

LEGISLATIVE COUNCIL

Wednesday, 6 June 2018

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

The PRESIDENT read the prayers.

Documents

SYDNEY STADIUMS

POWERHOUSE MUSEUM RELOCATION

INDEPENDENT REVIEW OF OUT OF HOME CARE IN NEW SOUTH WALES

Correspondence

The PRESIDENT: On Tuesday 5 June 2018 the House ordered that should the Leader of the Government fail to table certain documents in compliance with the resolution of the House the Leader of the Government is to attend in his place at the table on the next sitting day at the conclusion of the prayers being read to explain his reasons for continued non-compliance with:

- (a) the resolution of the House of 15 March 2018 relating to Sydney Stadiums in respect of certain documents, including business cases;
- (b) the resolution of the House of 12 April 2018 relating to the preliminary and final business cases for the relocation of the Powerhouse Museum from Ultimo to Parramatta; and
- (c) the resolution of the House of 17 May 2018 relating to the final report and final draft report of the independent review of the out-of-home care system in New South Wales.

I call on the Clerk of the Parliaments to table correspondence received from the Deputy Secretary, Cabinet and Legal, Department of Premier and Cabinet.

The CLERK: I table correspondence from Ms Karen Smith, Deputy Secretary, Cabinet and Legal, Department of Premier and Cabinet, dated 6 June 2018, in relation to the order of the House advising that:

After considering advice from the Crown Solicitor, a copy of which is enclosed, I advise that there are no further documents for production.

The PRESIDENT: In accordance with the order of the House of Tuesday 5 June 2018, I call upon the Leader of the Government to explain his reasons for continued non-compliance.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (11:03): Further to the earlier advice of Ms Karen Smith, I can now advise that the Department of Premier and Cabinet will provide the documents sought to the Clerk of the Legislative Council by 5.00 p.m. on Friday.

INSPECTOR OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

The PRESIDENT: According to the Independent Commission Against Corruption Act 1988, I table the following reports of the Inspector of the Independent Commission Against Corruption:

- (1) Special report entitled "Report concerning a Complaint by NuCoal Resources Ltd about the conduct of the Independent Commission Against Corruption in Operation Acacia (Special Report 18/03)", dated June 2018.
- (2) Special report entitled "Report concerning a Complaint by Mr Murray Kear about the conduct of the Independent Commission Against Corruption in Operation Dewar (Special report 18/04)", dated June 2018.

Under the Act, the reports have been authorised to be made public.

The Hon. DON HARWIN: I move:

That the reports be printed.

Motion agreed to.

INSPECTOR OF CUSTODIAL SERVICES**Reports**

The PRESIDENT: According to the Inspector of Custodial Services Act 2012, I table the following reports of the Inspector of Custodial Services:

- (1) Report entitled "The management of radicalised inmates in NSW", dated May 2018.
- (2) Report entitled "Inspection of 24-hour court cells in NSW", dated June 2018.

Under the Act, the reports have been authorised to be made public.

The Hon. DON HARWIN: I move:

That the reports be printed.

Motion agreed to.

*Motions***TELANGANA FORMATION DAY**

The Hon. DAVID CLARKE (11:05): I move:

- (1) That this House notes that:
 - (a) on Saturday 2 June 2018 the Australian Telangana Forum hosted a function at the Community Centre Greystanes to celebrate Telangana Formation Day marking the fourth anniversary of Telangana being declared the twenty-ninth State of India on 2 June 2014;
 - (b) those who attended included:
 - (i) Mr Prakash Goud, member of the Legislative Assembly, State of Telangana;
 - (ii) Mr Anurag Sharma, Chief Advisor to the Home Ministry, State of Telangana;
 - (iii) Mr Ashok Malish, President, Australian Telangana Forum;
 - (iv) Dr Yadu Singh, President, Federation of Indian Associations of New South Wales;
 - (v) Ms Julie Owens, MP, Federal member for Parramatta;
 - (vi) Councillor Lisa Lake, Cumberland Council, representing Ms Michelle Rowland, MP, Federal member for Greenway;
 - (vii) the Hon. Scott Farlow, MLC, Parliamentary Secretary to the Premier, Leader of the House in the Legislative Council;
 - (viii) the Hon. David Clarke, MLC, Parliamentary Secretary of Justice;
 - (ix) Ms Jodi McKay, MP, shadow Minister for Transport, Roads, Maritime and Freight;
 - (x) Dr Hugh McDermott, MP, member for Prospect;
 - (xi) Ms Julia Finn, MP, member for Granville;
 - (xii) Mrs Aruna Chandrala, representing the Global Women's Network (New South Wales); and
 - (xiii) several hundred members and friends of the Telangana-Australian community.
 - (c) the Australian Telangana Forum was founded in 2006 as a non-profit organisation to support and represent the Telangana community in New South Wales and to showcase the cultural heritage of Telangana and India.
- (2) That this House:
 - (a) commends the Australian Telangana Forum and its Executive and Advisory Committee for their successful hosting of the celebration of Telangana Formation Day held in Greystanes on Saturday 2 June 2018;
 - (b) notes that the Executive and Advisory Committee comprises:
 - (i) President Ashok Malish;
 - (ii) General Secretary Pradeep Seri;
 - (iii) Treasurer Vasu Tootukur;
 - (iv) Vice Presidents Kavitha Reddy, Pradeep Thedla and Goverdhan Muddam;
 - (v) Joint Secretaries Kavya Gummadavalli and Kishore Panthula;
 - (vi) Joint Treasurer Mithun Loka;
 - (vii) Public Officer Raja Sankepalli;
 - (viii) Cultural Secretaries Harika Mannem and Harini Surya;

- (ix) Executive members Latha Kadaparthi, Swetha Yama and Sunitha Gutti;
 - (x) official media representatives Ram Gummadavalli, Sunil Kalluri, David Raj, Prasanth Kadaparthi and Sumesh Surya; and
 - (xi) advisers Hemanth Gangu, Narashima Reddy, Indrasena Reddy, Chandrasekhar Reddy, Manaohar Narla, Pramod Elete, Sundeep Mungala and Vinod Elete.
- (c) extends best wishes to the Telangana-Australian community on the occasion of the fourth anniversary of Telangana becoming the twenty-ninth State of India and commends the community for its ongoing contribution to Australia and the State of New South Wales.

Motion agreed to.

ABORIGINAL TEENAGER MARK HAINES INQUIRY

Mr DAVID SHOEBRIDGE (11:06): I seek leave to amend Private Members' Business item No. 2276 outside the Order of Precedence by omitting paragraph (1) and inserting instead:

- "(1) That this House notes that Mark Haines was an Aboriginal teenager who was found dead on the train tracks south of Tamworth 30 years ago."

Leave granted.

Accordingly, I move:

- (1) That this House notes that Mark Haines was an Aboriginal teenager who was found dead on the train tracks south of Tamworth 30 years ago.
- (2) That this House congratulates Don Craigie's tireless commitment and Allan Clarke's consistent reporting for playing a significant role in Mark's case being reopened by the NSW Police State Crime Command and moving his family a step closer to justice.
- (3) That this House commits to a criminal justice system that is open and fair to all regardless of their race, wealth, religion or status.

Motion agreed to.

LANDCOM SKILLS EXCHANGE GRADUATION CEREMONY

The Hon. LOU AMATO (11:07): I move:

- (1) That this House notes that:
 - (a) on Monday 21 May 2018 Landcom held the Skills Exchange Graduation Ceremony;
 - (b) the Skills Exchange Program offers a unique opportunity to support the needs of disadvantaged local communities and provide employment opportunities through vocational education and training provided by TAFE NSW;
 - (c) the following guests attended the function:
 - (i) Mr John Brogden, AM, Managing Director and CEO, Landcom;
 - (ii) Anne Skewes, Deputy Secretary, NSW Land and Housing Corporation;
 - (iii) the Hon. Lou Amato, MLC;
 - (iv) Michael Cullen, Regional General Manager, Western Sydney TAFE NSW;
 - (v) Lindy Deitz, General Manager, Campbelltown City Council;
 - (vi) Peter Brackenreg, Development Director, NSW Land and Housing Corporation;
 - (vii) Jeff Tucker, Senior Development Manager, NSW Land and Housing Corporation;
 - (viii) Marilyn Moreno, Senior Project Officer, NSW Land and Housing Corporation;
 - (ix) Natalee Bonnell, Learning and Employment Coordinator, NSW Land and Housing Corporation;
 - (x) Luke Bonnell, Learning and Employment Coordinator, NSW Land and Housing Corporation;
 - (xi) Karen Gibb, Community Relations Manager, NSW Land and Housing Corporation;
 - (xii) Rachel Browne, FACS Senior Media Officer, Family and Community Services;
 - (xiii) Ingrid Vansteenwyk, FACS Senior Communications Officer, Family and Community Services;
 - (xiv) Nicole Campbell, Research and Learning Manager, Landcom;
 - (xv) Stuart McCowan, Program Director, Landcom;
 - (xvi) Pat Coleman, Development Director, Landcom;
 - (xvii) Michael Parsons, University Relations Officer, Landcom;

- (xviii) Belinda Thompson, Schools and TAFE Program Manager, Landcom;
 - (xix) Haydn Dayes, Development Assistant, Landcom;
 - (xx) Daniel Maloney, Government and Industry Relations Advisor, Landcom;
 - (xxi) Ray Fard, Senior Development Manager, Landcom;
 - (xxii) Morgan Kemp, Senior Development Manager, Landcom;
 - (xxiii) Lisa Rippon-Lee, Head of Corporate Affairs, Landcom;
 - (xxiv) Karen Smith, Media Relations Manager, Landcom;
 - (xv) Christine Pracy, Head of Skills Point, Infrastructure, Energy and Construction, TAFE NSW;
 - (xvi) Sharon Kerr, Head of Skills Team, Infrastructure, Energy and Construction, TAFE NSW;
 - (xvii) Mark Talbot, Deputy Regional General Manager, Western Sydney TAFE NSW;
 - (xviii) Ron Wright, Project Director, Civil Construction and Infrastructure, TAFE NSW;
 - (xxix) Duncan Ellis, Head of Infrastructure, Business Development, TAFE NSW;
 - (xxx) Joanne Nolan, Project Manager, Skills Exchange, TAFE NSW;
 - (xxxi) Simon Woolcott, Training Manager, Skills Exchange, TAFE NSW;
 - (xxxii) Zack Beaven, Teacher, TAFE NSW;
 - (xxxiii) Graham Moat, Teacher, TAFE NSW;
 - (xxxiv) Graham Hayward, Teacher, TAFE NSW;
 - (xxxv) Graham Ragg, Managing Director, Western Earthmoving;
 - (xxxvi) Michael Ragg, Western Earthmoving; and
 - (xxxvii) James Gill, Systems/WHS Manager, Western Earthmoving.
- (d) the graduation ceremony commenced at 10.00 a.m. with the Welcome to Country performed by Uncle Ivan and Desmond Poutasi, followed by *Advance Australia Fair* performed by Tasileta Poutasi;
- (e) the Hon. Anthony Roberts, Minister for Planning, Minister for Housing, and Special Minister for State addressed the ceremony via video link;
- (f) Anne Skewes, NSW Land and Housing Corporation, John Brogden, Landcom, and Michael Cullen, TAFE New South Wales, gave welcoming speeches to the guests and graduating students; and
- (g) the successful students were awarded a Certificate II in Resources and Infrastructure Work Preparation.
- (2) That this House acknowledges:
- (a) the great work of the Skills Exchange Program, which is a key element of Landcom's Research and Learning function, which demonstrates Landcom's strong commitment to lifelong learning and social sustainability and which is one of several initiatives Landcom is progressing with TAFE NSW under the Landcom/TAFE Framework Agreement which was signed in 2017;
 - (b) the establishment of the Skills Exchange Program seeks to provide clear pathways for local people to access local jobs, in collaboration with job placement providers and employers, and the focus is on recruiting the long-term unemployed and underemployed into TAFE NSW skilled programs to ensure they can access vital upskilling, training and relevant skilled industry work experience and ultimately, long-term employment; and
 - (c) that Landcom will be supporting this program by organising a facility for TAFE NSW to conduct the training and is also contractually mandating that selected contractors employ individuals who complete the Skills Exchange Program in relevant local work.
- (3) That this House congratulates the following students who were successful in being awarded a Certificate II in Resources and Infrastructure Work Preparation:
- (a) Aaron Rako;
 - (b) Tasileta Poutasi;
 - (c) Andrew Poutasi;
 - (d) Desmond Poutasi;
 - (e) Cigdem Ali;
 - (f) Emily Adams;
 - (g) Huldah Chan Check;
 - (h) Paul Cooke;
 - (i) Thomas Borland; and

- (j) Uresh Mendis.

Motion agreed to.

GREEN INNOVATION AWARDS NORTHERN RIVERS

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

- (1) That this House notes that:
 - (a) the finals of the Green Innovation Awards Northern Rivers were held on Thursday 31 May 2018;
 - (b) the awards program was founded by Bridie Cullinane with the aim of inspiring young people to develop a lifelong passion for green innovation; and
 - (c) as part of the program students were required to develop and present innovative ideas in the areas of wastewater management, waste management, recycling or renewable energy.
- (2) That this House congratulates:
 - (a) the 2018 primary school award finalists:
 - (i) St Ambrose Catholic Primary School, Pottsville, on their recycling watering system project;
 - (ii) Empire Vale Public School on developing an ethanol-based biofuel made from sugar cane to run a lawnmower;
 - (iii) Mullumbimby Public School on developing a whole of school waste management system and a sustainable seas project; and
 - (iv) Wyrallah Road Public School on their energy saving app and Bins for Kids projects.
 - (b) the 2018 high school award finalists:
 - (i) Trinity Catholic College on their plan to reuse PET bottles sold within the school; and
 - (ii) Woodlawn College on their Return and Earn project.
 - (c) the 2018 Green Innovation Award winners:
 - (i) Primary School—Empire Vale Public School; and
 - (ii) High School—Trinity Catholic College.
- (3) That this House congratulates and thanks Bridie Cullinane for all her work in developing the awards program and inspiring our North Coast students to be more environmentally aware and to be leaders in green innovation.

Motion agreed to.

CLUB MARCONI ITALIAN REPUBLIC DAY

The Hon. DAVID CLARKE (11:08): I move:

- (1) That this House notes that:
 - (a) on Sunday 27 May 2018 Club Marconi hosted a celebration of Italian Republic Day at its premises in Bossley Park, which was attended by many thousands of members and friends of the Italian-Australian community; and
 - (b) those who attended the opening ceremony of the celebration as guests included:
 - (i) Senator the Hon. Concetta Fierravanti-Wells, Federal Minister for International Development and the Pacific, representing the Hon. Malcolm Turnbull, MP, Prime Minister;
 - (ii) Mr Chris Hayes, MP, Federal member for Fowler, Chief Opposition Whip, representing the Hon. Bill Shorten, MP, Federal Leader of the Opposition;
 - (iii) the Hon. Ray Williams, MP, Minister for Multiculturalism, also representing the Hon. Gladys Berejiklian, MP, Premier;
 - (iv) Mr Guy Zangari, MP, member for Fairfield, representing Mr Luke Foley, MP, Leader of the Opposition;
 - (v) the Hon. Chris Bowen, MP, Federal member for McMahon;
 - (vi) Senator Francesco Giacobbe, Senatore Repubblica Italiana;
 - (vii) the Hon. Lou Amato, MLC;
 - (viii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, and Mrs Marisa Clarke;
 - (ix) Dr Hugh McDermott, MP, member for Prospect;
 - (x) Reverend Father Anthony Fregolent, Catholic Presbytery, Our Lady of Mount Carmel;
 - (xi) Reverend Father Delmar Silva, CS, Missionaries of St Charles [Scalabrinian Fathers] who conducted the Mass;

- (xii) Councillor Frank Carbone, Mayor, Fairfield City Council;
 - (xiii) Councillor Anthony Mustaca, OAM, Deputy Mayor, Willoughby City Council;
 - (xiv) Councillor Ninos Khoshaba, Fairfield City Council;
 - (xv) Councillor Dai Le, Fairfield City Council;
 - (xvi) Councillor Therese Fedeli, Camden Council;
 - (xvii) Councillor Vincent De Luca, OAM, Northern Beaches Council; and
 - (xviii) representatives of numerous Italian community organisations.
- (2) That this House:
- (a) commends Club Marconi and its executive for organising and hosting the successful celebration of Italian Republic Day 2018;
 - (b) notes that the executive comprises:
 - (i) Mr Vince Foti, President;
 - (ii) Vice Presidents Mr Morris Licata and Mr Mario Soligo; and
 - (iii) Directors Mr Robert Carniato, Mr Andrea Carnuccio, Mr Sam Noiosi, Mr Angelo Ruisi and Mr Sam Vaccaro; and
 - (c) extends greetings and best wishes to the Italian-Australian community on the occasion of Italian Republic Day 2018.

Motion agreed to.

MULLUM2BRUNS PADDLE FUNDRAISER

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

- (1) That this House notes:
- (a) the Mullum2Bruns paddle was held on Sunday 27 May 2018;
 - (b) 1,200 paddlers from across the country converged on the Brunswick River to race from Mullumbimby to Brunswick Heads;
 - (c) the paddle included stand-up paddleboarders, kayakers and dragon boats;
 - (d) the event raised funds for the Brunswick Volunteer Marine Rescue, the Brunswick Heads Surf Life Saving Club and the Brunswick Heads Visitor Centre; and
 - (e) the paddle showcases the very best of the seaside village Brunswick Heads.
- (2) That this House congratulates and thanks Jo-Ann Spiteri for all her work in organising this year's paddle.
- (3) That this House acknowledges the importance of community events to celebrate our unique and beautiful regional areas.

Motion agreed to.

AUSTRALIA YOUNG ENTREPRENEURS ASSOCIATION

The Hon. SHAOQUETT MOSELMANE (11:09): I move:

- (1) That this House notes that:
- (a) on the evening of 4 June 2018 the Australian Chinese community held its inaugural celebration of the Australia Young Entrepreneurs Association, led by Kevin Tsui, Chairman; Caxton Pang, CFO/Treasurer; Dianna Du, Legal Counsel; Mak Mai, Fundraising Executive; Jessy Zhang, Secretary; and Andy Cheong, Marketing Executive;
 - (b) the association is an exclusive organisation that provides a platform for young, ultra high net worth business elites to network and grow their businesses in Australia;
 - (c) the association aims to promote and encourage intercultural relations between Australia and China through the continuous strengthening of cultural, business, and economic ties between our two nations;
 - (d) the association's mission is to maximise the potential of young Chinese-Australian entrepreneurs by connecting with like-minded peers and businesses in order to promote healthy competition, collaboration, and enterprise; and
 - (e) the event was well attended with over 300 people, with the guest speaker, the Hon. Chris Bowen and shadow Treasurer, Professor the Hon. Bob Carr, and a number of members of Parliament and community leaders also in attendance.
- (2) That this House notes the contribution of the Australian Chinese community to growing our economy and wishes the Australia Young Entrepreneurs Association every success.

Motion agreed to.

TRIBUTE TO SIR DAVID ATTENBOROUGH

The Hon. MARK PEARSON (11:09): I move:

- (1) That this House commends the extraordinary and visionary work of Sir David Attenborough.
- (2) That this House notes that:
 - (a) Sir David Attenborough was born 8 May 1926, turning 92 years of age last month;
 - (b) Sir David is an English broadcaster and naturalist, best known for writing and presenting, in conjunction with the BBC Natural History Unit, the nine natural history documentary series that form the *Life* collection, which form a comprehensive survey of animal and plant life on Earth;
 - (c) in 1936 Sir David attended a lecture by Grey Owl [Archibald Belaney] at De Montfort Hall, Leicester, and was influenced by his advocacy of conservation and profound knowledge of the flora and fauna of the Canadian wilderness and by his warnings of ecological disaster should the delicate balance between them be destroyed;
 - (d) the idea that mankind was endangering nature by recklessly despoiling and plundering its riches was unheard of at the time, but it is one that has remained part of David Attenborough's own credo to this day;
 - (e) Sir David married Elizabeth Ebsworth Oriel, who died in 1997, with whom he had two children, Robert and Susan;
 - (f) his son, Robert, is a senior lecturer in bioanthropology for the School of Archaeology and Anthropology at the Australian National University in Canberra;
 - (g) beginning with *Life on Earth* in 1979, Attenborough set about creating a body of work which became a benchmark of quality in wildlife filmmaking and influenced a generation of documentary filmmakers;
 - (h) the series also established many of the hallmarks of the BBC's natural history output, and that by treating his subject seriously and researching the latest discoveries Attenborough and his production team gained the trust of scientists; and
 - (i) in October 2014 the BBC commissioned Atlantic Productions to make a three-part, Attenborough-fronted series about the Great Barrier Reef in 2015, with the series marking the tenth project for Attenborough and Atlantic and which saw him returning to a location he first filmed at in 1957.
- (3) That the House notes the following statement by Sir David Attenborough arising from observing the reef 58 years since the first time: "The Great Barrier Reef is in grave danger. The twin perils brought by climate change—an increase in the temperature of the ocean and in its acidity—threaten its very existence."

Motion agreed to.

MACARTHUR GREEKS INC. ANZAC SERVICE

The Hon. DAVID CLARKE (11:09): I move:

- (1) That this House notes that:
 - (a) on Saturday 28 April 2018 at the Bicentennial Equestrian Park, Camden, the Macarthur Greeks Inc. hosted a commemoration in memory of Anzacs who lost their lives in the Battle of Greece and Crete during World War II;
 - (b) the event was attended by members and friends of the Greek-Australian community and by the following guests:
 - (i) Mr Christos Karras, Consul General for Greece in Sydney;
 - (ii) Mr Chris Patterson, MP, member for Camden, Government Whip and Parliamentary Secretary for Youth Employment in Western Sydney;
 - (iii) the Hon. Lou Amato, MLC;
 - (iv) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (v) Councillor Judith Hannan, Mayor, Wollondilly Shire Council;
 - (vi) Dr Michael Bendon, archaeologist, historian and author;
 - (vii) Mr Lambros Papadopoulos, representing the Greek Sub-Branch of the New South Wales RSL;
 - (viii) Mr Arthur Balayannis, Manager, Hellenic Club of Sydney;
 - (ix) Mr Steve Wiseby, co-founder of the 7th Light Horse Menangle Historic Troop; and
 - (x) representatives from numerous Greek community organisations.
 - (c) a special feature of the commemoration was the attendance and participation of a contingent from the Hellenic Presidential Guard for the President of Greece and the Tomb of the Unknown Soldier, Athens, Greece.

- (2) That this House commends the Macarthur Greeks Inc., particularly its President Mr John Tsekas and Secretary Mr Jim Gatsos together with the organisation's executive for organising the commemorative event held at Camden in memory of Anzacs who lost their lives in the Battle of Greece and Crete during World War II.

Motion agreed to.

WESTMEAD INSTITUTE FOR MEDICAL RESEARCH GALA DINNER

The Hon. ERNEST WONG (11:10): I move:

- (1) That this House notes that:
- (a) on Saturday 26 May 2018 over 400 guests attended a twenty-fifth birthday gala dinner celebrating 21 years of research excellence at the Westmead Institute for Medical Research [WIMR];
 - (b) the celebration was joined by Nobel Laureate Professor Peter Doherty, AC, the Hon. Brad Hazzard, Minister for Health, the Hon. Ernest Wong, MLC, Dr Geoff Lee, MP, Councillor Pierre Esber, and the mayor and other councillors of Parramatta Council;
 - (c) this was a fundraising event for new genomics equipment to support their researchers across a range of disciplines, including cancer, diabetes and cardiovascular disease, to understand how our genes and DNA affect disease; and
 - (d) the Westmead Institute traces its origins back to the University of Sydney, established in 1852 and Westmead Hospital, established in 1978.
- (2) That this House acknowledges that WIMR is one of the largest medical research institutes in Australia and their researchers are world leaders in breast and ovarian cancer, melanoma and leukaemia, diabetes, major infectious diseases including HIV, autoimmune diseases including multiple sclerosis, kidney, liver, heart, respiratory and eye diseases, mental health and neuroscience.
- (3) That this House congratulates Executive Director Professor Tony Cunningham together with members of the institute board of directors on their immense effort in making the institute home to more than 45 research centres and the commitment and hard work of the researchers in making enormous contributions to medical advancement in Australia.

Motion agreed to.

COPTIC ORTHODOX CHURCH EASTER MASS

The Hon. DAVID CLARKE (11:10): I move:

- (1) That this House notes:
- (a) on Saturday 7 April 2018, the Coptic Orthodox Church, Diocese of Sydney and Affiliated Regions, celebrated Easter Mass at St Anba Abram Church, Long Point, which was attended by several hundred members and friends of the Coptic Orthodox community;
 - (b) attendees included:
 - (i) His Grace Bishop Daniel, Coptic Orthodox Diocese of Sydney and Affiliated Regions who officiated at the Mass;
 - (ii) Reverend Father Paul Fanous, local Coptic Orthodox Parish Priest and numerous other priests from the diocese;
 - (iii) the Consul General of Egypt in Sydney, Mr Yasser Abad;
 - (iv) Vice Consul of Egypt in Sydney, Mr Mohamed Fargal;
 - (v) Mr Craig Kelly, MP, Federal member for Hughes;
 - (vi) Ms Susan Templeman, MP, Federal member for Macquarie;
 - (vii) Mr Anoulack Chanthivong, MP, State member for Macquarie Fields;
 - (viii) Mr Luke Foley, MP, State Opposition Leader;
 - (ix) Mr David Clarke, MLC, Parliamentary Secretary for Justice;
 - (x) Mr John Nour, Chairman, Public Affairs and International Relations, Coptic Orthodox Diocese of Sydney and Affiliated Regions and Mrs Mona Nour; and
 - (xi) representatives of various Coptic community organisations.
 - (c) during the Mass a video message of greetings was heard from His Holiness Pope Tawadrous II, Patriarch of the See of St Mark, as well as written messages from the President of Egypt Abdel Fattah El-Sisi and the Egyptian Ambassador in Canberra.
- (2) That this House extends best wishes to the Australian Coptic orthodox community on the occasion of its celebration of Easter.

Motion agreed to.

STATE ELECTION LABOR CANDIDATES

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

- (1) That this House notes that:
 - (a) NSW Labor has endorsed a record 17 female candidates in key marginal seats for the upcoming 2019 New South Wales State election;
 - (b) across the 93 lower House seats in New South Wales, more than half of Labor's candidates so far are women;
 - (c) across Sydney seven women have been preselected in key marginal seats, including Elly Howse in Balmain, Sally Quinnell in Camden, Charishma Kaliyanda in Holsworthy, Lucy Mannering in Oatley, Liz Scully in Parramatta, Karen McKeown in Penrith, and Dr Annemarie Christie in Riverstone; and
 - (d) these candidates were selected by Labor rank and file members.
- (2) That this House notes this record number of Labor women as candidates for the upcoming 2019 New South Wales State election.

Motion agreed to.

JAPANESE ANTARCTIC RESEARCH EXPEDITION

The Hon. DAVID CLARKE (11:11): I move:

- (1) That this House notes that:
 - (a) on Tuesday 20 March 2018 the Consul General of Japan in Sydney Mr Keizo Takewaka and Mrs Takewaka, in conjunction with the Commanding Officer of the Japanese Maritime Self-Defence Forces icebreaker vessel *Shirase*, Captain Koji Miyazaki, and the Leader of the fifty-ninth Japanese Antarctic Research Expedition Team, Dr Koichiro Doi, hosted a reception on board the *Shirase* berthed at the Royal Australian Navy Fleet Base East, Garden Island, Sydney;
 - (b) the reception marked the occasion of the call at the port of Sydney by the *Shirase* which carried the fifty-ninth Japanese antarctic research expedition team and was returning from its recent expedition to Antarctica; and
 - (c) those who attended as guests included:
 - (i) the Hon. Tom Bathurst, AC, Chief Justice, New South Wales Supreme Court;
 - (ii) Justice Julie Ward, Chief Judge in Equity, New South Wales Supreme Court;
 - (iii) CDRE Luke Charles-Jones, OAM, RAN, Chief of Staff, Fleet Headquarters, Royal Australian Navy;
 - (iv) CMDR Andrew Fraser, RAN, Commanding Officer, HMAS *Kuttabul*;
 - (v) Captain Ashley Papp, CSC, RAN, Commanding Officer, HMAS *Canberra*;
 - (vi) Captain Craig Powell, RAN, Commanding Officer, HMAS *Watson*;
 - (vii) Colonel Garth Gould, DSM, Forces Command GS, Australian Army;
 - (viii) Assistant Commissioner Robert McNeil, Director of Metropolitan Operations and Director of Regional Operations, Fire and Rescue NSW;
 - (ix) the Hon. David Elliot, MP, Minister for Counter-Terrorism, Corrections and Veterans Affairs;
 - (x) the Hon. Barrie Unsworth, former Premier;
 - (xi) the Hon. Trevor Khan, MLC, Deputy President of the Legislative Council;
 - (xii) the Hon. Catherine Cusack, MLC, Parliamentary Secretary for Digital Inclusion;
 - (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) Mr Jonathan O'Dea, MP, Parliamentary Secretary to the Premier and Treasurer;
 - (xvi) Mr Greg Aplin, MP, member for Albury;
 - (xvii) Mr Greg Piper, MP, member for Lake Macquarie;
 - (xviii) Councillor Carmelo Pesce, Mayor of Sutherland Shire Council;
 - (xix) numerous members of the Diplomatic and Consular Corps;
 - (xx) civic, academic and scientific dignitaries; and
 - (xxi) members and friends of Sydney's Japanese community.
- (2) That this House:
 - (a) welcomes members of the fifty-ninth Japanese Antarctic Research Expedition and its leader Dr Koichiro Doi together with Captain Koji Miyazaki and the crew of *Shirase* on their recent visit to Sydney; and

- (b) expresses its support for the ongoing close and friendly relations that exist between Australia and Japan.

Motion agreed to.

PAL BUDDHIST SCHOOL

The Hon. ERNEST WONG (11:11): I move:

- (1) That this House notes that:
- (a) the Pal Buddhist School [PBS] is a secular, independent, co-educational high school that was founded in 2013 and is Australia's first Buddhist secondary school;
 - (b) this school is conveniently located directly opposite Canley Vale Railway Station to attract a diversity of students from the greater Sydney region as well as from around the world;
 - (c) PBS embraces a student-centric educational philosophy in an environment that fosters respect, cultural diversity and inclusivity, meaning their small and paperless classrooms are integrated with tablet technology, merging innovative education with the ancient wisdom of Buddhism;
 - (d) the school's mission is to provide quality education through an academic-based curriculum in an environment that fosters respect, cultural diversity and inclusiveness, and while they are in no way a religious school, the Buddhist philosophy underpins the way of thinking and behaviour; and
 - (e) teachers and staff are passionate about their core focus of education, which is to create in students the love of learning and the motivation to improve their life. The medium-sized classes and small teacher-student ratio is a significant factor in the delivery of curriculum at the school and enables teachers to focus on gifted and talented students.
- (2) That this House acknowledges that the curriculum at PBS is tailored to encourage academic and personal success and is complemented by a diverse choice of programs in performing and visual arts, sport, music and experiential camps.
- (3) That this House commends PBS's vision to provide an inspirational education where each student develops his or her personal best and its Home Room Welfare Program that is integral to their students' wellbeing and performance.
- (4) That this House acknowledges that the school's values underpin its strong Buddhist philosophy of using your skills and knowledge to be generous, compassionate and selfless individuals who contribute positively to society.

Motion agreed to.

DUNGOG DISTRICT CHAMBER BUSINESS AWARDS

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

- (1) That this House notes that:
- (a) on Saturday 12 May 2018 the Dungog District Chamber held its 2018 Business Awards Presentation at the Dungog Memorial RSL Club;
 - (b) special guests at the event included:
 - (i) Dr David Gillespie, Federal member for Lyne and his wife, Charlotte;
 - (ii) Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter, representing the Hon. John Barilaro, MP, Deputy Premier, and Mr Michael Johnsen, MP, member for Upper Hunter;
 - (iii) Councillor Tracy Norman and partner, Bernadette Skuse; and
 - (iv) Ms Jennifer Lewis, President, Dungog District Chamber of Commerce.
 - (c) winners of awards included:
 - (i) Tourism and Hospitality, sponsored by Dungog Shire Visitor Information Centre: Flying Duck Café;
 - (ii) Rural Producers and Manufacturing and Industry, sponsored by Insurance Advisernet: Just Been Laid;
 - (iii) Professional Services, sponsored by Chic Clothing Company: Perception Planning Pty Ltd;
 - (iv) Trades and Construction, sponsored by Settlers Arms: Hannan Build Pty Ltd;
 - (v) Outstanding Employee Under 25, sponsored by Dungog Rotary Club: Izaak Cook of Lovey's Grocers IGA Clarence Town;
 - (vi) Outstanding Employee Over 25, sponsored by Dungog Fitness: Amanda Gilmour Barrington Bakery;
 - (vii) Retail, sponsored by The Tinshed Brewery: Paterson Service Station, Automotive Repairs and River Café;
 - (viii) Customer Service, sponsored by Hunter Region Business Hub: Dungog Pizza;
 - (ix) Environment and Sustainability (Golden Axe), sponsored by Shaw's Bakery: Boomerang Bags;

- (x) Outstanding New Business, sponsored by BCA National Training Group: Chic and Antique and Chic Clothing Company;
 - (xi) Community Sector, sponsored by Lovey's Grocers: Clarence Town and District Progress Association Inc;
 - (xii) Hall of Fame, sponsored by Mai-Wel LabourForce Solutions: Jim Olsen;
 - (xiii) Chamber member's Award, sponsored by Addison Partners: Norris I.T; and
 - (xiv) Overall Business Excellence, sponsored by Dungog Chronicle: Chic and Antique.
- (2) That this House acknowledges the outstanding work of the Dungog District Chamber and congratulates all winners of the Chamber's 2018 Business Awards.

Motion agreed to.

SENIOR STATE NETBALL CHAMPIONSHIPS

Mr SCOT MacDONALD (11:13): I move:

- (1) That this House notes:
- (a) the fiftieth Senior State Netball Championships will be held this coming Queen's Birthday weekend at Gosford Netball Courts, Adcock Park, with over 90 teams from across the State's districts competing and thousands of umpires, coaches, and spectators attending and injecting significant money into the Central Coast economy;
 - (b) while New South Wales Netball Association (previously Women's Basketball) was founded in 1929 and various "Country Weekends" were held from 1949 amongst district associations from across the State, the first official senior State championship was held from 14 to 16 June 1969 at Moore Park, Sydney, with the Manly Warringah Open Team, coached by Mrs Judy Borger, winning the inaugural championship;
 - (c) the State and State Age championships have injected millions of dollars into local economies across the State over the last 50 years;
 - (d) 2018 will be the last State and State Age championships, with new titled and formatted events planned for the future;
 - (e) major sponsors of the 2018 State Championships are ACPE, BBX, Bioglan, QBE, TAFE NSW, HCF and Woolworths;
 - (f) the hardworking board of Netball NSW Ltd consists of Mrs Louise Sullivan, president; Mrs Janet Drakos, deputy chair; Mr Myles Baron-Hay; councillor Vincent De Luca, OAM; Mrs Christine Feldmanis; Mrs Diana Fraser; Mrs Ruth Havrlant; Mrs Carol Murphy; and Mr Rodney Watson, OAM; and
 - (g) the dedicated life members of Netball NSW Ltd who have worked tirelessly over many decades to develop netball in this State: Miss Mary Matheson, Mrs Edna Ross, Miss Margaret Morris, Mrs Nance Kenny, OAM, Miss Marie Dundon (Devlin), Miss Anne Clark, BEM, Mrs Amy Dobbie, Miss Dot McHugh, OAM, Mrs Eileen Percy, Mrs May Hackett, MBE, Mrs Moira McGuinness, MBE, Mrs Pat Weston, OAM, Mrs Neita Matthews, OAM, Mrs Marj Groves, AM, Mrs Margaret Corbett, OAM, Mrs Barbara Long, OAM; Mrs Audrey David, OAM, Mrs Marie Dunn, OAM, Mrs Lynn Quinn, OAM, Mrs Anne Doring, OAM, Mrs Marilyn Melhuish, OAM, Mrs Kath Fullagar, OAM, Mrs Maureen Boyle, OAM, Mrs Anne Sargeant, OAM, Mrs Yvonne Richardson, Mrs Wendy Archer, AM, Dr Grace Bryant and Mr John Hahn.
- (2) That this House:
- (a) congratulates Netball NSW Ltd on its fiftieth State Netball Championship and wishes all participants well for a successful championship; and
 - (b) acknowledges and commends the board of Netball NSW Ltd and life members for their outstanding work over many years to develop the sport of netball in this State and particularly the work undertaken to organise the auspicious occasion of the fiftieth New South Wales Senior Netball Championship.

Motion agreed to.

Documents

UNPROCLAIMED LEGISLATION

The Hon. SCOTT FARLOW: According to Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 5 June 2018.

TABLING OF PAPERS

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

Victims Rights and Support Act 2013—Report of the NSW Department of Justice entitled "Statutory review: Victims Rights and Support Act 2013", dated June 2018.

I move:

That the report be printed.

Motion agreed to.

Petitions

PETITIONS RECEIVED

Human Trafficking

Petition denouncing human trafficking as a form of modern slavery and calling on the Government to support the introduction and passage of the Modern Slavery Bill 2018, received from the **Hon. Paul Green**.

Business of the House

POSTPONEMENT OF BUSINESS

Mr DAVID SHOEBRIDGE: I move:

That Business of the House Notice of Motion No. 1 be postponed until 20 June 2018.

Motion agreed to.

The Hon. DON HARWIN: I move:

That Government Business Notice of Motion No. 1 and Government Business Orders of the Day Nos 1 and 2 be postponed until a later hour.

Motion agreed to.

Bills

JUSTICE LEGISLATION AMENDMENT BILL (NO 2) 2018

Second Reading Debate

Debate resumed from 23 May 2018.

The Hon. ADAM SEARLE (11:25): On behalf of the Labor Opposition, I lead in the debate on the Justice Legislation Amendment Bill (No 2) 2018. The Opposition does not oppose the bill. The object of the bill is to amend various and varied pieces of legislation relating to courts, crimes and related matters. Amendments are proposed to the Criminal Procedure Act, the Law Enforcement (Powers and Responsibilities) Act, the Mental Health (Forensic Provisions) Act, the Crime (Sentencing Procedure) Amendment (Sentencing Options) Act, the Terrorism (High Risk Offenders) Act, the Government Information (Public Access) Act, the Crimes Act, the Crime (Sentencing Procedure) Act, the Children (Criminal Proceedings) Act, the Succession Act, the Supreme Court Act, the Criminal Assets Recovery Act, the Court Suppression and Non-publication Orders Act, the Crimes (Domestic and Personal Violence) Act, the Guardianship Act, the Powers Of Attorney Act and the Young Offenders Act.

The amendments to the 17 pieces of legislation are quite diverse. In addition to amendments to these 17 Acts, which are all contained in schedule 1, an additional schedule 2 provides consequential and revision amendments in the nature of statute law revision amendments to 23 other pieces of legislation, including some that are amended pursuant to schedule 1. Schedule 1.3 amends the Court Suppression and Non-publication Orders Act. Section 8 (1) (d) of that Act currently provides that a court may make a suppression order if it is necessary to avoid causing undue distress or embarrassment to a party or to a witness in criminal proceedings involving an offence of a sexual nature, including an act of indecency.

That provision caused the Government considerable embarrassment in November last year in a District Court case at Dubbo. The identity of the defendant was suppressed in an historic sex abuse case even though the complainant was perfectly happy to have her identity revealed. Unsurprisingly, that history was not acknowledged in the second reading speech, although it is fairly obvious that that was the genesis for this amendment. At the time, the Opposition thought that the outcome was a bit silly, although the court was undoubtedly only applying the law as it then stood. The general principle of open justice is not only good but also necessary and should not be departed from without powerful and compelling reasons. The proposed amendment inserts a new subsection (3) which qualifies subsection 1 (d) by stating that there must be exceptional circumstances for a suppression or non-publication order to be issued to avoid causing undue stress or embarrassment to a defendant in criminal proceedings involving an offence of a sexual nature.

Schedule 1.4 provides amendments to the definition portions of several parts of the Crimes Act. Among other things, it makes it clear that the breasts of a female person, a transgender or an intersex person identifying as female are private parts, whether or not the breasts are sexually developed. The necessity for that amendment

is said to flow from a Court of Criminal Appeal decision. The second reading speech does not identify the case. I ask that the Parliamentary Secretary in reply indicate the name of that case. Schedule 1.6 amends the Crimes (Domestic and Personal Violence) Act so that proceedings relating to an apprehended violence order against a child are to be held in closed court, as is currently the case for proceedings in which a child is a witness or a protected person. That is one of the cases where there are very good reasons for a closed court. Schedule 1.7 amends the aggravating, mitigating and other factors in sentencing set out in section 21A of the Crimes (Sentencing Procedure) Act.

An aggravating factor to be taken into account in sentencing is if the victim works at a hospital, other than as a health worker. Health workers are dealt with under new section 21A (2) (a). This amendment includes persons such as security guards and support staff.

Schedule 1.8 is also quite interesting. Nineteen of the amendments in this schedule amend the provisions of the Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act that have not yet commenced. That legislation passed Parliament last year. We are now midway through this year and last year's legislation still has not been brought into effect by this Government. The Government's legislative program and its implementation is as speedy and efficient as the construction of the central business district light rail project.

The Labor Party welcomed some of the 2017 provisions with some enthusiasm. We should have known it was too good to be true. We ask the Parliamentary Secretary in reply to indicate whether it is proposed that those provisions will commence and, if so, when? For example, will it be before the State election? It is not unreasonable that we ask for this information. This Parliament has enacted legislation; the Government has not brought it into effect by executive action. The Parliament is owed some courtesy and explanation. This lack of action demonstrates more than tardiness by the Government. It has a whiff of rank incompetence about it—requiring amendments to its own legislation within 12 months of its introduction and before it commences. We thought it would try to get it right the first time. It is a serious matter. If it was not so serious it would be comical.

Schedule 1.10 [14] amends the Criminal Procedure Act relating to what it calls terrorism evidence. This evidence is designated by the prosecuting authority to be terrorism evidence. This designation can be applied even if material has been handed over. Legal representatives can be given a copy of the material with the restrictions as to how it can be seen by their clients. An unrepresented defendant can obtain reasonable access to view or to listen to but not to copy the material. Schedule 1.10 [15] inserts new section 298A in the Criminal Procedure Act, which provides that in criminal proceedings a person cannot seek to compel by subpoena, or otherwise, a victim of a sexual assault offence to reveal the identity of the victim's counsellor.

This is an important provision. Being a former legal practitioner like me, Mr President would remember the controversy that occurred in the mid to late 1990s when the protections for sexual assault counsellor's notes had a hole punched in them by a decision of the Court of Criminal Appeal, necessitating further amendment by the Parliament. While I am not critical of the courts for applying the law as they understood it to be, nevertheless, the policy outcome was undesirable and the Parliament had to patch up the legislation. We welcome this provision, which is travelling in that same direction to protect victims of sexual assault and their privacy.

Schedule 1.13 amends the Government Information (Public Access) Act by providing it to be conclusively presumed that there is an overriding public interest against disclosure of information contained in any document prepared for the purposes of the High Risk Offenders Assessment Committee. Putting things in the conclusive presumption against disclosure is a significant step but, again, given the nature of the legislation involving high-risk offenders, members on this side of the House do not oppose that provision.

Schedule 1.15 applies the Civil Procedure Act to proceedings by the Local Court before the Chief Industrial Magistrate. This is achieved by amendment to the Industrial Relations Act. There is no longer a Chief Industrial Magistrates Court in New South Wales, although I understand that as a matter of practice all persons commissioned as magistrates are commissioned as industrial magistrates. Chief Industrial Magistrates Courts performed an important role in work health and safety prosecutions and award enforcement and underpayment cases under State and Federal awards and agreements. It was an important part of the industrial relations system, but some time ago its jurisdiction was effectively folded into the Industrial Court, which was abolished and is now reposed in the Supreme Court. I understand the reasons behind the necessity for this amendment. We do not oppose it. It keeps the infrastructure of a Chief Industrial Magistrates Court in this State alive legally while waiting for further jurisdiction to be conferred upon it by the next Labor government to be elected in March next year. We also welcome this amendment.

Schedule 1.17 amends what is known as the Law Enforcement (Powers and Responsibilities) Act, the so-called LEPPRA legislation. It removes part 4 division 2 and creates a new section 23. The existing power of the police requires a person in a public place or school to submit to a search if the police officer suspects, on reasonable grounds, that the person has a dangerous implement. That does not give police the power to search on one view.

This amendment clearly gives them that power. As to whether it is a clarification or a substantive change to the law, I suspect it is the latter, but we do not oppose this provision.

Section 198A is amended so that when a police officer gives a so-called "move on" direction to a group of intoxicated persons in a public place, the police officer is not required to repeat the associated warning to each individual person in the group. This applies the existing provision about warnings to persons in a group under part 15 of the Law Enforcement (Powers and Responsibilities) Act to a warning under section 198 (6). The Supreme Court Act is also amended to take account of the decision of *Morgan v The District Court of New South Wales* [2017] NSWCA 105. While mentioning amendments to the Supreme Court Act, I ask the Parliamentary Secretary in reply to indicate what progress, if any, has been made in implementing the recommendation of the Law Reform Commission report in the Court of Appeal.

Schedule 1.22 has items running to several pages amending the Terrorism (High Risk Offenders) Act which passed through the Parliament last year. Yet again we have the Government amending its own legislation a short time after it was introduced to Parliament. This is the second example in the bill before the House of this happening. It is beginning to look like more than coincidence. It is more evidence of questionable competence or, indeed, incompetence of the Berejiklian Government in this State. Section 60 of the principal Act is entirely replaced. With those comments, as I indicated at the outset, we do not oppose the legislation.

Reverend the Hon. FRED NILE (11:37): On behalf of the Christian Democratic Party I indicate our support for the Justice Legislation Amendment Bill (No 2) 2018. The bill makes amendments to a number of Acts to address emerging issues, clarify uncertainty and correct errors in legislation affecting the courts and justice cluster agencies. A justice cluster miscellaneous amendment bill is typically introduced to Parliament each session as part of the Government's regular legislative review and monitoring program. The bill amends approximately 10 other bills. It saves the time of the House in dealing with separate bills and all of the procedures involved with a bill. It is a far more efficient way of dealing with, in many cases, minor amendments.

The bill has been subject to consultation, including with the Local Court, District Court, Supreme Court, Children's Court, the Law Society of New South Wales, the New South Wales Bar Association, the Office of the Director of Public Prosecutions, Legal Aid NSW, the Public Defenders, Victims Services, NSW Police Force and Corrective Services NSW.

The amendments to schedule 1.22 have been made after consultation with the Commonwealth Attorney-General's Department, the Department of Home Affairs and relevant Commonwealth intelligence agencies. We commend the Attorney General for the detail that has been provided in this legislation to help authorities, in particular the NSW Police Force, to deal with the risk of or potential attacks involving terrorism. Schedule [1.22] amends the Terrorism (High Risk Offenders) Act 2017 to address issues relating to public interest immunity, expand the definition of terrorism intelligence, provide a process for protection of terrorism intelligence in circumstances where a defendant is self-represented, and enable orders to be made provided the application commenced when the offender was under supervision or detained, even if they are not in custody at the time the final order is determined by the court. In dealing with the threat of terrorism, it is important that the methods the intelligence authorities use to gather that intelligence information is protected, along with the informants who provided that information.

Schedule 1.13 amends the Government Information (Public Access) Act 2009 to clarify that there is an overriding public interest against disclosure of information that will be, or has been, the subject of a terrorism intelligence application and information used to determine whether to apply for an order. The provisions in the bill are important to ensure that terrorism intelligence is gathered to combat threats of terrorism, particularly in New South Wales. Schedule 1.10 items [2] to [13] amend the Criminal Procedure Act 1986 so the children and parents of a defendant in domestic violence or child sexual abuse prosecutions are compellable as witnesses unless excused by the court. Schedule 1.10 item [14] amends the Criminal Procedure Act 1986 to restrict an accused person's access to terrorism evidence in criminal proceedings. That information needs to be protected and handled carefully so as not to undermine the attempts of police and others to combat terrorism. Schedule 1.7 amends the Crimes (Sentencing Procedure) Act 1999 to make it clear that hospital staff are an example of a class of victims that are vulnerable due to their occupation. There has been a trend in recent times for nurses and others to be attacked while carrying out their important role in hospitals; therefore, they need this protection.

Schedule 1.3 amends the Court Suppression and Non-publication Orders Act 2010 so the court cannot make an order to avoid distress or embarrassment to the offender, unless there are exceptional circumstances that warrant such an order. Schedule 1.17 items [1] to [3] amend the Law Enforcement (Powers and Responsibilities) Act 2002 to give police a clear power to stop, search and detain those persons that they reasonably suspect have a dangerous implement unlawfully in their possession in a public place or school. The Christian Democratic Party strongly supports this amendment and commends the Attorney General for that provision in this legislation. Schedule 1.18 items [1] to [4] amend the Mental Health (Forensic Provisions) Act 1990 to make it clear that

correctional officers and juvenile officers may exercise the same functions they have in respect of inmates when carrying out a court order to transport a defendant to a mental health facility for a mental health assessment and may transport the defendant to a police station for a police officer to decide whether or not to grant the defendant bail if the court order requires the defendant to be brought back to court after discharge from the mental health facility.

I attended the biannual conference of the NSW Police Association last week. During discussions at that conference the police made a strong point about being dissatisfied with the current situation as they are acting like taxidriver in transporting prisoners to court and other places. They believe—and I agree with them—that that should be organised by the prison authority. When police are required to perform this duty, particularly in the country, police stations are unattended sometimes for 24 hours. I urge the Attorney General to scrutinise that issue, as it needs to be dealt with urgently. Schedule 1.8 amends the not yet commenced Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017, which passed Parliament in October 2017, to address minor drafting issues that became apparent during implementation. The Christian Democratic Party is pleased to support the Justice Legislation Amendment Bill (No 2) 2018.

Mr DAVID SHOEBRIDGE (11:46): The Greens will not be supporting the Justice Legislation Amendment Bill (No 2) 2018. This bill amends a raft of legislation relating to courts and crimes and other justice related matters. While there are some positive measures in the bill—and I will briefly address them—we have serious concerns about the legislative overreach that would deny individuals the right to a fair trial, prevent suspects on terrorism related charges from accessing potentially crucial evidence, give police yet another stop, search and detail power and continue to water down civil liberties in this State. Schedule 1.10, amongst other things, amends the Criminal Procedure Act 1986 to insert a new part 2B which says that people accused of terrorism offences cannot access any material designated as terrorism evidence. Something is terrorism evidence if it is designated as such through what is called a "terrorism evidence notice". That simply relies upon the opinion of the prosecuting authority, with little or no judicial oversight.

The bill also amends the Law Enforcement (Powers and Responsibilities) Act 2002 to add yet another power to search people for dangerous implements, without warrant, in public places, including schools. The definition of a dangerous implement is extraordinarily broad. The bill also amends the Terrorism (High Risk Offender) Act 2017 to make changes, including expanding the definition of what is called "terrorism intelligence" to any information that may adversely affect the operations of intelligence agencies—a very dangerous expansion that may even include preventing access to information that would allow the public to legitimately criticise the operation of these increasingly well-resourced and secretive organisations. It also amends the Government Information (Public Access) Act [GIPA] to create a conclusive presumption against disclosure of any document prepared for the High Risk Offenders Committee—again, a blanket secrecy provision with few, if any, checks.

I did say there are a number of elements in the bill that are positive, which I will briefly address. The bill finally protects victims of sexual assault from having to disclose the identity of their counsellor in criminal proceedings—a major advance for which The Greens have been advocating for years. I appreciate the Attorney General finally putting that into law. The bill also makes the child or parent of an accused person compellable in domestic violence or child assault offences. Initially this was a somewhat contested issue but it is largely now accepted as an appropriate measure. Often that evidence is crucial in obtaining a conviction. The bill also amends the sentencing procedures in this State to create a regulation making power to set a maximum number of hours of community service work and to stop intensive correction orders for offenders who are outside New South Wales.

I will deal now with The Greens substantive concerns about the bill. In this regard I am grateful for the work of the Legislation Review Committee and its staff. I endorse the conclusions in the Legislation Review Digest relating to this matter. I have not heard any other member deal with the real concerns raised by the Legislation Review Committee. Again it shows how that committee, even when it does work—in this regard the Legislation Review Digest is good work—is largely ignored by this Parliament which, as always, churns out legislation that gives the police more powers and takes away the rights of citizens in this State.

On the right to a fair trial, the bill introduces a new part 2B in the Criminal Procedure Act 1986 entitled "Terrorism evidence", which I think is modelled on part 2A of the same Act. New section 281H provides that a prosecuting authority is not required and cannot be required to give an accused person a copy of a thing designated by that authority as terrorism evidence. What is terrorism evidence? Terrorism evidence is defined to include anything that advocates support for engaging in, or planning or preparing for, any terrorists acts or violent extremism, among other things. The definition of "terrorism evidence" draws on the definitions of "terrorist act" and "terrorist organisation" which are extremely broad and are found in part 5.3 of the Commonwealth Criminal Code. A prosecuting authority is also able to seek the return of evidence which it designates as terrorism evidence after it has been provided to the accused under new sections 281J and 281I.

What is the issue? Whilst The Greens accept there are some safeguards in the bill, this concept of terrorism evidence in criminal proceedings allows the prosecuting authority to determine whether it will give an accused person what the authority decides is terrorism evidence. During the course of proceedings a prosecuting authority can also seek the return of evidence that it has given and has later determined to be terrorism evidence. There are some safeguards, for example, an unrepresented accused must be granted what is called "reasonable access" to view or to listen to terrorism evidence. However, such access may be supervised by the prosecuting authority, and "reasonable access" is not defined in the bill.

For those who are represented, their lawyers may retain a copy of the terrorism evidence, but accused persons cannot view or listen to that evidence without the supervision of their lawyers. A person who may potentially face a long stretch in jail is prevented from seeing the evidence that is being put against him or her in a reasonable way or may not have time to work out the nature of that evidence. Under part 2B the court has no role in deciding whether the evidence is terrorism evidence—that is simply determined by the prosecuting authorities. Nor does the court have a role in determining the appropriate level of access to such evidence. The conclusion of the Legislation Review Committee states:

Notwithstanding some of the Part's safeguards, we remain concerned that these provisions may unduly trespass on the right to a fair trial including aspects of article 14 of the *International Covenant on Civil and Political Rights*. A fundamental principle of the rule of law is that all parties, including those to a proceeding, are equal before the Court. In addition, an accused person should be able to know, in detail, the case that is being made against them so as to be able to prepare a defence.

Again I refer to the observations of the Legislation Review Committee:

Under the ICCPR [International Covenant on Civil and Political Rights], rights such as the right to a fair trial may generally only be derogated from in times of public emergency (being emergencies that have been officially proclaimed) and only to the extent strictly required.

I note and endorse those conclusions. Why was this law changed? It was not because of a public emergency as is understood in any kind of rationale sense but because of a big splash in the *Daily Telegraph* following the fact that one defendant had access to some material in Goulburn jail. That is not a public emergency. It is not a reason to derogate from the right to a fair trial and we do not support that aspect of the bill. The second issue on the right to a fair trial comes about because the bill amends section 60A of the Terrorism (High Risk Offenders) Act 2017 and related provisions which apply to terrorism intelligence applications. There are now so many provisions relating to terrorism in New South Wales—different Acts and different amendments—that it is hard to pull together the mosaic of new police State laws that have been legislated over the past 1½ decades in New South Wales. Under that proposed amendment to section 60, terrorism intelligence, as amended, is information relating to actual or suspected terrorist activity which if disclosed could, among other things, prejudice a criminal or intelligence investigation.

Under the amendments, the Supreme Court must grant a terrorism intelligence application if satisfied that the relevant information was provided to the Attorney General under the part and that the information is terrorism intelligence. The effect of a terrorism intelligence application being granted is that the Supreme Court is then able to take steps to maintain the confidentiality of that intelligence. One way this is achieved is by restricting access to the intelligence to the parties to the proceedings or a party's legal representatives, preventing defendants from seeing the evidence before them. If an accused is unrepresented, the court must appoint an independent third party representative who may not have instructions from the accused but will have some limited access to the material. I again refer to the conclusions of the Legislation Review Committee which states:

In amending existing provisions relating to terrorism intelligence applications, the Bill raises a number of issues relating to the right to a fair trial.

Under the Bill, the Supreme Court must (rather than may) grant a terrorism intelligence application if satisfied that the relevant information is terrorism intelligence, among other things. If granted, special confidentiality provisions apply which may significantly restrict the accused's access.

If the Court is not satisfied that the information in question is terrorism intelligence, the applicant must be provided with an opportunity to withdraw the information from the proceedings. The accused then has no access to the information and the Court must disregard it.

If the prosecution has provided evidence, that may be highly relevant to the applicant's defence because it may put in context other material. However, the Supreme Court determines that it is not terrorism intelligence and, therefore, is not protected, the defendant can see it and the prosecution can say, "We do not want that evidence in the trial." It can be removed, the defence will never see it and it cannot be used in defence or to put in context other material that the prosecutor has to prosecute someone for an offence that may see him or her in jail for 20, 30 or 40 years. Who makes these laws that completely trespass the right to a fair trial? Legislation passes through this Chamber without a whisper about the derogation of a century long principle—the right to a fair trial. The Legislation Review Committee also said:

These amendments may trespass on the accused's right to a fair trial, including by potentially impairing the ability of the accused to properly understand and respond to the case against them.

If an accused person is unrepresented, the Court must appoint an independent third party representative to make submissions on the accused's behalf. While this may be considered a safeguard, there is no requirement in the Act that such person be legally qualified.

The penalties attached to terrorism convictions are significant. In such circumstances it is especially important that the right to a fair trial is protected.

I endorse those conclusions and I would probably strengthen them. Another concern of The Greens is the increase in police powers, in particular, the increasing discretionary policing of first nations peoples in this State—yet another search and seizure power being granted to police. This time it is search and seizure without a warrant under the amendments in schedule 1.17 to the Law Enforcement (Powers and Responsibilities) Act 2002. These amendments introduce a new power to search persons for dangerous implements without a warrant in public places and schools. This consolidates and updates existing search and confiscation powers found in division 4 of the Law Enforcement (Powers and Responsibilities) Act 2002. Again I am grateful to the secretariat of the Legislation Review Committee for carrying out this analysis. We are lucky to have them.

The definition of "dangerous implement" as proposed in this bill includes a dangerous article which is not defined; a knife including a knife blade, razor blade or any other blade; any other implement made or adapted for use for causing injury to a person; anything intended by the person having custody of the thing, to be used to injure or menace a person or damage property; or a laser pointer. What is difference between the existing police search and detain powers and this new power?

First, a police officer who reasonably suspects that a person in a public place or school has a knife or other dangerous implement unlawfully in the person's possession may stop, search and detain the person rather than require the person to submit to a search. Secondly, a police officer may seize any knife or other dangerous implement found during such a search rather than require the person to produce the knife or implement. The provisions also now expressly provide that the power can be exercised without a warrant and, as a result of the amendments, the section 25 offence of failing to comply with requirements relating to search and dangerous implements will no longer exist.

In other words, police already have that power. If they reasonably believe that somebody has an unlawful implement on them in a public place, they can already stop the person and they can already say, "I believe you have an unlawful implement in your possession and I wish to search you. I am directing you to comply with the search." If that person does not comply with the search, they can be arrested and then searched following the arrest. That is how the law currently works, but the police are not satisfied with that. They want to be able to search people without having to go through the trouble of arresting them. They do not want all the paperwork associated with arresting them. It is like a paperless arrest, which most civil rights advocates have seen rolled out in disastrous ways in the Northern Territory. It is now being snuck in the back door in this bill without being provided to the Bar Association, the Law Society or other legal bodies that would normally have a view on this and would be able to make submissions on it. It is buried away in the middle of a multitude of miscellaneous provisions and changes to the law. Paperless, warrantless searches will become a part of ordinary policing in New South Wales.

The police say that they want to limit this to only schools; the legislation does not limit it to only schools. The police say that they want to deal with terrorism and terrorism-related offences, but we know that every single time we pass one of these laws and give the police more power, it is almost never used against alleged terrorists or terrorism and terrorism-related offences. It ends up being used on a daily basis on the streets of Bourke, Brewarrina, Blacktown and Wagga Wagga. The people who are subject to this time and again are first nations peoples. Yet again, this Parliament just ticks off on another little step in 230 years of dispossession and violence against first nations peoples and nobody raises a complaint. Well, I raise a complaint. The Greens do not support this expansion of police powers. I note that the Legislation Review Committee raised concerns about it.

The last thing I will point to is yet another encroachment on the rights of people with mental illness. Too often this Parliament, the Executive, treats people who have a mental illness as second-class citizens and expands the supervision and power that can be exercised against them without really considering the impact that will have on a human rights basis. Tucked away in a dark corner of this bill is a change to the Mental Health (Forensic Provisions) Act 1990. If an order is made that requires a juvenile justice officer or corrective services officer to take a defendant who appears to be mentally ill to a hospital for assessment, that officer has the same functions in respect of the defendant as they would have for a detainee. In other words, somebody who is mentally ill automatically has their rights taken off them and they are treated as though they are a defendant in a criminal case.

That is deeply offensive to the rights of people with mental illness. But we almost do not see it discussed in the second reading speech. Concerns are not put on the record by either the Opposition or any other crossbench

member. No member of the Government has said that we should be careful about the rights of people with mental illness. It is just washed through the Parliament without raising concern. The explanatory note indicates that these include powers to restrain, search and use reasonable force. Suddenly somebody with mental illness has a raft of additional powers that can be used against them. I note this observation from the Legislation Review Committee:

The Bill enables a juvenile justice officer or corrective services officer who is ordered by a court to take a defendant to hospital for a mental health assessment to exercise the same functions in respect of the defendant as they would have for a detainee. These include powers to restrain, search and use reasonable force.

The amendment may trespass on the right to personal physical integrity and the right to freedom of movement. However, the existing section already provides that a Court can nominate a juvenile justice or corrective services officer to take a defendant to the hospital.

I note that under the current law the court can nominate somebody to take a defendant to the hospital, but in doing that the court does not automatically give them all of the rights of a juvenile detention officer. To take away a suspected mentally ill person's rights without even addressing the substance of the concern shows just how little regard this Parliament has for basic civil rights. There are aspects of this bill that are good. I have read the obvious ones on the record. A couple of other smaller, minor provisions are not offensive. However, there are so many attacks on basic fundamental rights—such as the right to a fair trial, the right not to be subject to arbitrary searches by police and the right to physical integrity, particularly for people with mental illness—that The Greens cannot and will not support this bill.

Mr SCOT MacDONALD (12:05): On behalf of the Hon. Don Harwin: In reply: I thank the Hon. Adam Searle, Reverend the Hon. Fred Nile and Mr David Shoebridge for their contributions to the debate. I will respond to some questions or comments by both the Hon. Adam Searle and Mr David Shoebridge. I note the Hon. Adam Searle's comment about the amendment to the Court Suppression and Non-publication Orders Act. This is the model legislation introduced after a national project. The case that the amendment regarding the definition of the private parts is responding to is *Turner v R* 2017 NSWCCA 304. I note the Hon. Adam Searle's comments about the commencement of the criminal justice reforms. The early appropriate guilty plea reform commenced in April. The sentencing reform is anticipated to commence in late 2018 and the high-risk offender reform commenced in December last year. The parole reform has already commenced in stages between November 2017 and May 2018. As members will appreciate, the criminal justice reforms were substantial reforms to the entirety of our criminal justice system to improve outcomes for victims and increase supervision of offenders. This is a substantial reform, and commencement dates have been set to allow the legal profession and courts to adjust to these substantial changes.

I also note the Hon. Adam Searle's comments about why, after passing significant reforms to community-based sentences, the Government is making changes to legislation before it has commenced. As part of its preparation to roll out reforms later this year, the Department of Justice has identified a number of provisions that require amendment in order to operationalise them and make them more practical and efficient for staff. These are the most comprehensive and significant reforms for community-based sentencing in New South Wales for many years. It is therefore not surprising that, as agencies update their operational procedures in light of the new legislation, they discover ways in which it can be adapted to better implement the intent of the reforms and make them as operationally practical as possible. The Government has listened to the advice of its operational experts and introduced these amendments at the earliest opportunity to improve the legislation before it commences. The New South Wales Government is considering the Law Reform Commission's report into criminal appeal and a consultation process will commence later this year.

I refer to Mr David Shoebridge's comments about the amendments to the Terrorism (High Risk Offenders) Act. Strengthening the protection of sensitive terrorism intelligence is critical to ensure that complex investigations are not jeopardised and to protect our community from harm. I note that Australia's terrorism threat level remains at probable. I refer to Mr David Shoebridge's comment about item [3] of schedule 1.17, clear search powers for dangerous implements in schools and public places. Police officers have the power to require a person to submit to a search for a dangerous implement in public places in schools. Item [3] of schedule 1.17 of the bill replaces the current power under division 2 of part 4 of the Law Enforcement (Powers and Responsibilities) Act 2002 with a new, clear power. The amendment is necessary because the New South Wales Police Force has identified operational issues with the existing provision, because the current provision does not provide a clear enough power.

At present, a police officer may require a person who is in a public place to submit to a search. The Act contemplates that the person may decline to submit to the search, in which case they may be charged with an offence and fined up to 50 penalty units. If the person refuses to submit to the search, the police officer is not able to use reasonable force to search the person. So where a person refuses to submit to a search, the police officer is faced with a choice to either charge the person for failing to submit to the search or to arrest the person. But the police officer can do this only if the circumstances outlined in section 99 of the Act are present—for example, the

police officer suspects on reasonable grounds that the person is committing or has committed an offence, and the police officer is satisfied that the arrest is reasonably necessary to stop the person from committing or repeating the offence, or from committing another offence or to protect the safety and welfare of any person, or the police officer could take no further action.

If the police officer arrests the person, they are able to use reasonable force to search the person. If not, a person with a dangerous implement in their custody such as a knife will be able to retain that implement. This is the case whether or not they are charged with failing to submit to a search. These amendments will improve the search power, so that police are clearly able to search a person if they suspect, on reasonable grounds, that the person has a dangerous implement in their custody unlawfully. Key legal stakeholders were consulted. The Law Society of New South Wales and Legal Aid NSW did not oppose the amendment, and noted that the safeguards were sufficient. I assure Mr David Shoebridge that this bill was subject to extensive consultation with our legal stakeholders, including the courts, the Law Society of New South Wales, Legal Aid NSW, the New South Wales Bar Association, the Director of Public Prosecutions and the NSW Police Force.

I turn now to address Mr David Shoebridge's comments about terrorism evidence. The prosecuting authority will designate evidence as "terrorism evidence" where it advocates support for engaging in any terrorist acts or violent extremism; relates to planning or preparing for, or engaging in, any terrorist acts or violent extremism; or advocates joining or associating with a terrorist organisation. The prosecuting authority will write to the accused person or their lawyer, if they are presented, advising them that they will not provide this evidence to the accused person. If they are represented, the prosecuting authority will give a copy of the evidence to their lawyer. The notice will explain that the person can view or listen to the evidence under the supervision of the prosecuting authority or the person's lawyer. It will provide contact details for the accused person to arrange to view the evidence. If the accused person seeks to view the evidence, the prosecuting authority must give the person access as soon as practicable. Access will be given in a way that ensures that the accused person does not copy the evidence.

The Government is committed to ensuring that accused persons receive a fair trial. That is why the scheme allows a represented accused person's lawyer to possess any terrorism evidence in the proceedings against them, and view it with the accused person. This will ensure that the person can give instructions to their lawyer about their defence. Where an accused person is self-represented, they can view the evidence. This means that they can still prepare a defence. The operation of the scheme means that it will not diminish the accused's right to a fair trial in any way. Overall, the bill will improve the operation of the courts, law enforcement agencies, and the civil and criminal justice system. I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr SCOT MacDONALD: On behalf of the Hon. Don Harwin: I move:

That this bill be now read a third time.

Motion agreed to.

Visitors

VISITORS

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): On behalf of all members I welcome to the Parliament and to this Chamber student leaders from high schools in New South Wales who are attending the Secondary Schools Leadership Program conducted by the Parliamentary Education Unit.

Bills

GOVERNMENT SECTOR FINANCE BILL 2018

GOVERNMENT SECTOR FINANCE LEGISLATION (REPEAL AND AMENDMENT) BILL 2018

Second Reading Speech

The Hon. SCOTT FARLOW (12:15): On behalf of the Hon. Don Harwin: I move:

That these bills be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.**Introduction**

The Government Sector Finance Bill 2018 is introduced as a cognate bill with the Government Sector Finance Legislation (Repeal and Amendment) Bill 2018—or cognate bill. Together, these bills will deliver reforms that strengthen accountability, transparency, performance and innovation in the New South Wales Government.

They are the culmination of this Government's 2013 commitment to bring government financial management in New South Wales into the twenty-first century and to address concerns that the existing framework is outdated, fragmented, and overly prescriptive.

Our approach to financial management reform is comprised of three "pillars":

The first pillar is a new financial management system—known as PRIME. PRIME enables end-to-end management of the budget—from the program planning stage, to the allocation of funding, to tracking expenditure, to the benchmarking of results.

The second pillar is the Outcomes Budgeting Framework—a suite of policies to support outcomes based budgeting and reporting.

The third pillar is the simplification and updating of the legislative framework governing public sector financial management.

The first two pillars of our financial management transformation program were implemented in 2017 and 2018 respectively.

The legislation before the House will give effect to the third pillar.

The existing legislative framework for public sector financial management has been in place for more than 30 years, and consists of four separate pieces of legislation:

- the Public Finance and Audit Act 1983
- the Public Authorities (Financial Arrangements) Act 1987
- the Annual Reports (Statutory Bodies) Act 1984
- and the Annual Reports (Departments) Act 1985.

Under the legislation before the House, that framework will be replaced with two statutes:

- the Government Sector Finance Bill
- and the renamed Government Sector Audit Act 1983, formerly known as the Public Finance and Audit Act 1983.

The Government Sector Finance Bill will cover all public financial management matters, except audit matters.

The Government Sector Audit Act will separately address audit matters and the governance of the Parliamentary Accounts Committee.

Benefits

This legislation will deliver significant benefits for New South Wales. It will improve accountability and transparency, reduce red tape, reduce interest expenses and improve debt headroom.

It will strengthen the Government's focus on performance through outcomes budgeting—enhancing the quality and effectiveness of public expenditure.

It will improve information sharing across Government and the public sector—enhancing the ability of Ministers to access information to inform resource allocation decisions.

It will improve cash management processes:

- to protect the State's triple-A credit rating and strong fiscal position
- and to maximise our ability to make the State's balance sheet work harder for benefit of the people of New South Wales.

It will deliver better value on the State banking tender—facilitating access to innovative financial services from a broader range of providers than the current framework allows.

And it will save public funds by reducing unnecessary duplication in government financial reporting—while at the same time improving the quality of information that Government agencies provide.

Reforming public sector financial management is not the most exciting challenge for government to tackle.

But it is a necessary one.

And our Government is proud to be delivering on another reform initiative that will yield dividends for the people of New South Wales in the years to come.

I now turn to the detail of the bills.

Accountability

The Government Sector Finance Bill establishes a new accountability framework for public sector bodies and personnel.

Duties/responsibilities of Secretaries / Accountable Authorities

Firstly, it clarifies roles and responsibilities for effective financial management.

Secretaries of departments and heads of agencies that are not departments will be Accountable Authorities—a new concept under the bill.

Accountable Authorities will be responsible for the performance and financial management of the agency—and accountable to the relevant Minister.

Key roles and responsibilities of Accountable Authorities include:

- developing and maintaining the policies and procedures regarding financial management—and ensuring compliance with the government sector finance legislative framework;
- establishing and maintaining effective risk management procedures;
- ensuring the integrity of financial and performance information;
- and ensuring that expenditure of money for the agency is done in a way that is authorised.

Values/responsibilities of officers

The proposed roles and responsibilities for all government officers under the Government Sector Finance Bill are designed to promote compliance with this new legislation.

Officers will be held responsible for any loss of government resources through dishonesty or misconduct.

The framework requires officers to perform their roles in accordance with specific values—accountability, integrity and transparency—which are now codified for the first time as guiding principles for government sector financial management.

Deemed appropriations—own source revenue

The Government Sector Finance Bill also seeks to rectify an existing legal ambiguity in the current framework—which provides no clear authority for agencies to spend own-source revenue.

A significant proportion of State revenue comes from agencies' own-source receipts—such as donations, proceeds from the sale of assets and fees for service.

By convention, agencies may receive this revenue directly and subsequently spend it.

It has become apparent that this convention may not be adequately supported by the current legal framework.

To rectify this ambiguity, this legislation will provide a legal basis for this established practice to operate without risk to the Government and agencies—while acknowledging Parliament's role in authorising appropriations.

The bill addresses this with a provision enabling the regulations to deem certain amounts of own-source receipts as an appropriation.

The bill also clarifies that money from taxes, fines, royalties for mining, and general-purpose Commonwealth grants cannot be considered deemed appropriations, in accordance with current practice.

This issue is not unique to New South Wales.

Other States have implemented similar reforms for their financial management frameworks in recent years—including similar provisions to provide legal authority to spend agencies' own-source receipts.

Special Deposits Account

The Special Deposits Account or SDA will continue to exist under the Government Sector Finance Bill.

However, the bill provides an opportunity to provide clarity to agencies about accounts under the SDA, which previously were not widely understood—and were not adequately explained under the current legislation.

Specifically, provisions relating to the establishment and operation of working accounts within the SDA will be reformed to make clear:

- the types of money that may be paid into and from a working account
- and who has the authority to spend funds from those accounts.

This will be achieved through the bill, as well as through subsequent Regulations.

Better financial management

One of the key areas of reform under this legislation is the modernisation of government arrangements with financial services institutions.

Currently, under the Public Finance and Audit Act 1983, the Government is only able to enter State-wide agreements for banking services with a bank, building society or credit union.

This legislation expands the range of services and service providers that the Government can engage, to include financial technology providers.

This will provide a more efficient experience for the people of New South Wales and streamline government processes.

The proposed legislation also increases the scope of public money that can become part of the central Treasury Banking System or TBS.

Currently, the framework prevents State Owned Corporations and some other entities from depositing their funds into the central account.

Internalising surplus funds that are currently outside the system will enable more efficient management of those funds.

For example, such surplus funds could be used to offset borrowings for total State funding or liquidity purposes until such time they are expected to be used for their intended purpose.

This will assist in maintaining New South Wales's triple-A credit rating and strong fiscal position.

The Treasurer will consult with Ministers and agencies before any decisions are made on whether certain funds ought to be placed within the central banking system.

Where such funds are included in the TBS, the bill enables the Government to provide for interest earned to be credited back to those funds.

The Government also intends to exclude from the central banking system:

- private trust monies
- and potentially other types of identified "restricted cash".

For example, the trust funds that form a part of the "NSW Health Special Purposes and Trusts Funds"—will not be moved to the central banking system.

Improved efficiency

This legislation will also remove red tape within government and improve the efficiency of government processes.

Annual and financial reporting

The bill will remove duplicated and unnecessary annual and other financial reporting to achieve further operational savings.

Current legislation creates instances where information in annual and or financial reports must be duplicated or unnecessarily provided—at significant cost and no benefit to the citizens of New South Wales.

Regulations, made in accordance with the Australian Accounting Standards [AAS] framework—and developed in consultation with the Auditor General—will provide the detail about when a government entity can be exempt from certain requirements, or provide modified reporting.

This provides flexibility to ensure that the inefficiencies under the current framework are avoided—whilst accountability is maintained.

Treasurer's Directions—made in accordance with the AAS framework—will establish:

- the relevant thresholds that define what constitutes a "reporting government sector finance agency" under the bill,
- the detail required in the content of financial reports,
- the application of tiered reporting frameworks within the sector, and
- when agencies need to submit reports.

Consistent with the move to a modern framework that can keep pace with changes—the bill also permits reporting timeframes to be adjusted by regulation.

Transparency and accountability

Information

The Government's commitment to driving outcomes and performance is also strengthened through provisions requiring agencies to keep information that explains their performance.

Performance information will be published in Budget Paper No. 3.

This will help to identify the achievements of each agency in a financial year.

Ultimately, this reform is aimed at giving taxpayers better value for money—by shifting the focus onto the outcomes that public expenditure achieves, rather than just the amount spent.

Transparency

As the scope of the framework under this bill is broader than the scope of current legislation—directions by the Treasurer will be expanded to cover those new areas.

For example—as I noted previously—the legislation allows the Treasurer to require agencies to retain performance information—such as outcomes indicators and program key performance indicators [KPIs].

The flexibility the bill provides means that those directions may be tailored to classes of agencies and government officers—to ensure government is better able to respond to changes.

In addition to flexibility, the bill enhances transparency, as Treasurer's directions will now be subject to consultation before implementation, and will be published online.

It is important to emphasise that the new framework does not affect the operational independence of separate agencies.

The legislation specifically exempts the following agencies from the scope of the Treasurer's directions:

- The Audit Office,

- the Independent Commission Against Corruption,
- the Judicial Commission,
- the NSW Electoral Commission
- and the Ombudsman's Office

Those separate, independent agencies are not required to comply with Treasurer's directions if they believe those directions are inconsistent with their statutory functions.

Those agencies must, however, report any non-compliance to Parliament, to maintain accountability and transparency.

Additionally, the Government Sector Audit Act makes clear the role of the Auditor General as an independent and accountable statutory officer.

Delegation of authority

Those with functions under the bill are given additional discretion to appropriately devolve powers and responsibilities, where appropriate.

The current lack of clarity and power for delegations will be resolved to create efficiencies and remove red tape.

For example—at present—the same procedures apply to the approval of a Government agency credit card with a \$500 limit—and a State guarantee for \$50 million.

This legislation will enable those accountable and responsible to delegate tasks, where appropriate, in order to reduce paperwork and make the day-to-day operations of Government more efficient.

Framework for breaches

These reforms also provide a clear delineation between criminal offences under criminal law, and civil offences under the Government Sector Finance Bill.

The Government Sector Finance Act will not contain any criminal offence, but breaches will instead rely on existing provisions in the Crimes Act and other applicable legislation.

For example, theft of government resources, or fraud resulting in a loss of government resources, will be dealt with under existing and well-established offences in statute and at common law.

Breaches may also be dealt with by way of employment sanctions, including those available under the Government Sector Employment Act 2013 or through employment contracts.

The Public Finance and Audit Act also currently contains civil recovery provisions.

These allow for the recovery of a debt in certain circumstances where a government officer loses government money or property through misconduct or culpable negligence.

The Government Sector Finance Bill contains simplified and more appropriate civil recovery provisions allowing for recovery of a debt:

- where there has been such a loss—and that loss was the result of misconduct—or a deliberate or serious disregard of reasonable standards of care
- or where there has been a dishonest and unauthorised gift of government property.

The civil recovery process can only be commenced by the Treasurer with the approval of the Attorney General.

The existing offences in the Public Finance and Audit Act which relate to the Public Accounts Committee will be retained in the Government Sector Audit Act.

Specifically, offences which deal with a failure to provide access to documents or information to the Auditor-General when requested are in that Act.

Gifting of Government property

There are presently no legislative provisions that address the gifting of government property in New South Wales, which leads to uncertainty and inefficiency.

The Government Sector Finance Bill will introduce provisions making it clear that gifts of government property cannot be made unless one of the following applies:

- the property was acquired or produced to use as a gift,
- or the gift is authorised by the Treasurer in writing, is made in accordance with Treasurer's directions or is authorised by or under any law.

These proposed provisions are consistent with—and appropriately codify—current policy.

Ex gratia payments

This bill also implements a framework for ex gratia payments—or act of grace payments, as they are sometimes known.

Ministers have authority to make act of grace payments—however, the scope of that authority is presently unclear.

The Government Sector Finance Bill clarifies the circumstances in which act of grace payments are authorised to be made.

These are when a Minister is satisfied there are special circumstances for making such payments, or they are made under prescribed conditions.

Act of grace payments may also be made subject to terms and conditions imposed by a Minister.

The bill also resolves uncertainty around when—and to whom—Ministers may delegate authority to make such payments.

Interaction of bill with other legislation

Under the current legislative framework, only the financial arrangements provisions in the Public Authorities (Financial Arrangements) Act are expressed to be paramount provisions.

This means that in the event of an inconsistent provision in another Act addressing a similar matter, the Public Authorities (Financial Arrangements) provisions override those in the other Act.

In addition to keeping financial arrangement matters paramount—the Government Sector Finance Bill contains further paramount provisions addressing tax equivalent payments, financial distributions and reporting.

This more-comprehensive coverage of paramount provisions provides greater clarity as to where government sector finance provisions displace the operation of other State laws.

Staged commencement

The reforms under these bills will be carried out in stages, to allow a more manageable transition.

The first stage is proposed to commence on 1 July 2018—and will be for all provisions except those relating to:

- financial services and arrangements,
- act of grace payments,
- gifting of government property,
- annual and financial reporting,
- budget papers,
- Statutory Deposit Accounts,
- and appropriations.

The second stage is proposed to commence on 1 December 2018 and will implement the new financial services and arrangements provisions.

The remaining provisions are proposed to commence on 1 July 2019.

Conclusion

These bills are the culmination of a detailed and collaborative reform process that commenced in 2013. The first two pillars have been successfully implemented.

The enactment of these bills will bring the government's Financial management transformation program to a close.

These reforms will bring public sector financial management into a new era in New South Wales.

They will take advantage of new technology and new opportunities that modern financial services offerings.

They will make government more efficient, and reduce the cost of interest on borrowings—delivering savings for taxpayers.

They will improve the outcomes that government spending achieves—delivering real improvements to the lives of the people of New South Wales.

These reforms will increase our capacity to fund and invest in the services and infrastructure we all rely on.

And they will hold government and the public sector to higher standards of accountability and transparency. In short—they will bring financial management in New South Wales up to world's best practice.

That is in line with our efforts to transform New South Wales Treasury into a world-class treasury. NSW Treasury has become the gold standard in relation to financial management.

In conclusion, I thank the tireless work of the financial management team in NSW Treasury for their extensive efforts since 2013 in bringing this reform to fruition.

I commend the bill to the House.

Second Reading Debate

The Hon. PETER PRIMROSE (12:15): I lead for the Opposition on the Government Sector Finance Bill 2018 and the Government Sector Finance Legislation (Repeal and Amendment) Bill 2018. These bills have a number of components, largely dealing with financial management. The Government Sector Finance Bill establishes a new accountability framework for public sector bodies and personnel. This includes clarifying the roles and responsibilities for effective financial management. I will talk more about that in a moment. Secretaries of departments and heads of agencies that are not departments will be accountable authorities—a new concept

under the bill. Accountable authorities will be responsible for the performance and financial management of the agency, and accountable to the relevant Minister.

The Government Sector Finance Bill outlines the proposed roles and responsibilities for all government officers in order to promote compliance with this new legislation, and creates a division enabling the regulations to deem unsourced receipts as an appropriation. The Government Sector Finance Bill increases the scope of public money that can become part of a central Treasury banking system, and removes alleged duplicated, unnecessary annual and other financial reporting. Performance information will be published in Budget Paper No. 3 and directions by the Treasurer will be expanded to cover new areas in this bill.

I seek confirmation that the Sydney Motorway Corporation is included in these provisions. The Sydney Motorway Corporation has not been a transparent financial organisation by any stretch of the imagination. If that organisation is included in this legislation, the Opposition would like the Minister to make that clear in his reply to this debate. I note that the legislation refers a significant amount of financial management. That is worrying coming from this Government, which proposed the Fire and Emergency Services Levy Bill and then scuttled the implementation of the legislation soon after. The levy was announced with incredible fanfare. It was allegedly the answer to all of our problems and the silver bullet for the way in which the Government collected insurance premiums. That legislation lasted for about seven or eight weeks before the Government had to repeal it. We would not want to see that happen to these bills.

The Opposition wants financial management improved. I hope that these bills will do that because just a few hundred metres from this place there is a work site affectionately known as the George Street light rail—for many of the poor commuters and small businesses who use that location, it is better known as the George Street light fail. This bill refers to financial management and financial transparency; it will affect the light rail project. That project has been a financial disaster. I am not sure what these bills will do to manage that situation, but financial reporting will be a key part of this legislation.

Financial reporting by government agencies such as Roads and Maritime Services and Transport for NSW has not always been transparent—something that members of Portfolio Committee No. 5 know only too well from the ongoing inquiry into the Windsor bridge replacement project. But nothing beats the Sydney Motorway Corporation, from which it is virtually impossible to access information. For example, for a sustained period, the Government was not willing to declare the salary of its chief executive officer. Frankly, that was simply arrogant.

All the Government had to say was, "He is on a lot more than the Premier." It was that simple.

When Transport for NSW blows three-quarters of a billion dollars on the light rail in George Street, and when a Premier spends more than \$1 million on Government advertising to announce legislation to increase the Fire and Emergency Services Levy and then has the awful experience of having to repeal the very bill she introduced only a few weeks later, I can understand why the Treasurer wants to have a very tight governance framework over government sector agencies. The Fire and Emergency Services Levy is a good example of this Government not taking fiscally appropriate action through the Office of Local Government; it was on, off, on, off, while, in the meantime, millions of dollars were being wasted on advertising that came to nought.

These bills are all about financial and resource management in the government sector. The clue is in the long titles of the bills. The legislation refers to consolidating into one Act the financial and resource management of the New South Wales government sector. I hope legislation such as this will ensure that government agencies—such as state-owned corporations; independent agencies, such as the Independent Pricing and Regulatory Tribunal and the Law Enforcement Conduct Commission; health agencies and transport agencies—begin to show some financial management and understanding of the proposition. When they are spending taxpayers' money they should demonstrate a high degree of responsibility, which requires the exercise of a high degree of care, caution and transparency. That is what I want to see as an outcome of this legislation. I also hope to see government agencies become much more transparent in their reporting. I am sure everyone would like to see the Sydney Motorway Corporation—which has exhibited an extreme lack of transparency for months on end—being very clear and transparent about its activities. As I said a few moments ago, the corporation's secrecy reached the stage where we could not even find out how much its chief executive officer was being paid, and that is ridiculous.

The budget is due to be presented later this month. On behalf of the Labor Opposition, I make it clear that this Government has run out of excuses for its poor financial management. After eight long years, the New South Wales Liberals and Nationals can no longer blame Labor for the results of their own mismanagement—that excuse faded away in this Government's first term in office. Now it is just unbelievable. There is a point at which governments should stop blaming their predecessors. I hope the forthcoming budget demonstrates that this

Government has learnt some lessons from its financial recklessness and that its financial reporting, its financial arrangements, its financial transparency and expenditure by Ministers through their departments are executed in a prudent manner. Irrespective of which side of Parliament a member sits, we all have a responsibility to ensure that taxpayers' money is spent wisely. The reality is that this Government cannot deny that its project management has not exhibited the requisite level of prudence. We do not oppose the bills.

Mr JUSTIN FIELD (12:23): On behalf of The Greens I make a contribution to the debate on the Government Sector Finance Bill 2018 and the Government Sector Finance Legislation (Repeal and Amendment) Bill 2018. I say at the outset that The Greens are not opposed to this legislation. I have heard both Opposition members and Government members in this House, and in the other place yesterday, use these bills as a platform to promote their own qualifications in financial management and investment decisions, particularly around some of the big projects that have become controversial for either their overspending or their delays, either to promote their time in government or to criticise their opponents' time in government.

However, I want to talk about financial accountability more generally when it comes to spending public money on the assets and services that the people of New South Wales all rely on and expect governments to deliver. These bills, while a step in the right direction in managing public sector finance, miss out on a significant opportunity for New South Wales to get up to speed with the rest of the country and introduce measures that can guarantee transparency and improve accountability in the expenditure of public moneys.

The Treasurer and the Government had an opportunity, through these bills, to apply a range of recommendations from both the Public Accounts Committee and the Auditor-General in reports over recent years, but have neglected to do so. Even the Treasurer's own colleagues have expressed some disappointment that some of these reforms—and I will go to them in a moment—were not contained in these bills. Instead we have bills that streamline and clarify financial processes—I will not go through the details of the bills; they are in the Minister's second reading speech and in the Opposition's reply—but do not include requirements for an accountable and transparent government. I foreshadow that The Greens will move amendments in Committee to that effect.

I will briefly go through some of the details to put that in context. The Government Sector Finance Bill 2018 consolidates government finance legislation and makes various adjustments to the framework of how public funds are managed and reported on across government agencies. I understand that it is a process that began long before my time in Parliament—back in 2013. Some key changes include a shifting in focus towards outcomes-based budgeting, and that sounds reasonable; expanding the ability for the Treasurer and the Treasury to reach out into the rest of the Government and provide directions on expenditure and reporting on expenditure; removing some annual reporting requirements for agencies; allowing the Treasurer to enter into statewide agreements with more financial services providers other than banks, such as financial technology providers; and various provisions that clarify what is currently customary practice, according to the Government.

While The Greens will support the legislation, we have a few concerns about the changes that are being made. Our first concern is about the Treasurer's ability to direct agencies whether in their use of public funds or how those expenditures are accounted for and reported on back to the Parliament and to the people of New South Wales. I am concerned that the powers in these bills may allow Treasury to dictate a little more to agencies how some of their programs should work and potentially stifle new ideas within government. I would hate to see a situation where Treasury was able to veto new ideas coming out of agencies to try to deliver programs more effectively for the people of New South Wales. I ask the Government in its reply to address those concerns. Let us not have everything being seen through the filter of the financial spending and accounting standards of Treasury's demands. The people of New South Wales sometimes have a greater expectation of what services mean; it is not just about how they are financially accounted for. Let us not let Treasury dictate entirely. I ask the Government in its response to address how that will not happen under these bills.

Secondly, I seek assurances from the Government that the move to performance outcomes in the budget will not detract from the financial details in the budget. Members of this place and members of the public who take an interest will have an opportunity to read the budget in a couple of weeks. I encourage the students in the gallery to look at those budget papers and tell us—write to us—if they think there is enough detail in the budget about how public money is being spent on the programs that affect our daily lives. I would like to see the budget list more specifically the programs and associated spending for each agency, to enable us to make some judgement calls, as well about the priorities of government rather than what we see often in the budget papers—paragraphs of outcomes. I get the value of that—I get the idea of a more outcomes-based budget—but those paragraphs do not tell us enough. We need to be able to connect that with the specific program spending that is happening. I know that we can get that information under Standing Order 52 after the budget. However, let us be honest, it is a process and a half to get to the bottom of how the specific spending is happening in those agencies on those specific programs.

It is often the programs announced by the Government with fanfare that have a budget figure placed on them in the media release, but we are then unable to find in the budget papers what the program spending actually was or what the specific outcomes for that program were. If I am looking in the wrong place I ask members to let me know. The budget should include a statement on risks to the budget, State finances, and the impacts on estimates, forecasts and projections from climate change. The Greens have long called for a recognition of the impact of climate change on the budget, government programs, the delivery of services, and the risks to assets. That is not happening. Everyone, including serious economists in Australia, recognises climate change as the biggest single financial risk to the State, to us as individuals, to the State budget and the economy. It must be reflected in the budget and The Greens will move amendments to that effect in committee.

I will turn to recommendations made by the Public Accounts Committee in its quadrennial review of the Audit Office of New South Wales published in February 2018. First, the committee recommended that the Audit Office have oversight of performance-based outcome statements from government agencies. This would allow the Audit Office to assess the way in which government spends money, and is already in place at a Commonwealth level, in Victoria and in Western Australia. The Government's recent move to Prime financial accounting services represents an opportunity for the Audit Office to take on this role with ease.

Secondly, the committee recommended that the Audit Office review the budget annually. Currently, the Treasurer requests the Auditor-General to review the budget on an ad hoc basis. However, this has not occurred, as I understand it, for the last two budgets. I urge the Government to consider introducing these reforms, because they will go a long way to ensuring proper oversight of government spending into the future. Another recommendation of both the Public Accounts Committee and the Auditor-General was to introduce follow-the-dollar powers in New South Wales. These powers exist to varying degrees in most other states of Australia and also at the Commonwealth level. They have been the subject of significant public discussion and debate over the last few years and there have been high-profile incidents of public money spent by non-government organisations with concerns that money was not effectively spent.

In New South Wales the ability for the Auditor-General to follow State expenditure down into the non-government entities and ensure public money is spent in the public interest does not currently exist. Traditionally, the Auditor-General had the power because most money was spent through government sector agencies. That is no longer the case. More and more money is spent by non-government agencies through outsourced contract services or privatisations and the like. Introducing follow-the-dollar laws will essentially restore the Auditor-General's traditional power. It will not extend it; just restore it. The Auditor-General will carry out the usual investigations and, in particular, it will effect the performance audits that the Auditor-General currently does.

The Auditor-General would have the power to extend through the government sector spending down into the non-government entities that are delivering the services on the ground and using public money to do so. I understand there was an expectation by some members of Government, potentially within the Audit Office, that follow-the-dollar reforms would be considered as part of this process and part of this bill. When this bill was debated in the other House the member for Davidson, Mr Jonathan O'Dea, was critical of his own Government. He stated:

I, too, note with disappointment that the Government has not seen fit to make what would be a simple amendment to the Public Finance and Audit Act to include follow-the-dollar powers. This was twice recommended by the Public Accounts Committee that I chaired in the last Parliament and by the Auditor-General.

Further:

This was an opportunity to expand the New South Wales Auditor-General's powers similarly to better oversee fiscal accountability of not only departments but also external organisations that are increasingly funded to deliver public services under the Government's umbrella of responsibilities. I do not resile from my earlier comments, and I will continue to push for that reform within government.

That was a statement by a member of the Government in the other place. Clearly there was an expectation that the Treasurer would consider the use of this reform process to introduce follow-the-dollar powers and improve government transparency.

Public spending on projects and programs being carried out by the private sector largely go unchallenged until there is a disaster and it ends up in the public space. It is then ventilated within the community and there is frustration and angst. The pain of that process, the money going astray and services not delivered, could be avoided if the Auditor-General had the power to follow the money, do the audit and provide advice to the Parliament and the Executive on how to do it better. We could then look critically at whether the move to outsource so much of the government service delivery is effective for the people of New South Wales. That is the importance of this particular reform. The need to enhance third-party accountability is crucial with the proliferation of multibillion

dollar projects jointly delivered by the public and private sector as well as the outsourcing of essential public services.

Under follow-the-dollar laws the Auditor-General will be able to consider and report on a much wider pool of programs and services. Some of those include community services operated by the not-for-profit sector such as out-of-home care where it is clear that we need to ensure that someone with accountability is able to look at how the money is being spent. It is in the interests of the children in New South Wales. Prisons operated under contract to the private sector are another example where the Auditor-General would have greater capacity—one it previously had when the service was delivered by government—to ensure the public is getting value for money in that sector.

Transport infrastructure built and operated under public-private partnerships may also be relevant. I flag that I will move an amendment in committee to allow the House to consider the introduction of these powers today through this bill. I will go into more detail at that time. The Greens support the bills. We recognise it is a move in the right direction for managing financial accountability in the State and streamlining a bunch of financial processes within government. Hopefully there are efficiencies related to that. But there is a missed opportunity to improve accountability and transparency in the State. I urge members to consider in detail the amendments that I will bring in the committee stage on behalf of The Greens.

Reverend the Hon. FRED NILE (12:36): I speak in debate on behalf of the Christian Democratic Party in support of the Government Sector Finance Bill 2018 and the Government Sector Finance Legislation (Repeal and Amendment) Bill 2018. The Government Sector Finance Bill 2018 will consolidate into one Act a new framework for government sector financial and resource management in New South Wales. It will repeal a number of Acts to provide greater efficiency in this government finance area. It will repeal the Annual Reports (Departments) Act 1985, the Annual Reports (Statutory Bodies) Act 1984, the Public Authorities (Financial Arrangements) Act 1987, and the regulations under any of those Acts. It has also renamed other financial Acts.

It is important for the Government to update and consolidate the current framework for government sector financial management, which is currently spread across the four main Acts that will be repealed. The existing financial management legislation has been in place since the 1980s and is narrow in scope, not focused on performance or outcomes and does not provide clear accountability. It is outdated and does not provide the most appropriate financial management framework, which results in missed opportunities for improved performance, savings and efficiencies for government. I am sure that the New South Wales Treasurer, as he has already shown, will be driving this improved performance, savings and efficiencies.

With the passage of this legislation, he will be given the financial weapons to do that. The reforms will deliver significant benefits for the financial administration of the government sector, including flexibility, allowing the financial management framework to stay up to date with developments in government policy, government sector management practices and broader society, including the ability to adopt technological changes in financial services delivery.

Secondly, it will be enhance accountability and transparency for improved performance, governance and risk management, ensuring alignment between the financial management responsibilities of the Minister's department and heads of agencies and public servants to Ministers by implementing outcome budgeting and providing legislative authority for the Treasurer and Ministers to provide financial information to better inform spending decisions. Thirdly, savings, efficiencies, and better service delivery will be achieved by assisting New South Wales to maintain its triple-A credit rating and strong fiscal position by improving debt headroom and reduced interest expenses, setting the platform for the State's tender for modern and innovative banking services, enabling a reduction of red tape and duplication across government financial management. Already New South Wales is leading all other States because of the successful financial management of the Government. Those reforms will ensure that New South Wales will stay at the forefront of public financial management in Australia. Without legislative changes, the Government cannot drive better cash management and balance sheet initiatives to improve debt headroom and save on interest expenses over the forward estimates.

The legislation will expand the financial services for which the Government can contract to include digital services, such as PayPal; provide for more effective Ministerial and Treasurer oversight of resource allocation by providing Ministers and the Treasurer with the authority to request financial information from agencies; clarify legal ambiguity on the spending of own source revenue; enable the consolidation of government agency cash in the Treasury banking system following consultation with Ministers; enable legislated agencies to keep performance information, which will subsequently be published in the Budget Paper No. 3 to demonstrate outcomes achieved by agencies; remove duplication of annual and financial reporting; and allow the delegation

of financial approvals by the Treasurer to Ministers or agency services. Because those practical benefits will be achieved through this legislation, the Christian Democratic Party is pleased to support the bill.

The Hon. JOHN GRAHAM (12:42): I make a number of remarks on the Government Sector Finance Bill 2018 and, in doing so, I support the position that was put by the shadow Treasurer and the Hon. Peter Primrose in this place leading for the Opposition. Labor has been clear: we do not oppose the bill. I specifically press one point about the Sydney Motorway Corporation that was made in the second reading debate by my colleague. I watched closely to see what the Treasurer had to say when this issue was raised elsewhere. In the second reading debate he said this about the Sydney Motorway Corporation:

That is an agency now. It will be an agency following the passage of this bill.

As to what this bill means for the Sydney Motorway Corporation, I am no clearer having discovered that information than I was when I went looking for it. I look forward to the Parliamentary Secretary in reply being a lot clearer than the Treasurer was in the lower House about what this bill means for the Sydney Motorway Corporation. I sat in on the estimates process that quizzed the Sydney Motorway Corporation about the salary of its chief executive officer [CEO]. I was pleased to see that the Sydney Motorway Corporation volunteered that information and indicated it would volunteer that information in years to come. That is the point. It volunteered the information. It was not compelled to produce it, and it should be. This is public money—an agency, in the words of the Treasurer. It should be compelled to provide that public information.

What does this bill mean if the salary of the Sydney Motorway Corporation CEO is published? What does the bill mean for the status of the Sydney Motorway Corporation under the Government Information (Public Access) Act? What does that information about how that organisation works mean for the public or this Parliament? I look forward to the Parliamentary Secretary clarifying those issues that have been raised in the debate and that they are more clear than the Treasurer has been able to articulate in this debate so far. I congratulate Mr Justin Field on raising the follow-the-dollar laws in this debate. Labor and the shadow Treasurer are on the record as supporting this broad approach. I also add my support to the broad comments that he made on those issues.

I will now come to the concerns that we have about the direction of the Government on these issues. I will refer to the Treasurer's claims at the end of my speech. A lot has been said in this debate about the Government's financial management. I will now raise our concerns about some of its priorities and issues on transparency. We have concerns about the privatisation of more than \$50 billion of State assets and its impact on jobs. We also have concerns that power prices are up by 58 per cent in Sydney under this Government. That is despite a promise that was mailed out to the voters of New South Wales by the former Premier, which stated:

This is my pledge. Please keep it. Power prices will not rise as a result of this plan.

That was his pledge, and prices are up. The concern is the job-killing impact it is having in the private sector. One of my concerns about transparency is the secret deal this Government did on the privatisation of the port in Newcastle. There is a lot of talk about transparency today, but there was no transparency about the hidden penalties that were buried in that contract. Hopefully, under the scrutiny of the Australian Competition and Consumer Commission, we will get to the bottom of what was promised, what penalties existed, and what that means. That has massive implications for the economy, not only for Newcastle or the Hunter Valley but also for an entire slice of the north-west of the State. We will not know what those implications are for the economy for decades to come because that deal stayed hidden until it was dragged out.

We also have concerns about this Government's priorities and where it has chosen to apply the money it has raised through those asset sales. We say that some of those transport priorities are wrong such as investing money in the Northern Beaches rather than where the people are and where the traffic congestion is, which is the busiest corridor between Sydney and Parramatta. Spending on infrastructure in Sydney and not in the bush is a wrong priority. What is the impact of that over five years? The Census showed that the number of jobs created in Sydney will be 342,000 over five years. In the bush, 17,000 jobs will be lost over that same period. That Census information shows what happens when money is tipped into the city and not spent in the bush. That is our concern about these priorities. It will be no surprise that people believe that the Government should be spending money on schools and hospitals as a priority, not on stadiums.

I will briefly address some other concerns such as the sale of Land and Property Information [LPI], which was well canvassed here, and its impact on housing market stability, and the fact that Google is wandering around looking to headquarter its business. One report suggested there were 19,000 jobs at stake. I do not object to the Government's decision to pursue an open tender for the Eveleigh site, as the Government should get the best deal for a particular site. But the fact that one of the most important corporations in the world is wandering the streets

of Sydney for a year looking to find somewhere to lodge its 19,000 jobs, with Melbourne hanging out the shingle saying, "Move down here", should be of concern to the citizens of New South Wales.

The Hon. Dr Peter Phelps: But you still have to live in Melbourne.

The Hon. JOHN GRAHAM: While the Hon. Dr Peter Phelps works out what he is going to interject, other concerns include the long-term decline in income as a result of these asset sales and the Government's tendency to defend the current infrastructure discount rate. The Labor Party believes the discount rate is too high and is twisting the investment decisions made by the Government. I conclude by talking about the Treasurer's claims in these bills. In introducing these bills the Treasurer said:

These bills are the culmination of the Government's 2013 commitment to bring government financial management of New South Wales into the twenty-first century.

The Treasurer went on to say:

This legislation will deliver significant benefits for New South Wales.

The Labor Party believes the Treasurer's claims deserve scrutiny. My colleagues have already raised the Fire and Emergency Services Levy. This House and the public were told that was a generational reform, but it only lasted a matter of weeks. The Treasurer concluded his first budget by declaring his own work "the envy of the Western world". That was how he chose to describe his budget. Watching the Treasurer deliver his speech, members were left with the unmistakable feeling that he had practised the line at home in front of the mirror, possibly clad in a simple Roman toga. But for all the self-congratulations, the truth is more mixed. In contrast, Michael Egan, as a longstanding Treasurer of this State, delivered quite a few budgets. He concluded each of them with a variation on this simple line, "It is a Labor budget every inch of the way".

The Hon. Dr Peter Phelps: Because it was in deficit every time.

The Hon. JOHN GRAHAM: If the honourable member examines the record, he will find that was not the case. It was a modest claim, but it was absolutely true. I encourage this Treasurer to learn a lesson from that simple claim made repeatedly by Michael Egan as Treasurer. I look forward to hearing what this Treasurer claims about his next budget and whether he will be able to exceed the hyperbole he applied to the last budget. I commend the bills to the House.

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

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

Questions Without Notice

GOVERNMENT PRODUCTION OF DOCUMENTS

The Hon. ADAM SEARLE (14:31): My question without notice is directed to the Leader of the Government in this House. Given the Government's decision, advised to the House this morning, to release the documents previously sought by this House, and refused by the Government on multiple occasions, will the Minister confirm that the Government now accepts that the Legislative Council has the power to compel the production of certain Cabinet documents that do not reveal internal deliberations and decision-making?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:31): I have nothing to add to the statement I gave to the House earlier and to the remarks I made last night in the censure debate.

ELECTRICITY PRICES

The Hon. NATALIE WARD (14:32): My question is addressed to the Minister for Energy and Utilities. Will the Minister update the House on the steps the Government has taken to put downward pressure on power prices?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:32): Since 2011 the Government has acted to lower network costs for electricity consumers. This Government's network reforms—

The Hon. Niall Blair: Point of order: It is impossible for members and Hansard to hear the Minister's answer because of the constant interjections by those opposite. I ask that they be called to order.

The PRESIDENT: Order! I am losing my voice and I am finding it difficult to speak above the level of interjections. I uphold the point of order.

The Hon. Scott Farlow: Point of order: The clock was not stopped.

The PRESIDENT: Order! The Clerk will restart the clock. The Minister has the call.

The Hon. DON HARWIN: Since 2011 the Government has acted to the lower network costs for electricity consumers. This Government's network reform program has been highly successful in reducing network prices for New South Wales customers. Through this program more than \$7 billion in costs have been removed from the network businesses in New South Wales: Ausgrid, Endeavour Energy and Essential Energy. These actions have prevented the assets of the network businesses growing more than necessary and will keep downward pressure on prices for future years.

According to the Independent Pricing and Regulatory Tribunal network charges for the average residential customer fell by 25 per cent between 2013-14 and 2017-18. These network charged reductions have been offset by recent increases in wholesale prices due to Labor State governments prematurely closing Hazelwood power station and Northern power station—an unfortunate example of exactly why we need policy certainty. This Government has also introduced the network price guarantee, overseen by Professor Allan Fels, which requires network charges for the leased network businesses to be lower in 2019 than they were in 2014.

I take this opportunity to address some of the commentary that we have heard in recent days about how pricing decisions are made. The national electricity laws and rules are designed to ensure that when actual outcomes differ from forecast outcomes, the general approach is for money to be returned to customers. These decisions are made by the Australian Energy Regulator [AER], which is an independent body. I remind members that the revenue-cap approach was first supplied by the AER to New South Wales distributors in July 2014. The AER considered a revenue cap to be an improvement on a price cap—the system that was in place when those opposite were last in government. The AER found that a price cap, the old system, provided incentives to maximise profits, rather than finding efficiencies or implementing programs to reduce demand. The Labor Government could reap the benefits of profit maximisation, rather than focusing on reducing costs.

From 2006 to 2012 network charges trended in only one direction—up. Total costs per customer across the New South Wales distribution businesses grew by a massive 48 per cent. According to the March 2018 report of the Grattan Institute titled "Down to the wire: A sustainable electricity network for Australia", the reliability standards of the Labor Government are still costing New South Wales consumers between \$120 and \$380 per year. The Labor Government gold-plated the electricity network, which raised prices for customers and reduced efficiency. Customers are still suffering from the policy failures of the Labor Government but we are working hard to fix the mess left by those opposite.

GOVERNMENT PRODUCTION OF DOCUMENTS

The Hon. WALT SECORD (14:37): My question without notice is directed to the Leader of the Government in this House. Why does the Legislative Council have to threaten the suspension of the Leader of the Government before the Government releases information that the community has every right to know? I refer to the Sydney stadiums, the relocation of the Powerhouse Museum and the Tune report.

The Hon. Catherine Cusack: Point of order: The member's question contains argument—words such as "has every right to know"—and is inappropriate.

The PRESIDENT: Order! The question is in order.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:38): I refer the member to my previous answer.

The Hon. Greg Donnelly: That is hopeless, Don.

The PRESIDENT: Order! I call the Hon. Greg Donnelly to order for the first time. The Hon. Greg Donnelly will resume his seat.

The Hon. Walt Secord: And the documents will be redacted.

The Hon. Trevor Khan: Point of order: My point of order relates to the interjections of the Hon. Walt Secord. I ask that he be called to order.

The PRESIDENT: Order! I have given a number of warnings. I will call members to order if they continue to interject.

REDBANK POWER STATION BITCOIN MINING

Mr JEREMY BUCKINGHAM (14:39): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, the Hon. Don Harwin. Is the Government concerned about the significant energy use involved in block chain technology such as Bitcoin mining? Does the Government support the proposal to reopen the Redbank coal-fired power station in the Hunter Valley and allow behind-the-grid use of electricity for the purpose of Bitcoin mining and other block chain-related activity, and what consequences would this have for New South Wales carbon emissions?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:40): I thank Mr Jeremy Buckingham for his question—a question of substance. The Government is aware of reports that many software and data centres may use significant amounts of energy. However, it is important to remember that all energy users pay for their energy in an open and competitive market. Hunter Energy has announced that it has reached agreement to acquire the existing Redbank power station, which is currently in care and maintenance. The Government understands that several steps are required before Redbank is operational, including conducting a feasibility study and securing fuel for the power station.

The Government has a technology-neutral approach that supports private-sector-led energy investment. This approach gives certainty to the market and ensures that private investment is efficient and achieves positive outcomes for system security and affordability. Ultimately it is up to the private sector to decide which new energy generation projects to choose for investment. The Government also supports a sensible national plan to encourage more supply, more competition and better outcomes for consumers, and that is what we will get with the National Energy Guarantee. We will shortly see the final proposed design, and then in August, at the Council of Australian Governments [COAG] Energy Council in Sydney, we will deliver upon that final design and, hopefully, make the decision and restore some certainty back to the electricity generation sector.

On the question of emissions, the New South Wales Government is working to deliver a secure, reliable, affordable and clean energy future for the State. Under the current design of the National Energy Guarantee, parties will need to meet emission targets. How they choose to meet those targets will be at their discretion. We are working closely with the other energy Ministers as the Energy Security Board develops the detail of the guarantee, consistent with our international obligations.

Mr JEREMY BUCKINGHAM (14:42): I ask a supplementary question. Will the Minister elucidate his answer by informing the House as to whether or not the Energy Security Board is considering the issue of the electricity use of block chain technology such as Bitcoin mining in its deliberations?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:43): I will not take a point of order, but I think it is a rather different issue. Block chain technology is one of the potential users of energy in this country. It is bringing jobs and prosperity to places like Iceland, where it has changed lives in a very positive way. I imagine the Energy Security Board, which is taking a holistic view of how our climate and energy policies need to work together, would be factoring that into the mix as well.

WATER SUPPLY INFRASTRUCTURE

The Hon. BRONNIE TAYLOR (14:44): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on how the New South Wales Government is securing future water supply for New South Wales communities?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:44): Today, WaterNSW has released a 20-year infrastructure options study that marks a key milestone in the New South Wales Liberals' and Nationals' drive to secure the long-term water needs of our rural and regional communities. WaterNSW has developed the comprehensive options study to address future challenges in operating the State's rural regulated river systems, to better inform future investment decisions in bulk water supply infrastructure, and to better meet community needs.

This critical study lays the foundation for securing the future water needs of regional New South Wales, and is the first of its kind in more than 40 years. The need for such a study was identified in the 2014 State Infrastructure Strategy, which called for the development of "a best practice 20 year capital plan to provide the evidence base required for pricing applications going forward". The release of the study satisfies this commitment. The study outlines options for improving service delivery by further developing WaterNSW's multibillion-dollar infrastructure network, which currently includes more than 40 dams across New South Wales and serves thousands of rural customers.

This options study is not a capital investment plan for WaterNSW, but rather a baseline from which to guide future decision-making and benchmark future investments. A strategic asset framework for bulk water supply systems in New South Wales has been missing since the 1970s. This study proves that only the Liberals and Nationals have the foresight to provide long-term, forward-thinking policy solutions. This study fills the gap left by Labor by providing planning context for the future development of regulation bulk water supply infrastructure in rural valleys.

WaterNSW has worked closely with its customers on a level of desired service that may lead to the identification of future asset solutions, management and investment priorities. This analysis will also provide a context for rational, long-term decision-making by all levels of government and WaterNSW, helping to prioritise long-term bulk water supply infrastructure investments that appropriately meet broader government policy objectives, regional growth strategies and future customer needs in rural valleys. This study looks ahead to address emerging issues, such as population growth, demand fluctuations in agriculture and mining, and climate change. It is a move away from piecemeal planning to a forward-looking, integrated approach that is sensitive to the service needs of water users and has the ability to meet future challenges facing the storage and provision of bulk water in this State.

Preferred options have been identified for each valley and further investigations will be done to assess these in the next phase of planning. I stress that many of the options included are just options and they do not represent the Government's capital investment strategy. I commend the strategy to anyone interested in long-term water security infrastructure, including Her Majesty's loyal Opposition which, despite going to the last election promising to cancel more than \$100 million in regional water projects, will now have no excuse to not respond to the challenges faced by regional communities in delivering water security for our regions. We all look forward to the Opposition's policy in this area—it is something we have not heard much of, particularly in the past 3½ years. I hope that we see something coming from the Opposition as we head into the next election. This lays a great foundation for communities to look at asset needs of the future and it is supported by the Government. [*Time expired.*]

BLACK MOUNTAIN CREEK ROAD, MAULES CREEK, LAND CLEARING

Dr MEHREEN FARUQI (14:48): 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 the Environment. I have received information that unauthorised land clearing and burning have been taking place on a property close to Black Mountain Creek Road, Maules Creek. Is the Government aware of this? How much land has been cleared since January this year and what action is the Government taking?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:49): I can provide some information to the member which I hope assists her. An incident was reported to the environment line via email on 14 February 2018 relating to land clearing on a property named Yamba, close to Black Mountain Creek Road, Maules Creek, and backing onto a property named Wando. There were two further incidents with slightly different addresses, but related to the clearing, that were also reported via the environment line at Yamba, Wave Hill Road, Maules Creek, and at Timor Mountain. The report was received from a local conservation group, the Wando Conservation and Cultural Centre. The incident was assigned to the Office of Environment and Heritage [OEH] for investigation under the Local Land Services Act 2013.

An update was provided to the informant by OEH on 25 May 2018. I am advised that notes from the case management system say, "Informant contacted and informed that an investigation is currently underway in relation to the matter and no further details were available to be provided whilst the incident was being investigated. The informant stated that she was happy the matter was being further investigated and requested no further information." It concludes, "For record purposes only." That was the file note in the case management system. On 5 June 2018, relatively recently, the informant contacted the environment line via email requesting further information. I am sure that will be dealt with as soon as possible in the same way as the last request for information was supplied.

GOVERNMENT PRODUCTION OF DOCUMENTS

The Hon. GREG DONNELLY (14:51): My question without notice is directed to the Leader of the Government, Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Will the Minister explain to the House what was the rationale behind attempts to prevent the release of the David Tune report into out-of-home care in New South Wales and how did keeping it secret protect vulnerable children and young people in this State?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:51): I presume the member is asking me that question as Leader of the Government. I do not

represent the Minister for Family and Community Services in this Chamber; I believe that the Hon. Sarah Mitchell does. I am happy to take that question on notice, seek an answer from either the Premier or, more likely, the Minister for Family and Community Services who would have carriage of the matter, and provide him with an answer when it is possible.

The Hon. GREG DONNELLY (14:52): I ask a supplementary question. Will the Minister elucidate his answer by explaining his role in providing advice to the Premier and other Ministers regarding the retention from this House of the David Tune report into out-of-home care?

The Hon. Scott Farlow: Point of order: The Leader of the Government took the question on notice. A subsequent question cannot be asked. The Hon. Greg Donnelly asked a new question.

The Hon. Shaoquett Moselmane: To the point of order: The member was seeking elucidation on one aspect—the Minister's response in his role as Leader of the Government.

The Hon. Don Harwin: To the point of order: In my role as Leader of the Government I referred to who should answer the question and to whom the question was being directed. It had nothing to do with my role in making a decision; therefore, the question cannot possibly be in order. Since I said nothing about that matter there is nothing to elucidate.

The Hon. Greg Donnelly: To the point of order: My first question was directed to the Leader of the Government, not in his capacity as Minister representing his colleagues in the other place. I am seeking elucidation from the Leader of the Government in this House.

The Hon. Niall Blair: To the point of order: In the first part of his answer the Leader of the Government clearly confirmed his understanding of the person to whom the question was being directed and in what capacity. The supplementary question referred to the actions of the Leader of the Government, which clearly is a new question that should be ruled out of order.

The Hon. Lynda Voltz: To the point of order: Government members cannot have it both ways. The Leader of the Government was clearly asked the question. The Minister referred to his role but he is now debating the question that was asked of him; he is not answering the question. He cannot debate the question. He was asked the question in his capacity as Leader of the Government. The supplementary question is in order.

The Hon. Scott Farlow: To the point of order: The Minister said that the Hon. Greg Donnelly asked him the question in his capacity as Leader of the Government and he then took the question on notice. No subsequent supplementary questions can be asked as the Minister took the question on notice.

The PRESIDENT: Order! The Leader of the Government was asked a question and he indicated that he was not the Minister representing the responsible Minister in the other place. That was made clear. The Minister continued to answer the question and no point of order was taken; it would have been too late at that stage to take a point of order. The Minister indicated that he would take the question on notice and ask the Premier or the relevant Minister to supply an answer. There are occasions when elucidation can be sought from a Minister who takes a question on notice and gives a small preamble. It is clear to me in this case that the supplementary question was a new question and I rule it out of order.

BEFORE AND AFTER SCHOOL CARE FUND

The Hon. CATHERINE CUSACK (14:56): I address my question to the Minister for Early Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on how the New South Wales Government's \$20 million Before and After School Care Fund is benefiting communities around the State and, in particular, in Port Stephens?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:57): As members would know, in 2015 the Liberal-Nationals Government made a commitment to mums and dads to create an additional 45,000 before and after school care places. To make this happen it invested in the \$20 million Before and After School Care Fund. I am pleased to advise that since March 2015 a total of 51,661 places have been approved, with just under 20,000 of those places funded from the \$20 million Before and After School Care Fund. Although on paper the commitment has been met, this Government will keep working for New South Wales families day in and day out.

On a recent visit to Medowie with duty MLC the Hon. Catherine Cusack, I was pleased to have the opportunity to see firsthand how this fund is helping families in the Port Stephens electorate. Medowie Public School received \$30,000 to offer 120 new before and after school care places. I had the opportunity to meet with Medowie Public School Principal Allison Thompson who filled me in on the work the school will be able to complete, thanks to this funding injection. We were able to view the start of the hall renovations, which includes

the addition of a kitchen and storage areas to aid in bringing more services to the school. I also had the pleasure of meeting Katie Moy from Port Stephens Council who runs the before and after school care. She was excited by the new possibilities afforded by the upgrades and what it will mean for local children.

It is important to note that when we look at before- and after-school care, one place is counted as a session before school and a session after school. That is rarely utilised by the same child. Although we are counting places and will continue to do so, it is important that the House notes that the 51,661 additional places that have been created since March 2015 has added as many as 250,000 sessions, which makes a big difference for families. To date, more than 230 schools and six local councils have been approved to receive grants to increase the availability of before- and after-school care places for families across New South Wales.

The New South Wales Liberal-Nationals recognise individual communities have different needs, which is why we approved the grant to be used for site modification and fit-out costs, project management such as tendering or regulatory costs, or to pay for necessary equipment to support the new out-of-school hours care places. As members know, because I have spoken about this in the House before, the latest round of funding was opened to local councils, which has increased the number of places available to support working families in their communities. To further widen the availability to grants, phase three of the fund was opened in May last year and includes not-for-profit service providers that operate on sites other than schools or council properties. They are now eligible to apply for a grant of up to \$30,000.

As Minister I have had an opportunity to visit quite a few before- and after-school care places. It is good to see this Government support going to schools and communities that need it. By listening to the needs of the community we have increased opportunities to deliver out-of-school hours care services in areas of high demand. As I mentioned earlier, even though we have met the election commitment the fund is open for applications. The Department of Education and non-government school sectors continue to provide support to schools and local councils to prepare and progress their grant applications. This is an important service that families need. We will not stop working for the families of New South Wales. We will ensure that communities continue to benefit from this initiative as the availability of more out-of-school hours care places help families better manage their work and family commitments, which is a great thing. [*Time expired.*]

YM EFFICIENCY CARGO SPILLAGE

Mr JUSTIN FIELD (15:01): My question without notice is directed to the Hon. Niall Blair, representing the Minister for Roads, Maritime and Freight. Human life, whales, dolphins, sea birds and other marine life have been placed at risk by marine debris as a result of 83 shipping containers falling off the cargo ship *YM Efficiency* off the mid North Coast last week. Is the Government aware of the contents of these 83 containers? Will the Minister assure the community that the debris in New South Wales coastal waters as well as that which has washed up and will wash up on beaches in New South Wales will be cleaned up? What is the time line for that clean-up?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:02): This incident has had a lot of exposure in the media. The clean-up and recovery of items involves a number of different agencies, particularly the Environment Protection Authority [EPA], which is responding to the debris that is in the water and washing up on the beaches. Roads and Maritime Services led the response in providing information about the shipping containers in the water to those who may be boating in the area and it ensured that the appropriate approvals for the vessel to dock appropriately had been given.

I am advised that on Friday, 1 June the container vessel *YM Efficiency* en route to Port Botany reported the loss of 83 containers overboard, with an additional 30 containers moved or damaged as a result of heavy sea conditions. The Australian Maritime Safety Authority responded by deploying Challenger aircraft to undertake visual and sensor surveys of the area, including the deployment of drift tracking buoys. An incident management team has been established by Roads and Maritime Services [RMS] to coordinate a response. Drift modelling suggests that floating containers and debris could be expected to come ashore in the Port Stephens-Great Lake Marine Park. It has since been confirmed that debris has been located at Rocky Point near Anna Bay; Fingal Island; Yacaaba Head; Port Stephens, including Nelson Bay and Jimmys Beach; and north of Port Stephens at Bennetts Beach, Hawks Nest. The insurers have appointed Varley Group, located at Newcastle, to undertake recovery of the containers and debris. All sightings of debris and containers have been provided to the contractors. Varley Group is working to recover the reported debris as soon as possible.

The Australian Maritime Safety Authority, Roads and Maritime Services and the Environment Protection Authority are working with local councils to ensure all material is cleaned up. The Department of Primary Industries—Fisheries is working with RMS and Varley Group to issue all necessary approvals for recovery and clean-up operations in the Port Stephens-Great Lakes Marine Park. Department of Primary Industries—Fisheries

is also alerting fish trawler operators of the risks associated with submerged containers that may present a hazard to trawl operations. Ongoing maritime safety information broadcasts are being issued. Further, local advice is being provided by Marine Rescue in local broadcasts to alert recreational and commercial fishers and boaters of potential hazards. Arrangements are in place with the Australian Border Force relating to Customs and quarantine issues for recovered containers and debris.

Members of the public are being asked to stay clear of any debris and containers and to call the maritime information line on 13 12 36 or Fire and Rescue NSW on 000 if they have any issues. This incident has had a lot of media exposure. RMS, in particular, has broadcast warnings to anyone who may be in the area. I have every confidence that if information needs to be provided to the public and locals in the area, that it is being provided by the relevant authorities. This is a unique situation that has occurred as a result of the large sea swells and it is being responded to appropriately.

Mr JUSTIN FIELD (15:06): I ask a supplementary question. Will the Minister elucidate his answer with respect to the risks associated with the cargo and debris that relates to Customs and quarantine? Is the Government aware of the contents of the 83 containers? What contents does it suspect presents a Customs or quarantine risk?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:06): Obviously issues relating to Customs and quarantine would be predominantly handled by the Federal authorities. I do not have that information with me at present. I am happy to take that part of the question on notice and refer it to those Federal authorities. We know the contents of some of those containers because it is washing up on the beaches. That is part of the response that is being led by the authorities in New South Wales. My observation from looking at the media coverage is that a lot of locals are keen to help with the clean-up operation. They are being encouraged to allow the authorities to lead this clean-up. We do not want to have further issues resulting from people putting themselves at risk, particularly if they are venturing into the water or potentially trying to clean-up matter that they should not be handling. They should leave the clean-up to the authorities.

As I said, from my observation, a lot of information is being distributed by the appropriate authorities in response to this incident. We do not want to make the situation worse by having enthusiastic members of the public who are wanting to help to have any ongoing issues as a result of this clean-up. I urge that everyone listens to the authorities in charge of the clean-up. I am happy to refer that part of the question to the Minister, who will liaise with her Federal counterparts, for a detailed response.

SYDNEY STADIUMS

The Hon. LYNDA VOLTZ (15:08): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, as Leader of the Government. Does the Minister stand by the Government's decision to release only a summary business case of the stadiums instead of a full business case? What does he say to taxpayers of New South Wales who want to know why the Government was trying to hide the full details and cost?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:09): I do not know how many times I have to give the same answer. I dealt with this earlier in the day when I gave a statement to the House. I spoke about it extensively last night. I have answered any number of questions about this matter in the House over the last four to six weeks. What more do Opposition members want? But I can understand why they are very focused on secrecy—

The Hon. Lynda Voltz: Point of order: My point of order relates to relevance and debating the question. I asked the Minister whether he stands by the Government's decision to release only a summary of the business case. I bring the Minister back to the question that has been asked, due to relevance.

The PRESIDENT: First, the Minister was not debating the question. Second, the Minister was being generally relevant. The Minister has the call.

The Hon. Mick Veitch: Just read the briefing note and we can all move on. We are here to help.

The Hon. DON HARWIN: I thank the Hon. Mick Veitch. I might just take his advice.

REGIONAL CULTURAL FUND

The Hon. TAYLOR MARTIN (15:10): My question is addressed to the Minister for the Arts. Will the Minister update the House on how the Government is supporting arts and culture on the Central Coast?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:10): Yesterday I told Opposition members that they would be hearing about the Regional

Cultural Fund [RCF] all week, and so they will be. This Government supports regions in New South Wales. Regional New South Wales knows it has a friend in this Government because it is delivering on the Central Coast and in the Lake Macquarie area. The Regional Cultural Fund is backing the single biggest investment in the regional cultural sector in the State's history. As I advised the House yesterday, the Government is funding 68 cultural projects from 12 regions across New South Wales, two of which are the Central Coast and the Hunter. The RCF will breathe new life into those communities. It is a significant investment, in particular in those areas, for art galleries. In the case of the Central Coast, it will fund a dance college—but we will hear more about that shortly.

Last week I was delighted to join the member for Lake Macquarie to announce that more than \$2 million has been allocated to projects in his electorate. This includes \$1,346 million for the development of the Speers Point multi-arts space. The project is to create a contemporary, architect-designed pavilion multi-arts space structure that will become a great multi-arts venue in the Lake Macquarie region. It is an interesting project because the council is engaging with architecture students at the University of Newcastle to create the design. The venue will feature an external stage and multi-arts zones that serve a dual function as break-out spaces for workshops, pop-up events and engagement programs. It will assist in driving cultural tourism and the creative economy in the region, attracting an estimated 30,000 to 45,000 additional people to the city every year, increasing the annual visitor spend in the region by \$1 million.

A further \$735,789 has been allocated for the completion of stage 3 of the Lake Macquarie City Art Gallery. The planned extension to the gallery includes a new exhibition display space, which will be a dedicated space for development and display of contemporary Aboriginal art. It also includes an outdoor covered area, refurbishment of the seminar room, additional collection storage, energy efficient upgrades to air conditioning, lighting and improved accessibility.

I also was delighted to visit Kariong to attend the National Aboriginal Islander Skills Development Association [NAISDA] Dance College, to announce \$117,164 to fund planning work for the Naya Wa Yugali Centre for International Indigenous Creative Learning at its Central Coast campus. This funding will be used to develop a design and business framework with root partnerships to realise stage 1 of NAISDA's growth strategy to develop its current New South Wales Central Coast campus into a flagship international precinct. The name Naya Wa Yugali means "we dance" in Darkinjung language. NAISDA is a successful college. Eight of Bangarra's dancers come from NAISDA. I am delighted that the Government is supporting NAISDA.

TAXI INDUSTRY ASSISTANCE PACKAGE

The Hon. PAUL GREEN (15:14): My question is directed to the Minister for Resources, representing the Minister for Transport and Infrastructure. Since the introduction of point-to-point ride sharing platforms such as Uber, the State Government has responded with the introduction of taxi hardship provisions. Will the Minister update the House on the total number of claims and value of claims paid out to taxi drivers under these hardship provisions under the industry assistance package? Further, what green slip reductions have been achieved by taxi operators to ensure a level playing field in the point-to-point ride sharing industry?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:15): I thank the Hon. Paul Green for his question, which requires a detailed answer. Therefore, I will take it on notice and obtain an answer as soon as possible from the Minister for Transport and Infrastructure.

GOVERNMENT PRODUCTION OF DOCUMENTS

The Hon. PETER PRIMROSE (15:15): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, as Leader of the Government. Given the Government's repeated position until this morning not to comply with Standing Order 52 calls for papers on Sydney stadiums, the Powerhouse Museum and the Tune report, has the Premier expressed her support for him continuing as Leader of the Government in the Legislative Council?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:16): Yes.

MANUFACTURING SECTOR

The Hon. BEN FRANKLIN (15:16): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on the New South Wales Government's support for the advanced manufacturing sector?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:16): I thank the honourable member for his question. New South Wales has a thriving advanced manufacturing sector that is leading the way across Australia. New South Wales is home

to highly innovative, competitive and world leading manufacturers that are vital to the diversity and strength of the Australian economy. New South Wales manufacturers produce almost 30 per cent of the country's total manufacturing output. They also directly employ around 253,000 people, accounting for almost one-third of jobs in the sector, nationwide. Innovative companies across New South Wales cover a range of industries. I will list just a few examples: Quickstep in Bankstown is making components for the joint strike fighter, Flavourtech in Griffith is revolutionising how flavours and aromas are captured in food manufacturing, and Vitex's state-of-the-art facility at Eastern Creek is manufacturing pharmaceuticals for export to rapidly expanding markets across Asia.

Our manufacturers keep the economy turning, provide vital products and, most importantly, create employment opportunities that support families and communities across the State. However, to continue to achieve success in a rapidly evolving world, manufacturing firms need to be outstanding in their field. What matters most is not so much what a firm makes, but how it makes it. That is what defines advanced manufacturing. Firms need to use cutting-edge technology and have robust business models that deliver now and well into the future. They need to stand out in the global market. The good news is that by seeking to lead the world and use the best technology and the latest processes, firms can increase employment.

The story of Grahame and Wendy Aston at PPC Moulding Services in Villawood is a great demonstration of this. PPC is an advanced manufacturing firm that has increased its workforce from 20 people in 2007 to more than 250 employees today. It has significantly expanded its production capacity, all while investing in the latest in robotics and automation. Its investment has kept manufacturing jobs in New South Wales. It has allowed PPC to address work, health and safety issues, increase productivity and, most importantly, attract new business. PPC should be commended for its vision and leadership in the industry.

New South Wales needs more businesses like this.

The New South Wales Government believes our State needs a strong manufacturing sector to unlock the opportunities the future holds. That is why we have worked with firms and stakeholders across the industry to develop the Advanced Manufacturing Industry Development strategy. The strategy will help to improve collaboration between the industry and our research institutions, ensure the industry has access to the skills and the workforce it needs for success, promote the adoption of the latest in technologies and processes, and support our manufacturers to grow exports and attract the investment they need to thrive.

We want New South Wales firms to build on their strengths and seize new opportunities for success. We want them to be driving change and innovation. If we support our sector in achieving those goals, our manufacturers can continue their vital role supporting jobs, families and communities across the State. This strategy is part of critical planning for the future that the people of New South Wales expect from their government, and that is something this Government is committed to delivering. New South Wales has some outstanding businesses that are taking on the globe and we need to support them. The key with this strategy is that it is being driven by industry. We have worked with them, we have listened to them and now we are going to support them.

PRESCHOOL PARTICIPATION RATE

Reverend the Hon. FRED NILE (15:20): I address my question to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, representing the Minister for Education. Will the Minister describe how the Government assists mothers who choose to nurture their children at home until they reach the age of five years? Will the Minister explain why only 72.5 per cent of all New South Wales based children are enrolled and attend 600 hours of preschool in the year before school compared with 97.3 per cent in Victoria, 88 per cent in Queensland, 93 per cent in Western Australia, 93 per cent in South Australia and 96 per cent in Tasmania of children the same age? Why does New South Wales have the lowest participation rate? What action is the Government taking to increase the New South Wales rate of participation for children under five years where parents require this service?

The PRESIDENT: Order! I remind the Hon. Greg Donnelly that he is already on one call to order.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:22): To make things a little easier—even though a large part of the question is within the portfolio of the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education—I am happy to take the question on notice. Perhaps the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education might like to respond further at the end of question time or supply an answer subsequently. That is a matter for her.

FAMILY AND COMMUNITY SERVICES FUNDING

The Hon. ERNEST WONG (15:22): I direct my question to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given today's announcement of an additional \$59 million for Family and Community Services, what is his response to concerns that this is an insufficient amount that is less than 2 per cent of the Government's combined spend of more than \$3 billion on stadiums and the Powerhouse Museum relocation?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:23): As I have previously explained to the House, I do not represent the Minister for Family and Community Services in this Chamber. As the Leader of the Government, I am happy to take the question on notice and get a response from the Minister for Family and Community Services. The relevant Minister in this Chamber will respond on another occasion.

DISABILITY AND INCLUSION PROGRAM

The Hon. SHAYNE MALLARD (15:23): 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 the implementation of the new 2018 Disability and Inclusion Program?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:24): I thank the Hon. Shayne Mallard for his question. The Liberal-Nationals Government knows that no matter who they are and no matter where they live all children deserve the same level of access to early childhood education. That is why this Government has invested \$30 million in 2017-18 to enhance participation and educational outcomes for children with disability and additional learning needs in early childhood education.

The 2018 Disability and Inclusion Program provides funding and support to enable children with disability and additional learning needs in community-based preschools to participate in a quality early childhood education program on the same basis as their peers. This unprecedented program is delivering more support for services to engage children with disability and additional learning needs. It has increased funding for children who need it the most and provides a streamlined approach for families. The program's activities are aligned with support arrangements available under the National Disability Insurance Scheme and the Start Strong early childhood education funding model.

In April this year, Start Strong equity funding payments for children with disability and additional learning needs were made to 484 services across New South Wales. That means that children at 484 services around the State will benefit from increased access to early childhood education, thanks to this spending from the Liberal-Nationals Government. Funding improves affordability of early childhood education for families of children with disability and additional learning needs, as they now qualify for the lower daily fee rate at their service which is keeping more money in back pockets of these New South Wales families.

Children who receive a quality early childhood education arrive at school better prepared to learn and engage. The benefits of early childhood education can last a lifetime. Research also shows that meaningful participation in quality early childhood education is crucial to achieving equitable education outcomes for children with disability and additional learning needs. In addition to Start Strong equity funding, High Learning Support Needs funding payments have been made to more than 450 services across New South Wales to support the educational needs of children who have constant and ongoing support requirements to enable their attendance at preschool. This is another example of the way this new program is targeting funding to children who need it most. Thirty-one services have received funding for minor construction projects and specialised equipment to enable children with high learning support needs to access and participate in the educational program on the same basis as their peers.

In addition, the Liberal-Nationals Government is delivering for our communities through the Sector Capacity Building Program, which will commence next month. The Sector Capacity Building Program is a training and support program for preschools and was developed in response to the many suggestions raised by services at consultation sessions held across New South Wales last year. Services will be assigned a program provider and the levels of support will vary depending on their circumstances and needs. The Sector Capacity Building Program will provide services with regular site visits, telephone and email support, a coaching and mentoring program, an online self-assessment of inclusive practice tool and an online resource platform.

The 2018 Disability and Inclusion Program will also offer scholarships for early childhood teachers in early intervention with a specific focus on early childhood development, and a range of professional development opportunities for all early childhood educators to raise the capacity of our already highly professional workforce. As we can see, this Government is committed to delivering quality educational supports for our young children

with disability and additional learning needs in New South Wales. I am sure all members would agree that investing in early childhood education is crucial, but particularly crucial for those children with disability and additional needs. I am pleased that we are able to provide that through this program. [*Time expired.*]

LICENSED SHOOTERS HUNTING ZONES

The Hon. MARK PEARSON (15:28): I address my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, representing the Minister for Police. When a landholder has granted permission for licensed shooters to shoot at animals on their property, are those licensed shooters permitted to continue to shoot at animals that have moved on to an adjacent property where they do not have permission from the landowner to shoot?

The Hon. Dr Peter Phelps: Point of order: The Hon. Mark Pearson has asked for a clarification of a legal matter in relation to a point of law. That is outside the standing orders and he should be ruled out of order.

The PRESIDENT: I will look at the question. I uphold the point of order. The question is seeking a legal opinion from the Minister. Notwithstanding that the Minister is keen to answer, the question is out of order.

POWERHOUSE MUSEUM RELOCATION

The Hon. SHAOQUETT MOSELMANE (15:29): My question is directed to the Minister for Resources, Minister for Energy and Utilities and Minister for the Arts. Does the Minister stand by the Government's decision to only release a summary business case of the Powerhouse Museum move instead of the full business case? What does the Minister say to the arts community that wants to know why the Government was trying to hide the full details and cost of the move?

The PRESIDENT: Order! Members will cease interjecting. I am sure that the member wants to hear the answer and does not want hear from the Hon. Walt Secord or the Hon. Dr Peter Phelps.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:30): Yes, I do stand by that decision. Opposition members will not have to wait much longer until they can read more about the project. Let me tell you, once they have a look at the final business case, my goodness gracious me, the wind will well and truly be taken out of their sails because they will see what a good project this is and how well it stacks up. Am I concerned about the fact that they are going to, as a result of what I announced earlier in the Chamber, be able to see that final business case? Not at all.

I do not resile from any of the statements I have previously made. Consistent with their status and consistent with the conventions of the House, Opposition members will be able to see that information after 5pm on Friday. This is a project of which I am really proud. We saw the Opposition and others drag the former Premier into the museums and galleries inquiry. We saw them drag in Mr Bay Warburton. What did they get? It would not even be enough to fill a tea urn! Honestly, all that this lot have been doing today is trying to create a bit of a smokescreen about what we all read this morning in the *Australian*. The only secrecy we should be concerned about—

The PRESIDENT: Order! When I stand, everyone sits. I intend to make a few comments when I sit down. I would appreciate if all members would remain seated and not interject when I make those comments. Firstly, a habit appears to be regularly occurring that when a member is speaking other members seem to want to stand and scream. When I give a member the call, that member and that member alone should stand to speak, and others should resume their seats. Members will cease this behaviour. Secondly, the Leader of the Government should not scream across the table. If I recall correctly, there is a ruling of then-President Harwin indicating that a Minister should not respond to interjections. I remind the Leader of the Government of that excellent ruling. Thirdly, the interjections are clearly disruptive and will cease.

The Hon. DON HARWIN: Enough on secrecy. I think we will hear a bit more about secrecy and how that relates to the Opposition on future days.

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

ILLAWARRA CHILDCARE CENTRE

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:34): Yesterday, I was asked a question by the Hon. Courtney Houssos in relation to sanctions on an Illawarra-based childcare provider, Early Years Care. I took

the question on notice and said I would come back to the member with an answer today. I can inform the member and the House that Illawarra Early Years Care operates as a family daycare service. As the member would know, funding of family day care is the responsibility of the Commonwealth Government. All sanctions that have been issued to Illawarra Early Years Care were issued by the Commonwealth Government. As such, further questions need to be directed to the Commonwealth.

Deferred Answers

POWERHOUSE MUSEUM RELOCATION

In reply to **the Hon. COURTNEY HOUSSOS** (2 May 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 this information is contained within the final business case, which will be provided to the Legislative Council by 5.00 p.m. Friday, 8 June 2018.

NATIVE VEGETATION

In reply to **Dr MEHREEN FARUQI** (2 May 2018).

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

Local Land Services provides a public register of all applications for certifications and notifications under the Land Management (Native Vegetation) Code on its website. This register is updated frequently.

Bills

MISCELLANEOUS ACTS AMENDMENT (MARRIAGES) BILL 2018

Returned

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

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2018

Returned

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

FORESTRY LEGISLATION AMENDMENT BILL 2018

First Reading

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

The Hon. NIALL BLAIR: According to sessional order, I declare the bill to be an urgent bill.

The PRESIDENT: The question is that the bill be considered an urgent bill.

Declaration of urgency agreed to.

The Hon. NIALL BLAIR: I move:

That the second reading stand as an order of the day for the next sitting day.

Motion agreed to.

GOVERNMENT SECTOR FINANCE BILL 2018

GOVERNMENT SECTOR FINANCE LEGISLATION (REPEAL AND AMENDMENT) BILL 2018

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. MATTHEW MASON-COX (15:37): I support these important bills from the Treasurer. I note in particular the important nature of this as part of the Government's financial transformation process, which has occurred since we first came into Government in 2011. I remember just how difficult it was in those early days to gain an understanding of the actual position of a range of Government agencies, and the nature of the information systems which managed the data in Government agencies.

At the time, Treasurer Mike Baird embarked on a transformation process that looked at the information systems in particular of those Government agencies and worked through a process of standardising those information systems so that we could bring together, at an agency level, a set of accounts which detailed to the requisite level all of the agency outgoings and the revenue provided to them from the budget.

It was a significant process, as well as a significant investment of funds, to change the management information systems of government agencies. Since that time there have been a range of changes as a result of that financial transformation process and these bills are a continuation of that process. In particular, the bills seek to consolidate the range of legislation that affects the financial processes of agencies and I commend the Treasurer for making these long overdue but necessary changes. The bills also contain a range of provisions to improve the transfer of information between agencies in the way that they report, and to improve accountability within the public sector.

I will relate to the House one instance that was very instructional at the time—perhaps it will help to give a picture of just how bad things were in the early days. At that time I was the Parliamentary Secretary to the Hon. Greg Pearce. The Minister had requested information about the expenditure on information systems across government. It took a number of weeks for that information to come, and the best information we could consolidate across the whole government sector was an estimate on what was spent on infrastructure for information technology. No-one really knew precisely how much was spent. That explained in a nutshell the difficulties of the government information systems at that time. We have now progressed to the point where we have proper line entry systems, and this has resulted in the transformation of expenditure accountability across government. I repeat: These bills take the whole process to the next stage.

I will now comment on a few aspects of the bill, which will also be dealt with at the Committee of the Whole stage. I refer first to the follow-the-money provisions. This reform has been long called for by eminent authorities like the Auditor-General. Indeed, the Legislative Assembly Public Accounts Committee has asked for these changes to be brought forward so that we can look beyond government agencies at the flow of moneys into those contracting relationships with third parties to ensure that there is proper value for money. That would involve the Auditor-General being able to establish a performance audit, for example, in relation to a major contractor for an infrastructure project in the private sector to ensure that funds are accountable. In the area of out-of-home care, the Government spends billions of dollars. Family and Community Services, in particular, provides significant funds to non-government organisations. For many years there has been widespread concern about the efficacy of those relationships and about the contract management of those relationships by Family and Community Services.

I do not want to go into the history of that in this debate but the time is coming for a reckoning of that issue. I note that follow-the-money provisions exist in other Australian jurisdictions but the overwhelming authoritative precedent is that the Government should be looking beyond its own boundaries to ensure that the many billions of dollars of public money it expends on behalf of the people of New South Wales are properly spent and that it is held accountable through those processes. That also has potential impacts for the private sector. How far do we wish to go? Should thresholds be applied? Should there be carve outs? Should there be some sensitivity to the impact the Government may have on the public sector? Those things need to be sorted through carefully. The Auditor-General is of the view that this power is well and truly overdue in New South Wales. I note that the amendments The Greens have put forward try to seize this moment. They want to see if something of that nature can be introduced by way of amendment to the current bills before the House.

In principle I agree with what The Greens have put forward, which is also supported by the Labor Party and elements of the crossbench, but I am concerned to ensure that the detail is absolutely 100 per cent. I have asked the Treasurer for some more feedback, and discussions will continue as this legislation is finalised. I agree in principle with the direction the amendments have taken but at this point in time I cannot say whether or not I will support them. However, I think it unlikely at this stage because the devil is obviously in the detail.

I note that the Modern Slavery Bill 2018, which is currently before the other House, will have some amendments to the Public Finance and Audit Act as part of its amending schedule. I am advised that the other House will consider that bill later this evening and it is likely to come to this House tomorrow. It is difficult to pre-empt what will be decided in the other House and whether there may be an implication for the bills we are currently dealing with. I have sought some advice on this issue. It has been suggested that this should be able to be dealt with by way of amendment to the Modern Slavery Bill, rather than by any amendment to the current bills. I bring that caveat to the attention of the Parliamentary Secretary to reflect on in his reply. However, I suspect it can be efficiently dealt with by way of amendment to the Modern Slavery Bill, depending on what form that bill takes in the final analysis.

I turn now to The Greens amendment concerning the Legislative Assembly Public Accounts Committee. This is a very important amendment. The Legislative Council Public Accountability Committee was established on 15 March 2018. That committee is a reflection, with some variation, of the Legislative Assembly Public Accounts Committee. It has been the view of this Chamber for some decades now that there is a disparity in this

Parliament in relation to how oversight of the Auditor-General's function exists between the two Chambers. I repeat: the Public Accounts Committee is a committee of the other place. The Public Accountability Committee was set-up to ensure that this House had an opportunity to review, in a more meaningful way, the reports of the Auditor-General to this place, as well as to have the opportunity in a specialised forum to be briefed by the Auditor-General and to question the reports.

I must say, as the deputy chair of that committee, it has been a very successful process to date. Under the chairmanship of Reverend the Hon. Fred Nile it has been very enlightening to have our first meeting with the Auditor-General and hear from her about the performance audits she has been conducting and the new role the Auditor-General has been discharging in auditing local government, and to understand some of the systemic issues that have come out of those initial audits and the implications of that for local governments and, indeed, more widely for this State—noting, of course, that local government is a creature of this State. In that regard, it has been a valuable exercise. I note the terms of reference that we are undertaking in relation to the future of the Public Accountability Committee, which contemplate the establishment of a joint Public Accounts Committee involving this House jointly with the other place.

Under the existing Public Finance and Audit Act, the Public Accounts Committee, as I said earlier, is a creature of the other place only. I will just reflect upon some of the history to give members some perspective as to how this has come about. I note that it has long been a contentious matter between the two Houses that in 1978 a joint committee on public accounts and financial accounts of statutory authorities was formed with five members from the Legislative Assembly and three members from the Legislative Council. I note that the committee recommended that the Public Accounts Committee be a joint committee comprising five members of the Legislative Assembly and three members of the Legislative Council. This recommendation was not adopted in subsequent Parliaments. Indeed, in 2001 the Hon. Doug Moppett, MLC, revisited this issue by moving a motion seeking the concurrence of the Legislative Assembly to the appointment of three members of the Legislative Council to the Public Accounts Committee. I note that in speaking to that motion Mr Moppett observed:

... the reason that the Public Accounts Committee is a committee of the lower House only is based on the mistaken view that the budget papers presented each year are the province of the lower House only.

I know that you will be very interested to hear, Mr Deputy President, that former National Party member Mr Moppett continued to say:

If we are to scrutinise public administration more effectively ... it is vital to expand the composition of the Public Accounts Committee to include members of the LC. That is not a revolutionary brainwave that I had one night; the idea has grown steadily in areas of responsible administration ... it is all very well to have fond aspirations and pious hopes and to dwell in the land of easy platitudes, but ultimately, if we are to face the reality of governance, we must be responsible for funding programs and reporting in an informed, clear and transparent manner to the people whom we represent and who contribute to the public coffers.

I note that the Government opponents of the motion pointed at the time to budgetary matters being the traditional purview of the lower House, as were reports of the Auditor-General itself, which, at the time, were tabled only in the Legislative Assembly. Today, as we all know, the Auditor-General's reports are tabled in both Houses, but, again, there is no ready mechanism for their review by the Legislative Council before the appointment by this House of the Public Accountability Committee.

It is overdue that we revisit this issue and use this opportunity, as I note The Greens foreshadow, to introduce a joint Public Accounts Committee with membership from both Houses of Parliament. It happens in most competent jurisdictions—indeed, it happens in the Federal Parliament. The amendments suggested by The Greens propose that four members from this place and four members from the other place together would form that committee, with the chair being a non-government member appointed by the committee with the standard procedures being as agreed by the committee, naturally following either the procedures of this place or the procedures of the Legislative Assembly.

I note that if this were to proceed it would crystallise a very important reform that would see a non-government chair of one of the most important oversight committees in this place in so far as the public finance administration of the State of New South Wales is concerned. I believe it is overdue; it has been recommended by the Auditor-General previously, it has been recommended by the Public Accounts Committee previously and I believe its time has come. We have duplicated the process with the Public Accountability Committee in this place, which is redundant in the face of the proposed amendments of The Greens because this reform will, for the first time, bring together the two Houses in the role that has been foreshadowed and envisaged and confirmed in other Parliaments around this country to provide the sort of oversight that should be provided by Houses of Parliament in relation to the expenditure of public funds.

I trust that the Government will consider this in detail. I have tried to speak to the Treasurer in this regard and I have spoken to Treasury officers as well as other members in this place. I trust that this is something we can work together on that would be acceptable to this House tonight. I conclude by quoting comments made by Reverend the Hon. Fred Nile in relation to the establishment of the Public Accountability Committee on 15 March 2018. He said:

There is no more important issue to the Legislative Council as a House of review than the full accountability and transparency of the government of the day.

With those words, I commend the bills to the House and I seek the support of the Chamber for the amendments put forward by The Greens in relation to the reforms to the Public Accounts Committee.

The Hon. SCOTT FARLOW (15:56): On behalf of the Hon. Don Harwin: In reply: I thank all honourable members for their contributions to the debate on the Government Sector Finance Bill 2018 and the cognate Government Sector Finance Legislation (Repeal and Amendment) Bill 2018. In particular I thank the following members for their contributions: the Hon. Peter Primrose, Mr Justin Field, Reverend the Hon. Fred Nile, the Hon. John Graham and the Hon. Matthew Mason-Cox. In 2013, the Government made a commitment to update and refresh an outdated framework to guarantee and future-proof the robust financial management of our State.

As outlined in the second reading speech, our approach to financial management transformation, or FMT as it has been known across the public sector, has involved a three-pillar process. The first pillar is a new financial management system, known as Prime, which has enabled end-to-end management of the budget from the program planning stage to the allocation of funding, from tracking expenditure to the benchmarking of results. The second pillar is the outcomes budgeting framework—a suite of policies to support outcomes-based budgeting and reporting. This Government has already overseen the implementation of the first two pillars of this reform. The Government Sector Finance Bill and cognate bill represent the third and final pillar of the reform. Together, these bills will deliver reforms that strengthen accountability, transparency, performance and innovation in the New South Wales Government.

This legislation, developed through an extensive consultation process with the broader Government sector, delivers financial management legislation that is modern, innovative and transparent. It will be an exemplar of good governance. It is a sensible reform and will make government more accountable yet more efficient by improving information sharing and reducing red tape. It will strengthen the Government's focus on performance through outcome budgeting, enhancing the quality and effectiveness of public expenditure. It will deliver better value on the State banking tender, facilitating access to innovative financial services from a broader range of providers, and it will introduce better cash management practices, reduce the State's interest expenses, improve debt headroom and, of course, protect the State's triple-A credit rating.

In short, this legislation shows that this Government is firmly of the view that to deliver the best on the front line we must optimise our back office, and this is what these two bills will achieve. To ensure a smooth transition, the reforms under these bills will be carried out in stages. The first stage is proposed to commence on 1 July 2018 and will be for all provisions except those relating to financial services and arrangements, act of grace payments, gifting of government property, annual and finance reporting, budget papers, the Auditor-General, statutory deposit accounts and appropriations.

The second stage is proposed to commence on 1 December 2018 and will implement the new financial services and arrangements provisions. The remaining and final provisions are proposed to commence on 1 July 2019. I acknowledge the considerations raised by members during debate and would like to address some of the concerns raised. In particular, I note the concerns with the Sydney Motorway Corporation and its coverage under the Act. The Government Sector Finance Bill 2018 covers all government entities responsible for managing the State's resources and their controlled entities. The bill harmonises the different scopes and definitions that exist under the current Acts.

This harmonisation has led to some entities being subject to parts of the framework which they previously were not covered by. For example, State Owned Corporations will now be subject to the banking provisions. The reason for this harmonisation is to ensure that all entities responsible for managing the State's resources are subject to the principles enshrined in the Act. However, the bill is drafted to ensure flexibility in how the framework will apply to different classes of entities. For example, while State Owned Corporations are currently unable to move money to the centralised cash management system, the new framework will allow the government of the day to decide how the State's banking arrangements will apply to the State Owned Corporations.

The Sydney Motorway Corporation is an agency now and an agency following the passage of this bill. I note the comments of the Hon. Matthew Mason-Cox with respect to the Modern Slavery Bill, which is in the other place at present and has passed through this House. I am advised there will be subsequent amendments made to that bill to encompass the provisions outlined in this bill. I will make some comments with respect to the contributions regarding follow-the-dollar powers. I will have further to say on this in Committee. I note that an outcome of the Government Sector Finance Bill and cognate bills is a separation of the public financial management legislation and legislation relating to the Audit Office and Auditor-General into two separate Acts, the Government Sector Finance Act 2018 and the Government Sector Audit Act 1983 respectively.

The Treasurer has made it clear that any discussion on the authority of the Audit Office to evaluate the spending of government funds by external organisations, such as non-government organisations or private sector partners, should be discussed in the context of changes to the Government Sector Audit Act 1983. Follow-the-dollar powers for the Auditor-General would mean that the remit of the Auditor-General would extend beyond the government sector into the private, charitable and non-government organisation sectors. As such, in considering any proposal to give the Auditor-General follow-the-dollar powers, it is appropriate to consult those potentially affected by the new powers for the Auditor-General. To do otherwise would be imprudent and may have unintended and undesirable consequences. Follow-the-dollar powers should only be considered following public consultation in the context of changes to the Government Sector Audit Act 1983. In short, the proposed amendments have not been properly considered or thought through and any proposal of this kind should be rigorously reviewed before being implemented. I will turn to the amendments at the Committee stage.

I commend NSW Treasury for the extensive consultation process it has undertaken with the whole of government in making sure this reform has the support of government agencies. I note the commentary regarding the role of Treasury by some honourable members. This consultation process will ensure that these bills will ultimately support the work of this Government in providing the essential services and infrastructure that we all rely on. The Treasurer will work to ensure this consultative approach will continue throughout the implementation of these reforms. I thank the tireless work of the financial management team at NSW Treasury for their extensive efforts since 2013 to bring this reform to fruition. I commend the bills to the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that these bills be now read a second time.

Motion agreed to.

The Hon. SCOTT FARLOW: On behalf of the Hon. Don Harwin: I move:

That consideration of these bills in Committee of the Whole stand an order of the day for a later hour.

Motion agreed to.

WATER MANAGEMENT AMENDMENT BILL 2018

First Reading

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

The Hon. NIALL BLAIR: According to sessional order, I declare the bill to be an urgent bill.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that the bill be considered an urgent bill.

Declaration of urgency agreed to.

Second Reading Speech

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:06): I move:

That this bill be now read a second time.

I am pleased to present the Water Management Amendment Bill 2018 to the House. It is a bill that follows on from the important reforms that this Government has already made for the future of water management. Water is life. Every community and every ecosystem in this State, from Broken Hill to Byron Bay, relies on water. The Government has a responsibility to the people of New South Wales to take an equitable and transparent approach to the management of our water now and for future generations.

In December 2017 I announced the Water Reform Action Plan, a blueprint to reform water management in this State. The plan is based on the values of transparency, equity and fairness as well as our desire to move towards the world's best water management framework in New South Wales. This bill makes the legislative

amendments required to implement that action plan. In recent times we had to confront some difficult challenges and make some tough decisions. In the wake of allegations of water theft, I had no hesitation in asking Ken Matthews to examine the issue of water compliance in New South Wales. He had a blank canvass to work with and the picture he painted was troubling. When he handed down his preliminary report last September, it was clear that action had to be taken.

Since September we have been working to enhance our compliance capacity and improve transparency and accountability. This bill will enhance the steps we have already taken. This Government takes seriously the need to restore confidence in water management in New South Wales. It is timely to remind everyone of the substantial actions we have already taken. The Government has established a Lands and Water Division within the Department of Industry to put in place a new executive team of the highest integrity. It has set up a dedicated water renewal task force to work with stakeholders. Many of the matters laid out in the bill before us today have been shaped by those consultations. The Government has created the Natural Resources Access Regulator [NRAR], an independent body to oversee the compliance and enforcement of water regulation in New South Wales.

The regulator commenced operation on 30 April 2018 and has hit the ground running overseeing compliance activities across New South Wales. The regulator is chaired by respected former New South Wales Minister and former chair of the Murray-Darling Basin Authority, Craig Knowles. Since accepting that role Mr Knowles has been appointed Consul General to Auckland and will take up that position in coming months. I am pleased to advise that he has agreed to remain in the role of independent chair of NRAR for the immediate future to provide a smooth transition and consistent application of the reforms contained in this bill and the broader water reform agenda, particularly during the next phase of regulatory build-up and implementation.

Many of the amendments in this bill provide the independent regulator and departmental staff with the legislative powers they need to ensure strong compliance and enforcement. This is a small but critical step in delivering our vision for water management in New South Wales, more of which I will discuss later.

It is imperative that water is used and shared in an equitable and transparent manner, taking into account the various demands between the environment and water users, including urban and rural communities, our food and fibre producers and other industries. The water reform action plan highlights three areas for action and discussion with the community: metering of water take; the establishment of a public register of water information to improve transparency; and better management of environmental water. To ensure we get this right, we have been seeking feedback from the community to shape these decisions and enable their effective implementation. The changes called for in the water reform action plan are significant and must be workable. That is why I released an exposure bill for public consultation to ensure people understand the changes we want to make and why they are important.

My department spent time undertaking genuine consultation. We did not present final policies, we presented options. We asked for feedback on those options, whether they were practical and whether there were issues we had not thought of or considered. As part of the month-long roadshow, we held 20 consultation events, spoke to more than 350 stakeholders and received more than 250 formal submissions. Four main concerns were evident from the consultations. First, we need to simplify the rules that manage water in this State. Secondly, we must make information more transparent for the public. Thirdly, we must find solutions to better managing environmental water in the northern basin. Fourthly, we must keep talking with our stakeholders on environmental policies.

I will return to each of the key reform areas. The Government wants to improve the standard and coverage of meters so that licensed water take is accurately and reliably measured. We are not starting from zero. A number of meters are already installed in irrigation communities across New South Wales. At the moment, metering is widespread across the southern basin. The northern basin had until 2020 to install meters under grandfathering arrangements agreed to in 2009 under the National Framework for Non-urban Water Metering. Meters are also installed in other parts of the State, including the Hawkesbury Valley and Bega Valley. We must rebuild community trust and better monitor compliance with water-sharing rules. Meters are the basic tool that will help us achieve those outcomes. However, we are conscious of not imposing significant costs on the smallest and lowest risk water users.

The consultation paper on metering asked the community how we could best do this. It asked questions about when a meter should be required, the types of metering equipment that would be required, how metering requirements should be rolled out and who should own meters. While both the Matthews report and the Murray-Darling Basin Water Compliance Review recommended a policy of "no meter, no pump" across New South Wales, both reports suggested this may not need to cover 100 per cent of licensed water take. I can report that there was strong support for requiring the large majority—up to 95 per cent—of licensed water take to be metered.

Today I can outline the Government's policy on this matter. First, the bill before us enables all licence water extractions in New South Wales to be metered. We are setting the bar high with confidence that the vast majority of water users are willing to jump. However, the bill also provides for exemptions to be developed in regulations. This will enable us to take a staged approach to reaching our metering goal without causing unnecessary financial harm to our smaller users. Secondly, I can announce the detailed metering requirements on which we will seek further community views later this year. We propose metering for all licensed users with pumps, pipes, or offtakes of 100 millimetres or larger for surface water or bores of 200 millimetres or larger for groundwater. To ensure that the coverage of meters improves and does not decrease, anyone who holds a licence that currently requires a meter will be required to keep and maintain that meter. This will capture approximately 95 per cent of the existing infrastructure capacity to take licensed water in New South Wales but will avoid undue cost burdens on the smallest users.

There were mixed responses to our consultation paper on measuring water take, which put forward the principle that users pay for the costs of installing and maintaining meters but asked stakeholders whether meters should be privately owned or owned by government or whether there should be a mixture of options. The Government proposes that meters be privately owned. This will help to ensure that responsibilities for compliance concerning faulty meters are clear. It will ensure also that users have the freedom to install the meters that best service their business and farms. However, we are aware of the concerns of those who currently hold a government-owned meter and we will consult with them before finalising any policy.

In addition, we asked for feedback on how to ensure that meters can be audited, are accurate and verifiable. We heard from the New South Wales Irrigators' Council, the Murray-Darling Association, the Commonwealth Environmental Water Holder and the Barkandji Native Title Group Aboriginal Corporation that it was important to have accurate tamper-proof meters. We also heard that transitional arrangements are required so that everyone has time to get on board with the new requirements. It would make sense to require existing accurate tamper-proof meters to be pulled out of the ground. We are proposing to require users to verify the accuracy of their existing meters or install new pattern-approved accurate meters. We are also proposing that telemetry be required to be installed for those above the threshold. We will continue to consult with the community on the pathway to achieving this objective.

Telemetry assists with responsible water management and compliance and also provides substantial benefits to farmers and their businesses. It will help farmers invest in their business for the long term and assist moving from precision agriculture—the use of remote sensors to gather information—to decision agriculture, which is knowing how to apply it and everyday farm decisions. In addition, we are proposing a four-stage rollout over several years, starting with the largest users in New South Wales. Those users will be required to have accurate tamper-proof meters with telemetry installed by December 2019.

We recognise that a number of market barriers could impact on the rollout of the metering framework but we are working with and supporting the market to address those barriers so that accurate meters can be installed on time. We are working with Irrigation Australia to increase the number of qualified installers in the market to meet the demand for meter installations. We are also funding the Manly Hydraulics Laboratory to test and accredit large meters as part of the pattern approval process. We will continue to consult with the community, water users and the metering market to ensure that these requirements are effective and practical.

The community was also in favour of stronger compliance in New South Wales and a more transparent enforcement framework. The regulator and the department are already being equipped with better tools and increased funding to ensure more boots are on the ground. Stakeholders, including the Environmental Defenders Office [EDO], Namoi Water and the Northern Basin Aboriginal Nations, supported increased powers for the regulator. The bill includes additional water management compliance powers, including the option of accepting enforceable undertakings and directing a compliance audit to be undertaken, as well as authorising the regulator to share intelligence with other authorities, including other jurisdictions.

Stakeholders including the New South Wales Aboriginal Land Council, Cotton Australia, the Ricegrowers Association and the Northern Basin Aboriginal Nations indicated that there is strong support for the publication of compliance actions. The Government has delivered on this by including an amendment to the Natural Resources Access Regulator Act to authorise the regulator to publish information about the exercise of enforcement powers, which may include information about the issuing of penalty infringement notices, stop work orders and other statutory compliance-related notices and directions. In response to submissions from EDO, Darling Irrigation, Northern Basin Aboriginal Nations and numerous private property owners, the bill will increase a number of maximum penalties to send a strong message about the seriousness of these offences.

This Government is committed to improving transparency in how we share, allocate and manage water.

Greater transparency will give all stakeholders confidence that water is being used in accordance with the rules, whether for the environment or production. We asked the community for feedback on how we can make it easier for water users and the public to access and understand information about water licences and approvals, as well as information about when water can be taken and whether there are any risks with the proposals that need further consideration.

The community told us that it wants ready access to water information. There was strong support for a comprehensive, one-stop public register from stakeholders, including NSW Farmers, the Environmental Defenders Office, the Inland Rivers Network, the Murray Darling Basin Association, the Murrumbidgee Private Irrigators and many private property owners. In response to feedback, we have made changes to provisions in our exposure bill to more explicitly require the creation of a single public register. This will provide a competitive range of information about licences and approvals in place and make it more accessible to the public. A key concern for water users relates to the proposal to publish real-time water account balances and meter readings. Users told us that individual water account balances contain commercially sensitive information, especially if published in real time.

Submissions from the community suggested that there are options that can improve the transparency of the water usage information while managing commercial risks in the market. We will continue discussing those options with affected stakeholders before a final decision is made. We will need to implement those measures in stages. Initially I want to ensure that information that is already publicly available but hard to access is user friendly. Then, as the coverage of measuring and telemetry improves across the State, we will make the appropriate decisions about how much detail should be published in consultation with water users and the community.

I now turn to the topic of environmental water. The Government is working hard to make sure that we have the tools and framework in place to improve our management of environmental water. This is a complex area and one that is not easy to solve. Environmental water is a key element of the health of our river networks. In recent years, there has been significant public investment in water for the environment. Held environmental water has grown from zero across the New South Wales northern basin in 2004—when the first water sharing plans began—to close to 370 gigalitres now in the New South Wales northern basin alone. It is vital that environmental water is well managed so that it can deliver its intended outcomes. To do this, the New South Wales Government convened an intergovernmental working group to assist in developing solutions, particularly in the unregulated systems of the northern basin. The Government also released a consultation paper and heard loud and clear that there is strong support for protecting environmental water, especially in the Barwon-Darling system.

In response, we have included additional tools in the bill to enable us to do this, including expressly providing that temporary water restriction orders can be used to manage water for environmental purposes. However, we also heard that we need to consult more on the details of the environmental water reforms so that people can identify how the proposals may affect them. This is an important aspect of our reforms and we want to understand what the impacts, if any, will be on existing water users and how we may be able to mitigate those impacts. Therefore, I have asked my department to consult further on environmental water reforms because we have to get it right.

The bill before us proposes a number of changes to the Water Management Act to streamline and simplify the water management framework. The changes will make the system easier to navigate for everyone over time. It is important that we make those changes now so that we can start the process of implementation and ensure that everyone has clarity to comply with and prosper under the new framework. We know that the bill is just the start of a long process to win back the confidence of the community. We need those amendments to reset our water management system and to get us to a point where we can start to implement a more rigorous system of compliance. We want the water management framework to be as simple and transparent as possible. Implementation of the reforms is going to take some work but we are committed to working with licence holders and the community to make the framework easier to understand and comply with.

The bill does three main things. First, it provides the building blocks for implementing the proposed water reforms for metering, transparency measures, including a single public register, and better outcomes for environmental water. Secondly, it streamlines, clarifies and provides certainty around the delivery of water management in New South Wales. Thirdly, it ensures that we are able to meet our obligations under the Basin Plan and intergovernmental agreements, including the delivery of New South Wales water resource plans.

I turn now to the detail of the bill. In relation to metering, the bill includes a number of provisions to support the implementation of the Government's proposed metering policy. Under the bill, holders of water supply work approvals will be required to install, use and maintain meters unless they are exempt. The exemptions will be set out in the regulations, which will be subject to consultation in the second half of 2018 and reviewed in five years to make sure that they are fit for purpose. The bill also allows for metering conditions to be included on

water access licences as well as licences still in force under the Water Act 1912. In addition, the bill allows for regulations to be developed for complementary matters that are critical for accurate and properly performing meters. The bill authorises the regulations to set the standards and requirements the meters must meet, including in relation to installation and maintenance, and for the protocol that must be followed in the event of a meter failure. In addition, the bill clarifies the offence provisions relating to a failure to install, use or maintain a meter, providing false or misleading information and failing to notify when the meter is faulty.

I now turn to transparency. The community told us that it wants a single location to find comprehensive information about water licences, entitlements, allocations, approvals and use. To address this, information required under the Act to be kept in a register should now be in one single public register. The requirements and components of the register may be made by regulation. Item [37] of schedule 1 will allow the Minister to authorise a website that provides information about whether take of water under water sharing plan rules is or is not permitted at a specific location at a specific time. Item [72] of schedule 1 will insert a new section in the Act to provide for evidentiary certificates which can be used to provide evidence to assist with prosecutions. That section addresses one of the key findings of recent reviews and investigations of water management in New South Wales about the lack of transparency for licence holders and the wider community about what water is able to be pumped and when.

I now turn to compliance. It is important that the legislative framework is able to be enforced and that the penalties for non-compliance are appropriate. The bill allows the regulations to prescribe a methodology for estimating the quantity of water taken for the purpose of taking action under section 60G for water illegally taken. The bill also enables the introduction of compliance audits and enforceable undertakings as new compliance tools. Written undertakings will be able to be accepted as an alternative to other enforcement action, including bringing a prosecution or civil enforcement proceedings. In response to what we have heard from the community, the bill will amend the Act to increase maximum penalties for offences. Tier 1 maximum penalties for corporations and tier 2 maximum penalties for corporations and individuals will be increased.

The Matthews report, the Murray-Darling Basin Authority Compliance Review and the New South Wales Ombudsman's report all provided a clear signal to the Government that compliance in water management needs to improve. A key to this is ensuring that maximum penalties are proportionate to the seriousness of the offence. Penalties need to be significant enough to prevent them being treated as simply a cost of business. The increase in maximum penalties is a clear signal to the community that the Government recognises the seriousness of these offences and is committed to achieving greater compliance by water users. Distinguishing between licensed water take and basic landholder rights has been a barrier to successful prosecutions in the past. That is why, as part of the package to strengthen compliance, the bill includes a new rebuttable presumption. The presumption will operate to assist in prosecutions for illegal water take where a licence holder takes water under both a licence and a basic landholder right.

Licence holders will need to show how much water was taken under their basic land holder rights instead of the regulator having to prove that the take was not basic landholder rights. This commonsense approach will not impact on people legitimately taking water under their basic landholder rights but it is necessary to stop people from flouting the law. This provision will not commence until the metering framework has been further discussed and implemented.

The bill also provides mechanisms to better protect and manage environmental water. Item [27] allows for the assignment or temporary trading of individual daily extraction components [IDELs]. Item [33] amends the Act to support assignment of individual daily extraction limits by requiring the assignment of IDELs to be recorded in water allocation accounts. The regulations may set out particulars that need to be recorded in the water allocation account. Items [60] to [61] will amend section 324 of the Act, which relates to the making of temporary water restriction orders. This amendment will expressly provide that the Minister may make a temporary water restriction order for the purpose of managing water for environmental purposes.

Item [90] will amend the Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012 to remove ambiguity in the interpretation of the individual annual take limit rule consistent with the original intent of the rule. Item [90] will also amend the Barwon-Darling Water Sharing Plan to remove the current complex and difficult to implement methodology for assigning IDELs, and allow for the plan to be amended in the future to include rules for the establishment and assignment of IDELs once an appropriate methodology has been identified. Item [90] will also amend a number of unregulated systems water sharing plans to allow for them to be amended in the future to provide for the active management of share flows.

The bill changes and expands the role of the Natural Resources Commission [NRC] in relation to reviews and audits of water sharing plans. An amendment to section 44 will also make the NRC responsible for carrying out an audit of water sharing plans within five years. The Minister, in conducting a review of non-water sharing management plans, will now be required to consult with the NRC in addition to the Minister for the Environment

and Energy. These amendments enhance the oversight role for the independent NRC. In relation to the Basin Plan, another set of amendments that form part of this bill are required to ensure that New South Wales can comply with its statutory obligations under the Commonwealth Water Act 2007 and the Basin Plan, as well as other obligations, including intergovernmental agreements. The recent uncertainty in the Senate about the future of the Basin Plan has been well documented.

The New South Wales Government is pleased the plan is back on track. It is an important endorsement of the new compliance steps that the Government has already taken. Now is the time to focus on making sure that the plan is implemented in a way that delivers the best outcomes for New South Wales and for the communities who have done a lot of the heavy lifting to get us to where we are today. The amendments are necessary to ensure that water resource plan requirements can be met by provisions of a water sharing plan where appropriate and address any inconsistencies arising between New South Wales and Commonwealth legislation. Importantly for licence holders, the bill makes it clear that where a right to claim compensation arises in certain circumstances, that right can still arise regardless of a water sharing plan being repealed and replaced prior to the end of its 10-year term to meet Basin Plan requirements.

The amendments will also enable New South Wales water resource plans to meet a Basin Plan requirement to describe how basin water resources will be managed during extreme water quality events, including setting out measures to meet critical human water needs during such an event in certain circumstances. The bill allows mandatory conditions to be imposed on a water access licence or approval by regulation. Prescribing mandatory conditions by regulation will provide a simpler, clearer and more transparent regulatory framework. This is consistent with the application of mandatory conditions by regulation under other legislation such as the Biosecurity Act 2015. Stakeholders raised some concerns about imposing mandatory conditions on licences and approval by regulation without consultation. The Government has listened to these concerns and the bill now provides at item [56] that a mandatory condition, other than one that is of a machinery nature or is minor in its effect, must not be prescribed unless it is publicly exhibited for at least 28 days.

Further, we heard concerns about the provision in the exposure draft bill that may have had the effect of restricting compensation. It was never intended that the ability to impose mandatory conditions by regulation would reduce water allocations. The Government realises that including this provision raised concerns with water users that we may have been proposing to reduce water allocations. Let me be clear: The Government will not be reducing water allocations by the new mandatory condition regulations and has removed this provision. The bill also makes retrospective changes to regulated river orders to ensure that boundaries are certain and consistent with where the Government intended them to be.

These amendments are necessary due to a recent case in the Court of Appeal about the location of a boundary of a regulated river for a particular water source. In that case, the court found that the relevant regulated river boundary was further upstream from where the department had taken it to be. The effect of that decision is that the licence holder's unregulated river access licence has now been replaced by a regulated river access licence. The proposed amendments will not affect this licence. However, this decision put in doubt a number of other boundaries between regulated and unregulated rivers across the State. This could have a number of unintended consequences for water users. For this reason the Government is taking steps to clarify the location of these boundaries. These changes will maintain the integrity of the regulated river systems by making clear where the boundaries between the regulated and unregulated rivers are, and provide certainty to water users, stakeholders and Government.

I will now address the issue of flood liability and the landholder negotiation framework. The bill expands the existing statutory protections to exclude Crown liability for the release in good faith of water for environmental purposes. It is normal for government to have statutory protections to carry out its necessary functions. These protections generally operate to limit claims that can be brought against government when it has acted in good faith. The Act already contains a number of statutory protections relating to the availability of water and the quantity and quality of water. As the Government explores ways to better manage environmental water, it has become clear that it needs to address a potential gap in the statutory protections under the Act when releases of environmental water are made. Government needs to be able to exercise this important function without fear of recourse.

I recognise that this may impact on landholders who may be affected by environmental water releases. I want to strike a balance in managing these impacts. That is why I am also putting in place a framework that will facilitate negotiations between affected landholders and government when making environmental water releases. The framework will provide a mechanism for landholders to raise issues and discuss mitigation. The Government will consult with affected stakeholders in developing the framework. The New South Wales Floodplain Harvesting Policy 2013 is currently being implemented in five northern valleys. Implementation of the policy in

the Gwydir and Border rivers area revealed issues that needed greater clarity and some refinements. Public consultation was carried out in March 2018.

One issue consulted on was how to deal with on-farm contaminated water. Stakeholders strongly supported the need to retain agriculturally contaminated water on farm. This is a positive step for the environment as it will stop agriculturally contaminated water from reaching our waterways. The amendment will enable management plans to provide that contaminated water can be captured even when licence holders have an insufficient account balance remaining. This will not be free water. The additional take will be paid back through future water allocations. The management plans will set out the circumstances under which contaminated water can be taken, including when it can be taken and the volumetric limits.

My vision for water management in New South Wales is a simple one: I want a system that is credible, certain, transparent and enforceable; one that is simple to understand, equitable in its application, easy to enforce and delivers the best outcomes for our people, our places and our economy. I want our water compliance framework to be the envy of the world. The people of New South Wales want a water management system that is simple and clear, but also a system that allows for local solutions and mitigation of adverse impacts on water users.

The Government's vision is for a much more robust, transparent and accountable system that promotes confidence that this precious resource is being managed efficiently, effectively, in accordance with the law and, above all, fairly. This future system is supported by the rollout of metering and enabled by telemetry, a move that will provide more accurate and timely information on the use and availability of water. This information has the potential to provide benefits for water users, the public and the Government. By being able to view more accurate and timely water usage information, water agencies will be able to monitor compliance and provide more accurate billing for customers.

Water users will also benefit, with greater information on their water resource use and availability helping to inform their on-farm operations and decision-making. The public will also be given greater access to information about our water resources and how they are being used. This vision will not be achieved tomorrow, but the measures I am announcing today represent a huge step towards making it happen. Indeed, with the changes I am announcing today, we are sending a clear signal to the market to prompt early market responses that will help realise this vision sooner rather than later. I commend the bill to the House.

Debate adjourned.

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I welcome to the President's gallery the Hon. Kayee Griffin, a former Deputy President of this Chamber. She is much loved and well respected. It is good to see her here.

Bills

KOSCIUSZKO WILD HORSE HERITAGE BILL 2018

Second Reading Speech

The Hon. BRONNIE TAYLOR (16:42): On behalf of the Hon. Niall Blair: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

Leave granted.

This bill recognises the cultural significance and heritage value of brumbies in the Kosciuszko National Park and sets a framework for their future protection and management. The new laws will require the Minister for the Environment to prepare a heritage management plan for the brumby, identifying areas within the Kosciuszko National Park where populations will be maintained, and setting rules around how brumby populations are managed. Before I go to the detail of the bill, I want to speak first on why this bill is important to me, as the member for Monaro, and important to my constituents, and why the New South Wales Government is introducing it.

Wild brumbies have been roaming the Australian alps for almost 200 years and they are part of the cultural fabric and folklore of the high country. I have said in this House before that nothing is more synonymous with the Australian outdoor lifestyle than the brumby, from *The Man from Snowy River* to the integral role that the Snowy Mountains bush horses played in the Australian Light Horse campaign during World War I. They even featured at the opening ceremony of the Sydney 2000 Olympics. For the first time, the New South Wales Government will introduce legislation that will recognise and protect the heritage values of brumby populations in parts of the Kosciuszko National Park while enabling active management of brumbies to reduce their impact on the national park's alpine environment.

The previous draft plan set an aggressive target for reducing the population. That would have resulted in a horrific mass slaughter of the iconic brumby—600 horses—in the Kosciuszko National Park. Culling is cruel and barbaric. Let us not forget what happened in October 2000 under the previous Labor Government. The National Parks and Wildlife Service hired contractors to conduct an aerial shooting operation or a culling of brumbies in the Guy Fawkes River National Park. The real picture of how that culling played out sparked outrage. Over three days more than 600 horses were shot and it was found that many of those horses took days to die. One horse took 10 days to die. Another was shot in the front leg twice, in the back leg and then in the body. Another horse was shot in the gut five times, once in the neck, and once in the head. Yet another horse had two shots to the back, two in the gut and three in the jaw. The National Parks and Wildlife Service was charged with 12 counts of cruelty but those charges were eventually dropped on a guilty plea.

Let us not mince words: Those who oppose this bill are advocating for the slaughter of 5,000 horses. The carcasses of those horses would be left in the national park and attract wild dogs, and wild dogs pose a greater threat to native wildlife than would any horse. That is not an acceptable situation and this new legislation will ensure that that does not happen again. There has been significant debate around the number of brumbies that reside in the Kosciuszko National Park. Estimates vary between 3,000 horses and 9,000 horses, but we do not really know how many horses there are in the national park. That is why the new framework will include a research and monitoring program to inform future wild horse management in the Kosciuszko National Park, and that will be supported by the appointment of an independent technical reference group.

We hear claims that each year the horse population is increasing by 20 per cent but there is no evidence to back up those claims. However, the same groups also claim that each year 20 per cent of the horse population die from natural causes. If taken at face value, it could be argued that the brumby population is not growing at all. That is why we need to better understand horse numbers, breeding cycles, where the horses range and where they can have a minimal impact in the environment. Currently low-stress mustering and passive trapping of wild horses and their removal are the only methods adopted to manage the brumby population in national parks in New South Wales; those methods are operationally feasible and acceptable to the community. The 2016 Kosciuszko National Park Draft Wild Horse Management Plan set an aggressive target of reducing the population to 600 horses.

In that draft plan lethal methods were considered, including ground shooting. That is not an acceptable situation and this legislation will ensure that that does not happen. Other control options were examined and considered in the preparation of the last plan, including fertility control, tranquilising, fencing, ground shooting, aerial shooting, mustering from the air and brumby running and roping. Let me be clear: This bill does not promote maintaining any specific number of brumbies nor does it promote increasing the number of brumbies within the national park. It simply recognises the heritage and cultural value of brumbies and shifts the focus away from lethal population-control methods. In fact, this bill will set a framework for managing brumby populations in a humane way. It is about balance.

If we accept that the brumby has a right to exist in the Snowy Mountains region—a right that this bill encapsulates—and we recognise the brumby's unique place in Australian history, then we must find ways to preserve a sustainable population in a way that minimises harm to the environment. Let me be clear: While brumbies will remain in the region we will continue to manage their population. Right now little is being done to identify areas within the national park that are environmentally well suited to brumbies. The new wild horse heritage plan will prioritise supporting populations in less sensitive areas and resources will be allocated to relocating brumbies to those areas. Lethal culling of brumbies will not occur. The brumby population in the national park will continue to be reduced to a more sustainable number by using passive trapping and rehoming, as well as by mustering and relocation to less sensitive areas in the national park.

This bill will end the uncertainty as to whether or not brumbies will be shot: They will not be shot. Resources will continue to be allocated to passive trapping and rehoming brumbies outside the national park. This bill will not end that practice. It is not in line with the national park's environmental values to allow brumby numbers to increase. By recognising the heritage and cultural values of the brumby, we are changing the way in which they are managed. Rather than focusing solely on reducing the brumby population through targets and quotas, the focus will now be on identifying areas where a population can be protected without significant environmental harm. The priority will be to move brumbies to those areas. However, trapping and rehoming will be considered if the number of brumbies increases too much, and that poses an environmental threat or safety risk.

Vaccines for immunological control of fertility methods are still evolving. If this method becomes effective in larger populations, then it will and should be used. In the meantime, the New South Wales Government will launch a marketing campaign to promote adoption and rehoming. The aim is to increase the number of horses that can be rehomed outside the park rather than sending them to the knackery. At times there may be a need to shoot a horse—for example, when a horse is injured or poses a threat to human life or safety—but that should only be a last resort. The bill recognises the heritage value of brumbies in the Kosciuszko National Park and helps to set a framework for their future protection. The new laws will require the Minister for the Environment to prepare a management plan for the brumby. That plan will identify areas within the Kosciuszko National Park where populations will be maintained. The plan of management also will set rules around brumby management.

I turn now to the detail of the bill. The bill recognises the heritage values of a sustainable wild horse population in the Kosciuszko National Park. It requires the Minister to adopt a heritage management plan for a sustainable wild horse population and to identify zones within the park where sustainable wild horse populations will be retained. It also requires the Minister to consider the advice of the National Parks and Wildlife Advisory Council and the Heritage Council of New South Wales before adopting a management plan. Further, it requires all future plans of management for the Kosciuszko National Park to recognise the cultural significance of wild horses.

The new framework of managing brumbies in the Kosciuszko National Park also will involve a number of new approaches, including brumbies found in "highly-sensitive" alpine areas of the national park being relocated by authorities; the establishment of a Wild Horse Community Advisory Panel to advise the Minister of appropriate management approaches for the brumby; a research and monitoring program to inform future wild horse management plans; a brumby count to gain a more accurate assessment of brumby numbers and where they range; and a marketing campaign to promote rehoming and adoption of brumbies that need to be removed from the national park. Through the community advisory panel, for the first time the community will have direct involvement in shaping the management of brumbies within the national park.

A Wild Horse Community Advisory Panel will be established to advise the Minister of appropriate management approaches for the brumby. If that committee believes that there are benefits in including community groups and experts in active management within the park, then it will advise the Minister on how that can be done. The members of the panel will include at least one

Aboriginal person, one representative of the community from the locality around the Kosciuszko National Park, one representative of the Minister, and other persons who, in the opinion of the Minister, have expertise and experience in any one or more of the following: recreational planning and management, including horse riding; horse or other animal welfare management; alpine tourism planning and management; and involvement in conservation and, most importantly, the community.

Today is a historic day in both New South Wales and Australia. Today I am privileged to present a bill to this House that for the first time will recognise the cultural and heritage value of the wild horse, the brumby, to the Kosciuszko National Park. It has been a long campaign over the past seven years to get to this point. However, that campaign has been derived from the passion and commitment of so many in my community who have been fighting their whole lifetime for such a day.

I will acknowledge many people in this campaign but, first and foremost, I acknowledge the former member for Monaro, Mr Peter Cochran, who is in the public gallery. Peter Cochran was elected to this Parliament 30 years ago and in his time was recognised as a passionate advocate and someone who always would fight for the rights of regional communities, especially the people and communities in the Monaro. He has always recognised the connection of the wild horse, the brumby, to the Kosciuszko National Park and has sought access by horseriders to the wilderness areas in national parks. Peter left politics 20 years ago but he has never stopped fighting for people's rights and recognition of the brumby from a cultural and heritage perspective, which is part of folklore and the Australian story.

I have already said that many wild horses were used in the war effort and were left behind on foreign land. But those horses were celebrated during the opening of the Sydney Olympic Games and are part of our folklore in Banjo Paterson's poem, *The Man from Snowy River*. Some would argue that Peter Cochran is today's modern man from Snowy River because of his advocacy and passion for where we have come to today. Peter is a representative of the communities on this issue. There are many within his organisation and members of the community who have supported Peter and me such that I am able to introduce a bill in this House that recognises the importance of these horses to the Kosciuszko National Park. Many said we could not achieve that. It is a historic day.

I acknowledge the work of Peter Cochran for leading the charge, for the community debate that he has been part of and for rallying the community to get behind this issue. Peter has been accompanied by many other people, some of whom I will name because it is right to record their names in Hansard for future generations to identify as people who fought for the right of brumbies to be recognised. They include Leisa Caldwell, Rebecca Atkinson, Jack French, Deanne Kennedy, the late Clive Edwards, Richard Armstrong, Jenny Boardman, Ted and Helen Taylor, Paul McIver, Henry Filtness, Kylee Hepburn, members of the Snowy Mountains Bush Users Group, the Snowy Mountains Horses Riders Association and many volunteer workers across the Snowy Mountains. They have all been on this long journey, which for some has extended over two to four decades. For others like me—a Johnny-come-lately—the journey has been part of my life for the past seven years.

My job as the member for Monaro and as the Deputy Premier of New South Wales is to be the voice of my community in this House. Since the announcement of the intent of this Government to introduce this bill a debate has raged on social media and also in the public domain and, significantly, we have received support. Last Sunday we made the announcement at the Three Mile Dam in the Kosciuszko National Park where we were privileged to see the grey mob, especially Paleface. I am not sure how Peter Cochran achieved that because it is remarkable that we were able to be so close to these fantastic horses, the brumbies.

Everyone says that Peter Cochran is the horse whisperer. Since last Sunday's announcement the Government has received a lot of support. But I must acknowledge that some people are not happy with it. I said that some people who are part of the pro-brumby movement will say that this legislation does not go far enough and others on the side of conservation and environment will say it has gone too far. During the past 200 years these horses have been part of the landscape, our environment, our story and the history of Australia in that region. Having an unfettered approach and putting our head in the sand will not deliver an outcome for the horses, the brumby, or the environment. For the first time this bill takes away the conflict about whether to recognise these horses and will recognise them from a cultural and heritage perspective.

All people in the region must accept—even those who are against the idea of seeing the horses in the park—that there is a heritage and cultural connection of these horses to the Kosciuszko National Park. No-one would disagree with that. Importantly, for the first time, this bill will end that conflict and tackle the issue of how to manage population numbers of the horses in the future. Last year's draft management plan caused a lot of anger and concern in the community. At the time the horse numbers in the park were 6,000, which at best is a guesstimate because the method of the count always has been controversial. Assuming the park has 6,000 horses—and the number of horses could range from 3,000 to 9,000: some have even said it is as high as 12,000—the 20-year management plan, which was part of the draft plan, indicated that we would consider bringing that population down to 600. But in my view, that would mean the end of the brumbies—the wild horses in the mountains.

The people of my community say that is not acceptable and should not be in the management plan because it aims for extinction of the wild horses. This Government has introduced this legislation and I know that, when it is examined by both Houses, not all members will support it. I hope that some of the crossbenches especially in the Legislative Council will support it. I hope that this legislation will put the conflict of recognition to the side and we will be able to get on with the management of these horses. That is the key. I have been asked why, as part of the management plan, we have removed the idea of shooting horses. I think about the Guy Fawkes example in 2000 when 600-plus horses were shot by people in helicopters and left to die; when 600 horses, including a mare and foal, were left to die on the forest floor. For most Australians that is not acceptable.

In my region, the brumbies have been labelled majestic. No-one who cares about conservation will want to see the rotting corpse of horses left on the forest floor. When that happens, it invites more pigs and dogs, along with deer and rabbit and other feral pests, into the park and that will have a greater adverse environmental impact. I do not think that would be a good outcome. In 2000 there was a public outcry when that occurred. I have been asked why people cannot go into the park and shoot the brumbies. In this day and age in a society that has a social conscience we should consider other tools. For example, the idea of rehoming and moving the horses to other parts of the park that are less environmentally sensitive. That should be our focus. That is why the Government has said that only as a tool of last resort—for example, if a horse is lame or has an issue around its wellbeing and health, or an issue of public safety—would we use the lethal means of shooting. I think that is acceptable to our nation.

As a nation and as a community, even those who are against any horses in the park, would accept that this Government's management plan will manage numbers in line with community expectations. If we want the conflict associated with this issue to disappear over time, we must put in place methods that are in line with community sentiment and expectations. For me, that is the balance that must be struck. I acknowledge Peter Cochran, who has worked with the community to find the middle ground that accepts we have consider the numbers and avoid a population explosion of brumbies. We want to make sure there is a viable

number of horses in the park for future generations to see. It is an important part of our story and our heritage, but it is also an important tourism driver for the mountain.

Everyone associated with the Kosciuszko National Park accepts that sensitive wilderness areas in the park need special protection because we do not want them destroyed. That is why this legislation sets the parameters. The Government does not have a head-in-the-sand or do-nothing approach to this matter. Anyone who opposes this bill needs to say what their approach will be. The do-nothing, head-in-the-sand approach that we have endured for decades has not achieved a single thing, except conflict in the community between the pro-brumby groups, the community at large and the environmental and conservation groups.

That does no justice and achieves no outcome.

After 200 years, the brumbies in the park issue is still being talked about. I will forever believe the brumbies have cultural and heritage connections to the park. The bill will cement and enshrine that in law. I looked at my Facebook account—the parts that I want to view that do not keep me up at night and depress me—and saw there were approximately 300,000 views of the Channel 7 clip, which was a very balanced piece. I acknowledge all the networks that ran the story for their balanced approach. I was lucky enough to be involved with the filming of those brumbies, including Paleface. A number of photographs were also taken with the drone, and there are up to 15,000 views of those photographs on my Facebook page. My Facebook site has now become a forum for debate about brumbies and pest animals.

I put my chin out as an elected representative, as the member for Monaro, as Deputy Premier and as part of Government. My job is to lead community conversation. It should never be stifled. Everybody is entitled to an opinion on this issue, but the conversation should be conducted in a respectful manner. During the interviews I have participated in over the past three days, I have been inundated with positive responses to the announcement. Some members of the Government expressed concern about the issue at large: Should a hard-hoofed animal live in a very environmentally sensitive area? Are horses pests just like dogs, pigs and other feral animals? But those same members have approached me in recent days and agreed that what the Government is putting on the table and the way it is managing the language around the bill amounts to a balanced approach. It delivers the environmental outcome that it has been a struggle to achieve over the years, but at the same time recognises the value of the horses.

It has been a long journey. Many will criticise that this issue has been outstanding for seven years. I acknowledge that. I have always acknowledged that it was never an easy issue, but the balance has been found. My colleagues in Cabinet, both Liberal and National, have worked tirelessly. I acknowledge the Minister for Environment, Minister for Local Government, and Minister for Heritage for her pragmatic approach in working with my office to ensure that the environmental protections are locked in place. She ensured that the values of the National Parks and Wildlife Service were not lost. Kosciuszko National Park is the largest tourism driver in the Snowy Mountains, with the winter ski season and summer tourism products being developed. It was announced recently that \$27 million will be provided for new Snowy Mountains infrastructure such as walking tracks and shared trails. Some of the most beautiful wilderness areas will be open to the public to enjoy. When the public enjoy their park, they will fight for their park.

Mountain biking tracks are also being developed through the National Parks and Wildlife Service. That is another summer tourism product. No-one in the Monaro region wants to see Kosciuszko National Park destroyed. We all want the opportunity to embrace the park, to enhance it and to use it in a way that drives the community to continue to fight for and protect it. Sunday's announcement about the bill allows the Government to do just that. People of my vintage who have grown up in the Monaro region know of Banjo Paterson's *The Man from Snowy River*—the movie or the poem. Brumbies would not have been showcased at the opening of the Sydney Olympic Games if they were not considered to be part of the Australia of today.

Second Reading Debate

The Hon. PENNY SHARPE (16:43): I lead for the Labor Opposition in debate on the Kosciuszko Wild Horse Heritage Bill 2018. This bill is unprecedented in the way in which it seeks to undermine the management of national parks and the flora and fauna that live within these precious public assets. The bill does not have the support of scientists or the Government's own experts who were enlisted to find a solution to the problems of unmanaged wild horse populations in Kosciuszko National Park. This bill does not have the support of brumby advocates who seek a humane way of managing this population that does not further erode the Kosciuszko National Park and the unique native flora and fauna that live within the park. This bill does not have the support of local tourism operators within the national park and those who run businesses, large and small, who rely on the natural and wilderness values of this fragile alpine park. Thousands of jobs that rely on the park are being eroded because of the damage that is done by the wild horse population. This bill does not have the support of anglers, who can see the impact that the horses are having on the creeks and streams, and the fish that should be abundant in and around Kosciuszko National Park.

This bill does not have the support of the Labor Opposition. We will not sit by and watch 75 years of conservation consensus being thrown under the bus by the local member doing the bidding of one stakeholder group—a stakeholder group that has a direct pecuniary interest in the passage of this bill and that has donated directly to The Nationals in pursuit of this outcome. This bill was written by a private group of stakeholders, marshalled by the Deputy Premier, without any declaration of the private interest involved. This bill ignores all sensible advice, sidelines a weak environment Minister and fundamentally undermines national parks, the water, the soil, the threatened native species in Kosciuszko National Park, and the tourism and jobs within that park. This bill is significant for all the wrong reasons—it is a notorious and unprecedented bill. There has been a significant breach of the Ministerial Code of Conduct because of the way in which this bill has been formulated. Labor strongly believes that this bill should not be progressed until an investigation is undertaken by the Premier into allegations concerning the Ministerial Code of Conduct. The Leader of the Opposition wrote to the Premier and asked her to investigate this alleged breach. I seek leave to table that letter.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Leave is not granted.

The Hon. PENNY SHARPE: I will read the letter which states:

Dear Premier,

I write to seek an investigation into concerns that the Ministerial Code of Conduct may have been breached by the Deputy Premier and Member for Monaro, the Hon John Barilaro MP.

The Ministerial Code of Conduct was introduced in 2014 and is prescribed as an applicable Code within the *Independent Commission Against Corruption Act 1988*. The preamble to the Code states that it is essential for the maintenance of public confidence in the integrity of Government that Ministers exhibit, and be seen to exhibit, the highest standards of probity in the exercise of their offices, and that they pursue, and be seen to pursue, the best interests of the people of New South Wales to the exclusion of any other interest.

There are reasons to be concerned that the Deputy Premier's actions in relation to the development and introduction of the *Kosciuszko Wild Horse Heritage Bill* are in breach of the Ministerial Code of Conduct. These are serious allegations and require a full investigation.

Under the Code, Ministers have a duty to act honestly and in the public interest.

A Minister, in the exercise or performance of their official functions, must not act dishonestly, must act only in what they consider to be the public interest, and must not act improperly for their private benefit or for the private benefit of any other person.

Ministers are required to carefully manage any conflicts, specifically the Code states:

A conflict of interest arises in relation to a Minister if there is a conflict between the public duty and the private interest of the Minister, in which the Minister's private interest could objectively have the potential to influence the performance of their public duty.

Ministers are also required to absent themselves from decision making if such a conflict arises.

Within the Code there is also a section that applies to Ministerial discretion that encourages a Minister to disclose and abstain when they have a substantial personal connection with a matter.

A Minister may, if they have some other substantial personal connection with a matter or for any other reason, disclose an interest and abstain from decision-making in relation to a matter in accordance with this Part even if the interest might not comprise a conflict of interest.

There are concerns that the Deputy Premier has taken political donations from an individual and has gone on to work with them to introduce a bill to the parliament that directly benefits that individual. At no stage has Mr Barilaro declared this interest.

Specifically, Mr Barilaro has a close personal relationship with the former Member for Monaro and owner of Cochran Horse Treks, Peter Cochran. Mr Cochran has made significant donations to the National Party worth \$10,000 in support of Mr Barilaro's political campaigns.

Mr Scot MacDonald: Point of order: I seek a ruling under Standing Order 91 (3) which states:

A member may not use offensive words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.

The Hon. PENNY SHARPE: To the point of order: I am seeking to put correspondence on the record that the Opposition believes to be in significant breach of the Ministerial Code of Conduct. It is within the leave of the bill because it goes directly to why this bill is before us and why Labor feels so strongly that it should not proceed.

The Hon. Dr Peter Phelps: To the point of order: The Hon. Penny Sharpe cannot get around Standing Order 91 (3) simply by reading another document onto the record. To do so would offer a loophole for every member of this place to receive an anonymous letter that makes allegations against member of this Chamber or the other Chamber. The member requested to have the document tabled in this place and when leave was not granted she then proceeded to read it. It is clearly a workaround to try to get matters that violate Standing Order 91 (3) on the record. The fact that it is contained in a letter does not absolve the member from having to meet the requirements of Standing Order 91 (3). If there is an allegation to be made the member can do so by way of substantive motion.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The point of order is well made. The letter from which the Hon. Penny Sharpe is quoting has imputations of improper motives, but it is relevant to the long title of the bill. I ask the member to cease reading that section of the letter that refers to imputations of improper motives and to continue her contribution to debate on the second reading.

The Hon. PENNY SHARPE: The letter continues:

Given that this bill overturns specific advice given to the Government in the form of the Draft Wild Horse Management Plan, and makes a significant change that overrides the National Parks and Wildlife Act, it is important that the public is assured the actions have not breached the Ministerial Code.

Until a full investigation into these matters is completed, it would be appropriate to suspend the Parliament's consideration of the bill.

At its simplest, this bill will prioritise the protection of wild horses above the environmental, cultural, economic and social values of this State's only alpine national park—Kosciuszko National Park. It will literally cast aside the National Parks and Wildlife Act in favour of an introduced species long recognised as contributing to and causing severe damage to Australia's fragile alpine environments. It is with sadness that I speak in this debate today; it did not have to be this way. Labor agrees that there is a cultural heritage value to the wild horse population of Kosciuszko National Park. There is no fight on that point, although the Deputy Premier was desperate to concoct one. Labor believes that there are responsible ways of managing the wild horse population in parts of the national park where degradation is less critical. We can still have wild horses for viewing in parts of Kosciuszko National Park. In fact, it is accepted science that it would be impossible not to have this in any case. This can be done and it was essentially the guiding position of the Government's own now-junked 2016 Draft Wild Horse Management Plan. Under that plan horses were recognised for their cultural value and they would have remained in the park.

Where did the wild horse plan come from? The previous Minister for the Environment, a Minister who took his portfolio much more seriously than the current environment Minister, sought to bring people together and to work through a careful process—a process that took two years—to try to find a measure of consensus and action to deal with the current unsustainable and unmanaged horse population in the park. What we have today completely throws that work out the window. Anyone who has looked into the rich history of Kosciuszko National Park would know there has been consensus across this Parliament for more than 75 years on the way we should progress with conservation in this area. That is also being thrown out today. I will speak directly to some of the provisions in the bill. The stated object of the bill is to recognise the heritage value of sustainable wild horse populations within parts of Kosciuszko National Park and to protect that heritage. The bill will require the chief executive of the Office of Environment and Heritage to prepare a draft wild horse heritage management plan to:

- (a) identify the heritage value of sustainable wild horse populations within identified parts of the park, and
- (b) set out how that heritage value will be protected while ensuring other environmental values of the park (including values identified in the plan of management for the park) are also maintained, and
- (c) take into account the object of this Act, and
- (d) take into account the objects of the National Parks and Wildlife Act 1974 and the matters that are required (by section 72AA of that Act) to be taken into consideration in the preparation of a plan of management, and
- (e) include any other matter prescribed by the regulations.

It also requires the chief executive to seek the advice of a newly constituted Wild Horse Community Advisory Panel in the preparation of the draft plan. So far we could be forgiven for thinking that this is fairly benign; it is worrying, but not too destructive. Immediately though the question arises: What does some of the language mean when considering this draft plan? When we check the definitions in the bill we find that key provisions in the bill such as "heritage value", "sustainable wild horse populations", "identified parts of the park", and "other environmental values of the park" are not defined. Yet they form the crux of the proposed draft wild horse heritage management plan.

The bill provides for public consultation on the draft plan and stipulates that the draft plan must be provided to the National Parks and Wildlife Advisory Council and the Heritage Council of NSW in order for them to make representations. When it comes to the Minister considering the draft plan and the results of consultation and advice before adopting the plan, we become more concerned. The Minister may consider the draft plan, any representations made by the chief executive of the Office of Environment and Heritage, the Advisory Council or the Heritage Council, and public consultation representations or a summary of those representations. The bill then states that the Minister may:

... adopt the draft plan without alteration or with such alterations as the Minister thinks fit...

After all the information and effort that has gone into the making of the draft plan, the Minister will be given the discretion to adopt a plan with whatever provisions he or she sees fit. In the end, we will just have to trust whoever that is. This is a completely irresponsible way to manage our national parks. But it is because of part 3 clause 12 (1) that Labor could never support this bill. It states:

An adopted plan prevails to the extent of any inconsistency between the adopted plan and a plan of management.

In that one sentence the Berejiklian-Barilaro Government discarded 75 years of bipartisan consensus about protecting and managing the national parks estate of New South Wales. If we can do it for this national park we will be able to do it for all of them. For decades we have placed a legal obligation on the National Parks and Wildlife Service to manage and protect these special public assets for future generations. The National Parks and Wildlife Act states that the purpose of reserving land as a national park is:

... to identify, protect and conserve areas containing outstanding or representative ecosystems, natural or cultural features or landscapes or phenomena that provide opportunities for public appreciation and inspiration and sustainable visitor or tourist use and enjoyment...

Except when it comes to these wild horses. In this singular case we are saying that wild horses come first. That is what the bill says. That statement is perhaps the biggest abrogation of responsibility that we have ever heard from an environment Minister in this State. The environment Minister has been in witness protection over this bill; she has said nothing about it and she has done nothing to stop one of the worst environmental bills we have seen in this Parliament. It is her job to protect the environment.

In the past, there were plenty of Liberal environment Ministers who would have stood up to anyone who suggested what is being suggested in this bill. The previous two Liberal environment Ministers did just that. But no; the Deputy Premier has been waiting and he has been able to run over this environment Minister. Many people in this House know that I have had many disagreements with Robyn Parker over the environment—even though I think she is a very good person—and I have also had many disagreements with Minister Speakman. They at least stood up to The Nationals when it came to what is being proposed in this bill. As I said, this is the biggest abrogation of responsibility we have ever seen from an environment Minister.

The bill goes further, stating that section 81 (4) of the National Parks and Wildlife Act does not apply in relation to anything done to carry out or give effect to an adopted plan for wild horses, which is to say that under the wild horse management plan, operations can be undertaken that do not accord with a national park's plan of management. This is a terrible and dangerous precedent for the many unique native animals and plants we are fortunate to have in New South Wales. The bill also requires that a plan of management for Kosciuszko National Park must recognise the heritage value of sustainable wild horse populations within this part of the park.

The bill then goes on to detail the new Wild Horse Community Advisory Panel. I note that membership of the panel does not include expertise in protected area management or any form of scientific or heritage background, yet the panel is specifically asked to advise on any matter relating to the identification of the heritage value and management of sustainable wild horse populations. If the Parliament agrees to this bill the appointments to this panel will give a clear indication of the Government's intentions for the future management of wild horse populations.

We need to understand the concern in relation to this bill. Labor governments have a proud conservation history at Kosciuszko: the McKell Government established the Kosciusko State Park in 1944, the Cahill Government instigated the 1957 soil conservation works on the main range, the Wran Government adopted the 1982 plan of management that prevented further damaging grazing in the park and the Iemma Government approved the 2006 plan of management. This park has a very long history. In the past it has had a lot of bipartisan support; it no longer does.

Kosciuszko National Park holds special significance to Australia. It provides the only habitat for a number of rare species, such as the mountain pygmy possum, the southern corroboree frog and the broad-toothed rat. Incredibly, 21 species of flowering plants in the mountains are found nowhere else on earth. The peatland soils are unique, as are the alpine and subalpine bog and wetland catchment areas, which help to supply high quality water to the Murray-Darling Basin. The entire park is listed as a biosphere reserve by the United Nations Educational, Scientific and Cultural Organisation [UNESCO], and Blue Lake is listed as a wetland of international importance under the Ramsar Convention. It is a place of incredible natural beauty and true conservation merit, however high one sets that bar. It is special. Kosciuszko National Park is the most visited national park in New South Wales, outside the Greater Sydney region. From 2014 to 2016 visitation skyrocketed by 52 per cent—

The Hon. Rick Colless: The snow fields.

The Hon. PENNY SHARPE: I note that interjection that this is just about the snow fields. That is complete and utter rubbish. The visitation figures go well above and beyond what is happening in the snow fields. Visitation is skyrocketing in this park because people want to see the pristine alps—

The Hon. Rick Colless: They want to see horses.

The Hon. PENNY SHARPE: They can see plenty of those and they are seeing too many of them. No one is suggesting that they do not see horses in the park.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! The member should ignore interjections.

The Hon. PENNY SHARPE: Every year more than two million people visit this park, and that number is growing. It is the single biggest driver of tourism jobs to that region. We need to think seriously about what is being proposed here. There is no need to progress this bill in this way. I will now place on record a number of the significant concerns of people who know far more about these things than I do. The Opposition has received an

unbelievable number of requests about the progress of this bill from a number organisations that are begging this Parliament to withdraw the bill and to replace it with something that will work. The International Union for Conservation of Nature [IUCN] has said that this is an international intervention that should be ringing alarm bells for all of us. The IUCN has requested all members of Parliament to reflect on what our obligations are internationally in the protection of national parks and what we are signatories to. The IUCN wrote:

Over many years, Commission Members have raised concerns regarding the management of wild horses in protected areas in the Australian Alps, and we have monitored the ongoing research and technical discussions regarding this matter. The Kosciuszko Wild Horse Heritage Bill 2018 has been published recently for comment, and we wish to draw your attention to several aspects of great concern to IUCN and to members of the World Commission on Protected Areas in Australia.

We are concerned that the Bill raises substantial issues for protected area policy and will create poor precedents for Australia and beyond. The key points we wish to highlight are:

- . Kosciuszko National Park is a unique protected area, recognised in Australia as an area of "outstanding heritage significance" and is listed on the National Heritage List in accordance with the Environment Protection and Biodiversity Conservation Act 1999. Many of its alpine and sub- alpine plants and animals are endemic to this area, and exist nowhere else on earth.
- . The Bill makes provision for a Draft Wild Horse Heritage Management Plan to be developed and adopted, that is intended to protect the "heritage value" of wild horses while ensuring other environmental values of the park [are maintained.]
- . The bill charges the OEH with the responsibility to develop a Management Plan, and on the advice of a Panel that does not require the inclusion of any scientific or policy experts on nature conservation, and that must reconcile the conflicting objectives of maintaining conservation of the Park, while maintaining wild horse populations. The bill prioritises an alien species, bred from domestic stock, which demonstrably damages the fundamental values of the protected area, and is inconsistent with the protected areas conservation objective and the existing Plan of Management. The possibility of retaining a large number of wild horses cannot be reconciled with the stated values of the Park.
- . The bill asserts the primacy of the Wild Horse Heritage Plan over the National Parks and Wildlife Act in the 2006 Plan of Management of the Park, and removes the provisions in the Act in relation to "anything done to carry out or give effect to the adopted plan". The Bill risks the removal of established management zones, catchment protection and environmental planning provisions as defined in the Plan of Management. The Bill, therefore, has the potential to undermine the primary purpose of this protected area—to protect native wildlife and to safeguard important ecosystem functions—and significantly weakens the relevant legislation regarding this Park ...

Throughout the world, IUCN urges best practice effective management based on strong legislation and plans of management. The NSW government has such legislation and the relevant Plan of Management is based on the designation of Kosciuszko as an IUCN Category II National Park. Therefore, IUCN would expect that the park's management will be in accordance with the definition, which requires that areas will be managed in a natural state to protect large-scale ecological processes. The intention of this Bill to override the National Parks and Wildlife Act 1974, and possibly other legislation, such as the Threatened Species Act, creates a disturbing precedent at both national and global levels.

...

We look to the NSW Government to find a science-based outcome in this case, that respects the status of the park as an IUCN Category II protected area and National Heritage listed site, that respects the NSW National Parks and Wildlife Act 1974, is consistent with the Kosciuszko Plan of Management, and that ensures that management decisions on wild horse management are made by experts whose primary focus is conservation. Damage to the ecosystem and biodiversity values of the Kosciuszko National Park due to the proposed management actions would be detrimental to the reputation and status of Australia and NSW's record for nature conservation. There exist alternatives for the recognition of the role of wild horses in Australia's pioneer history that would not damage the National Park.

The Australian Academy of Science also wrote a letter. The academy has gone even harder; it has called for this bill to be drawn. I seek leave to incorporate its letter in *Hansard*.

Leave granted

Australian Academy of Science
Ian Potter House, Gordon Street, Canberra ACT 2601
Secretary Science Policy Professor David Day FAA

1 June 2018

The Hon. John Barilaro, MP
Deputy Premier, Minister for Regional New South Wales,
Minister for Skills, and Minister for Small Business
Parliament House
6 Macquarie Street
Sydney NSW 2000

CC: The Hon. Gladys Berejiklian MP, Premier of New South Wales

CC: The Hon. Gabrielle Upton MP, New South Wales Minister for the Environment

Dear Mr Barilaro,

The Australian Academy of Science is writing to express great concern about the *Kosciuszko Wild Horse Heritage Bill 2018* (the Heritage Bill), currently before the New South Wales Parliament. **The Heritage Bill places a priority on a single invasive species over many native species and ecosystems, some of which are found nowhere else in the world. It is incompatible with the principles that underpin Australia's world-leading protected area system, and with our commitments as a signatory to the Convention on Biological Diversity.**

Leading research on the impacts of feral horses locally and from around the world provides clear scientific evidence of environmental damage done by this invasive species. This research provides a significant and reliable knowledge base for decisions affecting management of the Kosciuszko National Park and other national parks under New South Wales jurisdiction. This research was summarized in the recent preliminary determination of the NSW Threatened Species Scientific Committee, supporting a proposal to list habitat degradation and loss by feral horses as a Key Threatening Process. Reports from bog, stream, and dry habitats in Kosciuszko and Victoria indicate a wide range of ecosystems are degraded by feral horses. This research **leads the Academy to expect substantial negative impacts on species and ecosystems within the Park arising from the provisions of the Heritage Bill.**

Under the proposed legislation, the wild horse heritage management plan will prevail over the *NSW National Parks and Wildlife Act 1974*, Section 81(4), and will prevail over the *2006 Kosciuszko National Park Plan of Management*, a legal instrument established under that Act. This Plan of Management was developed according to transparent, consultative, legislated processes to provide a best-practice plan for the management of all Kosciuszko National Park values. **The Heritage Bill risks the removal of established management zones, catchment protection and environmental planning provisions as defined in the Plan of Management.** The Wild Horse Community Advisory Panel to be established under the Heritage Bill has no requirement for representation by people with scientific qualifications in areas associated with the conservation of nature, nor does it require qualifications in cultural heritage research. This arrangement will see scientific advice all but removed from the management of wild horses in Kosciuszko National Park.

The Bill therefore prioritizes protection of one invasive species over many native species and the fragile ecosystems in Kosciuszko National Park, and it does so against the considered professional advice of scientists and researchers.

The Australian Academy of Science calls upon the Berejiklian Government to withdraw or substantially amend the Kosciuszko Wild Horse Heritage Bill 2018 as currently constituted, and to respect and uphold the primary purpose of protected areas, to conserve Australian native species and ecosystems, natural phenomena and indigenous and historic cultural heritage. The Academy looks to the Berejiklian Government to ensure that national park management decisions are informed by the best available scientific advice, as is already the case for National Park Plans of Management established under the *NSW National Parks and Wildlife Act 1974*.

The Academy would welcome the opportunity to meet with you at a mutually convenient time to discuss the Heritage Bill. Please contact Senior Policy Analyst Dr Stuart Barrow (02 6201 9464 or stuart.barrow@science.org.au) if you would like to arrange such a meeting.

Yours sincerely

Professor David Day FAA
Secretary Science Policy

The Academy acknowledges the input and expertise of the following scientific authorities in the preparation of this submission:

Professor Alan Andersen FAA
Professor Mark Burgman FAA
Professor Chris Dickman FAA
Associate Professor Jane Elith FAA
Professor Don Driscoll
Professor Richard Hobbs FAA
Professor Ary Hoffmann FAA FAAS
Professor Bill Laurance FAA
Professor David Lindenmayer AO FAA
Professor Craig Moritz FAA FAAS
Professor Hugh Possingham FAA FNAS
Emeritus Professor Rick Shine AM FAA
Professor Mark Westoby FAA
Dr Graeme Worboys

The Hon. PENNY SHARPE: A letter was also written to all members of Parliament by five members of the technical reference group in the drafting of the wild horse plan. I seek leave to incorporate that letter in *Hansard*.

Leave granted.

RSPCA

The Hon. Gladys Berejiklian member of Parliament
Premier of New South Wales
52 Martin Place
SYDNEY NSW 2000

Via email
3 June 2018

Dear Premier

Kosciuszko Wild Horse Heritage Bill 2018

We write to you today as former members of the Independent Technical Reference Group (ITRG) appointed in November 2014 by the NSW Minister for the Environment. The ITRG was formed to provide independent and rigorous scientific and technical advice to the Office of Environment and Heritage (OEH) and the NSW National Parks and Wildlife Service (NPWS) on the management of wild horses within Kosciuszko National Park (KNP). Our work formed one of a number of taxpayer-funded activities related to the development of the 2016 Draft Wild horse management plan for KNP.

The ITRG met on a number of occasions from late 2014 to 2015 and delivered its final report in March 2016. The report, which includes the membership and terms of reference of the ITRG, is available on the OEH website.

With the introduction of the above bill in NSW Parliament, it has become clear that the advice the ITRG provided has been ignored. The purpose of this letter is to reiterate the key recommendations of the ITRG report and to advocate for the application of the same level of rigorous scientific and technical advice for future management of wild horses in KNP.

The key conclusions and recommendations of the ITRG report were as follows:

- **Wild horses are having a significant negative environmental impact** on Australian alpine and sub-alpine ecosystems in KNP. This is particularly true for alpine bogs, waterways and drainage lines. Horses are increasingly entering high altitude and other areas on the Main Range that were previously untouched.
- **Doing nothing is not an option.** The evidence of environmental harm caused by wild horses in KNP is sufficient to require intervention. The majority of submissions received by the ITRG supported this view. It was accepted by all groups that horses must be excluded from above-treeline alpine areas.
- **The ITRG did not recommend a specific target for reduction of wild horse numbers** or for a residual population. It is not the number of horses that matters; it's the impact they are having. Our focus was on how to reduce these impacts and protect the most vulnerable areas of the park from further degradation.
- **It is not practical to eradicate wild horses from the park**, but there are areas where numbers must be reduced, and others where horses could be excluded, to prevent further environmental damage. We proposed dividing the park into specific zones so different management goals could be set that allowed for coexistence of environmental and heritage values in KNP.
- **No single control method can address the problem:** a range of methods are needed that have the capacity to remove large numbers of horses in a relatively short period of time, with sustained follow up.
- At the time of the report, the only method employed in KNP was passive trapping. This is only possible where there is road access, which excludes large areas of KNP from control. **The outcome for 70% of trapped horses was long-distance transport and slaughter** in an abattoir or knackery, with only 30% of horses being 'adopted' for domestication. Under these circumstances trapping cannot be characterised as a non-lethal option.
- **We examined the humaneness of 11 different potential control methods.** Three methods were found not to be sufficiently humane: roping (brumby running), loading and transport (long journeys), and aerial shooting where the horse cannot be rapidly shot. Mustering (of small groups) and passive trapping followed by short transport journeys and domestication offer the most humane approach of the live capture methods assessed. Where lethal control is required, best practice aerial shooting, ground shooting, or passive trapping/mustering followed by on-site humane killing were recommended.

These conclusions were provided to OEH prior to the release of the 2016 Draft Management Plan and formed the basis of many of its recommendations. They represent a considered, independent and evidence-based advice approach to wild horse management in the park.

The Kosciuszko Wild Horse Heritage Bill 2018 requires OEH to develop a draft wild management plan that will *"identify the heritage value of sustainable wild horse populations within identified parts of the park and set out how that heritage value will be protected while ensuring other environmental values of the park are also maintained"* (Part 2.5.2). However, the bill also makes provision for the adopted heritage plan to override any management plan developed under the National Parks and Wildlife Act 1974 (Part 3.12). **We believe that the effect of this provision will be to veto evidence-based management of the environmental impacts of wild horses in KNP.**

There is very little detail in the bill about how wild horses will now be managed in KNP. However, we note that the NSW government has indicated that the heritage management plan will specifically prohibit lethal culling of wild horses in KNP. It will also limit any other management of wild horses to 'highly-sensitive alpine areas' and such management will be limited to relocation and rehomings.

A landmark report from the US National Academy of Sciences on the topic of removal and rehomings of wild horses concluded that this approach to wild horse management is expensive and ineffective. Removal facilitates higher population growth, requiring higher rates of intervention. Regardless of attempts to promote rehomings opportunities, demand for wild horses is limited and not all captured horses are suitable for domestication. The cost of caring for thousands of 'unwanted' relocated wild horses under US programs is over US\$40 million each year.

We are extremely concerned that the proposed bill, in its current form, will make it impossible to conserve the unique environmental values of Kosciuszko National Park. At the same time, the limitations it places on wild horse management will have serious consequences for the welfare of the very horses it professes to protect. We urge you to reconsider this approach, and at the very least, ensure that the Bill includes the appointment of a new ITRG to ensure that there is appropriate representation from the scientific community into future management decisions.

Yours sincerely,

Dr Bidda Jones, RSPCA Australia and the

Professor Elissa Cameron, University of

University of Sydney (ITRG deputy chair,
Member—animal welfare and behaviour) Zealand

Professor Emeritus Geoffrey Hope, Australian
National University (ITRG member—biology
and ecology of the flora and fauna of the
Australian Alps)

Professor Alan Welsh, Australian National
University (ITRG member—statistics)

CC. The Hon, John Barilaro MP, Deputy Premier

Tasmania and University Canterbury, New
(ITRG member—horse/vertebrate ecology)

Dr Glen Saunders, Australasian Wildlife
Management Society (ITRG member—invasive
animal ecology and management)

The Hon. PENNY SHARPE: I also wish to place on record the views of two other people. Let us be clear: Every environmental organisation in New South Wales has condemned this bill, and so has every scientist who has ever set foot in the park. Some very strong advocates of the brumby have also condemned this bill. Tourism operators are also concerned about the impact of this bill. This is a serious matter and I thank the House for allowing me to put on record some of those thoughts and views. Richard Swain is the owner of Alpine River Adventures. He has Wiradjuri heritage but he was born in the mountains. He has been guiding tours in the mountains for 25 years and he spends 150 nights a year in a tent in the mountains. Richard Swain wrote:

I have been guiding the rivers of the Snowy Mountains and Kosciuszko National Park for 25 years now. In that 25 years I have seen the horse numbers grow, and every feral animal, and I do not believe that horses should be separated from the other feral animals.

I will come back to that important point shortly. The quote continues:

Having a business that's run off the rivers, and the rivers of the Snowy Mountains overhead ways for some of Australia's iconic rivers—the Snowy, the Murrumbidgee, the Murray.

For the Murrumbidgee and Murray, what should be the spring where Mother Nature gives birth to them, it's become a common horse paddock.

There seems to be a real problem with people not understanding what the landscape should look like—I know big paddocks and green grass look beautiful, but they're meant to be springs, they're meant to be soaks, bogs, fens.

I'm born and bred here, the reason I'm born down here is that my father came down to the mountains in 1966. He was the head field technician for the soil conservation for the restoration of Kosciuszko and the main range.

What were they restoring? The damage done by the original stock and the original cattle.

So the mountains for 150 years have been really under pressure, and it's a unique environment—nowhere else in the world has what we have. At the moment and in particular in the last 5 or 6 years the horse numbers have just exploded, along with the deer. When I take tours along the Snowy and the Murray in particular, the main animal I see is the feral horse. We are stepping over piles of horse dung.

I'm under Wilderness Area regulations with my licensing with National Parks. There's probably only one other trip like mine in Australia, and that's the Franklin River—and they don't have to deal with feral animals like I do. I'm lucky that I'm in NSW and there is a lot of Aboriginal culture and iconic places to my trip, but even the reviews I get, people say "Oh, and then there was the damage caused by feral animals."

It's hurting my business, and it's hurting my heart because I know what the river should look like. Paddling along the river I see the damage done, I see the emergent riparian reeds that are meant to be the water filters, they're all chewed off. I don't think people have that knowledge of the landscape to see those things and to see what's really going on.

Joe Hughes is the operator of 4BP Horses, an organisation that trains and rehomes wild horses in the Snowy Mountains. Joe says he takes in around 75 per cent of the wild horses currently caught and made available for rehoming in the park. Joe has set up a program for war veterans suffering from post-traumatic stress disorder to engage in the training of some of these wild horses. He advises that the results have been very positive. Joe said that he has received numerous threats to his safety, his business and his family by people who oppose seeing any wild horses removed from the national park. But Joe believes that we can remove horses and save the national park. He says it is not a zero-sum game between one and the other. Still, though, Joe has been active and outspoken in his views. He has serious concerns about this bill and the following is a statement he has made publicly:

I took everything that for 10 years nobody wanted. I did so because I couldn't bear to think of those horses being slaughtered. With no financial assistance my family has safely rehomed every horse that would normally go to slaughter. We have promoted the fine aspects of the brumby across Australia, east to west, 16,000 kilometres, training, riding, educating people two times a week for six months. All brumbies have been identified and recorded just like a stud, those documents verified and copied by National Parks. We do this to maintain the horse's integrity and heritage but outside of the park. I pay tax and live in NSW. The alpine country belongs to all Australians and is of significance to the entire world. I cannot stand idle and watch forever the extinction of our native habitat any more than I can watch horses go to slaughter. I am born to and from the land and the land is my soul and I cry inside for what I see. To me I have no choice but to speak up and fight to save the environment and the horses at the same time.

As I said, a number of people are concerned about this bill for very good reasons. Labor will move a number of amendments in Committee to try to ameliorate aspects of this bill, but we remain extremely concerned about the

bill and we cannot support it. Labor has thought about this issue long and hard. We do not simply oppose this bill for the sake of opposing it; we have a plan for what we want to do about this park. We recognise that the Government has cut more than \$100 million out of national parks in the past few years and that, on the ground, they are struggling. We recognise that there are real pest issues—not just horses, but also pigs, dogs and deer.

Labor's plan is about properly resourcing proper pest management of all pests across the park. Labor also recognises that the Draught Horse Management Plan took a lot of careful work, and we will be guided by that in the future. Having spoken to other brumby advocates, we accept that there remains an ongoing issue about the count of the number of horses in the park. We have committed to a scientific count of those horses with key stakeholders. We need to put this issue to bed once and for all. When we take a lot of the emotion out of this debate, a lot of the toing and froing is about if we have got the numbers right. Labor is determined to get to the bottom of that.

The other part of Labor's plan, which is incredibly important, is that—just like Richard Swain's father started in the 1960s to repair the fragile soils of the alpine region—we are looking at catchment repair and investing in that. We are serious about this issue and we are serious about the problems with this bill. As members would know, I tried to have this bill referred to a committee for inquiry under our new process and I was unsuccessful. Because I believe that this is so controversial and that there are more issues that need to be dealt with, I move:

That the question be amended by omitting "be now read a second time" and inserting instead "be referred to the Standing Committee on State Development for inquiry and report, and that the committee report by 10 August 2018".

Members will notice that that is exactly what I moved yesterday. This House cannot ignore the controversy surrounding this bill or the scientific precedent that it sets in relation to our management of national parks. I will be seeking referral of this bill for further inquiry at the appropriate part of the debate. I urge members not to support this bill. The Deputy Premier has been hysterical in the way in which he has advocated this bill. We cannot for eight years completely ignore the damage being done by an unmanaged horse population in Kosciuszko National Park. This is not the solution. We need to listen to the experts and we need to do the work. It is disappointing that it has come to this. I urge members to oppose the bill.

Reverend the Hon. FRED NILE (17:16): On behalf of the Christian Democratic Party I speak in support of the Kosciuszko Wild Horse Heritage Bill 2018. The object of the bill is to recognise and protect the heritage value of sustainable wild brumby populations in parts of Kosciuszko National Park while enabling active management of brumbies to reduce their impact on the national park's alpine environment. As members know, brumbies have been present in the Monaro and Snowy Mountains areas since the 1830s. For many years there has been significant debate regarding the future of brumbies in the national park. The brumby population is an important part of the cultural heritage of the area and the community has a strong attachment to them.

The ASSISTANT PRESIDENT (The Hon. Shayne Mallard): Order! There is too much audible conversation in the Chamber. Reverend the Hon. Fred Nile will be heard in silence.

Reverend the Hon. FRED NILE: This is an unusual bill because it has many aspects built into it. I know that the Hon. Penny Sharpe has spoken about referring the bill to a committee for examination, but it has an examination built into it. The bill requires preparation of a wild horse heritage plan of management for the national park to identify the heritage value of sustainable brumby populations within identified parts of the national park. The draft plan is to set out how that heritage value will be protected while maintaining other environmental values. The bill also requires public consultation on the draft plan of management, consultation with the National Parks and Wildlife Advisory Council and consultation with the NSW Heritage Council on the draft plan of management. The plan will not just be rubberstamped.

The bill requires the adoption of the plan of management, and clarifies that the adopted plan of management will prevail where there is any inconsistency with a national park plan of management adopted under the National Parks and Wildlife Act 1974. On top of all those requirements, the bill provides for a community advisory panel to be appointed to formalise ongoing community involvement with implementation of the adopted brumby plan of management. The bill requires the establishment of an independent technical advisory group to provide ongoing expert advice, monitoring and research.

I congratulate the Deputy Premier and Minister for Regional New South Wales, John Barilaro, on the way in which he has helped to ensure this bill is fair, balanced, rational and will achieve its objectives.

I was very interested to read the Deputy Premier's second reading speech and I urge all members to do so before they vote on the bill. As the member for Monaro, the Deputy Premier provides important background to the bill. He stated in his second reading speech:

This bill recognises the cultural significance and heritage value of brumbies in the Kosciuszko National Park and sets a framework for their future protection and management.

The second reading speech refers to the historical aspect of the wild brumby as part of the Australian heritage. He stated:

Wild brumbies have been roaming the Australian alps for almost 200 years and they are part of the cultural fabric and folklore of the high country. I have said in this House before that nothing is more synonymous with the Australian outdoor lifestyle than the brumby, from *The Man from Snowy River* to the integral role that the Snowy Mountains bush horses played in the Australian Light Horse campaign during World War I.

Many films have been made about the Australian Light Horse and the victories they achieved, but what is little known is that they were riding brumbies taken from the Snowy Mountains, trained and sent with our soldiers to the Middle East. Those horses played a large part in the success of the Australian Light Horse in World War I. It could not have been done without those horses and that should be recognised. I find it sad that due to regulations and the fear of disease the horses were not allowed to return with the soldiers to Australia. Those soldiers were broken hearted that their horses had to be killed or handed over to the Arab people living in the area. It is assumed that they were used for work purposes, but it is unlikely they were given loving care and attention. That rule had 20,000 to 30,000 horses remaining overseas, but for one horse which returned as he was owned by a general. Labor members had a lot to say about the bill. The Minister spoke of the New South Wales Labor Party's history of treatment of the brumbies. I recall watching on television the shooting of the horses from helicopters by the national park staff. The Minister stated:

Let us not forget what happened in October 2000 under the previous Labor Government. The National Parks and Wildlife Service hired contractors to conduct an aerial shooting operation or a culling of brumbies in the Guy Fawkes River National Park. The real picture of how that culling played out sparked outrage. Over three days more than 600 horses were shot and it was found that many of those horses took days to die. One horse took 10 days to die. Another was shot in the front leg twice, in the back leg and then in the body. Another horse was shot in the gut five times, once in the neck, and once in the head. Yet another horse had two shots to the back, two in the gut and three in the jaw. The National Parks and Wildlife Service was charged with 12 counts of cruelty but those charges were eventually dropped on a guilty plea.

I question the sincerity of the Opposition's claim that it cares for the brumbies following what was done when it was in Government. If Labor were re-elected next March I am pretty sure it would follow the same culling policies.

The Hon. Penny Sharpe: No, we would not; we ruled out aerial culling.

Reverend the Hon. FRED NILE: It is economic and you do it by cents and dollars—that would be the cheapest way to do it. Those who oppose the bill are advocating for the slaughter of 5,000 horses. We have to face the reality of the situation in the Kosciuszko National Park. I urge members to read the Minister's second reading speech as it contains the background for the bill, why he introduced it and why he feels so strongly about it. I hope members will see the value of the bill and it will be passed. I conclude with a quote from the Minister:

No-one in the Monaro region wants to see Kosciuszko National Park destroyed. We all want the opportunity to embrace the park, to enhance it and to use it in a way that drives the community to continue to fight for and protect it. Sunday's announcement about the bill allows the Government to do just that. People of my vintage who have grown up in the Monaro region know of Banjo Paterson's *The Man from Snowy River*—the movie or the poem. Brumbies would not have been showcased at the opening of the Sydney Olympic Games if they were not considered to be part of the Australia of today.

I have spoken to generations of families who are connected to the mountains, and their family stories include the brumbies. Acknowledging brumbies for the first time is historic and paves the way forward. Finding a balanced approach is most important.

...

The reality is that the bill is a victory for the people of Monaro. It is also a victory for the people who have taken a commonsense approach to balancing and managing both our cherished horses and our cherished wildlife.

I have always been a strong advocate for the Snowy Mountains brumbies. They are part of our rich history in the Monaro region and it is important the Government fights for them. They are part of life in the Monaro. I will always stand for their preservation, hand in hand, arm in arm, in lock step with the community and community leaders. These animals are a living part of Australia's history and this State has a responsibility to protect them in a balanced way for the generations to come.

The Deputy Premier commended the bill to the other House. I commend the bill to this House

The Hon. LOU AMATO (17:27): I will quote a few lines from Banjo Patterson's *Brumby's Run*, first published in *The Bulletin* on 13 January 1894.

It lies beyond the Western Pines
towards the sinking sun,
and not a survey mark defines
the bounds of "Brumby's Run".
On odds and ends of mountain land,

on tracks of range and rock,
where no one else can make a stand,
old Brumby rears his stock.
A wild, unhandled lot they are,
of every shape and breed.
They venture out 'neath moon and star
along the flats to feed;
but when the dawn makes pink the sky
and steals along the plain,
the Brumby horses turn and fly
towards the hills again.

Banjo Patterson is a great Australian icon and had a great love for the wild brumby. The word "brumby" is a uniquely Australian word used to describe wild horses. The origins of the term are not certain and a few theories exist. The most likely origin of the term arises in 1804 from the release by Sergeant James Brumby of his horses into the wild from his property at Mulgrave Place on the banks of the Hawkesbury River, New South Wales, prior to leaving for Tasmania. At times these horses were seen by other early settlers and became known as "Brumby's horses". Later the term was shortened to just "Brumby's" and the Australian icon was born. There is no doubt we are faced with a very difficult task. The preservation of Australia's alpine wilderness must be achieved. Yet for almost 100 years before we became a nation, wild brumbies have roamed free in our wilderness and high country.

There is a certain romance attached to the thought of Australia's brumbies proudly galloping "where the wild bush horses are" as Banjo Paterson stated in his famous poem *The Man from Snowy River*. There is no doubt that of all mammalian species, the horse is the most beautiful. For many of us, brumbies have become as Australian as kangaroos and koalas. Those horses have inspired us to write poetry and have graced our landscape beyond living memory. Brumbies are part of a legendary past and they have a story that continues to this day. Their freedom and majesty inspire us and ignite our inner passion to engage in deep thought about wild places where the air is pure and mountain streams cascade over rocky falls. Yet the wild places they grace are biologically sensitive areas that have, over the eons, evolved to support soft-footed non-placental mammals. The introduction of hooved placental mammals has resulted in a survival competition that the mammalian infraclass Marsupialia has difficulty competing with. This places many of Australia's indigenous fauna in the Kosciusko National Park under pressure. The question is how do we protect biologically sensitive alpine regions in New South Wales and rest easy knowing that the legend of the brumby lives on?

The Kosciusko Wild Horse Heritage Bill 2018 seeks to protect our beautiful alpine wilderness and keep the legend of the brumby alive for future generations of poets and storytellers. We are keenly aware that we must protect our sensitive alpine regions yet we acknowledge the heritage value of our wild horses, which must also be protected. The bill before the House seeks to recognise the heritage value of a sustainable wild horse population in the Kosciusko National Park. The bill is necessary to meet the community's expectations, which is somewhat polarised on the issue of wild horses. The bill is a responsible compromise that acknowledges the romance of our wild horse population whilst providing safeguards to biologically sensitive areas. Eradication of our wild horses by shooting is considered by many to be an unacceptable option. The actions of the former Labor government was a terrible shame. However, many believe that the only option is a complete removal of wild horses to maintain the park's many sensitive ecosystems. This Government believes it can achieve the result of keeping the legend of the brumby alive while maintaining the beautiful wilderness of our high country.

The bill establishes a draft wild horse management plan to be exclusively prepared for the management of wild horses in Kosciusko National Park. The draft plan will seek to identify the heritage value of sustainable wild horse populations in the park and ways in which we can minimise damage to the environment. The draft plan will be prepared in accordance with section 72AA of the National Parks and Wildlife Act 1974. Section 72AA states that any plan of management such as the wild horse management plan proposed in the bill must take into consideration, amongst other things: the conservation of the park's biodiversity, which includes maintaining the habitat, ecosystems and populations of threatened species; the protection and appreciation of objects, places and structures of cultural significance, and tracts of land; the protection of landscape values and scenic features; the protection of geological and geomorphological features; the protection of wilderness values and the management of wilderness areas; the maintenance of natural processes; the rehabilitation of the land to reinstate natural processes where necessary; the potential for the reserved land to be used by Aboriginal people for cultural purposes; to provide opportunities for public understanding and appreciation of natural and cultural heritage values of the land; and the identification and mitigation of threatening processes.

The wild horse management plan, as proposed, will be a continual work in progress evolving over time to better suit the objectives of maintaining our culturally significant wild horse population and the beauty of Kosciuszko National Park. To ensure the draft plan meets community expectations, public exhibition of the draft plan will be advertised in the *Government Gazette*. Individuals and community groups will be encouraged to provide submissions to the draft plan. Adoption of the plan will take place after representations have been considered from the public and the Chief Executive of the Office of Environment and Heritage. Any future amendments to the plan will also be subject to community consultation and notification in the *Government Gazette*.

The bill establishes a Wild Horse Community Advisory Panel. The panel will consist of a minimum of six members and not exceed eight. Members of the panel will include at least one Aboriginal person, one representative of the community from the locality around Kosciuszko National Park, one representative of the Minister, and other persons who, in the opinion of the Minister, have expertise and experience in any one or more of the following: recreational planning and management, including horse riding; horse or other animal welfare management; alpine tourism planning and management; and community involvement in conservation. In addition, the chief executive is to arrange for a senior officer of the National Parks and Wildlife Service to attend meetings of the panel and for secretarial support to be available to the panel.

We must get the balance right. The long heritage of our brumbies is significant and the loss of such an icon would leave us culturally impoverished. Our wild horses must continue to roam free within the bounds of "Brumby's Run" and the wild places they grace must be protected. The Kosciuszko Wild Horse Heritage Bill 2018 is a positive step in achieving these goals. I support the bill.

Dr MEHREEN FARUQI (17:36): On behalf of The Greens I speak to the Kosciuszko Wild Horse Heritage bill 2018. The Greens oppose the bill. We oppose it because we recognise the detrimental environmental impact that wild horses are having on the Australian alps bioregion, including Kosciuszko National Park, and this bill entrenches this impact rather than addresses it. We oppose the bill because it represents yet another example of the aggressive agenda of The Nationals and their dominance of a weak Liberal Party in this Government, although we know that the Liberals are no friend of the environment by any stretch of the imagination. It is quite sad when a bill on Kosciuszko National Park is introduced by the Leader of The Nationals rather than the Minister for the Environment.

We oppose the bill because it is another example of the influence of powerful vested interests and political donations that dictate policy in this Government. I spoke out strongly against the bill when it was announced and called it bizarre because there is no other way to describe it. The Australian Alps National Parks and Reserves, which includes Kosciuszko National Park, are already listed federally as a national heritage place in recognition of their unique national environment found nowhere else in Australia. This area is also one of only two UNESCO biosphere reserves in New South Wales. It is clear that this region is incredibly important not only nationally but also internationally. This bizarre plan does nothing to protect this precious, pristine and unique environment.

Legislating to keep wild horses permanently in the national park only seeks to further damage it. This would force the protectors of our national parks, the National Parks and Wildlife Service, to keep invasive species in the park in direct contravention of their mandate to protect the environment. This is all part and parcel of the continued erosion of the New South Wales National Parks and Wildlife Service and its expertise. We know this Government has contempt for environmental expertise. Its restructure of the service continues to push this expertise out the door. I have no doubt that soon we will see the next step in their plan come to Parliament, which is the complete abolition of the National Parks and Wildlife Service. I am hopeful that before it comes to that we can boot this Liberal-Nationals Government out.

The bill is bizarre because the alpine region goes across Victoria, Australian Capital Territory and New South Wales. No effort has been made to integrate this into planning. I hope the Government understands that horses do not recognise State and Territory boundaries. The irony of this bill is that while we have more than 1,000 threatened species in this State and koalas are pushed to the brink by this Government, it is the wild horses that are recognised to be negatively impacting other species including critically endangered species that will be given heritage protection by this Government.

The Government does not give a damn about greyhounds or koalas or kangaroos or puppies or sharks or chooks or pigs and suddenly we are to believe that it cares about the brumbies. It is a bit intriguing perhaps, but maybe not so intriguing if you dig a little bit deeper. The bill has nothing to do with animal welfare and it has nothing to do with the environment. It is the game of mates that I have spoken about before in this Chamber. Why else would Mr Peter Cochran be bragging about having drafted the legislation himself on Facebook? Facebook posts I have seen show Mr Cochran, the former member of Monaro, bragging that, "The bill was originally drafted

under instruction from myself by pro bono solicitor Richard Smallwood, long-time campaigner for horse riders and a member of the Australian Horse Alliance." Mr Peter Cochran has a lot to gain through the bill. He is the former member of Monaro and owner of Cochran Horse Treks, who charges thousands of dollars to run horse tours through this area and is a political donor to The Nationals.

The bill does two things. Firstly, it requires the Office of Environment and Heritage to prepare a draft wild horse management plan for Kosciuszko National Park, a plan that would guarantee that there would be a sustainable population of wild horses in the park. What does a sustainable population mean in the context of environmental destruction? This plan, which would only be exhibited for 30 days, would take precedence over any overall plan of management for Kosciuszko National Park. This will prevail over the management plan for Kosciuszko National Park and could completely override the values that have been established over a long period of time with consultation across the board. This is poor practice and precedence which could lead to terrible outcomes which are quite unacceptable.

Secondly, the bill establishes a wild horse community advisory panel, a panel which the Office of Environment and Heritage is meant to take advice from in establishing the wild horse plan. This panel will be packed with National Party mates who have no interest in reducing the number of horses in the park. The closest we come to any environmental expertise on this panel is community involvement in conservation, which could be almost anyone and certainly does not require any actual ecological or cultural expertise. The position description of other persons to be appointed to the committee, including someone "with expertise in recreational planning and management (including horse riding)" seems tailor-made for Mr Peter Cochran.

It is interesting to note the timing of the bill. It is the New South Wales Government's intention to push through this bill when the Threatened Species Scientific Committee is in the middle of the submission process to declare the habitat degradation and loss by feral horses a key threatening process. The Government is doing this because it knows that the committee will declare horses damaging and this will not suit its narrative. The preliminary determination issued by the NSW Threatened Species Scientific Committee in April this year makes interesting reading. It states:

Feral horses negatively impact native species and ecological communities in a variety of ways. Habitat damage in streams, wetlands and adjacent riparian systems occurs through selective grazing, trampling, track creation, pugging (soil compaction), wallowing, dust bathing leading to stream bank slumping and destruction, stream course disturbance and incision and sphagnum bog and wetland destruction.

Where is the environment Minister on this? Missing in action, as usual. As I said earlier, she did not even introduce the bill. Her only contribution is that she will permanently allow horseriding in four national parks—Kosciuszko, Deua, Monga, and Mummel Gulf, all as a result of a memorandum of understanding signed with three horseriding groups, the Snowy Mountain Users Group, the Australian Horse Alliance and the Snowy Mountains Bush Users Group in 2006. Twelve years later we are paying the price of the desperate Liberal and Nationals parties when they were in opposition. The management of wild horses has been a complex and long-running issue—no-one can deny that. Complex problems rarely lend themselves to simplistic ideas, such as the one before us today. I will not use the words "simplistic solution" because this bill is no solution at all. I absolutely understand that there are emotional attachments to the brumbies but their impact on the environment cannot be denied. Their numbers must be reduced. That is not to say they are the only threat to the national park and the environment, with other invasive species and climate change also responsible. But we need to call the bill out for what it is—permanently entrenching their numbers in the park.

This is a thorny issue for all. The New South Wales Government attempted to aerially cull wild horses in the Guy Fawkes National Park in 2000, but that was discontinued after three days following outcry over significant animal welfare issues. The New South Wales Government explicitly ruled out aerial shooting on animal welfare grounds in the Kosciuszko National Park Draft Wild Horse Management Plan 2016. The Greens policy has always been about managing invasive species humanely through non-lethal methods wherever possible, while understanding and ensuring that if lethal methods are to be used as a last resort, they are done humanely, through professional, effective and scientifically proven methods. The Greens believe it is critically important to invest in non-lethal methods that can reduce numbers and improve animal welfare outcomes, while ensuring environmental protection remains key. There has been a lack of investment for many years in research and development to improve the effectiveness of humane and non-lethal control techniques. The Greens want to prevent any further damage to this fragile ecosystem and we want to let it recover. We want to remove the brumbies in the most humane way possible and in a way that is backed by rigorous science. But let us not pretend that the bill has anything to do with that. All it does is legislate to keep wild horses in the national park.

Protecting the alpine regions of this State has been an ongoing battle. It is an area that has been unacceptably impacted by humans and work is needed to return the area to its natural brilliance. I visited Kosciuszko National Park a month ago and it is a sight to behold. As the Hon. Penny Sharpe said, thousands of

people visit every year. The Museum of Applied Arts and Sciences notes that farmers and drovers took sheep and cattle to graze in the high country every summer from 1830 to 1969 and pastures were burned to produce fresh green growth. Animals selectively ate soft plants between tough tussock grasses, leaving large areas of soil exposed to wind and rain. Kosciuszko National Park was established in 1944 and we only saw an end to this grazing completely in 1969. We need to continue our journey in protecting the pristine areas of the Kosciuszko and removing the remaining key threats, and that includes wild horses.

The Greens oppose this bizarre and unacceptable bill. It would be much better thrown in the bin, but I will however be moving some amendments to make the bill a little less destructive which include ensuring that the national parks plan takes precedence over the wild horse plan, changing the membership of the wild horse community advisory panel and ensuring that ecological sustainability is front and centre and accounted for.

The Hon. RICK COLLESS (17:47): I am pleased to give my support to the Kosciuszko Wild Horse Heritage Bill 2018. I begin by talking about some Australian history and in particular, the Australian Light Horse Regiments, the mounted cavalry that served in both the Boer War and the First World War. The horses used by the Australian light horse regiments were known as Walers. That was an abbreviation from New South Walers—that is what they were called. Many of these horses were recruited from brumbies from the Kosciuszko region of New South Wales and were ideally suited to the work of the light horse. They were not overly large, were fine boned, fast, extremely strong, extremely fit and they were the envy of all the mounted horse brigades throughout the world when how they operated was observed. By the outbreak of the First World War there were 23 light horse regiments in Australia.

My paternal grandmother's brother, Trooper Karl Hargrave, was a member of the 1st Australian Light Horse Regiment and was part of the charge of the light horse at Beersheba in October 1917. Unfortunately, Uncle Karl was one of the only 32 light horsemen killed in action on that day.

Karl was mounted on a Waler, with his roots and his ancestry in the Kosciuszko brumby. I was fortunate enough to visit Karl's grave in the Beersheba war cemetery a few years ago and to visit the Australian light horse memorial in that same city. I saw bronze statues of Walers and from the fierce look of determination in their eyes I could tell that their blood was fairly hot. That fierce look of determination and their fighting spirit is legendary in the stories of the brumby.

In 2000, just after the Sydney Olympics showcased the brumby, the National Parks and Wildlife Service shot about 600 heritage horses, which is what the brumbies in the Guy Fawkes National Park are called. They are very similar horses. About 600 of them were shot in the Guy Fawkes National Park. This was not a clean cull. Horses were shot from helicopters, and many were left wounded and left to die for some weeks before local farmers and horses lovers euthanised them.

Reverend the Hon. Fred Nile: Who gave the order?

The Hon. RICK COLLESS: The order was given by the former Labor Government through the National Parks and Wildlife Service. The horses were left to die, in some cases for several weeks, and it was the most appalling animal cruelty that we have ever seen from a government organisation. As Reverend the Hon. Fred Nile said, the National Parks and Wildlife Service was subsequently prosecuted by the RSPCA for cruelty to horses. It was unbelievably cruel to shoot horses, our iconic animals that are embedded in Australia's military history, and to leave them to die like that.

A recent ABC report said that the brumby is more than just a horse to the people of the high country. They see them as part of the mountains, as part of their history and as part of their heritage. Those people also refute the estimated numbers that are in the park. I agree with some of the comments that have been made that we need to get a much better estimate of the number of brumbies in the Kosciuszko National Park. Some of the environmental rhetoric stated by those opposite is breathtaking.

The bill will allow the identification of the heritage value of a sustainable wild horse population. A wild horse management plan will address the concerns and will identify those areas of the park where populations can be maintained without destroying the environmental attributes of that region. Importantly, a key component of this bill is that it will prohibit lethal culling of the brumby. We will not see, and nobody wants to see, a Guy Fawkes situation happen again. There are better ways to reduce wild horse numbers in any population that is out of control, which is a very important part of this bill. The brumby is an icon, it is part of our heritage, it is part of our military history, it is part of our mountains, it is part of us. I commend the bill to the House.

The Hon. ROBERT BROWN (17:53): The Shooters, Fishers and Farmers Party will support the Kosciuszko Wild Horse Heritage Bill 2018. I have received similar correspondence to the Hon. Penny Sharpe

from the same people to which the Hon. Penny Sharpe referred with her suggestion to take this bill to a committee. To say that most of those people are at the other end of the ideological spectrum to me and the Shooters, Fishers and Farmers Party, insofar as conservation is concerned, is probably the understatement of the year.

Why do I support this bill? First of all, I have read it and it clearly states that its intent is to manage the number of horses in Kosciuszko National Park. What is a sustainable herd? Most of the people who want the brumbies to remain there would probably argue, along with the National Parks and Wildlife Service—those who are not game to stand up and say "Secretly we want the lot out. We want to shoot every one of them"—for about 1,000 horses. I do not know whether all the people in favour of the brumbies support that number or whether they think it is too many or too few.

The reaction to the culling of the brumbies and the reaction to the commencement of the so-called wild horse management program by the National Parks and Wildlife Service started because the people who want to see the heritage value of the brumbies conserved did not believe that the estimates of the National Parks and Wildlife Service of 6,000, and in some cases I have seen 14,000, horses is anywhere near accurate. In fact, I offered to try to help raise some money for the Snowy Mountains Bush Users Group to pay for a repeat survey to that undertaken by the National Parks and Wildlife Service by the group's observers. Firstly, I do not trust the National Parks and Wildlife Service as far as I could kick them collectively. I have seen too much of this type of thing happen over a lot of years.

Secondly, I know for a fact that the National Parks and Wildlife Service has been prevented from shooting horses from helicopters since Guy Fawkes. That prohibition was put in place by a Labor environment Minister, Mr Bob Debus. At the time I supported him and he stopped it from happening again. This Government so far has not gone against that prohibition. I know that if the National Parks and Wildlife Service is given half an inch, it will have the choppers up there. I know that the National Parks and Wildlife Service applied for dispensation from a federal agency to conduct trials into the poisoning of large animals.

It is bad enough to see video footage of small animals being poisoned by something like 1080. If we see the misuse of 1080 on dairy cattle we know we have trouble. The wild deer trade in New Zealand was halted because customers in Germany found traces of 1080 in animals that were wild harvested. That is a bit of background as to why I do not trust the National Parks and Wildlife Service or its so-called scientists one iota. I have received emails from Dr Bidda Jones from the RSPCA. Dr Jones said that she believed that there is such a thing as best practice aerial culling.

I have seen herd animal culling take place. The process is for the helicopter to fly behind a mob of animals—could be pigs or horses—and the shooter shoots from the back of the mob to the front. If they approached from the front, like in the famous movie *The Man from Snowy River*, they disperse. However, the standard operating procedure for shooting from these helicopters states that the animal must be killed. The observer in the helicopter must certify that the animal is dead before the shooter can move on to the next animal. If that were done in a \$1,200 per hour helicopter only one animal would be killed.

I have seen video evidence of the helicopter flying up the back of a mob and they anchor animal after animal. How is a large animal anchored? They shoot it in the hips and it falls down, screaming, kicking and thrashing about. It is the most disgusting sight I have ever seen. After they finish the run they fly back down the line, and the animals are checked to see if they are dead. At the end of the day after being in the \$1,200 per hour helicopter, with probably 10 staff, they can say they have killed 40 or 50 animals, instead of one. It is incredulous for Dr Bidda, on behalf of the RSPCA, to say that aerial culling can be carried out under best practice.

That is why I am incredulous at some of the statements that have been made.

I have spent some time in the high country doing all sorts of things—not hunting; that is illegal. I have been on a horse cull on the development roads in the top end of Queensland. I am not ashamed to say that I could not shoot a horse. The team I was with proceeded to ground shoot some horses. There were a couple of thousand horses in a fairly small area and the destruction was absolutely incredible. They called the area "the desert" because there were too many horses there.

As to Kosciuszko National Park, this bill seems to present a reasonable method of solving the conflict, and there is conflict. The conflict is between people who say that the National Parks and Wildlife Service has dummed up the plan of management by overestimating the number of horses and others who say, "We fly fish in those rivers and know how much damage the horses do." I have had a lot of correspondence from fly fishers and I have had to remind a couple of them that trout are also an introduced species. Yet governments—not just the

New South Wales Government—breed trout to be released for fishing. We have had acclimatisation societies in this country for a long while.

I do not want to see the national park trashed by horses. The Opposition has said that too. The problem is that I do not trust the people in charge of the chicken coop. Give them half a chance and they will kill every horse. The bill before the House seems reasonable. I know the objections and who has objected to the bill. When I put it all together, it says ideology to me. The Hon. Penny Sharpe raised the question about bills being written by private persons. I remind her that the Labor Party passed the Game Bill in 2001. The author of the game bill was me, Robert Brown, a private citizen. I did not receive \$10,000 in my pocket or anything else but I wrote that bill.

The Hon. Rick Colless: How about retrospectivity?

The Hon. ROBERT BROWN: Probably.

The Hon. Don Harwin: Who asked you to write it?

The Hon. ROBERT BROWN: My constituents did.

The PRESIDENT: Order! Members will cease interjecting and the Hon. Robert Brown will cease responding to interjections.

The Hon. ROBERT BROWN: I hope my remarks give the House and the Parliament a bit of background as to why I support the bill. I trust that the Government will do the right thing and will appoint to the advisory panel not only people with an interest in the horse industry in the park but also appoint someone from the Recreational Fishing Alliance or the freshwater part of that group. Perhaps the Government could appoint someone from one of the professional greenie groups in order to get some balance.

Reverend the Hon. Fred Nile: An animal rights party?

The Hon. ROBERT BROWN: Indeed, appoint an animal rights advocate to make sure that they do not start shooting the horses. We can talk about this and put word pictures in our minds but if members had seen how difficult it is to kill a fully grown horse, even with a .308 or a high-calibre rifle, they would know it is not easy. On the cull I was on in northern Queensland they had to use .458 Winchesters, very big calibre rifles, to kill the horses.

The Hon. Dr Peter Phelps: A .470 Nitro Express.

The Hon. ROBERT BROWN: They were using a .458 Winchester Express. As I have said, if I had not seen how the aerial cullers do it I also might have been sucked into making a statement that there can be best practice aerial culling. Members would be well aware of my association with and love for deer. Deer have been in the Kosciuszko National Park probably damn near as long as the horses. There were certainly deer since halfway through the time people were running cattle in the high country. There will probably always be deer there because they are harder to kill than horses in that wild country. For those reasons and placing my trust in the Government—

The Hon. Penny Sharpe: That is a mistake.

The Hon. ROBERT BROWN: It may work out that way. I was asked by the Snowy Mountains Bush Users Group to attend its annual general meeting which was held about seven or eight months ago, and I did so. Everyone there was pro brumby and not one of them had any confidence in the numbers surveyed by the National Parks and Wildlife Service. I hope that the structure proposed in this bill undertakes as its first job an independent survey of the number of brumbies and that all sides abide by the estimates given, not only about the number of horses but also about their location. There are areas in the Kosciuszko National Park where we do not want hoofed animals, if we can remove them. There are other areas which I call tiger country or scrub where the impact is nowhere near as bad. I have seen this firsthand; I am not speaking from an armchair. I have been there and seen it and I am fairly well informed. My colleague the Hon. Robert Borsak and I support this bill.

The Hon. JOHN GRAHAM (18:06): I oppose the bill. I will start where my colleague the Hon. Penny Sharpe left off. I will talk about why this park is important to Labor and why Labor has taken such a strong position in Parliament and in public on the protection of this park. We have to go back to March 1944, when the legislation came into this Parliament to create what was then the Kosciuszko State Park. Think about the time: it was in the middle of World War II, with D-day a couple of months away. In Western Australia, the Allies had just been alerted that they possibly were about to be under attack. On the other side of the continent, Bill McKell was creating this State park in 1944, with a view to making it a national park.

Mr McKell had taken a tour, travelling by car and horseback for 10 days to look around the alpine area and work out exactly what was going on. He camped there with a number of bureaucrats, including the head of

the Soil Conservation Service, an agency of which he was a big supporter. He had spent time as a boy in the alpine area beside the Snowy River and that had made an enormous impression on him, even though he was a Redfern boy. He had spent a lot of time by the Snowy, and that was one of the real drivers for why he drove this through in the middle of World War II. Originally 100 miles long and 22 miles wide, a total of 1,380,000 acres were put into the park. What did McKell and the others see over those 10 days to drive their actions? They saw the appalling damage that was being done at that time to this area by grazing.

I disagree with one point my colleague the Hon. Penny Sharpe made and that was to talk about the bipartisan support for this park. That bill was opposed by those members in this Parliament who are now in government. We are on opposite sides again on this issue. We are back to the original positions that we had in 1944. That goes some way to explaining why this park is so important to Labor, why we will defend it and why we have taken a strong position in the Parliament and in public on this bill.

I recognise the contribution by Bill McKell.

The previous speaker referred to Bob Debus, another Labor figure I recognise. I place on record my thanks to Bob Debus as an outstanding environment Minister not only for the Labor Party but also for New South Wales. The Hon. Robert Brown spoke about the role Bob Debus played in stopping aerial culling. The shadow Minister has asked me to make it clear that Labor has ruled out aerial culling. I appreciate that that had not been suggested by the Hon. Robert Brown but I place our position on the parliamentary record. The key point I want to take issue with is how much the Deputy Premier and, surprisingly, the Minister for the Environment overstated the importance of the brumby. In his second reading speech, the Deputy Premier said:

... nothing is more synonymous with the Australian outdoor lifestyle than the brumby ...

He also said:

... we recognise the brumby's unique place in Australian history ...

In her contribution to this debate, the Minister for the Environment said:

The brumbies are a unique part of the alpine heritage.

I take issue with those comments. I do not mind Government members saying that the brumbies are important or fundamental but they are not unique. Indeed, that is the view in the National Cultural Heritage Values Assessment and Conflicting Values report, which was published in December 2015. The report states:

The wild horses in KNP are not a specific breed nor are they genetically different to domesticated horses or to any other wild horse populations in Australia ...

...

Brumby expert Brian Hampson notes that "All genetic studies performed in Australia and NZ have found no unique genetic markers in brumbies that would distinguish them from cross breed domestic horses.

I do not object to the case being made that brumbies are important or culturally significant but they are not unique. I raise that because there is a unique animal in this park and it is endangered, that is, Australia's only hibernating marsupial, the native mountain pygmy possum. There are less than 2,000 of these animals in the wild. There are three declining populations and one of those populations is found at Kosciuszko. Each of those 2,000 Australian native animals is genetically distinct. Unlike the brumby, they are unique. Recently a critically important discovery was made on the new population of mountain pygmy possums in Kosciuszko National Park. These possums live below the tree line in an area that receives little snowfall. They may play a key role in understanding how this species will adapt to future challenges, given concerns about the snowfall in the area.

I am concerned about the hyperbole on the one hand from the Deputy Premier versus these unique Australian natives. A number of previous speakers have suggested that we should all hold hands and protect everything. The uncomfortable truth that sits behind any of the sensible views on this debate is that there will be casualties. If we do have to choose, then it is our obligation to choose the unique Australian native animals. I want to comment also on the Deputy Premier's public interventions in this debate. Indeed, I want to defend him. In the course of this debate it has been suggested that the Deputy Premier sees himself as the Man from Snowy River. That is unfair. In fact, the Deputy Premier has been generous enough to allocate that credit elsewhere because he has described Peter Cochran, who is seated in the gallery, as the modern Man from Snowy River. I acknowledge his generosity in that regard. I worry that the Deputy Premier imagines himself occasionally taking part in the Charge of the Light Brigade. I urge those opposite to keep an eye on the Deputy Premier because when I imagine the Deputy Premier at the Charge of the Light Brigade I see him up the back talking to Charles Bean and briefing against his colleagues.

The Hon. Don Harwin: Point of order: The member's comments are disorderly. They are a serious reflection on a member of the other place. The member should be called to order.

The PRESIDENT: Order! I remind the member of Standing Order 91 (3), which states:

A member may not use offensive words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.

The member commenced his remarks about the Deputy Premier in what I would call a cute manner, which indicated that he was being positive towards the Deputy Premier. However, he drifted from that position. I ask the member to withdraw his last comment about the Deputy Premier.

The Hon. JOHN GRAHAM: I withdraw my last comment about the Deputy Premier. Labor opposes this bill because the science has been abandoned and the mountain pygmy possum and our alpine heritage have gone out the window.

Mr JUSTIN FIELD (18:16): I speak to the Kosciuszko Wild Horse Heritage Bill 2018. I state at the outset that I wholeheartedly oppose the bill. I echo the comments of my colleague Dr Mehreen Faruqi, who has outlined The Greens' position and our historical support for our national parks.

The Hon. Dr Peter Phelps: Hysterical Greens support?

Mr JUSTIN FIELD: The historical, ongoing and unfaltering support for our national parks and the unique animals mentioned by the Hon. John Graham, which are being sacrificed for a political stunt. I will speak more about that later. Across the world protected areas have been established to safeguard the diversity of plant and animal species, to maintain our ecosystems, to preserve historic and cultural resources, and to secure the beauty of our landscapes. People should spend more time looking at our landscapes. These places enrich human experience and protect places of natural and spiritual value. Like so many Australians, I am inspired by the landscapes that surround me. As a young bloke I spent a number of seasons in the Snowy Mountains. I have seen and I have felt why these places are so precious to so many people. They need to be protected.

From the coastal landscapes I see every day on the South Coast to the vibrant red country in the west, to our World Heritage rainforest in the north and to the Snowy Mountains, they all have special values. Indeed, we have inscribed them on our list of protected areas with a vision that they will be protected in perpetuity. These sacred places reflect the past—the time before colonisation and development. They reflect that the first peoples, the ongoing custodians of this land, had carriage of these places. They also reflect our shared future and our responsibility to the environment, to the community and to our children.

We also rely on those protected areas as essential carbon sinks. They are required to mitigate the worst impacts of climate destruction. They filter the water that we drink and clean the air that we breathe. When we undermine them and take actions that destroy those places, we destroy something within our own humanity and we depart from the recognition that we exist in an ecosystem that is our life support system. That is what this will do.

We could call this bill a political stunt but normally political stunts are pretty harmless. This bill, if allowed to become law, will fundamentally undermine our national park network and in this instance one of our most precious and iconic national parks. The bill legislates to give special protection to a single feral species. It does that over and above the interests of all the native species that rely on the park. Some of them—such as the Corroboree frog and the endangered mountain pygmy possum—are endemic and call these mountains home. The Greens are the party of the environment. We stand with the pygmy possum and with the Corroboree frog over feral and introduced species that will destroy the habitat that those animals rely on. They will destroy the ecosystem that we all rely on.

The Hon. Penny Sharpe: Point of order: Government members have been constantly interjecting and are now speaking so loudly that we are unable to hear the speaker.

The PRESIDENT: Order! I uphold the point of order. I remind Government members that there is too much audible conversation in the Chamber. If they need to have conversations, they can go to the members' lounge.

Mr JUSTIN FIELD: The bill prioritises the concerns of a small but loud section of the community in a marginal seat over the future ecological sustainability of the park.

The Hon. Dr Peter Phelps: Marginal is not embarrassing.

The Hon. Penny Sharpe: Point of order: The Hon. Dr Peter Phelps has been interjecting constantly. I had warned the member that I would take points of order on him. That is the second instance. He continues to flout your ruling, Mr President.

The PRESIDENT: Order! This is the last warning to members. If there are any further interjections, I will call members to order. Mr Justin Field has the call.

Mr JUSTIN FIELD: This is a place that all people of New South Wales, Australia and the planet have an interest in. We cannot sell it out for one electorate and one small group of people. But that is what this bill does. It gives a voice to one Nationals party donor who started a romantic notion of Australian folklore to further his own interest. The comments of a former NSW National Parks and Wildlife Service officer who recently contacted me nail what is going on. The officer said, "The brumby control issue from the start has been coloured by an emotional response based on the promulgation of misinformation by a number of self-interested groups." We see that no more evident than with the romanticisation of the role of brumbies in Australia's military history. That does not play out in the evidence before the Government and the department in the development of the draft management plan. I quote from an opinion piece by Professor Don Driscoll in relation to this bill. He said:

Barilaro also told Parliament that brumbies from the Snowy Mountains had an "integral role" in the Australian Light Horse campaign during World War I. However, the cultural heritage report prepared for the NPWS finds no definitive evidence this was the case, simply that it was "possible" some went into active service. It is not surprising that brumbies from Kosciuszko were not a key source of horses for World War I. Brumbies were of poor quality and viewed as only useful for meat exports. Horses that went to support the war effort, the "Walers", were bred in the thousands across Australia to support colonial expansion and export trades. Today, the Waler breed is secured. Two Waler societies established stud lines in the 1980s. In comparison to Walers, brumbies in Kosciuszko are not genetically distinct from most other feral horse populations or domestic horses.

Absolute nonsense is presented as fact to try to justify a bill that has been introduced primarily for political purposes. The bill completely overrides legislation that has been operating to protect our cultural heritage and environment for over 40 years. It overrides the Kosciuszko National Park Plan of Management, the legal framework that operates to govern all functions of the park. The bill throws out the work done on the 2016 Draft Wild Horse Management Plan, which is informed by an independent technical reference group, the expertise of National Parks and Wildlife Service and extensive public consultation. In the Government's briefing on the bill we were told that nothing has been decided about how the horses are to be managed, that this is basically about setting up a public consultation process and an expert committee and that everything is on the table and the Government will weigh it up—which is exactly what has been done for years.

The Government did not like the outcome of the consultation and public engagement process, so it starts another one but this time it puts specific controls around it so that it gets the outcome it wants. That is a joke; it is anti-intellectual nonsense. When protecting the most precious places in our community and environment, our decisions must be based on expertise. The way in which the National Parks and Wildlife Service has been spoken about in this debate says everything. There has been commentary about this being all about ideology. The ideology that is driving this legislation is anti our natural and wild places and anti National Parks and Wildlife Service and the gutting of environmental works, environmental services and the environment departments. That is what the Government has been on about the whole time. The bill flies in the face of evidence-based management of wild horse impacts. It is completely at odds with strategies in the Australian Capital Territory and Victoria. Recently the Victorian Premier released an action plan that details strategic removals to a manageable population in that State. The Victorian environment Minister, Lily D'Ambrosio, stated:

It's confounding that the New South Wales Government has done an absolute u-turn on their policy to tackle feral horses in our most pristine national parks.

The bill truly is an embarrassment for New South Wales. It sets a dangerous precedent where the interest of one marginal seat and one Nationals party donor can dictate the environmental policy of the Government. It has been done in an interesting way. The Government was already under pressure for environmental performance. The Liberal Party has somewhat of a track record of supporting the State's national parks. It has some history and legacy in that regard. The Liberal Party also has some positive legacy in our marine environments. But it is throwing both under the bus and is allowing The Nationals Deputy Premier, John Barilaro, the man from Snowy River, to ride out on his brumby, probably provided by Mr Peter Cochran.

The Deputy Premier has come down on his brumby and he has thrown out the expert advice and the legacy of our most precious natural places. Members have taken some creative licence tonight and have referred to a bit of Banjo Paterson. My son's name is Banjo. For his birthday he received books written by his namesake and we have spent a lot of time reading them. John Barilaro is not the man from Snowy River. He is more like Mulga Bill on his rickety bike, flying down the hill and he is going to end up on his arse at the bottom of the hill in Dead Man's Creek.

The Hon. Bronnie Taylor: Point of order: The member is reflecting on a member in the other place. I ask that he be called to order.

The Hon. Penny Sharpe: To the point of order: Mr Justin Field is not reflecting on another member. He may be using unparliamentary language.

The PRESIDENT: Order! I will not take up the member's time. Although he is not strictly reflecting on the Deputy Premier, he is not referring to him by his proper title. Some of those nicknames are offensive. In

his contribution to the second reading debate, the member will focus on the long title of the bill and its relevancy. He does not need to have a go at the Deputy Premier.

Mr JUSTIN FIELD: It is important that no member in the House makes a decision on the bill without knowing what is at risk and why Kosciuszko National Park is such a sacred place that requires attention. Kosciuszko National Park is the largest park in New South Wales and one of the only pristine alpine regions in the country. It provides a link between a chain of alpine national parks and reserves that stretch from the Australian Capital Territory to Victoria. It was the first reserve to be created, in 1906. The iconic park hosts the continent's highest mountains, glacial landscapes and unique assemblages of plants and animals, a number of which are endemic to the region. The park overlays significant water catchments and extensive tracts of forests and woodland.

The park is home to dense forest with fern gullies, stands of giant alpine ash and the valley slopes. The alpine plains across the park are lined with the iconic Snow Gums. Australia's most threatened species such as the Corroboree frog, the endangered mountain pygmy possum and the dusky antechinus call Kosciuszko National Park home. Many people have a strong attachment to Kosciuszko National Park, including the local first peoples, whose traditional connections with the land continue and they contribute to its management through the National Parks and Wildlife Service. Visitors flock to the region for a range of recreational ventures such as bushwalking, camping and skiing. I recognise as much as anyone that human activity has had an impact on the ecological values of the park but we recognise that activity and have made a decision to put aside areas for protection.

The PRESIDENT: I will now leave the chair. The House will resume at 8.00 p.m.

Mr JUSTIN FIELD (20:00:0): Before the dinner break I was reflecting on human ecological impacts on parks in the past. There has been a deliberate decision to put some areas aside for ecological biodiversity because of the inherent and essential value. A group has been charged to protect those areas in the interests of the community. In this instance it is the National Parks and Wildlife Service. I recognise it does a very good job in a very challenging environment. Some speakers tonight have reflected on how it does its job—the Hon. Robert Brown had a rant of sorts. He has a different expectation of the role of those places and that service. I disagree wholeheartedly with him on his analysis of how the National Parks and Wildlife Service do its job. It does a great job in a challenging environment with little support from the Government. The Greens have always talked about tenure-neutral feral species management and how important it is for the Government to recognise that feral species have an impact across the board. But feral species management must be prioritised in these most essential areas of ecological significance—our national parks.

I turn to the evidence in favour of proper management of wild horses in the national park. Invasive, wild species are a constant threat to these areas. They are right across the country. I have travelled across the country and seen the impact of pigs in Cape York, and of goats and horses in the west. There is a whole gamut of introduced wild feral, some invasive, species in our national parks. Those species cannot be allowed to continue in the Kosciuszko National Park. There is a responsibility to retain these areas. These horses trample vegetation, erode river and stream banks, pollute waterways, spread weeds and compete for food with natives. They upset the nutrient balance in soil, allowing weeds and invasive plant species to thrive. They trample and alter the hydrology of the habitat of the critically endangered southern corroboree frog. They cause siltation and increased turbidity in aquatic systems that flow into some of south-eastern Australia's most important river systems, such as the Snowy River, the Murrumbidgee River and the Murray River. That is why the brumby, a feral horse, is listed as a key threatening process under the Federal Environment Protection and Biodiversity Conservation Act 1999.

Despite any romantic notion, we must listen to the science and apply an evidence-based strategy to reduce the brumbies' impact on Kosciuszko National Park. A decision on how to manage wild horses within the park was within reach after extensive public consultation and advice from the National Parks and Wildlife Service on the draft management plan. An Independent Technical Reference Group [ITRG] was formed. I believe the plan was very close to being signed off. This plan was founded on specific advice of the ITRG, made up of experts in invasive species, animal welfare and ecology. The ITRG found that wild horse populations must not be left unmanaged in Kosciuszko National Park. There is sufficient evidence of ecological harm to require management intervention. The ITRG provided advice on how that management should be done and how numbers should be reduced by up to 90 per cent. They also provided advice on the animal welfare impacts of the different control options.

I note the bill, while intended to maintain wild horse species in the park, does not explicitly rule out any future lethal means of culling. For this reason, I highlight some of the recommendations. I understand there is a lot of concern about lethal means of culling, particularly given some historical experiences, but the Government has to be open to expert advice when making judgements about the management of protected places such as national parks. Kosciuszko National Park is remote. It is inaccessible in many places, w management options such as trapping are seriously constrained. There is reason to believe that if lethal means of culling are not able to be

used where necessary the problem will continue. These impacts continue. To rule that out would be to do nothing. It is clear that that is the intention of the Government in bringing the bill. That will be the frame through which any consultation happens on a future plan.

Members of the ITRG also identified that some of the lowest animal welfare impacts come from some lethal means. It is hard for people to understand that, but that is what the advice has been. The Greens take this very seriously. It is hypocritical for the National Party to stand across the Chamber and talk about animal welfare, given their history on greyhound racing. They are happy to have horses run around the track till near death through exhaustion but now they want an animal welfare policy. The Greens have always supported strong animal welfare principles and policies. The Greens recognise that where lethal means are necessary, they should be factors in that discussion. The scientific evidence cannot be ruled out. [*Time expired.*]

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! We are only seven minutes into this session. I suspect we have some hours to go. It is not going to be achieved by interjection. I invite members to hold their tongue. If they have not spoken, they have a chance to speak but it should not be done by interjecting on the member with the call.

The Hon. ADAM SEARLE (20:07): I make a contribution in this debate and at the outset I reinforce a point that has been made by a number of my Labor colleagues: the New South Wales Labor Opposition rules out the introduction of aerial culling in the future. I note that a number of members making a contribution in this debate have used that aspect to attack the Labor Opposition, particularly by reference to the past. The Labor Party acknowledges that, but this is not about the past. This is about the present and the future. It is wanton misrepresentation of the Labor Party's current position to be suggesting that a future Labor Government might contemplate the reintroduction of aerial culling.

The Hon. Robert Brown: I did not say that.

The Hon. ADAM SEARLE: The Reverend the Hon. Fred Nile made that comment. I want to ensure that no-one in this Chamber is under any misapprehension—

Reverend the Hon. Fred Nile: Has the ALP conference actually voted that?

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! Reverend the Hon. Fred Nile will not interject.

Reverend the Hon. Fred Nile: I apologise.

The Hon. ADAM SEARLE: With those introductory remarks, I move:

That the question be amended by omitting all words after "That" and inserting instead "this House declines to give the bill a second reading for the following reasons:

- (a) the Leader of the Opposition has written to the Premier seeking an investigation into an alleged breach of the Ministerial Code of Conduct and the bill should either be withdrawn or not proceed until this matter has been dealt with; and
- (b) there are unprecedented scientific concerns regarding this bill including those raised by the RSPCA, the International Union for Conservation of Nature and the Australian Academy of Science.

In speaking to the amendment that I propose to the second reading, and to make good the first point about why the passage of this bill should be paused until the investigation proposed by the Leader of the Opposition takes place, there is no better way to deal with the matter than to quote the letter sent by the Leader of the Opposition, Mr Luke Foley, MP, to the Premier. He sought an investigation into concerns that the Ministerial Code of Conduct may have been breached by the Deputy Premier and member for Monaro, the Hon. John Barilaro, MP. He stated:

The Ministerial Code of Conduct was introduced in 2014 and is prescribed as an applicable Code within the Independent Commission Against Corruption Act 1988. The preamble to the Code states that it is essential for the maintenance of public confidence in the integrity of Government that Ministers exhibit, and be seen to exhibit, the highest standards of probity in the exercise of their offices, and that they pursue, and be seen to pursue, the best interests of the people of New South Wales to the exclusion of any other interest.

There are reasons to be concerned that the Deputy Premier's actions in relation to the development and introduction of the Kosciuszko Wild Horse Heritage Bill are in breach of the Ministerial Code of Conduct. These are serious allegations and require a full investigation.

Under the Code, Ministers have a duty to act honestly and in the public interest:

A Minister, in the exercise or performance of their official functions, must not act dishonestly, must act only in what they consider to be the public interest, and must not act improperly for their private benefit or for the private benefit of any other person.

Ministers are required to carefully manage any conflicts, specifically the Code states:

A conflict of interest arises in relation to a Minister if there is a conflict between the public duty and the private interest of the Minister, in which the Minister's private interest could objectively have the potential to influence the performance of their public duty.

Ministers are also required to absent themselves from decision making if such a conflict arises.

Within the Code there is also a section that applies to Ministerial discretion that encourages a Minister to disclose and abstain when they have a substantial personal connection with a matter.

...

There are concerns that the Deputy Premier has taken political donations from an individual and has gone on to work with them to introduce a bill to the parliament that directly benefits that individual.

The Hon. Dr Peter Phelps: Point of order—

The Hon. ADAM SEARLE: I am reading from a letter.

The Hon. Dr Peter Phelps: Don't worry, I already won this point earlier in the night so I presume I will win it again. Standing Order 91 (3) relates to imputations against others. Earlier Mr Temporary Chair, the Hon. Shayne Mallard, made a ruling when the Hon. Penny Sharpe attempted to read the same letter which makes a series of allegations.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I watched that. There might be a difference in the exercise so I will ask for advice from the Clerk in light of the amendment moved by the Hon. Adam Searle to the second reading motion. I note that the Hon. Adam Searle has moved an amendment to the motion which I will not repeat. I remind all members of the rules of debate, particularly Standing Order 91 (3), which provides:

A member may not use offensive words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.

The Hon. Adam Searle has some latitude to address the matter that is the substance of his amendment but that does not give him unlimited range. I do not uphold the point of order, but I encourage a degree of caution because I am sure the Hon. Dr Peter Phelps will keep a very close ear to what he says next.

The Hon. ADAM SEARLE: In light of that very careful ruling, and to avoid antagonising any member of the Chamber, I think the concerns outlined by the Leader of the Opposition in his letter have probably been ventilated quite extensively elsewhere. I do not think I am transgressing the ruling, and no doubt somebody will pull me up if I do, but the Deputy Premier has publicly stated that Mr Cochran has been involved in the drafting of the bill that is before the House today, and Mr Cochran has stated that he and his solicitor were intimately involved in the drafting of the legislation. Mr Foley's letter to the Premier also states:

Given that this bill overturns specific advice given to Government in the form of the Draft Wild Horse Management Plan, and makes a significant change that overrides the *National Parks and Wildlife Act*, it is important that the public is assured that the actions of Mr Barilaro have not breached the Ministerial Code.

Until a full investigation into these matters has been completed, it would be appropriate to suspend the Parliament's consideration of the bill.

Yours sincerely

Luke Foley MP

Leader of the Opposition

I have read the letter at some length to make good the grounds in paragraph (a) of my motion to amend the second reading question that there be an investigation in this matter and into the allegations that the Deputy Premier has breached the Ministerial Code of Conduct and accordingly the bill at this point should be withdrawn or not proceed until that matter has been dealt with. Paragraph (b) states that there are unprecedented scientific concerns regarding this legislation, and the Hon. Penny Sharpe and the Hon. John Graham have elaborated on those points. I believe the Hon. Penny Sharpe sought leave, and tabled a letter from the Australian Academy of Science, dated 1 June 2018 and another from the International Union for Conservation of Nature dated 4 June 2018. The letter from the Australian Academy of Science states:

The Heritage Bill places a priority on a single invasive species over many native species and ecosystems, some of which are found nowhere else in the world. It is compatible with the principles that underpin Australia's world-leading protected area system, and with our commitments as a signatory to the Convention on Biological Diversity.

Leading research on the impacts of feral horses locally and from around the world provides clear scientific evidence of environmental damage done by this invasive species.

That research leads the Academy to expect substantial negative impacts on species and ecosystems within the park arising from the passage of this legislation. This bill in summary risks the removal of established management

zones, catchment protection and environmental planning provisions as defined in the plan of management. The Academy of Science further states:

The Wild Horse Community Advisory Panel to be established ... has no requirement for representation by people with scientific qualifications in areas associated with the conservation of nature ... or cultural heritage ...

They are very substantial concerns of the Academy. Further, the International Union for the Conservation of Nature points out that many of the alpine and subalpine plants and animals are endemic to the area to be affected by this legislation and exist nowhere else on earth, which is a point also made by the Hon. John Graham. The damage to those species posed by brumbies is a very significant matter for this House to consider.

The International Union for the Conservation of Nature [IUCN] also raises the same concern about the Wild Horse Community Advisory Panel and is also concerned that the legislation prioritises an alien species bred from domestic stock which demonstrably damages the fundamental values of the protected area. In short, it makes quite a compelling case on scientific grounds that this legislation is simply inconsistent with the protected area's conservation objective and the existing plan of management as well. The simple proposition is that retaining large numbers of wild horses simply cannot be reconciled with the stated values of the park.

Another point raised which is of significant concern to those of us on this side of the House at least is that the legislation before the House asserts the primacy of the adopted wild horse heritage management plan over and above the National Parks and Wildlife Act of 1974 and the 2006 plan of management of the park, and removes the provisions of the Act in relation to anything done to carry out or give effect to the adopted plan. These are far-reaching effects to the conservation values, affected species and ecosystems, which I am not certain every member of the House is fully aware of. This should weigh heavily on all of us when considering this legislation.

The IUCN makes a strong scientific case for asserting that wild horses negatively affect the integrity of the park and the values for which it was established. It makes the case that the State Government's own Threatened Species Scientific Committee has determined that feral horses in the park were "a key threatening process affecting the integrity of the protected area" and recommended that wild horse numbers should be greatly reduced.

Damage to the ecosystem and to biodiversity values of the national park that would arise from the passage of this legislation in the view of these scientific bodies is of such grave concern that they call upon the Government not to support the legislation. I find their concerns compelling, and that has moved me to move the amendment to the second reading with the two limbs as I have outlined. I urge all members to give close consideration to delaying the passage of this legislation until both of those matters have been satisfactorily dealt with.

The Hon. COURTNEY HOUSSOS (20:22): I make a contribution on the Kosciuszko Wild Horse Heritage Bill 2018. Let me say from the outset that Labor opposes this bill not because we disagree with the object of this bill, which is to recognise the heritage value of sustainable wild horse populations within parts of Kosciuszko National Park and to protect that heritage, but because in its implementation, this bill will fundamentally undermine the operation of the National Parks and Wildlife Act 1974. In his second reading speech in the lower House, the Deputy Premier made big promises that this bill would end aerial culling and bring a more humane approach. His was a lengthy contribution that made a great deal of promises about what this bill would do.

Let us be clear about what the nine pages of this bill actually do: they state the object, establish an advisory council and then say that the new Act will override the National Parks and Wildlife Act. That is it. There is no mention of aerial culling or a more humane approach. There is mention of some regulations that may accompany this bill, but the bill itself does not deal with many of the substantive issues that have been discussed in the second reading debate tonight. This bill is a classic example of a Deputy Premier who continues to overpromise and fail to deliver.

We should not even be debating this bill today. I foreshadow my support for the amendment moved by the Leader of the Opposition in this place. There are many clouds hanging over this bill. It has been widely reported that the Deputy Premier did not declare an interest prior to the Cabinet discussion of this legislation, despite receiving a \$10,000 donation from the main proponent of this bill. Under the ministerial code of conduct that was introduced in 2014, Ministers—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I think the member is starting to stray into the precisely the same territory that other members have strayed into. I encourage the member to consider her words before breaching the provisions of Standing Order 91 (3). My remarks are only a comment at this stage, as nobody has taken a point of order.

The Hon. COURTNEY HOUSSOS: I take on board the comments of the Deputy President. I will briefly make my point, which is in support of the amendment moved by the Leader of the Opposition, and the many concerns that have been raised and ventilated in the public discussion around this bill. The issue of political donations was discussed in this House at length last week. We passed deeply significant legislation that will allow real-time reporting of political donations. The discussion of this bill has been undermined because that disclosure has not been made. Indeed, the individual who made that significant financial contribution has subsequently bragged on Facebook that he commissioned the drafting of the bill, and perhaps he did. There is no doubt there should be a full and thorough investigation of these issues before we consider the bill.

But as we are discussing the bill, I will outline why we oppose the bill. New South Wales Labor acknowledges the cultural and tourism value of wild horses. We supported a motion in the other place last sitting week recognising this cultural and tourism value. But let us be clear: This is not a bill that will protect the swelling numbers of visitors to the park, the Aboriginal cultural heritage of the park, nor the unique environment that visitors come to see, or the endangered animals that live within it.

Some of my colleagues have spoken at length about the long history of the Kosciusko National Park. Indeed, it was declared by the great Labor Premier Bill McKell in 1944. My colleagues extensively canvassed the incredibly meticulous approach Premier McKell took to declaring the national park. In discussing this bill tonight, it is important we reflect on what that national park has brought to that particular region. This is the most visited national park in New South Wales outside the Greater Sydney region. Visitation from 2014 to 2016 has grown by 52 per cent. This is a tourism—

The Hon. Wes Fang: Mecca.

The Hon. COURTNEY HOUSSOS: —Mecca. I acknowledge that interjection. It has a tourism industry that is establishing itself as a year-round reality that no longer exists from snow season to snow season. The explosion of visitors is happening, as we have seen, from mountain bike riders and other hikers who see the beauty of the national park and everything it has to offer all year round. Back in 1944, the park was opposed by the forerunners of the Nationals, the Country Party, and this bill seeks to undermine the national park that brings so much and is so valuable to this region. What else would we expect from those opposite, who have cut \$121 million from the National Parks and Wildlife Service over the past two years?

It is important to note that New South Wales Labor is not the ideologue on this issue. We understand that a delicate balancing act is required and we recognise the cultural role of the brumbies. We also recognise that there are a number of endangered species that have existed in this park for thousands upon thousands of years. Labor contends that all of these species should be bound together; no one species should take supremacy. Our opposition to this bill is mimicked and reflected in the broader community in the Monaro region. Indeed, a broad coalition is opposed to this bill—tourism operators, farmers, academics and environmentalists.

This bill is not based on science or community consultation. Other speakers have reflected upon the 2016 Draft Wild Horse Plan. That may potentially have been a starting point and there was community consultation about it. I repeat that this nine-page bill merely establishes an advisory committee, with two other clauses bringing it into effect. I pay tribute to the shadow Minister for the Environment and Heritage for her work in developing, in conjunction with Country Labor candidate Bryce Wilson, a six-point plan to save the Kosciusko National Park and manage the wild horse population. In fact, there is more meat in that plan than there is in this bill. Labor's plan will explicitly outlaw aerial culling. The bill does not do that. We will ensure that the plan of management for the Kosciuszko National Park is the primary management document to guide the operation of this delicate and precious alpine environment. We will also restore resources to the National Parks and Wildlife Service, which have been cut by this Government, to protect the park's pristine environment and threatened species. We will also minimise the impact of pest species, plants and animals through adequately funded and effective control programs.

Labor will conduct a scientific assessment and count of the horse population, in consultation with key stakeholders. Indeed, much of this debate hinges on the question: What is the actual count of the horse population? Under our plan we will ensure that wild horses are acknowledged for their cultural value and we will do that by retaining a smaller population in the park where degradation is less critical. We will manage the population, guided by the extensive work that was produced in the Draft Wild Horse Management Plan. Labor will also repair the mountain catchments. The plan I have briefly outlined is far more substantive than the bill we are debating. I repeat, this is not a bill based on science or community consultation. This is a bill provided by a political donor to a desperate Deputy Premier.

Mr Scot MacDonald: Point of order: My point of order relates to Standing Order 91 (3). The member is making a serious reflection on a member of the other place. The member should be called to order.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! The member can proceed.

The Hon. COURTNEY HOUSSOS: This bill does not provide the nuance and sophisticated approach required for balancing the cultural heritage and significance of the brumbies against the animals and plants that have existed in this country for thousands upon thousands of years. The member for Monaro has had eight long years to address this complex problem in a considered way. Instead, we get a nine-page blunt instrument rushed through the Parliament in a desperate attempt to save his seat, a mere 10 months before an election. But the people of the Monaro are onto him. They have seen him do this dance before. He says one thing locally and when he comes to Macquarie Street he does the opposite. I oppose the bill.

The Hon. MICK VEITCH (20:34): I speak to the Kosciuszko Wild Horse Heritage Bill 2018. In doing so, I will probably bring a different perspective to some, if not most, speakers in this debate. In this contribution I will draw on personal experiences. Last week some of the members in this Chamber, as part of an upper House inquiry, took a look at Tumut 3 power stations right smack bang in the middle of Boraig Station. In the mid-1970s my dad managed Boraig Station.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I invite the Hon. Bronnie Taylor to cease chatting across the table.

The Hon. Rick Colless: She enjoys a chat.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! That is what concerns me. The member has the call.

The Hon. MICK VEITCH: I lived and worked on that property in my teenage years. In fact, I suspect that I would be pretty close to being one of the only people to have rode a horse in Kosciuszko National Park for a living. Guess how many members have spoken to me about this bill? The Hon. Penny Sharpe was the only one. I have read the *Hansard* from the Legislative Assembly on this bill and I have listened to the debate in this place. I was not going to make a contribution but I was inspired by the contribution of the Hon. Robert Brown to this debate. There is a fair amount of rhetoric on both sides of the debate. But that has been the case for quite some time on the extremes—the extreme Right and the extreme Left. A number of my mates are members of the Snowy Mountains Bush Users Group and the Brumby Horse Group. They all go camping in the national park and they have a range of views on how to manage the population in Kosciuszko National Park.

I would hazard a guess that if we were to ask all those individuals about this piece of legislation they would all have a different view. I know that because some of them have rung me and said, "Oppose the bill." They are brumby supporters—not the rugby ACT Brumbies—in the Kosciuszko National Park. Cutting through the rhetoric in this debate, management of the population of the brumbies in Kosciuszko National Park is a problem. It has been a problem for a very long time. Is this piece of legislation the way to do it? The biggest distraction over the past 20 years has been—as identified by the Hon. Penny Sharpe, the Hon. Robert Brown and others—the population of the horses in the park. What is the population of wild horses in the park? Is it 3,000 wild horses? Is it 14,000 wild horses? Anyone who has read the *Hansard* from the Legislative Assembly and who has listened to this debate would understand that there are about 50 experts, but we do not actually know the actual population of wild horses.

Let us take the example of 5,000 wild horses in the national park. If the plan was to reduce that number by 90 per cent and then we found that the number was wrong, the population of wild horses would be wiped out. We need to get an accurate, scientific count of the number of wild horses in the park. If we do not do that, then no matter what mechanism we put in place to manage the population it will be wrong—whether it is this bill or other management plans that have been put in place or consulted on. To actually know what we are talking about we need a scientific count of the population.

There are some parts of the park where there should not be wild horses at all. I have no doubt that the Hon. Penny Sharpe is smiling to herself because we have had this conversation many times and she knows my views on this. The alpine region is pristine and we should all be saying, "Let's get the horses out of there first thing." The problem I have with this bill is that we are going to have another discussion. How much more are we going to talk about it? I think everyone agrees that we should get the horses out of the alpine region as soon as possible because they are damaging the alpine region. Then we can have a conversation about how to keep them out of there. Where are the parts of the park that can manage the population of brumbies?

My view is that we will never get rid of all of them. There are people who say they want to obliterate the brumby population and get rid of all of them. I am a realist; that is not going to happen. It is like wild deer and wild dogs; we have lost some of those battles. We should have acted a long time ago and we did not. I am referring to all sides of politics; we have all got skin in the game. I have heard a fair bit of political rhetoric around this

debate in the past couple of days. A fact that we should all accept is that we all got it wrong. That is the politics: we all got it wrong; we have not done it well.

Some of what was said about this bill, particularly in the lower House, was absolute rubbish. I can tell members what it is like to ride a horse in the national park. Dad was the manager at Boraig Station, which ran 1,000 Angus cows. We used to wean the calves, put them on a truck and send them to the saleyards. Right in the middle of Boraig Station is a pondage called Jounama Pondage—it is a pump dam that goes up and down. If we weaned the calves and put the weaners on one side they would swim the dam. To save us from all the problems, we would wean them from their mothers in the yards, put them straight on a truck and send them to a saleyard. That way we did not have to worry about all the issues. I do not know if members have ever seen that country but it is pretty steep. We would be up at 4.00 a.m., saddle a very frisky horse—and I mean pretty frisky—charge it up the hill to take the sting out of it and to lessen a bit of the energy, ride the horse until lunchtime, and then change horses. It was pretty physical work for the horse and for the rider.

Mr Jeremy Buckingham: Name the horse.

The Hon. MICK VEITCH: The name of the horse I rode was Fella. With the fog and the mist, it was beautiful country in which to ride a horse. Is it an appropriate place for hooved animals? I do not know. Talbingo is out of the alpine region and into the sub-alpine, snowline country. It is different to the alpine. This is a personal view, it is not a party position, but the goal should be to get all of the feral animals out of the alpine region and to put in some sort of exclusive fencing or whatever else so they cannot go back in. At least let us try and save that park and then we can have discussions around the rest of the issue. I make it clear that that is just the view of a former shearer who now happens to be in a big tin shed, which happens to be called the Legislative Council.

This has been a vexed issue for communities on both sides of the Dividing Range around the Snowys for quite some time. What inspired me to speak to the bill is something the Hon. Robert Brown said in his contribution—and it was a very good contribution—about aerial shooting. On reading the bill, it is almost as if that has continued to be Labor Party policy and that we will do that. That is just downright offensive. That happened 20 years ago. We changed our position and it is not going to happen under us. It is downright offensive for anyone to say that and they should get their facts right. That is the first thing.

The Hon. Wes Fang, as a helicopter operator, will understand what I am going to talk about. He may be a better pilot than some of the pilots my brother has had to fly with. The firefighters who go up in helicopters into Kosciuszko to do their work will tell you that there is serious updraft and they cannot get a stable footing at all. So if aerial shooting from a helicopter was attempted in Kosciuszko National Park the chances are that it would not work. It is just horrendous to even contemplate what would happen. Aerial shooting is not a part of the population management program, and it should not be.

This is just a punt, but I do not know that too many members in either Chamber have taken the time to go to the Tumut saleyards and watch these wild horses, brumbies, come off the back of a truck. If they had, they would not trap them. Horses do not like being confined to a space. They bite themselves, they kick until they break their limbs. They do not like being put in a trap. Trapping is not a way to manage the population of wild horses in Kosciuszko National Park. We cannot aerial shoot and we should not trap them. What is left? We have to use science and research to work out the best way to manage this population of wild horses in Kosciuszko National Park. Where is the place to manage them, what is the count and how can we manage the population? In my view, this piece of legislation does not deliver those results.

Some of the stuff I am talking about should have been done a long time ago and it was not. We should not be having conversations about the alpine region now; that should have been sorted and should already be in place. I will not be supporting this legislation. I will say that instead of the rhetoric that has been engaged in in both Chambers around this serious and important issue for the communities of Cooma, Jindabyne, Tumut, Adelong and Gundagai, which have a vested interest, if members spoke to the people in those communities they would have a darn sight better idea about what this means to them. To call the wild horse brumbies iconic is romanticising the facts. The Government might as well bring in a bill about shearers and call shearers iconic. This is a dangerous precedent. There are better ways to do this. Governments on both sides of politics should have done some of this a long time ago. Let us do away with the rhetoric, put up our hands and admit that we have got this wrong and that we should have done better. This is not the way to do it and I will not be supporting the legislation.

The Hon. MARK PEARSON (20:47): I speak for the Animal Justice Party in debate on the Kosciuszko Wild Horse Heritage Bill 2018. Although the Animal Justice Party supports the spirit of this bill and commends the Government for taking action to seek to protect the wild horses in the Kosciuszko National Park, I have some very serious concerns about what the bill fails to address and about the necessary reassurances for animal wellbeing that must be secured in the bill. To that point, the Animal Justice Party proposes two amendments, but

if those amendments are not agreed to we will certainly not support the treatment of the horses in luring, capturing, trapping and transporting them to so-called riding schools and abattoirs.

In history, the brumby holds a special place in the Australian psyche, personifying the Australian courage and spirit of freedom. They hold a special and unique place in our history and have been immortalised in literature, film and songs. Today, just like many other introduced animals, and even our native kangaroo, they are considered by some to be feral pests—a deliberately loaded term that denotes these animals are below others and therefore can be treated in often cruel and inhumane ways.

The brumby has gallantly served humans, toiling on farms as stock animals, building the roads and railways we relied upon, even serving as police horses for officers enforcing the law in the bush. They accompanied men to war, with over 70,000 horses losing their lives in World War I alone, and none returned. We brought the horse here not out of love but out of the notion that they would be useful to us. We exploited them and when not needed we disposed of them and sent them on their way into the bush: wanted yesterday, unwanted today. They survived and adapted like any other being on this planet and yet some continue to persecute them and advocate for the destruction of their existence.

An often overlooked part of Australian history is the bond forged between the local Indigenous people and brumbies. It has been stated that the Ngarigo and the Djiringanj peoples developed such an affinity with the animals they became known as "horse whisperers". Ngarigo Elder Ellen Mundy recently stated, "Even though horses were an introduced species we still learnt how to communicate with them". The bill will, in effect, reset the whole approach to wild horse management. Some say this is unnecessary and detrimental to the ongoing preservation of Kosciusko National Park. I am not of that belief. If they had taken the time to analyse the previous draft plan and associated reports, they would see that animal welfare was nothing more than a feel-good term utilised to endorse a mass slaughter of thousands of individual beings.

On further analysis, one can see the real dangers that were presented in that previous draft plan. The Animal Justice Party is of the opinion that the science and methodology behind that plan was either inadequate or overestimated. However, one thing is certain, that plan would undoubtedly have caused great suffering to animals. The previous plan proposed a mass reduction by way of slaughter of an estimated population of 6,000 horses down to 600 within 20 years. Irrespective of any proposed humaneness one must ask, would the wider community accept the needless killing of up to 6,000 healthy wild horses? In general terms, the process of killing any animal, in this case wild animals, without any justifiable reasoning, such as to euthanise a sick or injured dying animal, is not humane. In the view of the Animal Justice Party, killing healthy sentient beings, even if it can be done without wounding, terror or distress, is inherently ethically and morally wrong.

In October 2000, the slaughter of over 600 brumbies in the Guy Fawkes River National Park sparked widespread public outcry and national media attention. In response to this atrocity an inquiry was conducted which revealed numerous failings by the National Parks and Wildlife Service in its role in the mass slaughter. Let us look at population estimates. In line with what the Hon. Mick Veitch has said, there has been much debate about the actual numbers of brumbies in the park. The estimate of 6,000 is generally supported. However, given the significance of the population estimate as one of the justifiable reasons for the slaughter, it seems that the National Parks and Wildlife Service should be able to demonstrate confidence in these numbers, and yet it cannot.

The very first key finding of the Independent Technical Reference Group [ITRG] report was that they, "had not been able to reach a conclusion on trends over time in horse numbers or densities in Kosciusko National Park because of problems of comparability between successive horse surveys". Most concerning is the final resolution from the report regarding the question of whether horse numbers are on the increase. Section 2.2 of the report states, "In general, while there are indications from the various sources that populations are increasing, the ITRG cannot at this stage draw rigorous scientific conclusions about how densities and rates of change vary across the park".

These statements within the ITRG report reveal serious flaws and a lack of confidence in both population numbers and population increases year on year. How the Government can confidently release a draft plan that has as its main objective to reduce wild horse numbers from 6,000 to 600 within 20 years without drawing rigorous scientific conclusions is startling. This shows serious failings of research, analysis and any proper review. It implies a predetermined motivation of mass slaughter regardless of the evidence, or lack thereof, and the objectives of that plan are unjustifiable and unnecessary.

Let us look at environmental impacts. Conventional conservation thinking is largely centred on invasive biology and threats to native species. This paradigm of thinking is changing around the world. Current invasive species biology disregards any benefits that introduced species bring to the environment. The research is more often than not designed to reach negative conclusions regarding introduced species and preserve native fauna at

all costs. In so doing, inhumane consequences often result as well as a failure to understand and recognise the positive effects that introduced species have on global biodiversity.

Amongst the research threads in compassionate conservation is growing evidence that in fact much native flora and fauna does adapt to the introduction of other species and in some instances helps other species survive. This happens across the spectrum of flora and fauna. Horses have been present in the mountains for over 200 years. Over this time the horse has adapted to the mountain environment and the environment has adapted to the horse. This process is known as ecological succession, which is the gradual process by which ecosystems change and develop over time. As tough and uncomfortable as the current state of play is, we need to now grapple with the notion that some species are declining because they are simply not adaptive to change. Yet we punish successful species, inhumanely shoot horses and kill our top predators, disrupting social networks and thwarting natural population controls.

What have we achieved thus far? Where has all the bloodshed got us? We have been trapping, shooting and capturing and where has it got us? We have the same problem, if not worse—if it is a problem—that we had 100 years ago. The answer is that this approach has got us nowhere. We will be in the same, if not a worse situation if we continue to turn to killing as the answer. When animals are introduced into a new ecosystem one of two things occur: they die without issue or they breed and become naturalised. As soon as an ecosystem begins to support an introduced animal the ecosystem also starts utilising the changes brought about by that animal.

Nature is not set in stone and is not meant to remain as it was in 1769. With the introduction of the horses other species begin to find niches in the disturbed soil and collapsed stream beds created by heavy exotic herbivores. Plants begin utilising the nutrients in the large piles of manure. Plants and insects use the big bodies of horses for transportation to new niches around the landscape, maximising opportunities for the survival of their own species. There is a new biodiversity. Therefore, once a species is naturalised, once a species has found a niche in an ecosystem, it becomes impossible to remove them in large numbers without actually doing harm to that ecosystem—sometimes more harm than good. In a rapidly changing environment, as Australia has been for the last 200 years, the harm of removing a naturalised species is very likely to exceed any good.

Now I come to fertility control as a solution. Fertility control has been successfully applied to wild horses, deer and zoo populations for more than two decades. It began in 1996 with the application to elephants in Kruger National Park and it is considered to be a more humane and often more effective form of wild animal management compared to lethal methods. Despite a wealth of authoritative evidence on the efficacy of such methods, I am still concerned that Government members in debating this bill have not committed or are not committing to a well-funded program of immuno-sterility and completely ruling out lethal control. Unlike killing, which provides niches for younger more fertile animals to fill, fertility control buys time. Older infertile animals continue to hold their territory while every other animal in the population can be rendered infertile.

Unlike killing, fertility control—as long as it is carried out using gentle and humane techniques—will involve no cruelty. It works. It reduces the population over time and it is controlled so that other animals will not move into the same area. A number of prerequisites must apply for a sterilisation method to be considered suitable. Most notably, the vaccine must have an efficacy rate of 80 per cent to 90 per cent. It must require no surgical invasion, have minimal impact on animal behaviour, and must be remotely applicable and not require direct handling of the targeted animal. The porcine zona pellucida vaccine has been used effectively on horses and deer as well as elephants in Africa.

Fertility control is the long-term humane solution. It is the solution to this problem that we have been facing for 250 years. It is for this reason that I will move amendments to the bill that require any future draft plan to explicitly utilise fertility control to manage wild horse numbers. This is a sensible balance. The Animal Justice Party believes in the principle of least harm. In the best way possible, we grapple with all the complexities and external factors of an issue and determine what will cause the least harm to animals, whether introduced or native. When I have asked Indigenous people the question, "When do you believe an animal is native?" an answer from an elder was, "When it is born here. Isn't that what the word means? Nate, birth." Unfortunately, there will always be some harm no matter what we do, but we can only try to do our best. The Animal Justice Party does not and will not support any method of lethal control. From an animal welfare standpoint, we do not support practices such as roping, chasing or brumby-running in any way, shape or form. With modern day solutions and a sensible approach, there should be no killing of a healthy brumby, nor should any brumby under any circumstances be transported to any slaughterhouse.

I express my sincere gratitude to the numerous brumby advocacy groups that, like many animal advocacy groups, work tirelessly to protect, defend and rescue individual brumbies. The bill could be a step forward in bringing the issues of animal wellbeing and introduced animal management to a more sensible space for measured and fact-based debate. However, that step will only be supported by the Animal Justice Party if the amendments to strengthen the spirit of the bill are passed.

The Hon. Dr PETER PHELPS (21:03): First, I will correct a few misapprehensions from members opposite. The love of boilermaker Bill McKell by Labor Party members knows no bounds. However, their love does not allow them to rewrite the course of history. The mythology that the Snowy was saved in 1944 when Kosciuszko National Park was created is not true. In fact, the area was preserved in December 1906 with the creation of the National Chase Snowy Mountains by a Liberal government.

Mr Jeremy Buckingham: There was no Liberal government in 1906.

The Hon. Dr PETER PHELPS: I acknowledge that interjection. The Liberal government at that time was headed by Joseph Carruthers and it was a progressive reforming government that made great strides in the areas of health, education and what we would now call environmental preservation. In 1906 the Liberal Government of Joseph Carruthers was the first government that acted to preserve this area. Interestingly, it went relatively unremarked because it was not until the following year that the National Chase Snowy Mountains was considered for the first time. It came in the context of the then member for Orange complaining about the fact that the member for Monaro "has got it too good". The member for Orange at the time said of the member for Monaro at the time that he "represented the salubrious tourist resort of Kosciuszko and he ought to exhibit more consideration for the thousands of people who came to Sydney and visited national parks and Ku-ring-gai Chase. The honourable gentleman periodically endeavoured to loot the Treasury of large sums of money for expenditure in his electorate. He had succeeded in getting the snowy slopes of Kosciuszko tar-paved and hot water laid on at all the mountain resorts."

So much for the pristine wilderness that we hear about. In 1907 the government at the time was already seeking to bring humans into this area to encourage the existing tourist trade and to provide capital works to this area, not to treat it as some sort of fake pristine wilderness. There is no other mention of this area again until the member for Albury later that year complains that he does not want a railway line going through the area because he would rather it go through his electorate. A year later, the then member for Belmore complains. He basically spends his time sledging Dalgety.

The Hon. Bronnie Taylor: No!

The Hon. Dr PETER PHELPS: Yes. He said, "I could never understand why so many members of the Federal Parliament were strongly in favour of having a Federal capital in a place called Dalgety, which is about 20 or 25 miles from Mount Kosciuszko and is the most bleak and uninteresting locality. It only has one feature to recommend it and that was that the Snowy River flowed through it and provided a splendid water supply."

That was the sum comment in Parliament about the creation of Kosciuszko National Park in 1906. It is interesting that Dalgety is mentioned because it was not a matter of confusion for the local member. Dalgety is a matter of confusion for the Labor Party. It talks about a lot of things, but I have in front of me a picture of Bryce Wilson, the Labor candidate for Monaro, at the Dalgety Show signing a petition to protect the brumbies. He is standing in front of a sticker that says, "Park off. Keep Snowy brumbies free." That is fitting. The other sticker that he is about to sign is—

The Hon. Penny Sharpe: Point of order: I have two points of order. The first relates to relevance. The second is that talking about someone who is not here is not relevant to the bill. The member should be asked to return to the leave of the bill.

The DEPUTY PRESIDENT (The Hon. Paul Green): There is no point of order.

The Hon. Dr PETER PHELPS: Just as Mr Wilson, the Labor candidate for Monaro, is about to sign this, I notice another sticker next to it that says, "Ground kill a greenie. Save a Snowy brumby."

The Hon. Robert Brown: Was there a Shooters, Fishers and Farmers Party sticker there too somewhere?

The Hon. Dr PETER PHELPS: There may well be one. That is an interesting comment from the Labor Party. I look forward to the pre-selection negotiations that Kaila Murnain will have with The Greens in that electorate.

Mr Jeremy Buckingham: The preferences have already been done.

The Hon. Dr PETER PHELPS: Or the preference deals. The trouble is that too many members on that side of the House seem to think that parks are created solely to be locked up and for humans to be excluded from them. That was never the intention of the parks and it was certainly not the intention of the earliest parks in this State.

The Hon. Mick Veitch: It is not my view.

The Hon. Dr PETER PHELPS: I acknowledge the interjection of the Hon. Mick Veitch. It might not be his view but a lot of people on the socialist Left of the Labor Party have common cause with the extreme Green movement, especially those people who tend to live closer to Centrepunt than those who are further away from it—that is, to try to keep humans out of national parks. That goes against the reason that national parks were created in the first place. Look to the American experience of Yosemite National Park, which was essentially a hunting park. In the United States of America today, 35 per cent of the land area that is covered by national parks is still available for hunting. One in three acres in the United States is available for hunting. In France, national parks are available for hunting. Many of the parks in the United Kingdom began originally as hunting parks for the nobility or the aristocracy, and they were gradually taken over. Regents Park in London, which was originally a hunting park, was created—

The Hon. Penny Sharpe: Point of order: I know that the Hon. Dr Peter Phelps loves this type of thing but he is straying and should be brought back to the leave of the bill.

The Hon. Dr PETER PHELPS: To the point of order: The historical growth and development of parks is essential if we are to understand where parks are today and where they should be. I will let the Deputy President make a ruling.

The Hon. Mick Veitch: To the point of order: The Hon. Dr Peter Phelps would have to saddle and ride a wild brumby before he came close to debating the bill.

The Hon. Robert Brown: To the point of order: Throughout debate tonight the President or the Deputy President allowed broad scope in the second reading debate. In my view, the member is providing background as part of a relevant speech. It is fair to allow him to continue.

The Hon. Wes Fang: To the point of order: Opposition members referred to the history of Kosciuszko National Park. The Hon. Dr Peter Phelps is speaking to the matters that were raised by Opposition members.

The DEPUTY PRESIDENT (The Hon. Paul Green): There is no point of order. The member is entitled to refer to the history of the matter.

The Hon. Dr PETER PHELPS: This is the traditional approach to parks and it was up until the 1970s when extreme Green environmentalists took hold of large sections of the socialist Left in this country. There is a denial of the centrality of humans in the park environment. The modern so-called progressive left wants to lock out everyone. The parks are no longer for humans. Humans must now serve the needs of national parks rather than national parks serving the legitimate needs of humans. It is an extreme Green ideology and it predicates everything that has been said in this debate, bar the contribution of the Hon. Mick Veitch.

Everything that comes from The Greens is predicated on the idea that humans have no right to be in national parks in the first place and thus, any intrusion, much less a commercial intrusion into a national park, is somehow offensive. It goes further than that. The people who are most strongly opposed to Aboriginal entrepreneurship within national parks, in co-managed parks, come from the so-called progressive Left of this country. Those are the people who want to keep commercial interests, even those commercial interests of Aboriginal people, out of co-managed national parks. This is the situation that we are facing and this is the ideology that is confronted time and again.

The DEPUTY PRESIDENT (The Hon. Paul Green): Order! The Hon. Dr Peter Phelps is entitled to be heard in silence.

The Hon. Dr PETER PHELPS: When it is acknowledged that parks were made for humans and that humans were not made for parks, perspective changes quite markedly in this debate. Parks are there for the amusement of humans. A park is not some sort of Noah's Ark that is sealed, never to be entered, managed, cared for or have any sort of commercial activity within. If that is what we have the extreme Green ideology has won. Parks that have been created in recent years have invariably come from privately owned farms or State forests. In other words, places where human activity has taken place are considered by so-called environmental experts to be exemplary areas of land management—so exemplary that they should be made into national parks. The areas where humans have actively managed the land provide the best environmental outcomes. The river red gums were beautiful before they became a national park at Yanga. At a former farming property where there was active management of water on the land, one-third of the river red gums were killed off, one-third died and only one-third remained.

Mr Jeremy Buckingham: One-third? You just make stuff up.

The Hon. Dr PETER PHELPS: Mr Jeremy Buckingham said that I make stuff up. I refer him to the inquiry conducted by an upper House committee on this topic. That was the evidence received from National Parks and Wildlife Service officials. I welcome the member's interjection. Once again it is wrong; nevertheless I welcome it because often the less fortunate have to be corrected. Mr Jeremy Buckingham's understanding of these issues clearly indicates that he is less fortunate than those who choose to make themselves cognisant of the facts on this matter. This is a good and effective bill. It might not be the end but it is certainly a very good start.

Mr JEREMY BUCKINGHAM (21:18): On behalf of The Greens I contribute to debate on the Kosciuszko Wild Horse Heritage Bill 2018. The Greens unreservedly and unashamedly place an emphasis on preserving native flora and fauna at all costs. That is the fundamental role we play in an age of anthropocentrism in which we are defined by radioactive isotopes, carbon isotopes, chicken bones and plastics.

The Hon. Wes Fang: Point of order: I understand that a wide degree of latitude has been allowed but Mr Jeremy Buckingham is straying far from the leave of the bill and should be directed to return to it.

The DEPUTY PRESIDENT (The Hon. Paul Green): There is no point of order.

Mr JEREMY BUCKINGHAM: In an age when anthropocentrism is rampant, humanity is heading towards nine billion people and on conservative estimates we face a 75 per cent reduction of all other species on this planet, it is disgraceful to argue that we should be reticent about reserving places for native flora and fauna on a continent that has experienced the extinction of more fauna species than any continent in recorded history. The Hon. Dr Peter Phelps said that this area was well developed by 1906. If he had googled further he would be aware that in 1906 the area was not even mapped. Some parts were unknown because it was so wild and remote that it was made into a national park. Its intrinsic value as a national park was its abundance of wildlife and the beauty of the alpine area that we now know and that was known then, which represented 0.01 per cent of the land mass.

It is hard to find snow in Australia. It is also hard to find snow gums and pygmy possums in those environments. In 1906 it was clear to those people who decided to call the area the National Chase Snowy Mountains that this was a rare area in Australia that was worthy of protection. It is even more rare now and it is worthy of more protection. The Hon. Mark Pearson said that ecological succession is about accepting that introduced species dominate and we should let native endemic species go the way of the dodo and so many of our incredible species that we have lost on this planet. That is not the foundation of the science of ecology; it is its antithesis. Introduced species into native ecosystems bring about ecological collapse. There is a massive increase in those introduced species as the seasons vary and then they collapse and die a miserable and prolonged death.

It is ridiculous for the Animal Justice Party to say that the animals that were culled—the brumbies in Kosciuszko National Park—were healthy animals. The National Parks and Wildlife Service went into Guy Fawkes National Park because the brumbies were starving to death. It was an attempt at remediating their suffering. That is the ideological difference between those opposite and The Greens. We should apply that principle to ourselves as a species. I hope it is applied to me, to the Hon. Richard Colless and to the Hon. Dr Peter Phelps if we are suffering.

The Hon. Dr Peter Phelps: Your preselectors certainly did.

Mr JEREMY BUCKINGHAM: They certainly did. If a person's pain is intolerable and it is reasonable to assume that that person would be better off dead, we should be able to determine that as individuals. As a society we should make reasoned decisions to guide us; we should not be guided by ideology. I am guided by science.

The Hon. Penny Sharpe: Point of order: I would not have taken a point of order if the interjections had been funny but they are bordering on badgering Mr Jeremy Buckingham who is attempting to contribute to the second reading debate. The member should be heard in silence.

The Hon. Robert Brown: To the point of order: Throughout the debate whoever has been in the chair has allowed a degree of argy-bargy even though interjections are disorderly at all times. Mr Jeremy Buckingham was allowed to interject when other speakers made their contributions. The debate should continue because it is late at night and the more noise that there is in the Chamber the easier it is for us to stay awake.

The DEPUTY PRESIDENT (The Hon. Paul Green): I have heard enough on the point of order. Mr Jeremy Buckingham is entitled to be heard in silence. Robust discussion has been allowed but interjections are disorderly at all times. I remind members that it is getting late and that they should refrain from interjecting.

Mr JEREMY BUCKINGHAM: I am a long-term supporter of conservation, the environment and the Australian Wildlife Conservancy, which is a great organisation. The Australian Wildlife Conservancy recognises that one of the key elements to preserve our native flora and fauna is to eradicate humanely, which means by lethal

measures, introduced pest species. I wish the National Parks and Wildlife Service was better resourced to do that. In the past the service was able to do what the Australian Wildlife Conservancy does because of the benevolence of major donors and contributors to it. The Australian Wildlife Conservancy and the Bush Heritage Trust have had major success in conserving animals.

But this bill is not about conservation or reason. Let us start with the truth. The long title of this bill should be amended. This is not a bill about protecting our heritage or the Kosciuszko National Park; this is a bill to protect feral animals and destroy Kosciuszko National Park in order to protect the business interests of Mr Peter Cochran, The Nationals donor who is sitting 50 metres away outside this Chamber watching the debate.

The Hon. Wes Fang: Point of order—

Mr JEREMY BUCKINGHAM: There is no point of order. Sit down.

The Hon. Wes Fang: You don't rule on that.

Mr JEREMY BUCKINGHAM: I am not going to be interrupted.

The DEPUTY PRESIDENT (The Hon. Paul Green): If Mr Jeremy Buckingham wants to continue his contribution I encourage him not to behave as though he is the Deputy President.

The Hon. Wes Fang: On numerous occasions there have been rulings when members in this Chamber have reflected on members of the Legislative Assembly. It is disorderly and outside the standing orders.

Mr Justin Field: To the point of order: Mr Jeremy Buckingham was not reflecting on another member of this House; he named a person and made a comment that is on the public record. The comments that were made in other debates that were ruled out of order went much further than the comments made by Mr Jeremy Buckingham. The member simply named a person and made a factual statement.

Mr JEREMY BUCKINGHAM: To the point of order—

The DEPUTY PRESIDENT (The Hon. Paul Green): Mr Jeremy Buckingham will resume his seat.

The Hon. Robert Brown: To the point of order and directly to the standing orders: The member was not casting aspersions or making a comment about a member in the other place. He was making a comment about a person outside of this Parliament.

The DEPUTY PRESIDENT (The Hon. Paul Green): Order! I must admit I was not listening that closely to the way that Mr Jeremy Buckingham was speaking in the debate as far as the rhetoric he was putting across. I will listen a little more carefully. There is no point of order at this point in time.

Mr JEREMY BUCKINGHAM: Just 50 metres away from this Chamber, Mr Peter Cochran is sitting, watching the video of this debate. Hello, Mr Peter Cochran. He is seeing if this House will underpin his business plan and vote for this bill. Mr Cochran is a great mate of the member for Monaro and Deputy Premier, Mr John Barilaro, and this bill is delivering for Mr Peter Cochran. In the other place, the Deputy Premier described Mr Peter Cochran as the horse whisperer. He is not a horse whisperer; he is a politician whisperer. That is what he is. He sidles up to a politician, has a whisper in their ear, gives them \$10,000, writes some legislation and gets it passed through two Houses of Parliament despite the science, despite not being in the public interest, and despite millions of users of the Kosciusko National Park being absolutely appalled.

The Hon. Robert Brown: Point of order: In making the comments that the honourable member just made, he went away from talking about the person outside of Parliament and made an imputation that a donation was made that affected the Deputy Premier.

Mr JEREMY BUCKINGHAM: That is not a point of order.

The Hon. Robert Brown: Yes, it is. Mr Jeremy Buckingham has cast aspersions upon a person in the other place. I suggest that he be ruled out of order on that comment.

Mr JEREMY BUCKINGHAM: I withdraw my comment. The only heritage this bill protects is the long tradition of corruption and decisions for donations in New South Wales that stretches back to the Rum Corps and has been kept alive recently by the likes of Mr Eddie Obeid and Mr Chris Hartcher. The truth is that this bill, conceived and written by Mr Peter Cochran, is for the direct benefit of his business interests: running horse treks through the Kosciusko National Park. The bill ignores scientific evidence, ecological management and animal welfare. It is based on a fiction about the cultural significance of feral horses.

The bill is also in direct conflict with the Government's own policy up till recently. Despite the objections and embarrassment of many more sensible Government members, we know this bill was introduced by Deputy Premier John Barilaro. In a remarkable coincidence, we find Mr Cochran has written the bill, which Mr Barilaro

neglected to mention to his Cabinet. Of course, only \$6,500 of these donations I have mentioned were ever declared to the Electoral Commission by the Nationals—oops again. What happened to the other \$3,500? Maybe the Deputy Leader of the Government can shed some light on this oversight. But of course, protecting a feral animal for political reasons is not entirely without precedent. The Liberals and Nationals have been doing it for years with deer. They have refused to declare deer a pest despite the enormous damage they cause to agriculture and the environment—especially in the Snowy—and the alarmingly rapid expansion of their territory in recent years, much to the concern of cattlemen and farmers across the State.

The Liberals and Nationals refuse to set up a professional hunting program, allow hunting at night, or remove deer's status as a game animal. They refuse to invest in a proper study of deer numbers and their extent. We see people dying on roads in the Illawarra because deer have run in front of them. We see people in serious accidents all over Australia because feral horses have run in front of them. People are dying because the Government has failed to act on a feral animal. Why? In exchange for the votes of the Shooters, Fishers and Farmers Party, who want deer to be protected as a hunting resource. The pattern is clear. This bill is an embarrassment. It is yet another attack on our environment from a Government which has backed a massive expansion in coal mining, has given the green light to increased land clearing, is ramping up native forest logging and the destruction of koala habitat for "green energy", and is turning a blind eye to the death of our mighty inland rivers.

If the Government cared about our precious wild ecosystems, it would be listening to the experts, to reason and to science, and rapidly reducing feral horse numbers. It would be setting a target of zero horses in the Kosciuszko National Park and devoting the resources to achieve it. It would be declaring foxes, pigs and deer to be feral animals and controlling them properly. It would listen to the science and to its own Independent Technical Reference Group [ITRG], which advised that the most humane method currently available to achieve this reduction is aerially culling the feral horses in situ using highly experienced and skilled shooters and pilots. This is the Independent Technical Reference Panel, not some quango or somebody who has heard something from someone else at the pub.

That may shock some people because, intuitively, trapping and rehoming would seem to be possible and have better animal welfare outcomes, but the reality is that after 15 years of trying, this method has failed to reduce feral horse numbers. According to the ITRG:

The outcome for the majority (70%) of horses removed via trapping is slaughter in an export abattoir or knackery...

Enormous stress and distress, mustering, trapping, transportation on trucks and ultimately slaughter at an abattoir are much more stressful for an animal than a professional aerial culling program. The scientific evidence and expert advice on animal welfare if we pass this bill and protect feral horses is even more alarming. If we pass this bill, not only will we be wrecking our precious highlands, but also we will be condemning thousands of horses to slow starvation. What about the mountain pygmy possum, the broad-toothed rat, the corroboree frog, the alpine water skink or the alpine tree frog? What about their animal welfare? As the Australian Academy of Sciences has said in a letter it sent to the Premier today urging her to withdraw this flawed bill:

The Heritage Bill places a priority on a single invasive species over many native species and ecosystems, some of which are found nowhere else in the world. It is incompatible with the principles that underpin Australia's world-leading protected area system, and with our commitments as a signatory to the Convention on Biological Diversity.

The NSW Threatened Species Scientific Committee has recommended that habitat degradation and loss by feral horses be listed as a key threatening process under the Biodiversity Conservation Act because horses cause:

Habitat damage in streams, wetlands and adjacent riparian systems...through selective grazing, trampling, track creation, pugging (soil compaction), wallowing, dust bathing leading to stream bank slumping and destruction, stream course disturbance and incision and sphagnum bog and wetland destruction.

I have been contacted by farmers who are concerned about the way the horses in that area work. They herd cattle into streams and wetlands, causing massive losses to cattlemen in the Snowy region. Wild horses are a major pest in terms of fencing, traffic, native species and to other users of the park. They can be a wild and dangerous animal. They also alter the structure and composition of vegetation through ringbarking of trees and overgrazing, spreading weeds, trampling and rubbing plants, removing terminal buds and changing the infiltration and nutrient cycling capacity of soil through compaction, disturbance and erosion—all in a landscape where we have had massive flora and fauna loss. Some of our bioregions have lost 90 per cent of their flora and fauna. Yet, we continue to act like humans have not had a good enough go, like there is not enough space for humans or for the invasive species that humans have brought in. Let us save the Lord Howe Island rat and the cane toad. We should ask a few Queenslanders; they are probably all for it.

What a debacle. What a disgrace. What a failure of reason and logic. What a failure to properly assess things on merit. If we do implement a serious program to address feral horse numbers through aerial shooting,

then it needs to be done so as to result in a best-case scenario welfare outcome for shot animals. The ITRG has recommended that the Government must use highly experienced and skilled shooters and pilots; ensure that the point of aim for the first shot is always the cranium and if the first shot cannot be accurately placed then a shot is not fired; only allow shooting to occur in open areas with minimal high-canopied vegetation; only shoot in flat terrain rather than steep or undulating areas; only shoot in cooler temperatures; and only target small groups of horses. All of these things are reasonable approaches that we apply to other feral animals and we should do it in this case. I give the last word to scientist Andrea Harvey, who said:

...the newly proposed bill will mean population control is mainly through food limitation.

That means starving brumbies. It is an absolute disgrace. Mark my words, we will see that in the coming years. The bill is an abomination and a disgrace. [*Time expired.*]

The Hon. BRONNIE TAYLOR (21:38): On behalf of the Hon. Niall Blair: In reply: I thank honourable members for a sensible debate on the Kosciuszko Wild Horse Heritage Bill 2018. My colleagues have spoken on why this bill is being introduced. The bill seeks to strike the best balance between the heritage status of the brumbies and the protection of Kosciuszko National Park. It provides for the removal of brumbies from the national park, which is in line with community expectations and consistent with preserving the natural environment of the area. This bill does not confer protected species status on the brumby and it does not give them automatic citizenship within the Kosciuszko National Park. Brumbies will continue to be trapped, removed and rehomed, which is a far more humane management approach than shooting these majestic creatures from the sky or on the ground. I acknowledge all members who have recognised this and have spoken in support of this bill.

I turn now to address a number of points raised by those who oppose this bill. This is not about politics; it is about setting the record straight. The bill does not override the Act. It simply sets a framework for managing brumbies within Kosciuszko National Park under the objects of the National Parks and Wildlife Act and the plan of management for the park. This will ensure that it is clear that the heritage values are protected now and into the future. The other requirements of the Act apply and must be considered in developing the plan. The bill will ensure that in developing the plan, the Chief Executive of the Office of Environment and Heritage must take into account the objects of the National Parks and Wildlife Act 1974. The bill does not act in conflict with those conclusions, nor does it override any environmental objectives under the Kosciuszko National Park Plan of Management.

The 2016 final report of the Independent Technical Reference Group, "Supplementary to the Kosciuszko National Park Wild Horse Management Plan" was the key commendable report that informed the previous Draft Wild Horse Management Plan. The report makes a number of points: it was unable to reach a conclusion on trends over time in horse numbers or densities; it considered estimates of 6,000 horses in the park to be a reasonable working estimate, but it did not conclude that that estimate was accurate; and it found that passive trapping and mustering in small groups had the lowest relative impact on animal welfare. Importantly, the report acknowledged that the eradication of wild horses from Kosciuszko National Park is not achievable. It also states in its introduction that any horse management plan must be socially acceptable.

It is surprising that a number of stakeholders have attacked this bill because it sets a heritage framework within which the National Parks and Wildlife Service will continue to remove and rehome brumbies, as they currently do. This bill is not the management plan; it is the framework. The management plan will be developed in consultation with key stakeholders and experts. Finding a balance between protecting the heritage values of the wild horses and the other environmental values of the park is challenging, but not impossible. This legislation will not reduce our commitment to active management of the horse populations and protection of the unique Kosciuszko environment. The Wild Horse Heritage Management Plan required under this legislation will provide the mechanism to address this challenge. It will set out how and where sustainable wild horse populations will be maintained, and the actions to be put in place to protect the environment.

The legislation enables active management and reduction of wild horse numbers to reduce impacts, both within and outside of heritage zones. The intention is to manage a sustainable population in identified zones, supported by ongoing research and monitoring to inform adaptive management over time. Labor has attempted to pit its plan against the New South Wales Government's plan. But herein lies the hypocrisy of Labor's stance on this bill. Do not be fooled, most of what Labor proposes is a straight copy of what we have already announced. It calls for a count and scientific assessment, which is exactly what we propose. In fact, we go further, to establish a community advisory panel and a research and monitoring program, as well as a marketing campaign to promote the rehoming and adoption of brumbies out of the park.

Labor claims it will maintain a population of brumbies in less sensitive areas of the park, which is exactly what our bill and media release clearly sets out. Indeed, it is this point that Labor and the Greens oppose, while at the same time support. Labor also agrees with our plan to maintain the ban on aerial culling. That is particularly pleasing, given it was Labor who commissioned the Guy Fawkes aerial slaughter of brumbies in 2000.

The Hon. Sarah Mitchell: Point of order: The Hon. Bronnie Taylor should be able to give her speech in reply uninterrupted.

The DEPUTY PRESIDENT (The Hon. Paul Green): Order! I uphold the point of order. The member will be heard in silence.

The Hon. BRONNIE TAYLOR: Labor also supports our position to examine the possibility of fertility control measures. I am not surprised to see so much copycatting, given that the Labor candidate for Monaro signed a petition to save the brumby last year. That petition was then presented to the member for Monaro. The greatest irony is that Labor proposes to recognise the same cultural and heritage values of the brumby, which is the primary purpose of this bill. Much has been said in the public domain about the record of this Government on national parks expenditure. The Opposition claims there has been a \$120 million budget reduction over two years. But the Government has made it clear, both in estimates hearings and in the media, that that is simply not correct. The Opposition has compared figures published in previous budget papers with internal budget figures that do not include these costs. They have been comparing apples with oranges. Rather than cutting the recurrent budget, the Government has grown the budget. In the Monaro and Kosciuszko National Park, National Parks and Wildlife Service staff numbers will increase by 10 per cent under the restructure currently underway. Labor is also attempting to rewrite the history of when and under whom the Kosciuszko National Park was established. The current Leader of the Opposition said:

Labor created Australia's great alpine national park in the middle of World War 2 ... The Country/National Party fought it then and ever since.

The Kosciuszko National Park was created on 1 October 1967 by a Coalition government, under a Liberal Premier—namely, Premier Askin. And if we go back to when Kosciuszko was first reserved in any form, it was in 1906 under Carruthers—a Liberal Premier.

Before I conclude, I acknowledge the brumby organisations that have worked tirelessly to adopt or rehome brumbies that are removed from the park each year. Many of them do this at great expense and at no profit to themselves: the Australian Brumby Association, Save our Brumby Consortium, Snowy Mountains Horse Riding Association, and Hoofs 2010 Brumby Rescue. I acknowledge all of their work. This bill will finally end years of speculation around the lethal culling of one of Australia's national icons: the brumby. This bill is about finding a balance to manage sensitive areas of Kosciuszko National Park, whilst managing the population of brumbies through humane population control methods, rather than aerial and ground shooting. Kosciuszko National Park is in good hands and its unique landscape, flora and fauna will continue to be protected now and into the future. Brumbies will remain a part of this future because of this bill. I commend this bill to the House.

The DEPUTY PRESIDENT (The Hon. Paul Green): The question is that this bill be now read a second time, to which the Hon. Penny Sharpe and the Hon. Adam Searle have both moved amendments. The question is that the amendment of the Hon. Penny Sharpe be agreed to.

The House divided.

Ayes15
Noes20
Majority.....5

AYES

Buckingham, Mr J
Graham, Mr J
Moselmane, Mr S
(teller)
Sharpe, Ms P
Voltz, Ms L

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

Shoebridge, Mr D
Walker, Ms D

Field, Mr J
Mookhey, Mr D
Primrose, Mr P

Veitch, Mr M
Wong, Mr E (teller)

NOES

Amato, Mr L
Brown, Mr R
Fang, Mr W (teller)
Green, Mr P

Blair, Mr
Clarke, Mr D
Farlow, Mr S
Khan, Mr T

Borsak, Mr R
Colless, Mr R
Franklin, Mr B
MacDonald, Mr S

NOES

Maclaren-Jones, Mrs
(teller)
Mason-Cox, Mr M
Phelps, Dr P

Mallard, Mr S
Mitchell, Mrs
Taylor, Mrs

Martin, Mr T
Nile, Revd Mr

PAIRS

Donnelly, Mr G
Searle, Mr A
Secord, Mr W

Ward, Ms P
Harwin, Mr D
Cusack, Ms C

Amendment negatived.

The PRESIDENT: The question is that the amendment of the Hon. Adam Searle be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.**The House divided.**

Ayes 15
Noes 20
Majority..... 5

AYES

Buckingham, Mr J
Graham, Mr J
Moselmane, Mr S
(teller)
Sharpe, Ms P
Voltz, Ms L

Faruqi, Dr M
Houssos, Ms C
Pearson, Mr M
Shoebridge, Mr D
Walker, Ms D

Field, Mr J
Mookhey, Mr D
Primrose, Mr P
Veitch, Mr M
Wong, Mr E (teller)

NOES

Amato, Mr L
Brown, Mr R
Fang, Mr W (teller)
Green, Mr P
Maclaren-Jones, Mrs
(teller)
Mason-Cox, Mr M
Phelps, Dr P

Blair, Mr
Clarke, Mr D
Farlow, Mr S
Khan, Mr T
Mallard, Mr S
Mitchell, Mrs
Taylor, Mrs

Borsak, Mr R
Colless, Mr R
Franklin, Mr B
MacDonald, Mr S
Martin, Mr T
Nile, Revd Mr

PAIRS

Donnelly, Mr G
Searle, Mr A
Secord, Mr W

Harwin, Mr D
Cusack, Ms C
Ward, Ms P

Amendment negatived.

The PRESIDENT: The question is that this bill be now read a second time. Is leave granted to ring the bells for one minute?

Leave granted.

The House divided.

Ayes20
 Noes15
 Majority.....5

AYES

Amato, Mr L	Blair, Mr	Borsak, Mr R
Brown, Mr R	Clarke, Mr D	Colless, Mr R
Fang, Mr W (teller)	Farlow, Mr S	Franklin, Mr B
Green, Mr P	Khan, Mr T	MacDonald, Mr S
Maclaren-Jones, Mrs	Mallard, Mr S	Martin, Mr T
(teller)		
Mason-Cox, Mr M	Mitchell, Mrs	Nile, Revd Mr
Phelps, Dr P	Taylor, Mrs	

NOES

Buckingham, Mr J	Faruqi, Dr M	Field, Mr J
Graham, Mr J	Houssos, Ms C	Mookhey, Mr D
Moselmane, Mr S	Pearson, Mr M	Primrose, Mr P
(teller)		
Sharpe, Ms P	Shoebridge, Mr D	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	Wong, Mr E (teller)

PAIRS

Cusack, Ms C	Donnelly, Mr G
Harwin, Mr D	Searle, Mr A
Ward, Ms P	Secord, Mr W

Motion agreed to.

The PRESIDENT: According to sessional orders, proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

The House continued to sit.**In Committee**

The CHAIR: There being no objection, the Committee will deal with the bill as a whole. I have four sets of amendments: The Greens amendments on sheet C2018-058B; Opposition amendments on sheet C2018-062A; Animal Justice Party amendments on sheet C2018-068; and The Greens amendment on C2018-072A. The first set of amendments we will deal with are The Greens amendments Nos 1, 3, 4 and 5 on sheet C2018-058B.

Dr MEHREEN FARUQI (22:05): By leave: I move The Greens amendments Nos 1, 3, 4 and 5 on sheet C2018-058B in globo:

No. 1 Ecologically sustainable wild horse populations

Page 2, clause 3 (1). Insert after line 14:

ecologically sustainable wild horse populations—see section 4.

No. 3 Ecologically sustainable wild horse populations

Page 2, proposed Part 1. Insert after line 23:

4 Ecologically sustainable wild horse populations

- (1) In this Act, an *ecologically sustainable wild horse population* in a part of Kosciuszko National Park means the number of wild horses that can be maintained in that part without reducing the natural or cultural values of the park or the ecological integrity of its ecosystems.

- (2) A person who is required to determine an ecologically sustainable wild horse population for the purposes of this Act must base this on the best available scientific evidence and any advice from the Scientific Committee.

No. 4 **Ecologically sustainable wild horse populations**

Page 2, clause 4, line 25. Insert "ecologically" before "sustainable".

No. 5 **Ecologically sustainable wild horse populations**

Page 3, clause 5 (2) (a), line 6. Insert "ecologically" before "sustainable".

These amendments introduce the concept into the bill of an ecologically sustainable wild horse population. Nowhere in the bill is a sustainable wild horse population defined. If the definition is to be determined by the Wild Horse Community Advisory Panel, which I have previously indicated looks like a totally inappropriate body to be making these decisions, especially when there are no scientists and ecologists on that panel, then we need to ensure what an ecologically sustainable wild horse population might mean and we have to ensure that it is not just considered in the absence of ecology and the environment. These amendments will allow this to occur, drawing upon the great body of scientific literature on ecological sustainability in general and for Kosciuszko National Park in particular. If the Government is serious about conserving the environment in this sensitive and unique area, it should have no problem in supporting these amendments. I commend the amendments to the Committee.

The Hon. BRONNIE TAYLOR (22:07): The Government will not be supporting these amendments. These amendments are not necessary because clause 5 (2) (b) of the bill already requires the draft plan to set out how that the heritage value will be protected while ensuring other environmental values of the park, including values identified in the plan of the management for the park, are also maintained. Additionally, the Minister is ultimately responsible for the adoption of the plan and is required to consider advice from the Office of Environment and Heritage, the National Parks and Wildlife Advisory Council, the Heritage Council and public submissions.

The New South Wales Government is also committed to establishing an independent technical reference group to provide scientific advice. The National Parks and Wildlife Act 1974 remains the primary legislative framework for managing the national park estate in line with environmental values. The requirements of the Act must be considered in developing the management plan. Section 2A (2) of the National Parks and Wildlife Act requires the objects of the Act to be achieved by applying the principles of ecologically sustainable development. It is intended that ecological sustainability be a principle within the Wild Horse Management Plan.

The Hon. PENNY SHARPE (22:08): The rubber really hits the road in relation to the amendments. Labor has identical amendments, but The Greens are moving them and we will obviously support them. In response to what the Government has said, it is wrong to say that there is anything in this bill that suggests that the banishment of the wild horse population is an ecologically sustainable wild horse population.

The bill talks about sustainable wild horse populations without defining it. These amendments seek to define what it is. Amendment No. 3 states:

- (1) In this Act, an *ecologically sustainable wild horse population* in a part of Kosciuszko National Park means the number of wild horses that can be maintained in that part without reducing the natural or cultural values of the park or the ecological integrity of its ecosystems.
- (2) A person who is required to determine an ecologically sustainable wild horse population for the purposes of this Act must base this on the best available scientific evidence and any advice from the Scientific Committee.

This goes to what is fundamentally wrong with the bill and it is why these amendments are so essential. An ecologically sustainable wild horse population is different from a wild horse population that can just live in the park. If honourable members are serious about maintaining the ecological values and ensuring that horses in the park do not starve and they are concerned about the other animals that are at risk as a result of the damage done to the park by the wild horses, then they must support these amendments.

The other matter to have regard to is the Scientific Committee. Let us understand who has been the main adviser here. It is someone who has a pecuniary interest in keeping the brumbies in the park as they currently are, and the Deputy Premier has been silly enough to fall for it and pursue it in the manner he has. If honourable members are serious about science and all the advice we have received, these amendments must be supported. There is no need for another technical committee. There has been a technical reference committee. Five of its members wrote to every member of this Parliament to say that their suggestions have been completely ignored and thrown under the bus by this Government. These amendments at least seek to put the science and the environment back into this terrible bill.

The CHAIR: Dr Mehreen Faruqi has moved The Greens amendments Nos 1, 3, 4 and 5 on sheet C2018-058B. The question is that the amendments be agreed to.

The Committee divided.

Ayes 14
 Noes 21
 Majority..... 7

AYES

Buckingham, Mr J
 Graham, Mr J
 Moselmane, Mr S
 Shoebridge, Mr D
 Walker, Ms D

Faruqi, Dr M (teller)
 Houssos, Ms C
 Primrose, Mr P
 Veitch, Mr M
 Wong, Mr E

Field, Mr J (teller)
 Mookhey, Mr D
 Sharpe, Ms P
 Voltz, Ms L

NOES

Ajaka, Mr
 Brown, Mr R
 Fang, Mr W (teller)
 Green, Mr P

Amato, Mr L
 Clarke, Mr D
 Farlow, Mr S
 MacDonald, Mr S

Mallard, Mr S
 Mitchell, Mrs
 Phelps, Dr P

Martin, Mr T
 Nile, Revd Mr
 Taylor, Mrs

Borsak, Mr R
 Colless, Mr R
 Franklin, Mr B
 Maclaren-Jones, Mrs
 (teller)
 Mason-Cox, Mr M
 Pearson, Mr M
 Ward, Ms P

PAIRS

Donnelly, Mr G
 Searle, Mr A
 Secord, Mr W

Blair, Mr
 Harwin, Mr D
 Cusack, Ms C

Amendments negatived.

Dr MEHREEN FARUQI (22:18): I move The Greens amendment No. 2 on sheet C2018-058B:

No. 2 **Definition of "Scientific Committee"**

Page 2, clause 3 (1). Insert after line 20:

Scientific Committee means the Threatened Species Scientific Committee established by Division 7 of Part 4 of the *Biodiversity Conservation Act 2016*.

This amendment proposes to insert a definition of "scientific committee" in the definition section of the bill. This is in preparation for amendment No. 7, which relates to the committee being consulted in the preparation of a wild horse heritage management plan. I commend the amendment to the Committee.

The Hon. BRONNIE TAYLOR (22:19): The Government does not support the amendment because a definition is not required.

The Hon. PENNY SHARPE (22:19): Yet again the Opposition notes from the Government's response to the amendment that science has absolutely nothing to do with this bill, which is sad. The Government's own legislative framework says that it is committed to biodiversity conservation. It defines the scientific committee as the threatened species scientific committee established under the Biodiversity Conservation Act 2016. The Government is throwing that out the window. I am not surprised that it opposes the amendment. As I said, that is sad. I commend the amendment to the Committee

The CHAIR: Dr Mehreen Faruqi has moved The Greens amendment No. 2 on sheet C2018-058B. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR: I inform members that the Opposition has a number of identical amendments. Because The Greens amendments have been put, the Opposition amendments lapse.

Dr MEHREEN FARUQI (22:21): I move The Greens amendment No. 6 on sheet C2018-058B:

No. 6 **Environmental values of park**

Page 3, clause 5 (2) (b), line 10. Insert "and the values of the park that are identified for the Australian Alps National Parks and Reserves in the National Heritage List" after "for the park".

This amendment seeks to insert the values of the park as identified in the National Heritage List for the Australian Alps National Parks and Reserves in the bill. The bill lists a number of criteria that the draft plan should adhere to, including the heritage value of wild horses and how the park will be protected. If we are talking about heritage, we must talk about the heritage value of the park itself. I remind members that the values of the Kosciuszko National Park are identified in the National Heritage List of the Australian Alps National Parks and Reserves. The alps are a unique and spectacular environment that stretches across three States—Victoria, New South Wales and the Australian Capital Territory. They are home to unique cold climate adapted plants and animals from alpine daisies to snow gums and from mountain pigmy possums to the migratory Bogong moths. Surely that should be considered within the bill.

This amendment is fundamental and states that any draft plan should set out how the national heritage and other values of Kosciuszko National Park are to be maintained consistent with its inscription as a National Heritage Place under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. Those values include flora and fauna, social, cultural, landscape, soil, aquatic, tourism and recreation values. Surely they are worth protecting. I commend the amendment to the Committee.

The Hon. BRONNIE TAYLOR (22:22): Values in the National Heritage List are established by processes under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. It is not appropriate to reference the National Heritage List in New South Wales legislation. The bill already requires all environmental values to be considered in preparing a wild horse heritage management plan. The Government does not support the amendment.

The Hon. PENNY SHARPE (22:23): I said earlier that the complete abrogation of responsibility for the environment by the Minister for the Environment knew no bounds. We can also give her a tick as failing as the Minister for Heritage to accept her own heritage requirements and the importance of heritage under the Federal framework. This is a straightforward amendment that the Government should be able to support. This again demonstrates that the bill has little to do with heritage, nothing to do with the environment, and everything to do with the proponents of horseriding and allowing wild horses to remain in the park to do damage. There is no reason for the Government not to support this amendment. It simply respects what is already on the National Heritage List and says that we care about the park.

The CHAIR: Dr Mehreen Faruqi has moved The Greens amendment No. 6 on sheet C2018-058B. The question is that the amendment be agreed to.

The Committee divided.

Ayes15
Noes20
Majority.....5

AYES

Buckingham, Mr J
Graham, Mr J
Moselmane, Mr S
Sharpe, Ms P

Voltz, Ms L

Faruqi, Dr M (teller)
Houssos, Ms C
Pearson, Mr M
Shoebridge, Mr D
(teller)
Walker, Ms D

Field, Mr J
Mookhey, Mr D
Primrose, Mr P
Veitch, Mr M
Wong, Mr E

NOES

Ajaka, Mr
Borsak, Mr R
Colless, Mr R
Franklin, Mr B
Maclaren-Jones, Mrs
(teller)
Mitchell, Mrs

Amato, Mr L
Brown, Mr R
Fang, Mr W (teller)
Green, Mr P
Martin, Mr T
Nile, Revd Mr

Blair, Mr
Clarke, Mr D
Farlow, Mr S
MacDonald, Mr S
Mason-Cox, Mr M
Phelps, Dr P

NOES

Taylor, Mrs

Ward, Ms P

PAIRS

Donnelly, Mr G
Searle, Mr A
Secord, Mr W

Cusack, Ms C
Harwin, Mr D
Mallard, Mr S

Amendment negatived.

The CHAIR: We will now move to The Greens amendment No. 1 on sheet C2018-072A.

Dr MEHREEN FARUQI (22:32): I move The Greens amendment No. 1 on sheet C2018-072A:

No. 1 **Preparation of draft plan**

Page 3, clause 5 (2) (d), line 12. Omit "take into account". Insert instead "be consistent with".

This amendment is about the preparation of the Draft Wild Horse Heritage Management Plan. Rather than just take into account the National Parks and Wildlife Act while preparing this plan of management for wild horse management—

Mr Jeremy Buckingham: Point of order: Dr Mehreen Faruqi is trying to make a contribution to this important debate. It is an important amendment and it is difficult to hear her with all the conversation in the Chamber. I ask that the Chair bring members to order and ask them to take their conversations outside the Chamber.

The CHAIR: That is fair. All members have heard the observation. Members can take their conversations outside the Chamber or, alternatively, keep their voices down.

Dr MEHREEN FARUQI: As I was saying, rather than just take into account the National Parks and Wildlife Act while preparing the plan of management for wild horses in Kosciuszko National Park, we must ensure that this plan is consistent with the National Parks and Wildlife Act. This is a much stronger way of ensuring that the objects of the National Parks and Wildlife Act are being met in whatever plan that this Government concocts. It is a simple and straightforward amendment that makes sense if we want to preserve the environment of the Kosciuszko National Park as well as manage the wild horse population. I commend the amendment to the House.

The Hon. BRONNIE TAYLOR (22:33): Part 72AA of the National Parks and Wildlife Act 1974 uses the phrase "taken into consideration" when specifying the objectives and content of plans of management. The term "take into account" is more closely aligned with the existing Act and the Government will not support the amendment.

The Hon. PENNY SHARPE (22:34): It is no surprise that the Government is not supporting this amendment. Labor will support the amendment, which tries to make clear what the Government says it is doing in relation to national parks and wildlife management in the National Parks and Wildlife Act. Let us be clear: This bill is not consistent with the National Parks and Wildlife Act. Under the bill, the plan can be overridden by the Minister when it comes to decision-making around the management of wild horses in the park. The amendment simply says that it should be consistent with the Kosciuszko National Park Plan of Management. We know that the Government has no intention of being consistent with the plan of management. We know that it is barely going to take it into account. However, it is very important that this amendment be moved and Labor strongly supports it. If the Government was real about looking after the environmental values of the Kosciuszko National Park it would support this amendment, but it is not a surprise that it is not going to.

The CHAIR: The question is that The Greens amendment No. 1 on sheet C2018-072A be agreed to.

Amendment negatived.

The CHAIR: We now move to Opposition amendment No. 7 on sheet C2018-062A. We will go through the Opposition amendment and then we will put The Greens amendment, because they are similar but different. If the Opposition amendment is agreed to that will change things, but I suspect that will not happen.

The Hon. PENNY SHARPE (22:36): I move Opposition amendment No. 7 on sheet C2018-062A:

No. 7 **Consultation on preparation of draft plan**

Page 3, clause 5 (3), lines 16 and 17. Omit all words on those lines. Insert instead:

- (3) The Chief Executive is to seek the advice of each of the following in the preparation of the draft plan:
 - (a) the Scientific Committee,
 - (b) the regional advisory committee for the administrative region concerned (within the meaning of the *National Parks and Wildlife Act 1974*),
 - (c) the Wild Horse Community Advisory Panel constituted under Schedule 1.

Labor seeks to omit lines 16 and 17 of clause 5 (3) of the bill, which currently reads:

The Chief Executive is to seek the advice of the Wild Horse Community Advisory Panel constituted under Schedule 1 in the preparation of the draft plan.

Labor seeks to insert instead:

- (3) The Chief Executive is to seek the advice of each of the following in the preparation of the draft plan:
 - (a) the Scientific Committee,
 - (b) the regional advisory committee for the administrative region concerned (within the meaning of the *National Parks and Wildlife Act 1974*),
 - (c) the Wild Horse Community Advisory Panel constituted under Schedule 1.

I am sure that Dr Mehreen Faruqi will explain the slight difference between The Greens amendment and this one. We want to recognise the important of the regional advisory committees within the National Parks and Wildlife Service framework. They have very good local knowledge and we want to include them in any consultation of the drafting of any plan. I commend the amendment to the House.

The Hon. BRONNIE TAYLOR (22:37): These amendments are not supported and are not necessary. The roles of the NSW Scientific Committee are set out in the Biodiversity Conservation Act 2016. They are strategic and statewide to assess risks of species extinctions and to make independent decisions about listings. It is not the role of the Scientific Committee to provide advice on specific management plans for individual parks. In addition, the bill provides for the establishment of a community advisory panel, as well as the Independent Technical Reference Group, to provide expert scientific advice specific to the management of wild horses in Kosciuszko National Park. The roles of the regional advisory committee [RAC] is set out in the National Parks and Wildlife Act, including providing advice and input to park plans and management required under that Act. The RAC will be consulted during preparation of the management plan and will have the opportunity to make a submission during public exhibitions of the plan. There is no need to prescribe consultation in the bill. We will not support the amendment.

Dr MEHREEN FARUQI (22:38): As the Hon. Penny Sharpe said, the amendments of The Greens and the Opposition are very similar. The Greens will support this amendment. The amendment basically ensures that experts are consulted when the plan is prepared. To be fair, that is not an extraordinary ask. I believe that the wild horse community advisory panel will be sacked if we do not do this. The NSW Scientific Committee, which I noted in my contribution to the second reading debate, has a lot to say on this subject and has a lot of expertise on this subject.

Also, the national parks and wildlife regional advisory committee, at the very least, should be consulted in the preparation of the draft plan otherwise this is nothing but a farce to fulfilling a pre-determined outcome. The Greens commend the amendment.

The Hon. PENNY SHARPE (22:39): This amendment is straightforward. The wild horse community advisory panel will be consulted and the scientific committee should also be consulted. Throughout debate on this legislation today Labor has argued that putting science at the heart of the management of national parks is not a radical idea; junking science is the radical idea that is being proposed and Labor rejects it. The Government is suggesting that the regional advisory committee might be consulted but is not required to be consulted. What is the point of regional advisory committees? What is the point of the National Parks and Wildlife Service if the Government is going to ignore its work? It flies in the face of the excellent people who over many decades have given of their time and expertise and who have had an input into the way in which the land, the flora and the fauna are managed in those national parks. It is an insult that the Government will not support this amendment.

The CHAIR: The Hon. Penny Sharpe has moved Opposition amendment No. 7 appearing on sheet C2018-062A. The question is that the amendment be agreed to.

Amendment negated.

The CHAIR: I call Dr Mehreen Faruqi to move The Greens amendment No. 7.

Dr MEHREEN FARUQI (22:41): I will not move my amendment No. 7.

The Hon. MARK PEARSON (22:41): By leave: I move Animal Justice Party amendments Nos 1 and 2 on sheet C2018-068 in globo:

No. 1 **Ensure management of wild horse populations is by non-lethal means**

Page 3, clause 5 (2). Insert after line 14:

- (e) provide that methods that control wild horse fertility are to be the primary means by which sustainable wild horse populations are to be achieved, and

No. 2 **Ensure management of wild horse populations is by non-lethal means**

Page 3, clause 5. Insert after line 17:

- (4) A draft plan must not provide for any means of achieving sustainable wild horse populations that involve the killing of any wild horse.

Essentially, I have already spoken to these amendments in my contribution to the second reading debate. These amendments will put safeguards in the bill to ensure that no horse will be killed—unless it is in a horse's interests—either by helicopter or shot from the ground, or by poisoning, luring, capturing and putting it onto a truck and taken directly to a so-called horseriding school, which inevitably means to an abattoir or knackery. These amendments will guarantee that horses will never be treated in that way.

The Hon. BRONNIE TAYLOR (22:43): The Kosciuszko Wild Horse Heritage Bill 2018 will set a framework for managing wild horse populations in the national park. The primary objective is to use non-lethal means as a control measure, which is in line with the Animal Justice Party's proposal. These amendments are not necessary. The Government will not be supporting the amendments.

The Hon. PENNY SHARPE (22:43): In a rare moment of agreement with the Government, Labor will not be supporting these amendments. I have a great deal of respect for the Hon. Mark Pearson and for the Animal Justice Party. Labor cannot accept any provision that will not involve the killing of any wild horse. Other animals are being harmed and killed every day such as the northern corroboree frog, the southern corroboree frog, the alpine water skink, the alpine spiny crayfish, the alpine she-oak skink and the alpine tree frog.

We also talked today about the mountain pygmy possum and the broad-toothed rat, which are endangered or threatened. There are also 21 plant species within the park that are unique to this area. We cannot ignore the damage that wild horses are already doing to the park, nor the task of restoring it. Labor would prefer that no horse had to be killed but we cannot manage this population if the only way we can deal with it is through fertility measures. Labor's plan for the Kosciuszko National Park includes working on fertility controls but we have to be honest: We cannot say that no animal will be killed. There is a hierarchy of animals and it is Labor's view and the view of scientists and others that we cannot allow one animal to continue to undermine the native animals that exist within the park.

I listened closely to what the Hon. Mark Pearson said about first nations people and Indigenous owners within the park. I have talked to people about this. I know that Indigenous people are very concerned about the changing nature of the landscape and the impact of the animals that have been introduced. We may use different words in the way we describe them. Labor cannot support these amendments. I wish the Government would be a bit more honest about why it is not supporting these amendments. Labor is not supporting them because we accept that it is impossible to save every horse. To do that would endanger all the other animals and the other values of the park. That is an important distinction. Having said that, I completely respect the Hon. Mark Pearson's position in relation to these matters but Labor and the Animal Justice Party will always fundamentally disagree on this point.

Dr MEHREEN FARUQI (22:46): As I said in my speech in the second reading debate, The Greens policy on managing invasive species is about encouraging non-lethal methods. Where such methods do not exist our policy is to provide resources for research and development into non-lethal methods. Sadly, New South Wales has not carried out that research. The State has not invested in research and in developing non-lethal methods which are humane. The Greens policy is also about ensuring that if lethal methods are used as a last resort they must be humane and based on meaningful population control which is professionally and scientifically proven to be effective before they are undertaken. This also applies to non-lethal methods.

The Greens recognise the difficult balance between the welfare of individual animals and biodiversity. Decisions need to be based on evidence which comes from scientific research and population control needs to be undertaken in the most humane way possible. No-one in this Chamber wants animals killed—not horses and not threatened species—if it can be avoided. I do not want animals killed but we have to look at the science behind

this and use measures that experts and scientists tell us are the best, rather than the measures for which politicians want to legislate. That is why The Greens cannot support these amendments.

The CHAIR: The Hon. Mark Pearson has moved Animal Justice Party amendments Nos 1 and 2 on sheet C2018-068. The question is that the amendments be agreed to.

Amendments negatived.

Dr MEHREEN FARUQI (22:48): I move Greens amendment No. 8 on sheet C2018-058B:

No. 8 **Public consultation**

Page 3, clause 6 (2) (b), line 25. Omit "30 days". Insert instead "90 days".

This amendment seeks to increase the period for consultation for the Draft Wild Horse Management Plan. A 30-day consultation period is a real slap in the face for the community. How can a community react to a plan when given only a month to look at it? As we have discussed—and as many members have agreed—this is quite a complex matter and 30 days for consultation is not enough. The public consultation period should be consistent with the provisions in the National Parks and Wildlife Act relating to the plans of management, which are outlined in section 73A, and should therefore be extended to at least 90 days from the date of public notice. That will make this legislation consistent with the Act. The Government says it will be consistent with the National Parks and Wildlife Act so this is a simple amendment to which it can agree. I commend the amendment to the House.

The Hon. BRONNIE TAYLOR (22:50): Longer times frames are not necessary in view of the current means of public exhibition, including communications technology. The Government will not support the amendment.

The Hon. PENNY SHARPE (22:50): I am sure that members work with community groups across the State. We should be aware that across all legislative areas we are increasingly asking unpaid voluntary community organisations to respond to complex government documents that involve a lot of technical expertise, and we need to give them the time to do that. Some communities that we work with do not have the expertise to consult properly. If the Government were serious about consultation it would give communities the time and the space to respond properly. Failing to do so because information can be put on the internet—bearing in mind that some documents are thousands of pages long—is not proper consultation, and there is so reason to suggest it is. Ninety days is not unreasonable and respects the role of the community in engaging in meaningful consultation. I commend the amendment to the Committee.

The CHAIR: Dr Mehreen Faruqi has moved The Greens amendment No. 8 on sheet C2018-058B. The question is that the amendment be agreed to.

Amendment negatived.

Dr MEHREEN FARUQI (22:52): I move The Greens amendment No. 9 on sheet C2018-058B:

No. 9 **Consultation with Advisory Council and Heritage Council**

Page 3, clause 7, line 28. Omit "30 days". Insert instead "60 days".

This amendment is along similar lines to The Greens amendment No. 8. It seeks to increase the time for consultation with the advisory council and the Heritage Council from 30 to 60 days. These are complex issues and complex documents that can be thousands of pages long, as the Hon. Penny Sharpe said, and the community needs the time to digest and review them in order to provide meaningful input. I commend the amendment to the Committee.

The Hon. BRONNIE TAYLOR (22:52): This amendment is unnecessary. Under the National Parks and Wildlife Act 1974, the advisory council has 30 days to provide advice on plans of management and 28 days to provide advice on leases and licences. It is not standard practice to make the submissions of a particular group or organisation public, particularly while a draft plan or proposal remains under consideration. There is no equivalent provision applicable to submissions to park plans of management under the National Parks and Wildlife Act 1974. The Government will not support the amendment.

The Hon. PENNY SHARPE (22:53): The Hon. Bronnie Taylor just spoke to Opposition amendment No. 10, which I will move next. The Greens amendment No. 9 is about the 30 to 60 days issue. I again note that the Heritage Council of NSW is chronically underfunded and under-resourced. In terms of getting matters onto the State Heritage Register, we already know that the Heritage Council has recently had to cull two-thirds of the matters being considered for heritage listing because it does not have sufficient resources to deal with them. We know that the time frames have blown out incredibly even for matters that have been suggested for listing on the State Heritage Register and that have gone to the heritage Minister and have sat on her desk.

She is supposed to do this within 14 days, but she takes more than 155 days. I think asking for consultation community with the community for 60 days is not unreasonable in these circumstances.

The CHAIR: Dr Mehreen Faruqi has moved The Greens amendment No. 9 on sheet C2018-058B. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. PENNY SHARPE (22:55): I move Opposition amendment No. 10 on sheet C2018-062A:

No. 10 **Consultation with Advisory Council and Heritage Council**

Page 3, clause 7. Insert after line 29:

- (2) The Chief Executive must, as soon as practicable after receiving any representations under this section, notify the Minister that the representations have been received and is to make the representations publicly available by publishing it in a prominent location on the website of the National Parks and Wildlife Service.

This amendment will insert a straightforward public transparency measure. I do not know why the Government would resist it, although from what I heard from the parliamentary secretary it sounds as though it will. If the advisory council and the heritage council are providing advice to the Minister, the public has a right to know. Again, we know that the current Minister has form in relation to ignoring advice from other experts and we also know that she is very selective in the amount of information that is provided publically. This is really just an important check and balance on Executive Government. I hope the Hon. Peter Phelps is listening to this. He should support the amendment.

The Hon. BRONNIE TAYLOR (22:55): I will repeat what I said when I got a bit ahead of myself. It is not standard practice to make the submissions of a particular group or organisation public, particularly when a draft plan or proposal remains under consideration. There is no equivalent provision applicable to submissions to parklands of management under the National Parks and Wildlife Act 1974. The Government will not support this amendment.

Dr MEHREEN FARUQI (22:56): I will be very short and sharp. The more transparency the better, especially with this Government. The Greens will support this amendment.

The CHAIR: The Hon. Penny Sharpe has moved Opposition amendment No. 10 on sheet C2018-062A. The question is that the amendment be agreed to.

Amendment negatived.

Dr MEHREEN FARUQI (22:57): I move The Greens amendment No. 10 on sheet C2018-058B:

No. 10 **Matters to be considered by Minister before adopting draft plan**

Page 4, clause 9. Insert after line 4:

- (d) the objects of the *National Parks and Wildlife Act 1974* and the matters that are required (by section 72AA of that Act) to be taken into consideration in the preparation of a plan of management.

This amendment requires the Minister to consider the objects of the National Parks and Wildlife Act 1974 and the matters that are required by section 72AA of the National Parks and Wildlife Act to be taken into consideration in the preparation of a plan of management under that Act, and that includes relevant management principles, before they can to decide whether to adopt such a plan. Again, this is quite a reasonable amendment. After all, we are talking about national parks. This amendment would make the Minister's considerations in clause 9 more consistent with the matters in clause 5 that must be taken into account when the chief executive prepares any draft plan. Any draft plan adopted by the Minister should be consistent with the objects of the National Parks and Wildlife Act standard plan of management considerations and the plan of the management for Kosciuszko National Park. This is really a no-brainer: any plan drawn up that is relevant to national parks be consistent with the National Parks and Wildlife Act 1974. It is as simple as that. I commend the amendment to the House.

The Hon. BRONNIE TAYLOR (22:58): This amendment is not necessary because of the requirement of clause 5 (d) of the bill that these matters be taken into account in the Draft Wild Horse Heritage Management Plan. The Government will not support the amendment.

The Hon. PENNY SHARPE (22:59): This amendment seeks to ensure that the National Parks and Wildlife Act is taken into account. I would not have thought that that was a particularly radical idea, but again I note that the Government will not support this amendment. I give notice to members that we will divide on this amendment. This is a fundamental and important part of the way in which we manage national parks. It is the reason why Labor opposes this bill so strongly—it fundamentally undermines the way in which we manage

national parks. If the Government cannot even require the Minister to consider the objects of the National Parks and Wildlife Act, it tells us exactly where we are in relation to this bill and shows the commitment to national parks being shown by the Government.

The CHAIR: Dr Mehreen Faruqi has moved The Greens amendment No. 10 on sheet C2018-058B. The question is that the amendment be agreed to.

The Committee divided.

Ayes15

Noes20

Majority.....5

AYES

Buckingham, Mr J
Graham, Mr J
Moselmane, Mr S
Sharpe, Ms P

Voltz, Ms L

Faruqi, Dr M
Houssos, Ms C
Pearson, Mr M
Shoebridge, Mr D
(teller)

Walker, Ms D

Field, Mr J (teller)
Mookhey, Mr D
Primrose, Mr P
Veitch, Mr M

Wong, Mr E

NOES

Ajaka, Mr
Brown, Mr R
Cusack, Ms C
Green, Mr P

Mallard, Mr S
Mitchell, Mrs
Taylor, Mrs

Amato, Mr L
Clarke, Mr D
Fang, Mr W (teller)
MacDonald, Mr S

Martin, Mr T
Nile, Revd Mr
Ward, Ms P

Borsak, Mr R
Colless, Mr R
Farlow, Mr S
Maclaren-Jones, Mrs
(teller)

Mason-Cox, Mr M
Phelps, Dr P

PAIRS

Donnelly, Mr G
Searle, Mr A
Secord, Mr W

Blair, Mr
Franklin, Mr B
Harwin, Mr D

Amendment negatived.

The CHAIR: The Committee will now deal with Opposition amendment No. 12 on sheet C2018-062A.

The Hon. PENNY SHARPE (23:07): I move Opposition amendment No. 12 on sheet C2018-062A:

No. 12 **Monitoring and review of adopted plans**

Page 4, Part 2. Insert after line 14:

12 Independent review of adopted plan

- (1) An adopted plan must be reviewed to consider the following:
 - (a) the effect that the adopted plan has had,
 - (b) the extent to which the adopted plan is achieving the objects of this Act and the *National Parks and Wildlife Act 1974*,
 - (c) the extent to which the adopted plan is compatible with those objects.
- (2) A review under this section must be conducted by an independent person appointed by the Chief Executive.
- (3) The person conducting the review must, in the conduct of that review, consult with the public and other bodies required to be consulted in the preparation of a draft plan.
- (4) The reviews under this section must be conducted no more than 5 years apart and the first review must occur no more than 2 years after the commencement of this Act.

- (5) The person conducting the review is to prepare a report on the review and submit it to the Minister and the Chief Executive.
- (6) The Chief Executive is to make a copy of the report publicly available on the website of the National Parks and Wildlife Service as soon as practicable after receiving the report.

Members will be pleased to know that I will not take 15 minutes. Basically, this amendment is very straightforward. Its intent is to put in place an independent review of any plan that is adopted. There have been a couple of key themes throughout this entire debate. One has been attempts to get consistency with the National Parks and Wildlife Act and the other has been trying to ensure that science, scientific experts and local experts are included in the development of any plans.

This has not been accepted by the Government. This is yet another check and balance from an Opposition that does not trust the Government for a second in the way it proposes to deal with this bill. The Opposition is seeking a review that would look at the extent to which the adopted plan is achieving the objects of the National Parks and Wildlife Act, and the extent to which the adopted plan is compatible with those objects. We also want a review to be conducted by an independent person appointed by the chief executive.

It is pretty sad that the environment Minister cannot be trusted to get this done properly, yet that is why we are seeking this amendment. The review must be undertaken in consultation with others. It must also be conducted within the first two years and then no more than five years apart after the commencement of the Act. I am hopeful we will never get to that stage. I hope that in 2019 I will get to be the environment Minister and I will be very pleased to present to this House the repeal of this terrible bill.

The Hon. BRONNIE TAYLOR (23:10): The Kosciuszko Wild Horse Heritage Bill 2018 is intended to set a framework for managing wild horse populations within the national park for the development of the wild horse heritage management plan. Reviews are a normal and appropriate part of good management practice. They are best dealt with administratively, rather than in legislation. This amendment is unnecessary and the Government does not support it.

Dr MEHREEN FARUQI (23:10): This is a very sensible amendment. It should be standard practice for us to monitor and evaluate the plans that this Parliament puts in place, especially a plan such as this. It has been said over and over again that this is a complex and difficult plan, and for good reason many scientists disagree with it. I commend the amendment to the Committee.

The CHAIR: The Hon. Penny Sharpe has moved Opposition amendment No. 12 on sheet C2018-062A. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR: The Greens amendment No. 11 is similar to but not the same as an Opposition amendment. We will deal first with The Greens amendment and, subject to what happens, we will then deal with the Opposition amendment.

Dr MEHREEN FARUQI (23:12): I move The Greens amendment No. 11 on sheet C2018-058B:

No. 11 **Relationship with National Parks and Wildlife Act 1974**

Page 5, clause 12, lines 3–10. Omit all words on those lines. Insert instead:

A plan of management prevails to the extent of any inconsistency between the plan of management and an adopted plan.

This amendment relates to the relationship of the Wild Horse Management Plan to the National Parks and Wildlife Act 1974. It is proposed that clause 12 be replaced with the following:

A plan of management prevails to the extent of any inconsistency between the plan of management and an adopted plan.

This straightforward and crucial amendment will ensure that, where there is inconsistency between any wild horse management plan and the Kosciuszko National Park Plan of Management, the Kosciuszko National Park Plan of Management will prevail. The Australian Academy of Sciences wrote a letter dated 1 June 2018 to the Deputy Premier. I quote in part from that letter, which states:

Under the proposed legislation, the wild horse heritage management plan will prevail over the NSW National Parks and Wildlife Act 1974, Section 81(4), and will prevail over the 2006 Kosciuszko National Park Plan of Management, a legal instrument established under that Act. This Plan of Management was developed according to transparent, consultative, legislated processes to provide a best-practice plan for the management of all Kosciuszko National Park values.

That is why it should remain the primary plan of management. It makes no sense for this errant wild horse plan to take precedence over the Kosciuszko National Park Plan of Management. This amendment will ensure the integrity of the plans of management under the National Parks and Wildlife Act. The bill says that the heritage

value of a sustainable wild horse population should be recognised in preparing the plan. The Greens do not agree with that, especially since the Government has rejected our amendments to add the concept of an ecologically sustainable wild horse population in the bill. I commend the amendment to the House.

The Hon. BRONNIE TAYLOR (23:14): The proposed amendment will create confusion, uncertainty and inconsistency. The purpose of the bill is to ensure that a new wild horse heritage management plan is the single clear point of reference for how wild horses are to be managed into the future. By giving priority to the 2006 plan of management, the amendment would undermine the new plan and efforts to ensure that clear directions are provided to the community. The Government will not support the amendment.

The Hon. PENNY SHARPE (23:14): I will explain to the House the difference between The Greens amendment and the Labor amendment. Labor does not oppose The Greens amendment and what it is trying to achieve. Again, the entire discussion about the bill has been around the primacy of the National Parks and Wildlife Act, which we believe is very important. We will support the amendment but on the basis that I think it is unlikely to get up so we will have a chance to speak to our amendment. I will explain the finer details of it then.

The CHAIR: Dr Mehreen Faruqi has moved The Greens amendment No. 11 on sheet C2018-058B. The question is that the amendment be agreed to.

The Committee divided.

Ayes15
Noes20
Majority.....5

AYES

Buckingham, Mr J	Faruqi, Dr M (teller)	Field, Mr J
Graham, Mr J	Houssos, Ms C	Mookhey, Mr D
Moselmane, Mr S	Pearson, Mr M	Primrose, Mr P
Sharpe, Ms P	Shoebridge, Mr D (teller)	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	Wong, Mr E

NOES

Ajaka, Mr	Amato, Mr L	Blair, Mr
Borsak, Mr R	Brown, Mr R	Clarke, Mr D
Cusack, Ms C	Fang, Mr W (teller)	Farlow, Mr S
Green, Mr P	MacDonald, Mr S	Maclaren-Jones, Mrs (teller)
Mallard, Mr S	Martin, Mr T	Mason-Cox, Mr M
Mitchell, Mrs	Nile, Revd Mr	Phelps, Dr P
Taylor, Mrs	Ward, Ms P	

PAIRS

Donnelly, Mr G	Harwin, Mr D
Searle, Mr A	Franklin, Mr B
Secord, Mr W	Colless, Mr R

Amendment negatived.

The Hon. PENNY SHARPE (23:24): I move Opposition amendment No. 13 on sheet C2018-062A:

No. 13 **Relationship with National Parks and Wildlife Act 1974**

Page 5, clause 12 (1) and (2), lines 3–7. Omit all words on those lines. Insert instead:

- (1) A plan of management prevails to the extent of any inconsistency between the plan of management and an adopted plan.

The difference between The Greens amendment No. 11 that we voted on earlier and this amendment is that Labor supports the deletion of subclauses 12 (1) and (2), which essentially establishes that the Kosciuszko Wild Horse Heritage Bill overrides the National Parks and Wildlife Act. Clause 12 (3) states:

- (3) When causing a plan of management for Kosciuszko National Park to be prepared, the Chief Executive must ensure that the plan of management recognises the heritage value of sustainable wild horse populations within parts of the park.

If the Government were serious about managing the wild horse population in the Kosciuszko National Park, it would have moved only this clause to amend the National Parks and Wildlife Act and it would not have brought forward a bill that canvasses ignorant scientific evidence in order to override the National Parks and Wildlife Act.

Labor and Labor's candidate for Monaro have always supported recognition of the cultural value of the horses in Kosciuszko and its surrounds. Where Labor differs from the view of The Greens is on how we manage the wild horse population. I will not revisit points raised by contributors to the second reading debate, but the Government would be able to support this amendment if it were serious about managing wild horses in the national park. Labor believes that the only change that was required to the National Parks and Wildlife Act would be effected by this amendment.

Let us accept the cultural heritage of the wild horses and that the horses spend time in the park. Let us accept that we need to manage the wild horse population sustainably by passing this amendment. In Labor's view the other provisions in this bill are unnecessary. I urge members to support this sensible amendment, which for Labor is the most important part of the bill. Labor will never support overriding the National Parks and Wildlife Service. I remind members that there is international attention on the passage of this bill, because its passage will undermine the conventions that Australia has signed what we have been proud to hold up as part of the identity of New South Wales and what we believe is important in nature conservation. In the past we have upheld these conventions as a way to manage very fragile ecosystems. The Kosciuszko National Park boasts unique flora and fauna, which is currently being damaged by the wild horse population. The passage of this bill will make matters worse. I urge members to support Labor's amendment.

The Hon. BRONNIE TAYLOR (23:27): The Government will not support this amendment for the reasons outlined in my previous contribution.

Dr MEHREEN FARUQI (23:27): On behalf of The Greens I moved amendment No. 11, which is a bit different from Opposition amendment No. 13. The Greens amendment would remove the recognition of the heritage value of the sustainable wild horse population within the Kosciuszko National Park, because that creates a conflict between the primacy of the Kosciuszko National Park plan of management and the National Parks and Wildlife Act. The main reason The Greens will support this Opposition amendment is that the bill, as it stands, overrides the primacy of the National Parks and Wildlife Act. I agree with the Hon. Penny Sharpe that this is the most crucial part of this amendment. We cannot allow a wild horse management plan contained in a bill to override years of work to protect our national parks, particularly the Kosciuszko National Park. The Greens will support this amendment because it makes a crucial change to ensure that the Act and the Kosciuszko National Park plan of management remain the overarching plan of management.

Mr DAVID SHOEBRIDGE (23:28): I find the overriding of the National Parks and Wildlife Act the most offensive element of the bill. The Kosciuszko National Park is a magical part of this State and of the world. My family and I have spent many holidays in the park, mainly in the summer months. We have spent time in those wild, natural places. The appreciation you get of nature when walking through the beautiful snow gums on the high plains of the Kosciuszko National Park cannot be equalled.

To know that that place has been protected by the National Parks Act until now—and to know what a precious thing the National Parks Act has provided for the people of New South Wales—and to allow this Government, with its anti-environment agenda, to run roughshod over the National Parks Act is something I cannot stay silent about. A magical, beautiful place, protected by a fabulous piece of legislation—the National Parks Act—is being trashed tonight by this Government. It is shameful.

The CHAIR: The Hon. Penny Sharpe has moved Opposition amendment No. 13 on sheet C2018-062A. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes15
Noes20
Majority.....5

AYES

Buckingham, Mr J

Faruqi, Dr M

Field, Mr J

AYES

Graham, Mr J	Houssos, Ms C	Mookhey, Mr D
Moselmane, Mr S	Pearson, Mr M	Primrose, Mr P
(teller)		
Sharpe, Ms P	Shoebridge, Mr D	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	Wong, Mr E (teller)

NOES

Ajaka, Mr	Amato, Mr L	Blair, Mr
Borsak, Mr R	Brown, Mr R	Clarke, Mr D
Cusack, Ms C	Fang, Mr W (teller)	Farlow, Mr S
Green, Mr P	MacDonald, Mr S	Maclaren-Jones, Mrs
		(teller)
Mallard, Mr S	Martin, Mr T	Mason-Cox, Mr M
Mitchell, Mrs	Nile, Revd Mr	Phelps, Dr P
Taylor, Mrs	Ward, Ms P	

PAIRS

Donnelly, Mr G	Colless, Mr R
Searle, Mr A	Franklin, Mr B
Secord, Mr W	Harwin, Mr D

Amendment negatived.

The Hon. PENNY SHARPE (23:34): By leave: I move Opposition amendments Nos 14 and 15 on sheet C2018-062A in globo :

No. 14 **Wild Horse Community Advisory Panel**

Page 6, Schedule 1, clause 3 (1), line 12. Omit "6 but no more than 8". Insert instead "7 but no more than 9".

No. 15 **Wild Horse Community Advisory Panel**

Page 6, Schedule 1, clause 3 (2) (a), line 15. Omit "1 Aboriginal person". Insert instead "2 Aboriginal persons".

This is a very minor amendment. It changes the number of people on the Wild Horse Community Advisory Panel. Currently the bill provides for six but no more than eight. The Opposition wants seven but no more than nine. There are two Aboriginal nations that are involved in the management of the park and we want to ensure that they are both represented on the panel.

The Hon. BRONNIE TAYLOR (23:35): The current composition of the Wild Horse Community Advisory Panel provides for a broad range of community views and expertise. Additionally, the bill proposes that the Minister will determine the chairperson of the panel to be drawn from the appointed members. The bill will not specify that one particular member must be the chair. The independent technical reference group will also provide expert evidence to ensure that future management continues to be based on scientific evidence. The Government will not support the amendments.

Dr MEHREEN FARUQI (23:35): The Greens will support the amendments. It makes sense that the two nations who represent the Aboriginal community in that area should be represented on this panel. I commend the amendments to the Committee.

The CHAIR: The Hon. Penny Sharpe has moved Opposition amendments Nos 14 and 15 appearing on sheet C2018-062A. The question is that the amendments be agreed to.

Amendments negatived.

Dr MEHREEN FARUQI (23:36): By leave: I move The Greens amendments Nos 12 to 16 on sheet C2018-058B in globo:

No. 12 **Wild Horse Community Advisory Panel**

Page 6, Schedule 1, clause 3 (2). Insert after line 18:

- (d) 1 representative of the National Parks and Wildlife Service who is to be the Chairperson of the Panel,
- (e) 1 person who has expertise and experience in alpine or sub-alpine ecology,
- (f) 1 person who has expertise and experience in Australia's natural or cultural heritage,
- (g) 1 person who has expertise and experience in community involvement in conservation, environmental education or landscape restoration,

No. 13 Wild Horse Community Advisory Panel

Page 6, Schedule 1, clause 3 (2) (d), line 19. Omit "other persons who, in the opinion of the Minister have". Insert instead "1 person who, in the opinion of the Minister, has".

No. 14 Wild Horse Community Advisory Panel

Page 6, Schedule 1, clause 3 (2) (d) (iv), line 24. Omit all words on that line.

No. 15 Wild Horse Community Advisory Panel

Page 6, Schedule 1, clause 3 (4), line 27. Omit "1 of the members as a Chairperson of the Panel and".

No. 16 Wild Horse Community Advisory Panel

Page 6, Schedule 1, clause 3 (5), lines 30 and 31. Omit "a senior officer of the National Parks and Wildlife Service to attend meetings of the Panel and for".

These amendments relate to the Wild Horse Community Advisory Panel. The present structure of this panel is completely unworkable in bringing in the required expertise in the areas in which this expertise is needed. Any plan to manage wild horses should be informed by the best available science, and at present that is not the case at all. There is no lack of scientists expressing massive concerns about this bill, yet the Government is locking out scientific expertise from this advisory panel.

These amendments will ensure that there are people on the panel who have expertise and experience in alpine and sub-alpine ecology in Australia's natural or cultural heritage and in community involvement in conservation, environmental education and landscape restoration, as well as requiring the National Parks and Wildlife Service to chair it. In his second reading speech the Deputy Premier said that everyone associated with the Kosciuszko National Park accepts that the sensitive wilderness areas in the park need special protection because we do not want them destroyed. These amendments ensure that is what will happen. I commend the amendments to the Committee.

The Hon. BRONNIE TAYLOR (23:38): The current composition of the community advisory panel provides for a broad range of community views and expertise. Additionally, the bill proposes that the Minister will determine the chairperson of the panel to be drawn from the appointed members. The bill will not specify that one particular member must be chair. The independent technical reference group will also provide expert evidence to ensure future management continues to be based on scientific evidence. The Government will not support the amendment.

The Hon. PENNY SHARPE (23:38): Let us look at what the Government proposes: It wants a panel of six but no more than eight members. At least one is to be an Aboriginal person—and we welcome that—there is to be a representative of the community from the locality around Kosciuszko National Park, a representative of the Minister, and others who, in the opinion of the Minister, have expertise and experience in recreational planning and management, including horseriding, horse or other animal welfare management, alpine tourism planning and management and community involvement in conservation.

What Labor is suggesting is the inclusion of Aboriginal people and a local representative as well as a representative of the National Parks and Wildlife Service, a person with expertise or experience in alpine or subalpine ecology, a person with expertise or experience in Australia's natural cultural heritage, and a person with expertise or experience in community involvement, in conservation environmental education or landscape restoration. This bill is not about maintaining and preserving heritage values in the Kosciuszko National Park and it is not about science and looking after the flora and fauna of the Kosciuszko National Park. These amendments are not outrageous or radical, but a sensible request that places science and expertise on the panel rather than the Deputy Premier's hand-picked mates. I still think the environment Minister is in witness protection. This bill is drafted by the Deputy Premier's mates. He has breached the Ministerial Code of Conduct through the drafting of this bill.

Mr Jeremy Buckingham: Six and a half thousand dollars is all it took.

The Hon. PENNY SHARPE: It was pretty cheap. If the Government is serious about the Kosciusko National Park, the environment, science, and management of the park it should support these amendments.

The CHAIR: Dr Mehreen Faruqi has moved The Greens amendments Nos 12 to 16 appearing on sheet C2018-058B. The question is that the amendments be agreed to.

The Committee divided.

Ayes15
Noes20
Majority.....5

AYES

Buckingham, Mr J (teller)	Faruqi, Dr M	Field, Mr J
Graham, Mr J	Houssos, Ms C	Mookhey, Mr D
Moselmane, Mr S	Pearson, Mr M	Primrose, Mr P
Sharpe, Ms P	Shoebridge, Mr D	Veitch, Mr M
Voltz, Ms L	Walker, Ms D (teller)	Wong, Mr E

NOES

Ajaka, Mr	Amato, Mr L	Blair, Mr
Borsak, Mr R	Brown, Mr R	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Fang, Mr W (teller)
Farlow, Mr S	Franklin, Mr B	Green, Mr P
MacDonald, Mr S	Maclaren-Jones, Mrs (teller)	Mason-Cox, Mr M
Mitchell, Mrs	Nile, Revd Mr	Phelps, Dr P
Taylor, Mrs	Ward, Ms P	

PAIRS

Donnelly, Mr G	Harwin, Mr D
Searle, Mr A	Mallard, Mr S
Secord, Mr W	Martin, Mr T

Amendments negatived.

The CHAIR: The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. BRONNIE TAYLOR: I move:

That the Chair do now leave the chair and report the bills to the House without amendment.

Motion agreed to.

Adoption of Report

The Hon. BRONNIE TAYLOR: On behalf of the Hon. Niall Blair: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. BRONNIE TAYLOR: On behalf of the Hon. Niall Blair: I move:

That this bill be now read a third time.

Motion agreed to.

GOVERNMENT SECTOR FINANCE BILL 2018**GOVERNMENT SECTOR FINANCE LEGISLATION (REPEAL AND AMENDMENT) BILL 2018****In Committee**

The CHAIR: There being no objection, the Committee will deal with the Government Sector Finance Bill 2018 as a whole. I have two sets of amendments, being The Greens amendments on sheet C2018-061 and The Greens amendments on sheet C2018-070.

Mr JUSTIN FIELD (23:54): By leave: I move The Greens amendments Nos 1 and 2 on sheet C2018-061 in globo:

No. 1 **Additional content of Budget Papers**

Page 21, clause 4.3 (1). Insert after line 2:

- (e) a statement about the risks to the Budget, and the impact on estimates, forecasts and projections, from climate change,

No. 2 **Additional content of Budget Papers**

Page 21, clause 4.3 (1). Insert after line 4:

- (f) information about programs administered by GSF agencies (including their associated costs),

The amendments go to the concerns I raised in my contribution to the second reading debate about the level of detail in the budget papers that enable the public and members of Parliament to understand how public money is being expended on specific projects. I raised concerns that the focus in the legislation to change the outcomes reporting might lead to less information being included in the budget papers. Specifically, amendment No. 2 would require that information about each of the programs administered by government sector finance agencies would include a line item about each of those programs and their associated costs. Often these programs are announced by the Government with great fanfare.

A media article is released yet no line item is included in the budget that shows the expenditure of money against those programs. It becomes extraordinarily difficult for the public to understand the end result of those grand announcements. I am sure members who have sought to hold a Minister to account for those grand statements would agree. Amendment No. 1 goes to the heart of what The Greens do. It recognises the risk to our community and ultimately the budget and economy of New South Wales when we fail to respond to the risks associated with climate disruption.

In 2016 I recall questions being asked of the then Treasurer, now Premier, in budget estimates in the week I started in Parliament. She was asked, "What analysis has the Government made on the impact of the State's budget as a result of the risks associated with climate change?" The answer was a referral to the Minister for the Environment. Global economic experts recognise climate change as the biggest single economic risk. Economic reports that recognised the economic risks were the key drivers to change, and respond to the carbon tax and carbon pricing and a range of other measures that we have been discussing in our community for more than a decade. Amendment No. 1 would require a statement about the risks to the budget, and the impact on budget estimates, forecasts and projections from climate change. These sensible amendments will give the community a better and fuller picture of the budget and how money is expended as well as future forecasts and the risks to the finances of this State. I commend the amendments to the Committee.

The Hon. SCOTT FARLOW (23:58): The budget papers already include an accurate forecast of future budget impacts from credible sources. NSW Treasury, which is a world-class Treasury, has the expertise to analyse any potential risks and adjust forecasts accordingly. If The Greens think that their view of the impact of climate change on the budget is a credible source—and this view may not be shared by all members in this Chamber—I encourage them to make a submission to the budget as other organisations have done.

The Government Sector Finance Bill requires the budget papers to include information about the performance and activities of government sector finance agencies. It is our intention to include information in Budget Paper No. 3 that explains the programs administered by government sector finance agencies, including their associated costs. This information will be available as a result of the outcomes budgeting policy and the requirement of agencies to keep performance information under the Government Sector Finance Bill. As such, the Government will not support these amendments.

The Hon. PETER PRIMROSE (23:59): For reasons outlined by both Mr Justin Field and the Government, the Opposition will support the amendments.

The CHAIR: Mr Justin Field has moved The Greens amendments Nos 1 and 2 on sheet C2018-061. The question is that the amendments be agreed to.

The Committee divided.

Ayes15
 Noes20
 Majority.....5

AYES

Buckingham, Mr J	Faruqi, Dr M	Field, Mr J (teller)
Graham, Mr J	Houssos, Ms C	Mookhey, Mr D
Moselmane, Mr S	Pearson, Mr M	Primrose, Mr P
Sharpe, Ms P	Shoebridge, Mr D	Veitch, Mr M
Voltz, Ms L	Walker, Ms D (teller)	Wong, Mr E

NOES

Ajaka, Mr	Amato, Mr L	Blair, Mr
Borsak, Mr R	Brown, Mr R	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Fang, Mr W (teller)
Farlow, Mr S	Franklin, Mr B	Green, Mr P
MacDonald, Mr S	Maclaren-Jones, Mrs	Mallard, Mr S
	(teller)	
Mason-Cox, Mr M	Mitchell, Mrs	Nile, Revd Mr
Phelps, Dr P	Ward, Ms P	

PAIRS

Donnelly, Mr G	Martin, Mr T
Searle, Mr A	Harwin, Mr D
Secord, Mr W	Taylor, Mrs

Amendments negatived.

The CHAIR: We will deal with The Greens amendment No. 1 on sheet C2018-070.

Mr JUSTIN FIELD (00:07): I move The Greens Amendment No. 1 on sheet C2018-070:

No. 1 **Performance audits of associated entities**

Page 55, Part 7. Insert after line 30:

Division 7.5 Performance audits of associated entities

7.19 Definitions

In this Division:

associated entity means an entity other than a GSF agency (the ***principal entity***) that provides any services or exercises other functions for or on behalf of a GSF agency for which the agency is responsible or for or on behalf of the State, including each of the following:

- (a) an entity that is a contractor or subcontractor of the principal entity in connection with the provision of the services or exercise of the functions,
- (b) an entity that is a partner of, or a party to a joint venture with, the principal entity in connection with provision of the services or exercise of the functions,
- (c) an entity that is a controlled entity of the principal entity in connection with the provision of the services or exercise of the functions.

audit includes examination and inspection.

head of an associated entity means the person who is the chief executive officer (however described) of the entity or otherwise responsible for the entity's day to day management.

performance audit means an audit under this Division.

responsible Minister, in relation to an associated entity, means the Minister who is responsible for the provision of the services or the exercise of the functions that the entity is providing or exercising for or on behalf of a GSF agency or the State.

7.20 Auditor-General may conduct performance audit of associated entities

- (1) The Auditor-General may, when the Auditor-General considers it appropriate to do so, conduct an audit of some or all of the activities of an associated entity in connection with providing services or exercising other functions for or on behalf of a GSF agency or the State, but only to the extent that those activities are funded using government money provided by the agency or the State.
- (2) The purpose of a performance audit of an associated entity is to determine whether:
 - (a) the entity is:
 - (i) carrying out the audited activities effectively, and
 - (ii) doing so economically and efficiently and in compliance with all relevant laws, and
 - (b) without limiting paragraph (a), there has been any wastage of government money or lack of probity or financial prudence in the management or application of government money.
- (3) A performance audit is separate from, and does not affect, any other audit required or authorised by or under this Act, the *Government Sector Audit Act 1983* or any other Act.
- (4) A single performance audit may relate to the activities of more than one associated entity.
- (5) The performance audit of an associated entity may be conducted in combination with a performance audit under Division 2A of Part 3 of the *Government Sector Audit Act 1983* of an entity to which that Division applies.

7.21 Report of compliance audit

- (1) The Auditor-General is to report to each of the following as to the result of any performance audit of an associated entity and as to any other matters that in the judgment of the Auditor-General call for special notice:
 - (a) the head of the associated entity,
 - (b) the responsible Minister for the associated entity,
 - (c) the Treasurer.
- (2) The Auditor-General must not make a report of a performance audit under this section unless, at least 28 days before making the report, the Auditor-General has given each person referred to in subsection (1) (a), (b) and (c) a summary of findings and proposed recommendations in relation to the audit.
- (3) The Auditor-General may make a report of a performance audit under this section before the expiry of that 28-day period if the head of the associated entity has provided to the Auditor-General any submissions or comments the person wishes to make.
- (4) The Auditor-General is to include in the report of a performance audit under this section any submissions or comments made by the head of the associated entity or a summary, in an agreed form, of any such submissions or comments.
- (5) In a report of a performance audit under this section, the Auditor-General:
 - (a) may include such information as the Auditor-General thinks desirable in relation to the activities that are the subject of the audit, and
 - (b) is to set out the reasons for opinions expressed in the report, and
 - (c) may include any recommendations arising out of the audit that the Auditor-General thinks fit to make.
- (6) The Auditor-General may include the report in any other report of the Auditor-General.
- (7) If a single performance audit relates to the activities of more than one associated entity, the Treasurer may, at the request of the Auditor-General, determine the head of an appropriate associated entity and responsible Minister to whom the Auditor-General is to report under this section. In that case, a reference in this section to the head of the associated entity and responsible Minister is to be read accordingly.

7.22 Tabling of reports

- (1) The Auditor-General is, as soon as practicable after making a report under section 7.21, to present the report to each House of Parliament, if that House is then sitting.
- (2) If a House of Parliament is not sitting when the Auditor-General seeks to present a report to it under this section, the Auditor-General is to present the report to the Clerk of the House concerned to be dealt with in accordance with section 63C of the *Government Sector Audit Act 1983*.

- (3) The Auditor-General may include the report in any other report of the Auditor-General to the House of Parliament concerned.

7.23 Relationship with other laws

This Division does not limit any other powers that the Auditor-General has in relation to the conduct of audits under the *Government Sector Audit Act 1983* or any other Act.

This amendment would introduce what is commonly called follow-the-dollar legislation into the Government Sector Finance Bill. I outlined in some detail in my second reading speech, as did many other members in their contribution to the second reading debate, the rationale around follow-the-dollar legislation. Essentially, it would restore the capacity of the Auditor-General to conduct performance audits into the expenditure of public money. It would restore the powers to follow that money right through its expenditure, its life cycle, and the delivery of those services. There has been a reduction in that capacity over time as public moneys more and more get expended by non-government entities, not-for-profit organisations and corporations that have been contracted by the Government to engage in a public-private partnership with the Government for the delivery of services. The Auditor-General's powers do not extend to those non-government entities. This is a piece of legislation that has been called on and called for by a range of experts—the Auditor-General, former Auditors-General and the Public Accounts Committee of New South Wales.

This sort of legislation is in place in most jurisdictions across the country, including at a Federal level. The Greens amendment will introduce a model that is similar to the Victorian model, which I understand is a best-practice example. It empowers the Auditor-General to do that level of auditing of associated entities. It defines those entities as an entity other than a government sector finance agency that provides any services or exercises other functions for or on behalf of a government sector finance agency for which the agency is responsible or for or on behalf of the State, including each of the following:

- (a) an entity that is a contractor or subcontractor of the principal entity in connection with the provision of the services or exercise of the functions,
- (b) an entity that is a partner of, or a party to a joint venture with, the principal entity in connection with provision of the services or exercise of the functions,
- (c) an entity that is a controlled entity of the principal entity in connection with the provision of the services or exercise of the functions.

Effectively, it covers the breadth of relationships the Government now has with private entities that deliver those essential services. I will give the House one example where, if this amendment were to become law, the Auditor-General would have additional powers. Over the past year concerns have been raised about the delivery of out-of-home care services in New South Wales and whether those services are getting the best outcomes for children in the context of the financial cost to the community. There have been questions about the value for money of the out-of-home care programs and also the outcomes for the children. The Auditor-General cannot currently look into that because the services are provided by private, often non-government entities or sometimes by not-for-profit entities. The programs amount to about \$2.8 billion in Government funding, which is essentially out of reach of the performance audit power of the Auditor-General.

Some other members may wish to address this issue as well. Some members certainly raised these matters in the second reading debate. Those who are interested can read the contributions in *Hansard*. That is just one example of a huge amount of Government spending—nearly \$3 billion—that is out of reach of the current audit arrangements in New South Wales. This follow-the-dollar legislation will be introduced at some stage if it does not happen tonight. I suspect it will not happen tonight. For a long time The Greens have supported this type of legislation, and I understand that other parties do as well. It has the support of a broad range of stakeholders in the community who want to ensure that the expenditure of public money is being done in the interests of the people of New South Wales. I commend the amendment to the Committee.

The Hon. SCOTT FARLOW (00:12): In my reply to the second reading debate I touched upon some of the Government's concerns with the foreshadowed amendments. I will turn to some of those issues. One of the outcomes of the Government Sector Finance Bill 2018 and cognate bill is a separation of the public financial management legislation and the legislation relating to the Audit Office and the Auditor-General into two separate Acts: the Government Sector Finance Act 2018 and the Government Sector Audit Act 1983, respectively. It was a long process to arrive at the introduction of these bills this evening—they were 18 months in the works within Treasury and in consulting other government agencies. As we know, this is a significant reform that the Government is putting forward this evening.

Follow-the-dollar powers for the Auditor-General would mean that the remit of the Auditor-General would extend beyond the government sector into the private, charitable and non-government organisation sectors. As such, in considering any proposal to give the Auditor-General follow-the-dollar powers, it is appropriate to consult those potentially affected by the new powers for the Auditor-General. To do otherwise would be imprudent.

and may have unintended and undesirable consequences. Follow-the-dollar powers should be considered only following public consultation in the context of changes to the Government Sector Audit Act 1983, not with respect to these cognate bills.

I turn to the clauses that have been put forward. I will refer to these remarks again later when we are debating a similar set of amendments. Clause 39 sets out the scope of the proposed amendments, allowing the Auditor-General to conduct a performance audit of "associated entities". It is unclear from this drafting whether these associated entities would be, because of these provisions, subject to financial audit by the Auditor-General, subject to investigation by the Independent Commission Against Corruption, and subject to investigation by the Ombudsman.

This ambiguity is because of how the scope of these powers link to the scope of who the Auditor-General can audit. The proposed amendment needs further thought. It also raises the question of whether these government bodies were provided with additional resources to reflect any potential increase in the scope of their operations. The proposed amendment is also ambiguous about the reach of what is meant by an associated entity that provides any services or exercises any functions for or on behalf of a GSF agency for which the agency is responsible, or for or on behalf of the State. Does this include an agency supplying any service for a GSF agency or for the State, including those that are not directly related to the achievement of State outcomes?

The danger here is that the ambiguity associated with the proposed amendment could potentially narrow the market for those who are willing to provide services on behalf of a government agency and therefore potentially increase the cost of those services, resulting in reduced value for taxpayer dollars. In short, the proposed amendment has not been properly considered or thought through and any proposal of this kind should be rigorously reviewed before being implemented.

Clause 40 sets out the purposes for which the Auditor-General could, if the Auditor-General considers it appropriate to do so, decide to conduct a follow-the-dollar engagement. The purposes of such an audit would be to determine whether an associated entity is carrying out the activities effectively and is doing so economically and efficiently and in compliance with all relevant laws and whether there has been any wastage, lack of probity et cetera. These are all important things that we expect from the use of government resources but associated entities could be carrying out their contracts efficiently, effectively, economically and in compliance with the law but still not achieving the State outcomes. What happens then? The proposed amendment is also unclear about whether it applies to contracts or arrangements entered into before or only after it would take effect. It would not be fair that these new powers apply in respect of pre-existing contracts or arrangements.

Clause 41 sets out who the Auditor-General is to provide the results of the follow-the-dollar audit to, and how their responses to the findings are to be considered in the report. But it appears that no consideration has been given to whether the Auditor-General should also provide a summary of findings to the head of each GSF agency that the associated entity is servicing. Again, the proposed amendment raises more questions than it provides answers to purported problems. I also note that the proposed drafting provides that the Auditor-General must include in the audit report any submissions or comments made by the head of the associated entity. However, there is no requirement for the Auditor-General to include the submissions or comments of the responsible Minister, the Treasurer or the GSF agency engaging the associated entity.

The questions, problems and issues that have just been highlighted regarding the proposed amendment demonstrate that the follow-the-dollar powers for the Auditor-General need to be properly thought out and analysed. They also need to be considered in the context of changes to the Government Sector Audit Act 1983, not quickly tacked on to legislation dealing with public financial management. As such, the Government does not support the amendment.

The Hon. PETER PRIMROSE (00:17): I have listened carefully to the arguments of the Hon. Scott Farlow and the Opposition will support the amendment.

Mr JUSTIN FIELD (00:17): If entities are not prepared to be audited in the delivery of services and if that is a barrier to them potentially bidding to deliver services, I suggest they may not be appropriate service agents for the delivery of government services. It is clear that this amendment relates specifically to the conduct of performance audits only and it is clear about what those types of audits are. The requirement to publish any statements provided by the associated entity makes sense. The Government and Ministers have the platform of Parliament to be able to make comments in regard to the performance audit. I do not see that they are genuine barriers to the introduction of follow-the-dollar legislation.

I understand the Government's consideration that this may not be the right place for this provision to be, but it has not indicated that it is prepared to introduce this sort of provision into what it deems to be a more appropriate Act.

That is despite the fact that some Government members in the other place thought that this was the right bill through which to introduce those measures into legislation and they have been advocating for it. People within Government and even some people within the audit office thought that it would be appropriate to introduce follow-the-dollar rules through this legislation.

The Hon. Dr Peter Phelps: Show me a bureaucrat who doesn't want to increase their power.

Mr JUSTIN FIELD: Some of your members in the other place thought this was the appropriate place to include follow-the-dollar legislation. I hear the arguments made by Government members. I think they are a bit weaselly, particularly given that there has been a long public debate about the need for this. Every other jurisdiction has this. Some level of commitment from the Government to proceed and put this in place in New South Wales would have been warranted in the debate tonight. It is a shame it has not come.

Reverend the Hon. FRED NILE (00:20): I will put on record my support for the Parliamentary Secretary's response to these amendments. I think the amendments are very serious, and the principle of taking an important matter and tagging it onto a bill which has another purpose and which we are happy to debate and pass only adds confusion. As the Parliamentary Secretary indicated, there are a number of question marks as to what the amendment in fact means. I can understand that. The Greens are not experts in producing detailed financial amendments to legislation. I would prefer the Treasurer to examine the amendments and in due course introduce some legislation to Parliament. I am not against the principle of following the dollar, but it has to be done in a businesslike way and not under the leadership and direction of any of The Greens in this House.

The CHAIR: Order! Interjections are unhelpful at all times and especially at 20 minutes past midnight. One of the interjections was particularly distasteful. I invite members to be careful of what they say at this stage.

Mr DAVID SHOEBRIDGE (00:21): To be clear, the amendments were drafted by the Parliamentary Counsel and would effectively work with the bill.

The CHAIR: Order! My warning goes both ways, Reverend the Hon. Fred Nile.

Reverend the Hon. Fred Nile: He cannot mislead the House. That is all.

The CHAIR: Order! If Reverend the Hon. Fred Nile interjects again I will call him to order.

Mr DAVID SHOEBRIDGE: I ask Reverend the Hon. Fred Nile to withdraw his interjection. He suggested I was misleading the House. It was a false suggestion and I ask him to withdraw it, through the Chair.

The CHAIR: Mr David Shoebridge will proceed. I am not dealing with that matter.

Mr DAVID SHOEBRIDGE: Reverend the Hon. Fred Nile suggested in his contribution that the amendments drafted by Parliamentary Counsel will somehow not be effective, because he has a view. His view is that because the requests for the amendments came from the office of Mr Justin Field they will not be effective. That shows a failure of the member to engage in the substance of the amendments. It is not the first time that he has failed to engage in the substance of amendments but has instead simply taken a briefing document handed to him by the government of the day. To do that on an important amendment like this and not engage in the substance of it shows a failure of the member to do his job as a member of this House of review and to be something more than a cat's paw of the Government.

The CHAIR: Mr Justin Field has moved The Greens amendment No. 1 on sheet C2018-070. The question is that the amendment be agreed to.

Amendment negated.

The CHAIR: The question is that the Government Sector Finance Bill 2018 as read be agreed to.

Motion agreed to.

The CHAIR: There being no objection, the Committee will now deal with the Government Sector Finance Legislation (Repeal and Amendment) Bill 2018 as a whole. There is one set of amendments, being The Greens amendments on sheet C2018-060.

Mr JUSTIN FIELD (00:25): By leave: I move The Greens amendment Nos 1 to 4 on sheet C2018-060 in globo:

No. 1 **Constitution of Public Accounts Committee as Joint Parliamentary Committee**

Page 13, Schedule 2. Insert after line 19:

[36] **Section 54**

Omit sections 54–56. Insert instead:

54 Constitution of Public Accounts Committee

- (1) On substitution of this section by the *Government Sector Finance Legislation (Repeal and Amendment) Act 2018* and as soon as practicable after the commencement of the first session of each Parliament, a joint committee of members of Parliament, to be known as the Public Accounts Committee, is to be appointed.
- (2) The Committee is to consist of 8 members, of whom:
 - (a) 4 are to be members of, and appointed by, the Legislative Council, and
 - (b) 4 are to be members of, and appointed by, the Legislative Assembly.
- (3) The appointment of members of the Committee is, as far as practicable, to be in accordance with the practice of Parliament with respect to the appointment of members to serve on joint committees of both Houses of Parliament.
- (4) A person is not eligible for appointment as a member of the Committee if the person is a Minister of the Crown or a Parliamentary Secretary.
- (5) Schedule 1B contains provisions relating to the Committee.

No. 2 Constitution of Public Accounts Committee as Joint Parliamentary Committee

Page 13, Schedule 2. Insert after line 24:

[37] Section 58 Evidence

Omit the section.

No. 3 Constitution of Public Accounts Committee as Joint Parliamentary Committee

Page 14, Schedule 2. Insert after line 22:

[51] Schedule 1B

Insert after Schedule 1A:

Schedule 1B Public Accounts Committee

(Section 54 (5))

1 Definition

In this Schedule, *Committee* means the Public Accounts Committee.

2 Vacancies

- (1) A member of the Committee ceases to hold office:
 - (a) when the Legislative Assembly is dissolved or expires by the effluxion of time, or
 - (b) if the member becomes a Minister of the Crown or a Parliamentary Secretary, or
 - (c) if the member ceases to be a member of the Legislative Council or Legislative Assembly, or
 - (d) if, being a member of the Legislative Council, the member resigns the office by instrument in writing addressed to the President of the Legislative Council, or
 - (e) if, being a member of the Legislative Assembly, the member resigns the office by instrument in writing addressed to the Speaker of the Legislative Assembly, or
 - (f) if the member is discharged from office by the House of Parliament to which the member belongs.
- (2) Either House of Parliament may appoint one of its members to fill a vacancy among the members of the Committee appointed by that House.

3 Chair and Deputy Chair

- (1) There is to be a Chair and a Deputy Chair of the Committee, who are to be elected by and (subject to subclause (2)) from the members of the Committee.
- (2) The Chair must not be a member of a party that has been elected to Government.

- (3) A member of the Committee ceases to hold office as Chair or Deputy Chair of the Committee if:
 - (a) the member ceases to be a member of the Committee, or
 - (b) the member resigns the office by instrument in writing presented to a meeting of the Committee, or
 - (c) the member is discharged from office by the Committee.
- (4) At any time when the Chair is absent from New South Wales or is, for any reason, unable to perform the duties of Chair or there is a vacancy in that office, the Deputy Chair may exercise the functions of the Chair under this Act or under the *Parliamentary Evidence Act 1901*.

4 Procedure

- (1) The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to this Act, to be as determined by the Committee.
- (2) The Clerk of the Parliaments is to call the first meeting of the Committee, and the first meeting of the Committee in each Parliament, in such manner as the Clerk thinks fit.
- (3) At a meeting of the Committee, 4 members constitute a quorum, but the Committee must meet as a joint committee at all times.
- (4) The Chair or, in the absence of the Chair, the Deputy Chair (or, in the absence of both the Chair and the Deputy Chair, a member of the Committee elected to chair the meeting by the members present) is to preside at a meeting of the Committee.
- (5) The Deputy Chair or other member presiding at a meeting of the Committee has, in relation to the meeting, all the functions of the Chair.
- (6) The Chair, Deputy Chair or other member presiding at a meeting of the Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- (7) A question arising at a meeting of the Committee is to be determined by a majority of the votes of the members present and voting.
- (8) The Committee may sit and transact business despite any prorogation of the Houses of Parliament or any adjournment of either House of Parliament.
- (9) The Committee may sit and transact business on a sitting day of a House of Parliament during the time of sitting.
- (10) Except as otherwise provided by this Act, the practice and procedure of the Committee is to be in accordance with the Standing Rules and Orders of the Legislative Council regulating the committees of the House.

5 Reporting when Parliament not in session

- (1) If a House of Parliament is not sitting when the Committee seeks to furnish a report to it, the Committee may present copies of the report to the Clerk of the House.
- (2) The report:
 - (a) on presentation and for all purposes is taken to have been laid before the House, and
 - (b) may be printed by authority of the Clerk, and
 - (c) if printed by authority of the Clerk, is for all purposes taken to be a document published by or under the authority of the House, and
 - (d) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after receipt of the report by the Clerk.

6 Evidence

- (1) The Committee has power to send for persons, papers and records.
- (2) Subject to clause 7, the Committee must take all evidence in public.
- (3) If the Committee as constituted at any time has taken evidence in relation to a matter but the Committee as so constituted has ceased to exist before reporting on the matter, the Committee as constituted at any subsequent

time, whether during the same or another Parliament, may consider that evidence as if it had taken the evidence.

- (4) The production of documents to the Committee is to be in accordance with the practice of the Legislative Council with respect to the production of documents to committees of the Legislative Council.

7

Confidentiality

- (1) If any evidence proposed to be given before, or the whole or a part of a document produced or proposed to be produced to, the Committee relates to a secret or confidential matter, the Committee may, and at the request of the witness giving the evidence or the person producing the document must:
- (a) take the evidence in private, or
 - (b) direct that the document, or the part of the document, be treated as confidential.
- (2) If a direction under subclause (1) applies to a document or part of a document produced to the Committee:
- (a) the contents of the document or part are, for the purposes of this clause, to be regarded as evidence given by the person producing the document or part and taken by the Committee in private, and
 - (b) the person producing the document or part is, for the purposes of this clause, to be regarded as a witness.
- (3) If, at the request of a witness, evidence is taken by the Committee in private:
- (a) the Committee must not, without the consent in writing of the witness, and
 - (b) a person (including a member of the Committee) must not, without the consent in writing of the witness and the authority of the Committee under subclause (5), disclose or publish the whole or a part of that evidence.

Maximum penalty: 20 penalty units or imprisonment for 3 months, or both.

- (4) If evidence is taken by the Committee in private otherwise than at the request of a witness, a person (including a member of the Committee) must not, without the authority of the Committee under subclause (5), disclose or publish the whole or part of that evidence.

Maximum penalty: 20 penalty units or imprisonment for 3 months, or both.

- (5) The Committee may, in its discretion, disclose or publish or, by writing under the hand of the Chair, authorise the disclosure or publication of evidence taken in private by the Committee, but this subclause does not operate so as to affect the necessity for the consent of a witness under subclause (3).
- (6) Nothing in this clause prohibits:
- (a) the disclosure or publication of evidence that has already been lawfully published, or
 - (b) the disclosure or publication by a person of a matter of which the person has become aware otherwise than by reason, directly or indirectly, of the giving of evidence before the Committee.
- (7) This clause has effect despite section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975*.
- (8) If evidence taken by the Committee in private is disclosed or published in accordance with this clause, sections 5 and 6 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* apply to and in relation to the disclosure or publication as if it were a publication of that evidence under the authority of section 4 of that Act.

Note. The *Defamation Act 2005* makes provision for 2 defences in respect of the publication of defamatory matter that is contained in evidence taken by, or documents produced to, the Committee in private, but only if the evidence or documents have been disclosed or published in accordance with this clause.

Section 28 of the *Defamation Act 2005* (when read with clause 8 of Schedule 2 to that Act) ensures that such documents attract the defence relating to public documents in defamation proceedings.

Section 29 of the *Defamation Act 2005* (when read with clause 17 of Schedule 3 to that Act) ensures that proceedings in which such evidence is taken or documents

produced attract the defences relating to fair reports of proceedings of public concern in defamation proceedings.

8 Application of certain Acts

For the purposes of the *Parliamentary Evidence Act 1901* and the *Parliamentary Papers (Supplementary Provisions) Act 1975* and for any other purposes:

- (a) the Committee is to be regarded as a joint committee of the Legislative Council and Legislative Assembly, and
- (b) the proposal for the appointment of the Committee is to be regarded as having originated in the Legislative Council.

9 Validity of certain acts or proceedings

Any act or proceeding of the Committee is, even though at the time when the act or proceeding was done, taken or commenced there was:

- (a) a vacancy in the office of a member of the Committee, or
- (b) any defect in the appointment, or any disqualification, of a member of the Committee,

as valid as if the vacancy, defect or disqualification did not exist and the Committee were fully and properly constituted.

No. 4 Constitution of Public Accounts Committee as Joint Parliamentary Committee

Page 15, Schedule 2 [53]. Insert after line 7:

Dissolution of existing Public Accounts Committee

- (1) On the substitution of section 54 by the *Government Sector Finance Legislation (Repeal and Amendment) Act 2018*:
 - (a) the Public Accounts Committee as constituted immediately before that substitution (the *existing Committee*) is dissolved, and
 - (b) each member of the existing Committee ceases to hold office as such.
- (2) Subclause (1) does not prevent a member of the existing Committee being appointed as a member of the Public Accounts Committee (as constituted after the substitution of section 54) if otherwise qualified for appointment.

Collectively, the amendments will amend the Public Finance and Audit Act 1983 essentially to change the nature of the Public Accounts Committee, which is currently a lower House committee. The amendments will reconstitute that committee to be a joint committee. The Public Accounts Committee examines the Government's use of resources and the financial operations of agencies. It considers financial probity and whether agencies' programs are achieving their objective. It also reviews reports made by the Auditor-General and reviews the operation of the Audit Office every four years and reviews the operations of the Parliamentary Budget Office. It also has the power to veto proposed appointments to the position of Auditor-General. That is important work that is undertaken by the Parliament and it is important that the Legislative Council, which is the House of review, has some involvement in that process.

This change will mean that members of the Legislative Council who would comprise the joint committee will have some say. Legislative Council members bring a different view and recognise a different set of responsibilities for holding the government of the day to account on behalf of the people of New South Wales. It is quite a different perspective to bring to a role of significant scrutiny compared to the perspective of lower House members. The Legislative Council has the role of scrutinising the actions of the Executive. Although financial bills cannot be created in the Legislative Council—I understand the Government will advance arguments about why historically that could be done by a lower House committee only—it is the role of members of the Legislative Council to review the consequences of supply bills and public expenditure as well as the impact of those consequences.

For the reasons I have stated The Greens propose to reconstitute the lower House Public Accounts Committee as a joint parliamentary committee. I know there have been some questions about how it will work. The amendments will not change the functions of the committee in any way, shape or form, but they will change the make-up of the committee. If the amendments are agreed to, the committee would consist of eight members, four of whom would be members of and appointed by the Legislative Council and four of whom would be members of and appointed by the Legislative Assembly. As far as is practicable, those appointments would be made in accordance with the practice of the Parliament with respect to the appointment of members to serve on joint committees of both Houses of Parliament.

Importantly, the chair of that joint committee would be determined by that committee. The chair could only be a non-Government member. The effect of the amendments would be that the Government majority that exists in the current Legislative Assembly Public Accounts Committee would become a non-Government controlled committee because the chair would have the casting vote on that committee. The amendments represent a substantial change to the nature of that committee and probably its focus. Judging by debates that have occurred in the Legislative Council over the past few weeks, a reconstituted committee could provide much-needed scrutiny.

No doubt other members who have taken up this issue in the past will make a more articulate contribution to debate on this amendment. The Legislative Assembly Public Accounts Committee has also recommended that we proceed in this way, and this is also what happens at the Commonwealth level. I understand it is considered to be best practice for the accountability of Executive Government to have a non-government controlled joint committee to look at the important work of the Government. I commend the amendment to the House.

The Hon. SCOTT FARLOW (00:30): The Government notes that the Public Accountability Committee was established on 15 March 2018. Reverend the Hon. Fred Nile is the chair of that committee and the Hon. Matthew Mason-Cox is the deputy chair. That committee is currently conducting an inquiry, which was self-referred on 8 May 2018, into the future arrangements for the ongoing scrutiny of public accountability in New South Wales. The first hearing will be held on 24 July 2018. The inquiry will consider the existence of two separate public accounts committees in the New South Wales Parliament. In particular, it will consider whether there should be joint membership of a single accounts committee in New South Wales. It is absolutely inappropriate to pre-empt the finding of a parliamentary inquiry and to support the proposed changes to the Public Accounts Committee. Again, these amendments are poorly considered. The Government will review the findings of the inquiry chaired by Reverend the Hon. Fred Nile and then act on those findings when they are handed down. The Government does not support the amendment.

The Hon. ROBERT BROWN (00:31): Given recent events in this House, and the direction in which this House appears to be going, the Shooters, Fishers and Farmers Party will support this amendment. Might I say that I love it when a plan comes together.

Reverend the Hon. FRED NILE (00:31): I support the response of the Government, through the Parliamentary Secretary, to this amendment. From my observation, it is almost arrogant for this House to be telling the other House what to do. That is not the way it normally works. The Government has to cooperate with both Houses of Parliament. I find the proposal of The Greens to tell the other House what it should or should not do most unusual. This matter should be referred to the Treasurer for serious consideration. Indeed, the Government could consider this amendment, and the report of the Public Accountability Committee prepared at the completion of our inquiry, at the same time. The Government could then come back with a well-thought-out plan.

The Hon. MATTHEW MASON-COX (00:32): This issue has been around for more than 40 years and in that time it has been a contentious matter between the two Houses. To understand the context of this matter I will give the House a little bit of history. In 1978 a Joint Committee of Public Accounts and Financial Accounts of Statutory Authorities was formed, with five members from the Legislative Assembly and three members from the Legislative Council. That committee recommended that the Public Accounts Committee be a joint committee, comprising five members of the Legislative Assembly and three members of the Legislative Council. This recommendation was not adopted in subsequent parliaments. In 2001 the memorable the Hon. Doug Moppett, MLC, revisited this issue by moving a motion seeking concurrence of the Legislative Assembly to the appointment of three members of the Legislative Council to the Public Accounts Committee. The Hon. Doug Moppett, who was a member of the National Party, and at that time a member of the Opposition, put the motion to include the Legislative Council in the existing Public Accounts Committee, which was only a committee of the other place. He said:

The reason that the Public Accounts Committee is a committee of the lower House only is based on the mistaken view that the budget papers presented each year are the province of the lower House only. These times have passed.

The Hon. Doug Moppett went on to say, and I think this is one of his great contributions to this House so I will indulge the House and read it in full:

If we are to scrutinise the public administration more effectively, it is vital to expand the composition of the public accounts committee to include members of the Legislative Council. That is not a revolutionary brainwave that I had one night. The idea has grown steadily in areas of responsible administration. It is all very well to have fond aspirations and pious hopes and to dwell in the land of easy platitudes but ultimately if we are to face the reality of governance we must be responsible for funding programs and reporting in an informed, clear and transparent manner to the people whom we represent and who contribute to the public coffers.

As members have been informed, the Public Accountability Committee was established in this place on 15 March 2018 for the very reason of addressing the fact that there is no public accountability committee equivalent in this House and as a means to seek the establishment of a joint committee. The committee was established with the inquiry the Hon. Reverend Fred Nile referred to as a clear purpose. It has been an historic issue of conflict between these two Houses. It is time to deal with this issue now. The bill is before the House. I have spoken to the Treasurer and his officers about this and made the point. The Treasurer understands the issue, and I think it is fair to say he acknowledges that it is a longstanding issue, but at the same time he made the point that perhaps we should wait for the committee to finish. I made the point to the Treasurer that the reality is I am confident a committee will make a report that will come up with a similar set of recommendations as envisaged in the amendments moved by The Greens.

We already have a model in place, passed by this House in relation to the Modern Slavery Bill 2018 and the establishment of an anti-slavery committee pursuant to that bill, which is based on the same model presented here tonight—that is, four members from each House in a joint committee with a non-Government chair to ensure proper scrutiny. That is a model that is seen as best practice in other jurisdictions. That is a model that is seen as best practice theoretically by experts. The reality is that we are in a position now to do what needs to be done to hold the Government and the Executive to account through the appropriate mechanisms of a public accounts committee that is jointly between the two Houses. I note, in particular, the nature of a public committee inquiry. It would probably be a few months before we could complete an inquiry, and I noted with the Treasurer that then the Government would have six months to respond to the recommendation of the committee and we would end up with some sort of resolution of this issue after Parliament has been prorogued and we would be into the next Parliament before we get to it.

By the nature of these things, we get a chance perhaps once every 10 years or so to revisit these issues. I am not confident that any new administration is going to look again at revolutionising the relationship between the Houses, let alone coming back and having a look at amending the Public Finance and Audit Act. The reality is that we have an opportunity now to put in place what should have been put in place 40 years ago and what was in place 40 years ago in one form or another. I urge members to take this opportunity tonight and I certainly believe it is a strong matter of conscience personally—and I put that on the record. We started today with a very important change in this place in terms of the practice of this House and the way this House operates. This is another important change.

The CHAIR: The Hon. Matthew Mason-Cox will speak to the amendment. He is now straying into and going well beyond a second reading debate. I know what the member wants to do and I am not discouraging him from doing it. The member will speak to the amendment.

The Hon. MATTHEW MASON-COX: In conclusion, I strongly recommend that members agree with the amendments.

The CHAIR: Mr Justin Field has moved The Greens amendments Nos 1 to 4 on sheet C2018-060. The question is that the amendments be agreed to.

The Committee divided.

Ayes18
Noes17
Majority.....1

AYES

Borsak, Mr R
Faruqi, Dr M
Houssos, Ms C
Moselmane, Mr S
(teller)
Sharpe, Ms P
Voltz, Ms L

Brown, Mr R
Field, Mr J
Mason-Cox, Mr M
Pearson, Mr M

Buckingham, Mr J
Graham, Mr J
Mookhey, Mr D
Primrose, Mr P

Shoebridge, Mr D
Walker, Ms D

Veitch, Mr M
Wong, Mr E (teller)

NOES

Ajaka, Mr
Clarke, Mr D

Amato, Mr L
Colless, Mr R

Blair, Mr
Cusack, Ms C

NOES

Fang, Mr W (teller)
Green, Mr P

Farlow, Mr S
MacDonald, Mr S

Franklin, Mr B
Maclaren-Jones, Mrs
(teller)
Nile, Revd Mr

Mallard, Mr S
Phelps, Dr P

Mitchell, Mrs
Ward, Ms P

PAIRS

Donnelly, Mr G
Searle, Mr A
Secord, Mr W

Harwin, Mr D
Martin, Mr T
Taylor, Mrs

Amendments agreed to.

The CHAIR: The question is that the Government Sector Finance Legislation (Repeal and Amendment) Bill 2018 as amended be agreed to.

Motion agreed to.

The Hon. SCOTT FARLOW: On behalf of the Hon. Don Harwin: I move:

That the Chair do now leave the chair and report to the House the Government Sector Finance Bill 2018 without amendment and the Government Sector Finance Legislation (Repeal and Amendment) Bill 2018 with amendments.

Motion agreed to.**Adoption of Report**

The Hon. SCOTT FARLOW: On behalf of the Hon. Don Harwin: I move:

That the report be adopted.

Motion agreed to.**Third Reading**

The Hon. SCOTT FARLOW: On behalf of the Hon. Don Harwin: I move:

That these bills be now read a third time.

Motion agreed to.*Adjournment Debate***ADJOURNMENT**

The Hon. NIALL BLAIR: I move:

That this House do now adjourn.

INCOME INEQUALITY

The Hon. DANIEL MOOKHEY (00:50): Australia's lowest paid two million workers will soon get a pay rise of \$24.30 a week, as decided by Fair Work Australia—not nothing but not enough, because even after Friday's decision a full-time worker on the minimum wage will take home just \$37,398 a year. That same worker will stretch every dollar they earn to pay for the 58 per cent spike in electricity prices since this Government came to power, their rent would have risen by 28 per cent and, if they use any of Western Sydney's major arterial roads, they will soon pay thousands of dollars in tolls for 43 more years for roads that have already been built.

After eight years of Liberal-Nationals rule, a quick summary for low-wage workers is higher electricity prices, endless tolls and not enough pay. Meanwhile, those at the top of the income ladder go well. After this year's minimum wage hike, the chief executive officer of a giant corporation like AMP will still earn 48 times the pay of their office cleaner on the minimum wage. A bank teller at the Commonwealth Bank of Australia earning the medium wage will have to work 27,000 days to earn what their CEO earns in a single year. No-one doubts the need to richly remunerate Australia's corporate leaders. With the median pay of ASX 100 CEOs set at \$3.78 million in 2016, I say: mission accomplished. It is less so for Australia's workers.

Even though there has been a sharp recovery in labour productivity, with returns on capital for Australia's shareholders stable, we remain bogged in the trough of wage stagnation. Real wage growth in Australia is effectively zero. Like every authoritative economic agency in every advanced economy, Australia's economic regulators say stagnant wage growth is Australia's sharpest economic risk. If workers' pay does not rise, neither will their spending. For years Australian households improvised with debt and borrowing and the Government pitched in with family tax allowances and private health subsidies. As Mr Turnbull says: those days are over. It is time, for the sake of Australia's economic growth, to tackle wage stagnation.

Saving the enterprise bargaining system by stopping employers from unilaterally cancelling enterprise agreements is a welcome start, and kudos to Bill Shorten. Restoring the rights of all Australian workers to meaningfully organise and meaningfully campaign for better pay and conditions is overdue. I have solidarity with my friends and ex-colleagues at the Australian Council of Trade Unions as they fight to change the rules. Apart from being morally just, the work of industrial and political Labor to end wage stagnation is economically urgent and necessary. This Liberal-Nationals Government promised that power prices would not rise post-privatisation of the grid. The then Premier, weeks from the election, mailed tens of thousands of New South Wales households, saying "Power prices will not rise as a result of this plan."

The Liberal Party published a website titled "Guaranteed lower power prices for electricity consumers". With the average household bill now \$1,419, with pensioners paying an average of \$1,144 for their power, with power prices exploding by 58 per cent since this Government came to power and electricity charges jumping by 16 per cent in the past 11 months, every power user in New South Wales can decry "broken promise". This Government, which says "Trust us with your power prices", is the same government which used taxpayers' dollars to sue the Australian Energy Regulator for the right to hike taxpayers' electricity bills. This Government, which says "We care about your power bills", is led by the Premier who sold Vales Point power station for \$1 million, only to watch the well-to-do investors who bought it onsell it for \$730 million.

This Government, which says it carefully manages the cost of State-owned corporations, such as Essential Energy, is the same Government which last year presided over a 15 per cent pay hike for Essential Energy's top management. This Government, which says it believes in evidence-based policy, has a Deputy Premier willing to spend public dollars buying back the antiquated Liddell power station it privatised, even though the private sector says Liddell's useful life is over. Incompetence has a price, and it is being paid by the power users of New South Wales. For a retail market labelled insufficiently competitive and hard to enter by the Australian Competition and Consumer Commission, NSW Labor is pledging re-regulation. Instead of a government riven between pro-coal members mighty as dinosaurs and pro-renewable members of Parliament timid as mice, NSW Labor is united in managing the forthcoming energy transition we are expecting.

SNOWY MOUNTAINS SCHEME

The Hon. WES FANG (00:55): The Snowy Mountains Scheme is recognised as an engineering and construction marvel, a visionary infrastructure strategy which would change the economic and social foundations of modern public infrastructure investment for decades to come. Last week I had the pleasure of hosting a delegation from the New Zealand Parliament as part of the Australian Political Exchange Council on a tour of this incredible project. I thank Dean Lynch of Snowy Hydro and the team for their hospitality on the day and showcasing to our friends from across the ditch the fantastic work being done in the Snowy. I also thank the delegation from New Zealand, Mr Simon O'Connor, MP, the Hon. Paul Goldsmith, MP, Ms Jo Luxton, MP, Mr Jamie Strange, MP, Mr Gareth Hughes, MP, Ms Kelly Boxall and Ms Sharon Forester for accompanying me and touring a truly awe inspiring feat of engineering.

From its inception, the Snowy Mountains Scheme was an innovation landmark, not only because of the scale of the scheme and its ambitious objective, but also because it altered how we should approach building modern infrastructure, building for decades in the future, not just for the here and now. As a means of capturing and diverting water from the Snowy River to the irrigation systems of the Murrumbidgee and the Murray, the Snowy Hydro was designed to move water from east to west and into the growing food bowl of Australia and pay for it through electricity generation. The scheme saw a number of firsts for the nation with the use of Australia's first transistorised computer to handle the mass amount of calculations needed for such an undertaking and began the nation's love affair with the Toyota LandCruiser after Sir Leslie Thiess—a major contractor at the time—secured a bargain deal with Japan.

With a population of only eight million people at the time, Australia needed skilled technicians to complete this landmark project. From 1949 to completion in 1974, the scheme employed more than 100,000 people of more than 30 different nationalities, many of them immigrants from a war-torn Europe and saw the construction of seven power stations, 16 dams and 225 kilometres of tunnels, pipelines and aqueducts. While the debate surrounding whether solar, wind, bioenergy, geothermal or another form of energy is the answer to Australia's renewable future, as a testament to forward thinking ingenuity, the Snowy still currently supplies the

lion's share of all renewable energy in the mainland national energy market. However, as the creators of the scheme foresaw, more value could be extracted in the future.

That is why earlier this year, as part of this Government's asset recycling strategy, it was announced that the Commonwealth would purchase the New South Wales share of the Snowy Hydro Scheme for close to \$4.2 billion to expand the Snowy Hydro Scheme. Dubbed Snowy 2.0, this incredible enterprise will provide an additional generation capacity of 2,000 megawatts to power about 500,000 homes at peak demand.

The ability to pump and store water means Snowy 2.0 acts like a giant battery, absorbing, storing and dispatching energy. The reliable energy provided by Snowy 2.0 can be supplied precisely when the market requires it and has the capability to run continuously for over seven days or 15 days during the peak period at maximum capacity before it needs to be recharged. Snowy 2.0 aims to futureproof the national electricity market against the more intermittent renewable technologies such as wind and solar. Snowy 2.0 is a win-win for regional New South Wales. Not only will it create thousands of direct and indirect jobs across the region over the construction period but, even more excitingly, every dollar of this transaction with the Commonwealth Government will go directly back into infrastructure projects in regional New South Wales.

That means close to \$4.2 billion will be invested in cross-generational projects for regional, rural and remote communities. The Coalition's strategy of asset recycling is a model which works. By recycling these assets, or in this case transferring New South Wales' stake in Snowy to the Commonwealth, the Government can deliver better infrastructure and services, and that means roads, hospitals, schools and big picture projects well into the future for our growing population. The original Snowy scheme remains one of this nation's most inspiring and impressive undertakings. I believe Snowy 2.0 and the residual benefits for regional New South Wales have the potential to be just as successful.

GOVERNMENT CORPORATISATION PLAN

Mr JUSTIN FIELD (01:00): Over the last two decades there has been a clear shift in the language of government. Where previously we were described as "citizens", more and more the people of New South Wales are described by government as "customers". It is easy to pay off this change as some inconsequential management speak. But that language comes with a deliberate intention and very real consequences for people. The intention is the corporatisation of government: the incessant drive to make the interaction between us as citizens and the government much more transactional, obsessed with so-called efficiency, reducing the experiences to waiting times, customer satisfaction surveys, key performance indicators mapped out in glossy documents and action plans with mission statements on the inside cover.

John Ralston Saul in his book *Voltaire's Bastards* says, "The cult of scientific management is bereft of both sense and morality". What he was challenging was the "blind faith of reason" shown by technocrats whose largely disinterested administrative methods have turned modern society "into a vast, incomprehensible, directionless machine run by process-minded experts". If government is going to be meaningful to people, if it is going to truly listen and consult and empower the citizenry to participate in the decision-making that impacts their lives, if government is going to deliver the services that the people really need, it cannot be a directionless machine run by process-minded experts. The relationship with people cannot be transactional, we cannot be treated as customers, we have to be restored as citizens.

The inevitable outcome of the corporatisation program—apart from the reframing of citizens as customers—has been the segmenting of individual component parts of the delivery of government services and the narrowing of delivery that has ripened it for privatisation. And that is exactly what has happened; it is exactly what this Government has been obsessed with. Our electricity networks and generators were sold as part of a \$53 billion privatisation program, TAFE was gutted and public funding sent off to dodgy private operators, the dispersal of internal public sector experts occurred through an obsession with contracted consultants, health and housing services were outsourced, and the programs supporting the most vulnerable in our community were reduced to a contract management problem.

The results are plain to all to see. This corporatisation and privatisation has been a recipe for massive rises in the cost of living, social dislocation and the gutting of social safety networks. The neoliberal project has failed and shown itself to be an incomprehensible machine bereft of both sense and morality. An active and caring government must be at the centre of democracy. We expect more from our government than we do from corporations, and so we should. The motivation of government needs to be about more than just the number of transactions, the GDP, the test scores and efficiency dividends. The government sector is not selling us another widget or offering advice uncoupled from individual or community context. It should be helping us lead a good life as individuals and contributing to a society that extends that as far as possible.

In a fortnight's time, the Treasurer will hand down the New South Wales Budget 2018-19. It is true that it is likely to reveal a surplus, to talk up efficiencies and infrastructure spending, and to quote service delivery outcomes. It will be a reflection of the transactional approach that is this Government's obsession. What it will not show is the impact this approach is having on people. It will not measure whether people are happy or healthy; it will not reflect whether people feel empowered as citizens to engage meaningfully in social life in our community; and it will not take stock of ecological assets such as clean air, healthy rivers, soil quality and fish stocks.

What we do not measure does not matter, and we are not measuring the right things to make the right decisions. Today I gave notice of a bill designed to create a new way of measuring the things that really matter. The Wellbeing Indicators Bill 2018 will extend the work of former Greens member of the Legislative Council Jan Barham, who introduced similar legislation in 2014. It will establish a set of indicators to measure the wellbeing of the people of New South Wales and to inform government decision-making. The Greens take the view that our economy should serve people rather than the other way around. It is governments that put in place the frameworks that ensure this happens, and measuring what really matters is the first step.

MULTI-PERIL CROP INSURANCE

The Hon. MICK VEITCH (01:05): On Monday this week, 4 June, I held a roundtable gathering in the McKell Room to consider multi-peril crop insurance [MPCI]. About 20 people attended, including representatives of insurance companies, the Insurance Council of Australia, Lloyds Australia Limited and other underwriters, academics from the University of Queensland, and a delegation from NSW Farmers. My interest in MPCI is longstanding. In fact, I did a Commonwealth Parliamentary Association study tour last year to Canada to find out about its MPCI model, which has been in place since 1923. Most people with an interest in MPCI are encouraged to examine that model because of its longevity. An Independent Pricing and Regulatory Tribunal [IPART] report addresses the purpose of MPCI and states:

... can assist crop farmers reduce their exposure to weather-related risks and better manage variable income flows, by insuring against loss of revenue or yield as a result of a wide range of weather and non-weather related events. These might include low soil moisture, high heat events, flood, frost, as well as pests.

MPCI allows farmers to insure against the elements to ensure more reliable farm income during years of lower than average production, years of drought or other extreme weather events.

IPART delivered a report on MPCI a while ago and its recommendations included that a temporary subsidy be introduced with the objective of assisting in the development of a commercial multi-peril crop insurance market. It suggested that the subsidy rate be applied to the premium payable, inclusive of stamp duty, that it be set at the same percentage rate across different regions regardless of the different risks facing each region, and that it be set at the same percentage rate for both single-year and multi-year policies.

The roundtable included extensive discussion about the difficulties involved in comparing farm income protection insurance products. Many of the farmers told the gathering—and they have been telling me for some time—that they find the idea of farm income protection insurance appealing, but they do not understand how it works or how it could be of value to their business. The discussion also dealt with phraseology. Rather than calling the product "multi-peril crop insurance", for instance, it could be called "agricultural income protection" or something similar.

It was suggested that the Government or Parliament have a more comprehensive conversation with banks and financiers about the benefits of carrying this sort of protection as part of a broader risk management strategy. The attendees had an extensive discussion about de-risking products and how they fit into the Australian farming culture. Australian farmers tend to be cost savers rather than profit drivers. It was also agreed that the perception of MPCI needed to be worked through and that an education program about its benefits would be valuable.

There was also discussion about taking out policies for only one year and that people should look at three-year and five-year policies because then they reap the benefits of longevity. On Monday the insurance companies said that they want underwriters to stay the course, which added to the complexity of the discussion. I have had conversations with many farmers but when speaking to the farmers on Monday, I was told that the biggest deterrent is the pricing impost and risk estimation.

The Hon. Dr Peter Phelps: Uh-oh, I can hear government subsidies on the horizon.

The Hon. MICK VEITCH: We are talking about farmers. I had a chance to talk to the Chief Actuary of the Canadian Federal department. They spoke about the ups and downs of their program, which is Federal and provincial, and includes farmers and insurers. They all make a contribution to the product. The underwriting is the responsibility of the Federal Government to ensure that it continues. One thing that came out of the meeting on Monday was a quote by one of the farmers who has had multi-peril insurance for five years. He said, "With

multi-peril insurance I do not require drought assistance." That is where we should be heading. I am a fan of this concept.

RELIGIOUS FREEDOM

The Hon. PAUL GREEN (01:10): Tonight I will speak about my achievements since being elected to Parliament in 2011. I have spoken on the record in this Parliament 236 times during questions without notice, 78 times presenting an adjournment speech and 420 times on bills, known as legislation. I have served on 18 committees and chaired eight of them. In the past six months I have introduced to this House the Modern Slavery Bill 2018 and, with my colleague Reverend the Hon. Fred Nile, the Anti-Discrimination Amendment (Religious Freedoms) Bill 2018. The Modern Slavery Bill 2018 is a personal highlight for me. Tonight it was passed through the Legislative Assembly and it will make provisions with respect to slavery, slavery-like practices and human trafficking. I hope that it will lead to the abolishment of slavery in New South Wales, and subsequently Australia.

It is my hope that it will be a legacy that this Parliament can be proud of, knowing we took a step towards being closer to eradicating this vile practice from New South Wales and Australia. I have spoken in this Parliament before about the reality of what the victims experience and the statistics of this crime. We all agree it is sickening and disturbing. Knowing that we have contributed to being abolitionists is an achievement that we can be proud of. The recent introduction of the Anti-Discrimination (Religious Freedoms) Bill 2018 will ensure that a person with religious beliefs or who joins in religious activities cannot be discriminated against in New South Wales. The bill will prohibit public authorities—government and its agencies—and officials from subjecting faith-based entities to detrimental treatment on the grounds of faith.

Geoffrey Blainey, in his book *A Short History of Christianity*, wrote that Jesus is easily the most influential person in the history of the world. Despite this, we see overseas and in Australia that Christians and members of other faiths are pushed to the fringe of society. With increasing rights given to other segments of society, such as the recent amendments to the Marriage Act 1961 that include same-sex marriage, it appears that the voice of the people of faith has been traded for the voices of other marginalised groups. According to French sociologist Emile Durkheim, religion is a major contributor in society, helping to provide social cohesion and offering a meaning and a purpose. It is also seen as an important variable of happiness and wellbeing in indexes such as the Legatum Prosperity Index, where it rates as one of the top five contributors to life satisfaction.

It has been found that in cases where higher rating variables such as freedom and control are weak, religion can effectively replace or complement their role in delivering happiness. In my opinion, it is imperative that the place religion and faith have within society be protected, not quietened or squashed. Evidence shows that the whole society benefits when religion and faith are respected and valued. It saddens me that the reality of society means we have to legislate to protect people from discrimination, whether it be racist remarks by spectators at sporting events, sexism in the workplace or attacks on an individual's right to practice and hold to a religious world view. People should be able to stay true to their convictions. Every human being is entitled to live according to his or her conscience, whether or not it is faith driven. It should be a basic part of humanity that we respect each other's convictions and learn to coexist despite differences of opinion, conviction and world view.

I believe we are a better society for the diversity that exists and the understanding that it creates when individuals are free to hold onto and respectfully share their convictions without fear of discrimination. However, while proclaiming our faith, it is important that we remember what Mahatma Gandhi said, "An ounce of practice is worth more than a tonne of preaching."

CHRISTIAN PERSECUTION

The Hon. DAVID CLARKE (01:15): Christianity is the most widely persecuted religion in the world according to the Pew Research Center. Of the top 10 countries where persecution of Christians is rated as extreme, nine were Islamic and one was communist. Of the top 10 countries where persecution of Christians is rated as very high, six were Islamic and two were communist. This persecution is not only restricted to Islamic countries and communist regimes. Christians face persecution by Hindu extremists in India and Nepal and by Buddhists in Burma. The persecution ranges from genocide perpetrated by the Islamic State of Iraq and the Levant in Iraq and Syria or by Boko Haram in Nigeria to a less severe form found in Pakistan, where a number of Christians find themselves on death row facing execution for the crime of proselytising Muslims. It includes situations such as what is found in the Aceh region of Indonesia, where extremist mobs have repeatedly murdered Christians praying in churches and the notorious case of the Governor of Jakarta, who is a Christian, being imprisoned on a spurious charge of "blasphemy against Islam".

Over the past century, the proportion of Christians in the Middle East has declined from 20 per cent to 3 per cent. In Turkey, it has dwindled from 32 per cent to 0.15 per cent. Whilst a lower Christian birth rate and economically driven immigration are contributing factors to the diminishing Christian presence, religious persecution remains the main cause. In Egypt, despite the laudable efforts of President Abdel Fattah el-Sisi, scores of churches have been destroyed by violent mobs and Christians continue to face harassment and discrimination. These situations have been repeated in dozens of other countries. In Western Europe, Britain, the Americas, and Australasia, Christianity faces a different danger: that of aggressive secularism. Whilst aggressive secularism's stated aim is to separate the church and state, its actual aim is to eradicate Christianity and Christian institutions from the public arena altogether, and it pursues this aim with ruthlessness and great missionary zeal.

Secular zealots would, if they could, close religiously affiliated schools, ban prayers in public places and remove all Christian symbols from public displays. They are well on the way to enforcing legal changes to traditional family institutions and concepts; they would financially cripple Christian churches and their charitable activities by removing tax deductibility; and they would criminalise many traditional Christian beliefs and enforce implementation through anti-discrimination tribunals. The late Catholic Archbishop of Chicago, Cardinal George Francis, once lamented, "I expect to die in bed, my successor will die in prison, and his successor will die a martyr in the public square." He foresaw that strident secularism was determined to expunge all traces of religious faith. Cardinal George Francis may have been overly pessimistic, but I do not dispute that secularism certainly has Christianity in its gun sights.

The anti-Christian bias of many influential journalists in our media is another manifestation of the rise of aggressive secularism. Paul Marshall, senior fellow of the prestigious Hudson Institute Center for Religious Freedom, is the author of a book on the subject entitled *Blind Spot: When Journalists Don't Get Religion*. Following a massacre in the offices of a charity in Pakistan where terrorists picked out and murdered seven Christian workers while sparing their Muslim colleagues, he observed:

CNN International contented itself with the opinion that there was 'no indication of a motive.' Would it have said the same if armed men had invaded a multiracial center, separated the black people from the white people, then methodically killed all the blacks and spared all the whites?

Malcolm Muggeridge, the late author and commentator, summed up the comparative contribution to mankind by Christianity and secularism when he said:

I've spent a number of years in India and Africa where I found much righteous endeavour undertaken by Christians of all denominations, but I never, as it happens came across a hospital or orphanage run by the Fabian society, or humanist leper colony.

Author John L. Allen Jr hit the mark when he said:

The global war on Christians remains the greatest story never told of the early twenty-first century.

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

Motion agreed to.

The House adjourned at 01:21 until Thursday 7 June 2018 at 10:00.