to the same-sex marriage referendum or a postal vote and made it crystal clear that even if the Australian electorate rejected same-sex marriage it would ignore the result and legislate for it regardless. It must be said that Shorten cuts a pitiful figure when compared to Labor icons such as Whitlam, Beazley, Hawke, Keating and even Julia Gillard.

Having seen Labor's Western Sydney heartland vote strongly against same-sex marriage, Shorten set out to hose down local anger by trying to sweet-talk prominent church leaders representing major ethnic communities in the area. He tried to convince them that he really did have the interests of Christian constituents and Christian values at heart. The truth, however, is that his soothing words are one thing, but his actions tell a very different story. He is no friend of the Christian community or of Christian institutions. Given the chance, he will sell out Christian constituents just as he sold out union constituents—as was exposed by the Royal Commission into Trade Union Governance and Corruption.

Without doubt, Christian values and Christianity itself are under attack in Australia. Tennis champion Margaret Court, who has been vilified for her Christian beliefs, told the inquiry into religious freedom that Christianity is being pressured into silence. In Melbourne, a meeting of pro-family advocates was disrupted by LGBTIQ protesters who waved a banner which read, "Burn churches not queers." However, the latest census shows that a majority of Australians still classify themselves as Christian and there is much anecdotal evidence that many others—whilst classifying themselves as having no religion—still support Christian cultural values, institutions and concepts.

An Australia-wide poll showed that the majority of Australians believe that preserving religious freedom is more important than legalising same-sex marriage. By a margin of three to one, Australians believe that churches and ministers of religion should have the right to refuse to conduct same-sex marriages. By a similar margin, Australians believe that parents should have the right to say no to sex education for their children which teaches gender fluidity. Australians, by a margin of more than two to one, believe that business owners and faith-based charities should be allowed to hold and practise— [*Time expired.*]

#### MEMBER FOR EAST HILLS

**The Hon. LYNDIA VOLTZ (16:10):** Yesterday the member for East Hills made a remarkable statement in the other House. It is rare for that member to raise himself to his haunches and make any kind of statement on behalf of his electorate, but this statement is also remarkable for its audacity. He said:

I call on Canterbury-Bankstown Council to review its R2 zoning. It will try to pass the buck and blame the Medium Density Housing Code. The ball is in the council's court.

Someone is passing the buck and I am pretty sure it is not the council. For the benefit of the member for East Hills, here is some background. I will start with the recent comments by Professor David Dixon from the University of New South Wales:

The new housing code...will allow CDC approval of medium density housing—terraces, dual-occupancy dwellings or manor houses that contain three or four dwellings. As an immediate neighbour, you have to be informed that a CDC is under consideration, but this is worthless. You have no right to see development plans and neither the certifier nor the developer has to take account of any representations you may make. Without any chance of recourse, you can lose your privacy, your views and a lump of the value of your house.

This is already starting to sound like the process for the redevelopment of the Allianz Stadium. Here is the crunch:

The local council plays a minimal role: even under the new regulations, it can only monitor compliance with an issued certificate, not apply usual DA standards.

I am sure the residents of Milperra would be fascinated by the newfound interest of the member for East Hills in R2 zoning. In 2015 the City of Canterbury Bankstown moved to protect bushland at the former Riverlands Golf Course site in Milperra by zoning 18 hectares as E3. This zoning classification recognises the land's special ecological and aesthetic attributes and requires careful consideration and management to ensure that development is compatible with those values. This zoning would have protected important biodiversity and bushland while allowing some minimal development. The rest of the site was to remain zoned as recreational open space. However, on 10 October 2016 the New South Wales Government, through the Department of Planning and Environment, changed the zoning to R2 low density to allow for 500 new homes to be built on that land. Where has the member for East Hills been over this last term of Parliament whilst the Department of Planning and Environment changed the zoning of 15 hectares of land from E3 to R2? As usual, he was missing in action—not an angry word or any word at all from the member.

With the stroke of a pen, the Government disregarded 30 years of protection of one of Western Sydney's most important pieces of bushland on floodplains on the banks of the Georges River. I would have thought that the member for East Hills would have noticed the actions of his staffer and campaign director, Councillor Jim Daniel, who at an extraordinary meeting of Bankstown City Council on 11 May 2016 moved to increase maximum building heights in Padstow from two storeys to four storeys in Iberia Street; from four storeys to eight storeys in Jeanette Street, Banks Street, Stephanie Street and Nigel Place; and from six storeys to eight storeys in Howard Street. The amendments to increase maximum building heights were opposed by Labor councillors but supported by all Liberal councillors.

I note that Councillor Jim Daniel has moved on to bigger and better things. He now runs a company with Chris Spence, the former member for The Entrance. What a sterling company Textum Consulting must be. Hopefully, Chris Spence can get his hard drive to work now that he no longer has to appear before the Independent Commission Against Corruption. If the member for East Hills wants people to work with him, now would be an opportune moment to do something. I suggest that he start with the Riverlands Golf Course site.

#### **BROKEN HILL INFRASTRUCTURE AND SERVICES**

**The Hon. PAUL GREEN (16:14):** At the start of May I visited Broken Hill and met with residents of the region. While there I attended Agfair Broken Hill, which has been held every two years since 1990. It is a community non-profit organisation that relies upon volunteers and surrounding districts. Agfair Broken Hill estimates that it brings approximately \$1.5 million to the Broken Hill economy. Over two days, up to 10,000 patrons are able to visit 300 exhibitors. During Agfair Broken Hill, I met and engaged with residents from Broken Hill and Western New South Wales—and half of The Nationals—to hear their concerns.

Residents consistently raised their fear that the Wentworth to Broken Hill pipeline will make water unaffordable to many people, especially pensioners or other vulnerable groups. I acknowledge that some residents support this pipeline as it will help secure a water source for the residents of Broken Hill and create jobs for the region. Broken Hill and the surrounding area have suffered in previous droughts and need a reliable source of clean water. Due to poor local consultation and the business case for the project not being supplied by the New South Wales Government, the pipeline has been hit with a lot of criticism that needs to be addressed. A balance must be struck. We must ensure farmers have access to water that will allow them to continue their livelihood and acknowledge they are vital contributors to the New South Wales economy while also ensuring local residents have access to affordable water and confidence in the long-term health of Lake Menindee. Unfortunately, illegal extractions upstream have severely damaged the community's confidence.

I also visited a number of churches during my time in Broken Hill, including Impact Church, Saltbush Evangelical Church and Living Desert Indigenous Church. At Living Desert Indigenous Church I was invited to share the great history of the Christian Democratic Party and the Indigenous people of New South Wales, including the pivotal role of the Christian Democratic Party in the passage of the Aboriginal Land Rights Bill. In 1983 Reverend the Hon. Fred Nile held the balance of power in New South Wales and voted in support of the bill. I also spent time with the pastor of the Living Desert Indigenous Church. I heard of his concern for his people, and the role that the church has played in helping to restore their lives. Given the Modern Slavery Bill 2018 had recently been passed by the Legislative Council, I ran a forum for local church leaders and other interested parties at which I gave a presentation and answered questions about the components of the bill.

I also made a return trip to Broken Hill with Portfolio Committee No.2—Health and Community Services to inquire about the provision of drug rehabilitation services in regional, rural and remote New South Wales. The 2016 National Drug Strategy Household Survey found rates of methamphetamine use were twice as high in people living in remote or very remote areas compared to people living in major cities or regional areas. The provision

of drug rehabilitation services in remote areas such as Broken Hill is imperative to enabling patients to confront and cease substance dependence and avoid the psychological, legal, financial, social and physical consequences that can be caused by extreme abuse.

Currently, residents of Broken Hill who seek access to drug rehabilitation services must drive at least three hours to Victoria, or even further to South Australia. The Christian Democratic Party is committed to ensuring greater access to drug rehabilitation services in rural and remote areas so that people can get the help they need while staying connected to their family support systems and to the wider community. In the process, we may help save a life from the control of drugs and substance abuse. The communities of Dubbo and Broken Hill desperately need funded detoxification beds and residential rehabilitation centres. There is still much to do in the Central West and Far West of New South Wales.

### STATE INFRASTRUCTURE DISCOUNT RATE

**The Hon. JOHN GRAHAM (16:19):** One of the things that people hate most in politics is short-sightedness. When it comes to infrastructure decisions, they should be upset. The rate we use to assess the benefits of projects has not changed in decades. That understates the values of some projects, skews government choices and favours the short term over the long term. The current discount rate is 7 per cent after inflation. That rate has not changed since 1989. Labor shadow Treasurer Ryan Park is committed to reviewing that rate and I congratulate him on that decision. This is not only the view of the Labor Party. In evidence to the Standing Committee on State Development, the Department of Premier and Cabinet and the Sydney Business Chamber also gave evidence that the current rate was not appropriate.

How has it happened that this arcane assumption, this single Treasury number, has become front-page news this week? First, because it is critically important. This is the number that determines the benefit of any project built in New South Wales. This is the number that determines whether a local community gets a rail line, a road, a bridge or new cultural infrastructure. This is the number that the Commonwealth adopted from New South Wales. Secondly, our economic world has changed. When this rate was set, the accepted proxy for the risk-free rate of return, the 10-year Commonwealth bond rate, was 6.8 per cent in real terms. In 2017 it was 0.8 per cent. Since 1989, interest rates have changed, but so too has the nature of the New South Wales economy, our key export partners, our patterns of work, the rates of unemployment and inflation, and the relative balance of New South Wales industry sectors. All these things have changed but our discount rate has not.

I welcome the work of the Grattan Institute on this issue. Its recent report "Unfreezing discount rates: Transport infrastructure for tomorrow" agrees that the current discount rate of 7 per cent after inflation is too high. The report calls for it to vary over time. Grattan's Marion Terrill said a more realistic discount rate would help governments "avoid squandering billions of dollars of public money on the wrong projects". Crucially the Grattan Institute found:

The choice of discount rate can affect not only whether a project is assessed as worthwhile, but also which project among several is assessed as the most worthwhile.

The Grattan paper includes an example of how different discount rates move particular projects up and down the priority list depending on how long term their pay-off is. The inland rail line is the most extreme example. A good example of some of the other world impacts is the comparison between the F6 road versus rail to Wollongong. The *Sydney Morning Herald* has already revealed secret government information suggesting that a rail link might be cheaper, even on existing measures. A lower discount rate would make the rail option look even more attractive. A regional example is the Muswellbrook bypass. Both sides of politics have advocated for this project. The locals can see the benefit to the community, but it is struggling to clear the Treasury hurdle. With a lower discount rate this project would likely proceed. Meanwhile, in the city the business case for the Sydney stadiums is being bolstered by an additional 20 blockbuster events every year. The Government is unable to state what they are. The business cases for big government projects are being manipulated.

Finally, in the last sitting week we saw that the business case for the Powerhouse Museum contained a key table indicating a discount rate of 6.8 per cent had been applied. The Government was forced to withdraw and reissue the business case to indicate that the standard Treasury rate had been applied. This shows how sensitive the final results are to these important assumptions. The following are some of the principles that we might assert as we set the discount rate in New South Wales. First, having a single discount rate at any one time is reasonable as the Government has to compare projects of many kinds to many different time horizons. Secondly, we might reasonably expect that future generations will be richer. This rate of economic growth is reflected over time in the market rate. Thirdly, having a high rate with no reference to the cost of either public or private sector borrowing costs does not make sense. Labor has called for a review. That review is good news for people living in the bush hoping for regional infrastructure and for anyone who supports public transport and rational decision-making.

### TRIBUTE TO ELSIE LORRAINE MILLER

**The Hon. SCOTT FARLOW (16:24):** My grandmother, Elsie Lorraine Miller, was born on 17 March 1936. Somewhat poetically, she died 82 years and three days later, on 20 March 2018. In my inaugural speech I said that my two grandmothers—my nan, in particular—have been pivotal in my upbringing, my outlook on the world and my presence in this Chamber. She was old school and would travel daily from Liverpool to Burwood for her school education. Born to Vera Ethel Clarke and Rupert Stanley Reeves, she was dearly loved by her parents. Nan was the fifth child of six children, four of whom were twins. She is survived by her younger sister, Gloria, and it was wonderful to see her at nan's funeral.

My nan was close to me for most of my life. She lived in the house next door and there was barely a fence that separated us. I remember spending most of my childhood with nan as my second mother. It was sad for all our family when she departed. She grew up in tough times for a woman, going from the Depression to the war. She grew up on rations and witnessed many young males around her going off to war. She would regale me with those stories while we sat around her kitchen table, and that has instilled in me a great respect for our service men and women. Nan always believed in doing what she thought was right. She grew up in a Labor family. Her father was a unionist and nothing stopped him from voting for the Labor Party, no matter what it was espousing. She was the first person in her family to vote Liberal. When she told her father it did not go down well, but it showed how much she believed in what she thought was right. She never took a backward step, which is the impression she has left on me. Her sister, Gloria, would do similar things but never told her father and so remained the favoured child.

Nan fell in love with a man by the name of Keith Miller and they lived their life together after she married him at the young age of 20. Her husband became a diabetic. Treatment for diabetics in those days was not very good and her husband had lots of fits. When he became blind she gave up her work to become his full-time carer. When it came to pronouncing her occupation in life, there was nothing we found more fitting than carer because that is what she was for him and all our family. Nan was a stoic woman; nothing would stop her. No matter what happened, she rolled with the punches. She was the rock in our family. She taught me that no matter what is happening around me in life, to ensure sure that I control what I can control. That was the way she lived her life to the end.

She smoked all through her life, as much as I tried to stop her and as much as she tried to give up. She contracted lung cancer nine months before she passed away, and we discovered that throughout her treatment she was bumming smokes and lighting up outside. Nothing would stop her from smoking. She had a libertarian bent that it was her life and she could do what she wanted, whatever the consequences may be. She will always be a great inspiration in my life. In my inaugural speech I said:

It is said that grandparents and grandchildren are natural allies.

Sadly, I have lost my greatest ally.

### THEATRE ETIQUETTE

**The Hon. WALT SECORD (16:29):** The remaining seconds in an adjournment debate often allow diligent members to make observations on life. Tonight is such an occasion and I wish to speak on etiquette in the theatre and cinema. I am not referring to the glow of texting or chatting. I refer to whether one faces fellow theatregoers or the stage when crossing a seat to reach one's own. On 28 April while at the Australian Ballet's production of Sir Robert Helpmann's *Merry Widow*, I was seated in the middle and repeatedly encountered this problem. In her 1922 seminal work *Etiquette*, Emily Post was unequivocal in Chapter VI, "At the Opera, the Theatre and Other Public Gatherings", when she said:

... always face the stage and press as close to the backs of the seats you are facing as you can.

Australian authority June Dally-Watkins agrees with Post, whereas in her 2011 book *A Guide to Australian Etiquette* Ita Buttrose vehemently rejects their view, arguing that one must face the patron. I concur and that is my approach. Unfortunately, we know that this Chamber does not always maintain such fine and refined deportment as espoused by Ita Buttrose, Emily Post or June Dally-Watkins, but we always live in hope.

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

**Motion agreed to.**

**The House adjourned at 16:30 until Tuesday 22 May 2018 at 14:30.**