



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Thursday, 21 June 2018

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Thursday, 21 June 2018

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

The PRESIDENT read the prayers.

Bills

WATER MANAGEMENT AMENDMENT BILL 2018

Returned

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

Documents

OMBUDSMAN

Reports

The PRESIDENT: According to the Ombudsman Act 1974, I table a special report of the Ombudsman entitled, "More than shelter - addressing legal and policy gaps in supporting homeless children", dated 21 June 2018, and authorised to be made public this day.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

The PRESIDENT: According to the Independent Commission Against Corruption Act 1988, I table a special report of the Inspector of the Independent Commission Against Corruption, entitled "Report concerning a Complaint by Mr John McGuigan, Mr Richard Poole, Cascade Coal Pty Limited, Mount Penny Coal Pty Limited and Glendon Brook Coal Pty Ltd about the conduct of the Independent Commission Against Corruption in Operation Jasper (Special Report 18/05)", dated June 2018, and authorised to be made public this day.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.

Motions

AUTISM SPECTRUM AUSTRALIA ANNUAL AWARDS NIGHT

The Hon. SCOTT FARLOW (10:02): I move:

- (1) That this House notes that:
 - (a) on 5 April 2018 the Autism Spectrum Australia [Aspect] annual awards night was held in Sydney; and
 - (b) a number of people were in attendance at the event, including Mr John Doyle, AM, Aspect patron; Mrs Julie Hamblin, Aspect Chair; Mr Adrian Ford, Aspect Chief Executive Officer; Ms Clare Brown, Club Weld participant; as well as the Hon. Scott Farlow, MLC, representing the Minister for Multicultural Affairs and Disability, the Hon. Ray Williams, MP, who launched the event highlighting the significant achievements of the autism community.
- (2) That this House notes that:
 - (a) the annual awards is now in its twelfth year and aims to celebrate the achievements of people within the autism community;
 - (b) the awards night is recognised as being a unique way to highlight the achievements of those living with autism, with the ceremony shifting focus to the achievements and creativity rather than the negatives of the disorder; and

- (c) the awards recognise contributions that are providing inspiration, outstanding support or are addressing significant issues that affect people on the autism spectrum.
- (3) That this House acknowledges and congratulates:
 - (a) the tireless efforts and work conducted by Adrian Ford, Chief Executive Officer of Aspect; Julie Hamblin, Chair of the Aspect Board; and John Doyle, AM, master of ceremonies on organising and hosting the event; and
 - (b) the winners of the awards including Kiara Summers, winner of the David Foster Appreciation Award; Sandeep Joshi, winner of the Above and Beyond Award; Matt Ormiston, winner of the Parent Carer of the Year; Uluru (Nathan) Phillips, winner of the Inspiration Award for Individual Achievement (Youth); and Dane Waites, winner of the adult category of the Individual Achievement Award.

Motion agreed to.

JUSTICES OF THE PEACE

The Hon. NATASHA MACLAREN-JONES (10:03): I move:

- (1) That this House notes that:
 - (a) there are 95,000 justices of the peace in New South Wales and that 2,425 of them will have surpassed 50 years of service in 2018;
 - (b) on 1 May 2018, a commemorative ceremony was held at the Parliament of New South Wales to acknowledge the 161 justices of the peace who have been serving the community since taking their oaths between July and December 1967;
 - (c) together, these justices of the peace have delivered a combined 8,050 years of service, helping the community at key milestones in their life, including applying for a passport, buying a house or accessing superannuation;
 - (d) the youngest justice of the peace commemorated was 70-year-old Karolann Warby from Pittwater, while the oldest was 95-year-old Russell Stevenson from Albury; and
 - (e) the Pittwater electorate has seven justices of the peace celebrating 50 years, the most of any electorate in New South Wales.
- (2) That this House thanks the 161 volunteers who have served their communities tirelessly for more than 50 years as justices of the peace.

Motion agreed to.

KOREAN WAR MEMORIAL PEACE CONCERT

The Hon. SCOTT FARLOW (10:03): I move:

- (1) That this House notes:
 - (a) that on Saturday 14 April 2018 the Korean War Memorial Peace Concert was held at Sydney Town Hall; and
 - (b) that a number of attendees were present at the event, including:
 - (i) Republic of Korea Minister of Patriots and Veterans Affairs, Pi Woojin;
 - (ii) Consul-General Yoon Sangsoo of the Republic of Korea;
 - (iii) Patriotic Cultural Association chairman Lim Wookun;
 - (iv) the Hon. Victor Dominello, MP, Minister for Finance, Services and Property;
 - (v) the Hon. David Clarke, MLC;
 - (vi) Mr Damien Tudehope, MP, member for Epping;
 - (vii) Ms Jodi McKay, MP;
 - (viii) Rear Admiral (Retd) Ian Crawford, National President of Australian Council of Korea Veterans Associations;
 - (ix) Councillor Gulian Vaccari, Mayor, Strathfield Council; and
 - (x) The Hon. Scott Farlow, MLC, representing the Minister for Multiculturalism, the Hon. Ray Williams, MP.
- (2) That this House notes:
 - (a) that the Korean War began on 25 June 1950 when North Korea invaded South Korea following a series of clashes along the border;
 - (b) the United Nations, with the United States as the principal force, came to the aid of South Korea;
 - (c) immense sacrifices were made by veterans of both Australian and Korean nationalities on the battlefield during the war;

- (d) more than 17,000 Australians served during the Korean War, of whom 340 were killed, more than 1,216 wounded and a further 29 became prisoners of war;
 - (e) more than 66,000 residents in New South Wales claim Korean ancestry with many making Sydney their home; and
 - (f) the Korean community is young and almost 70 per cent of Korean-born people in New South Wales are under 45, which means many do not recall the events of the war.
- (3) That this House acknowledges that more than 60 Australian veterans were present at the event, as well as the Peace Ambassadors Orchestra and Seocho Philharmoniker with Jong Hoon Bae, artistic director and conductor, and all contributing artists who ensured the concert was a success.

Motion agreed to.

WESTERN SYDNEY NURSING AND MIDWIFERY AWARDS

The Hon. NATASHA MACLAREN-JONES (10:03): I move:

- (1) That this House notes that:
 - (a) as part of International Nurses' and Midwives' Day celebrations, the Western Sydney Local Health District hosted its annual Nursing and Midwifery Awards on Tuesday 8 May 2018 at the Muirfield Golf Club; and
 - (b) the awards ceremony recognised nurses and midwives who have demonstrated excellence in clinical practice and a continued dedication to improvement to patient care.
- (2) That this House notes that those who attended the awards ceremony included:
 - (a) Mr Mark Taylor, MP, member for Seven Hills; and
 - (b) the Hon. Natasha MacLaren-Jones, MLC, representing the Hon. David Elliott, MP, member for Baulkham Hills.
- (3) That this House congratulates all award recipients:
 - (a) Ms Danielle Martin, Auburn Hospital District Award;
 - (b) Ms Raylee Turner, Auburn Hospital District Award;
 - (c) Ms Lesley Jack, Blacktown and Mount Druitt Hospital District Award;
 - (d) Ms Jan Gatti, Blacktown and Mount Druitt Hospital District Award;
 - (e) Ms Carol Dene, Integrated and Community Health Award;
 - (f) Ms Anna Esdaile, Integrated and Community Health Award;
 - (g) Ms Elissa Yoo, Mental Health Award;
 - (h) Mr David Gollan, Mental Health Award;
 - (i) Ms Lana Sengstock, Westmead District Award;
 - (j) Ms Kate Gillis, Westmead District Award;
 - (k) Ms Collete Cole, Research Award;
 - (l) Ms Sian Bramwell, Research Award;
 - (m) Ms Margaret Murphy, Research Award;
 - (n) Ms Karen Hazel Raine, Research Award; and
 - (o) Ms Suzanne Stevens, Western Sydney Local Health District Award.

Motion agreed to.

SYDNEY KOREAN FESTIVAL

The Hon. SCOTT FARLOW (10:04): I move:

- (1) That this House notes that:
 - (a) on 5 and 6 May 2018 the Sydney Korean Festival was held in Tumbalong Park, Darling Harbour; and
 - (b) a number of dignitaries were present at the event, including the Hon. Ray Williams, MP, the Minister for Multicultural Affairs; the Hon. Victor Dominello, MP, Minister for Finance, Services and Property; Mr Sangsoo Yoon, Consulate General of South Korea; Mr Damien Tudehope, MP, member for Epping; the Hon. Ernest Wong, MLC; Ms Jodi McKay, MP, member for Strathfield; Mr Byungsoo Ryu; Mr Seung Kook Baek; Councillor Robert Kok; Dr Frank Alafaci; Mr Suckjoon Song; Mr Don Ko, Chairman of the Australia Korea Culture and Arts Incorporated; and the Hon. Scott Farlow, MLC, representing the Premier the Hon. Gladys Berejiklian, MP.
- (2) That this House notes that:

- (a) the Sydney Korean Festival is marking its seventh year of operation and that the festival is one of the largest Korean cultural festivals in Sydney, which celebrates Korean culture, history and its integration with the wider Australian community;
 - (b) traditional Korean games such as Tuho (pitch-pot), Jeggichagi as well as Paeng-I (spinning top) making, and Gomusin (traditional Korean Shoes) making, were also offered at the festival to engage and educate patrons of non-Korean ancestry in festive arts and crafts; and
 - (c) events such as the Sydney Korean Festival highlight the multiethnic State that New South Wales has developed into and demonstrates the benefits of being such an inclusive society.
- (3) That this House acknowledges the tireless efforts and work conducted by the Korean Cultural Centre Australia and Australia Korea Culture and Arts Incorporated, including Mr Don Ko, Ms Sojeong Park, and Ms Hyunju Park.

Motion agreed to.

TAMIL SENIOR CITIZENS ASSOCIATION

The Hon. SCOTT FARLOW (10:04): I move:

- (1) That this House notes that:
- (a) the Tamil Senior Citizens Association in Strathfield has more than 800 active local members and aims to engage with members of the local community;
 - (b) on 8 May 2018 the Minister for Multicultural Affairs, the Hon. Ray Williams, MP; Councillor Gulian Vaccari, Mayor, Strathfield Council; and Hon. Scott Farlow, MLC, Parliamentary Secretary to the Premier, visited the association in Strathfield; and
 - (c) on behalf of the Government, the Hon. Ray Williams, MP, announced funding of \$3,000 to contribute to the ongoing function and support of the organisation.
- (2) That this House notes that:
- (a) the seniors association hosts weekly games such as cricket, chess and table tennis aimed at engaging with members in the community, runs yoga and art classes and celebrates Tamil, Christian and Hindu events throughout the year;
 - (b) organisations such as the Tamil Senior Citizen Association make a huge difference in everyday lives around the local community, and that the association has grown significantly since it began in 1993 due to the continued support of the community of Strathfield; and
 - (c) there are more than 73,000 Tamils in Australia of which more than 1,000 currently reside in the greater Strathfield area, while many Tamils are of Sri Lankan, Indian and Malaysian descent and many have made New South Wales their permanent home.
- (3) That this House acknowledges the tireless efforts and work conducted by members of the executive, including President A. Sivathondan and the members of the association who continue to utilise the vital services and support offered by the association.

Motion agreed to.

BOER WAR REMEMBRANCE AND WREATH-LAYING CEREMONY

The Hon. SCOTT FARLOW (10:05): I move:

- (1) That this House notes that:
- (a) on 27 May 2018 the annual remembrance and wreath-laying ceremony marking the end of the Boer War was held at Anzac Memorial, Hyde Park, Sydney; and
 - (b) a number of dignitaries and veterans were present at the event, including Senator Jim Molan, AO, DSC, representing the Prime Minister of Australia, the Hon. Malcolm Turnbull, MP; Reverend the Hon. Fred Nile, MLC; Mr Darren Mitchel, master of ceremonies; Chaplain Lieutenant Colonel Colin Aiken, OAM, RFD (Retd); Lieutenant Colonel David Deasey, RFD (Retd) Chairman of NSW Committee National Boer War Memorial Association; as well as the Premier, the Hon. Gladys Berejiklian, MP, and the Hon. Scott Farlow, MLC, Parliamentary Secretary to the Premier, representing the Hon. David Elliott, MP, Minister for Veterans Affairs,
- (2) That this House notes that:
- (a) the Boer War was the last conflict for which a New South Wales force was raised and the first conflict in which Australian forces were involved as a nation, with the conflict lasting from 11 October 1899 until 31 May 1902;
 - (b) 23,000 Australian men and women served in the Boer War, with nearly 1,000 Australians paying the ultimate price for their service and more than 16,000 Australians serving in official contingents; and
 - (c) the Australian contribution in the Boer War consisted of a wide variety of people with previous military training, nurses in uniform and an Indigenous contingent.

- (3) That this House acknowledges the tireless efforts conducted by all members of the National Boer War Memorial Association NSW Committee, including Lieutenant Colonel David Deasey, RFD (Retd), Chairman of NSW Committee National Boer War Memorial Association.

Motion agreed to.

SYDNEY CLASSICAL INDIAN DANCE FESTIVAL

The Hon. SCOTT FARLOW (10:05): I move:

- (1) That this House notes that:
- (a) on 7 April 2018 the fifth Sydney Classical Indian Dance Festival was hosted in Sydney; and
 - (b) a number of guests attended the event, including Guru Padma Shri Smt. Chitra Visweswaran, Padma Shri Dr Sunil Kothari, Smt. Sujata Mohapatra, Dr Divya Sriram, Dr Pradanya, Dr Tej Dugal, Dr A Lakshmanan, OAM, Mr Aden Williams and Dr Sakthi Bala.
- (2) That this House notes that:
- (a) a number of local and international dance schools and performances were showcased at the festival highlighting traditional Indian dance from across different regions of the country;
 - (b) more than 2,000 residents in Strathfield currently claim Indian ancestry and about 140,000 people in New South Wales are of Indian descent; and
 - (c) the significant contribution that events such as these make to the local Indian community, highlighting the strong bond that cultures such as those of Indian descent share with their traditional dance and performing arts.
- (3) That this House acknowledges the tireless work of Kalpana and Divya Sriram of the Madhuram Academy of Performing Arts in organising this event.

Motion agreed to.

BATTLE OF CRETE SEVENTY-SEVENTH ANNIVERSARY BALL

The Hon. SCOTT FARLOW (10:05): I move:

- (1) That this House notes that:
- (a) on 19 May 2018 the seventy-seventh anniversary of the Battle of Crete Ball took place in Bankstown, hosted by the Cretan Association of Sydney New South Wales; and
 - (b) a number of dignitaries were present at the event, including Mr Andrew Parliaros, President of the Cretan Association of Sydney; Ms Maris Lagoudakis, President of the Cretan Federation of Australia and New Zealand; Mr James Jordan, President of the Joint Committee Commemorating the Battle of Crete and the Greek Campaign; Lieutenant General Nikolaos-Dimitrios Christopoulos, Chief of Staff of the Hellenic National Defence General Staff; Major General Nikolaos Gogousis, Public Relations Directorate of the Hellenic National Defence General Staff; as well as the Hon. Scott Farlow, MLC, Parliamentary Secretary to the Premier, representing the Hon. Gladys Berejiklian, MP, Premier.
- (2) That this House notes that:
- (a) the Cretan Association of Sydney is one of the many successful community organisations operating within New South Wales, fundamental to the ongoing success of the vibrant Greek community;
 - (b) more than 65,000 Allied soldiers, 17,000 of whom were Australian, were sent to Greece to stop the advance of German troops; and
 - (c) sadly, more than 215 soldiers from New South Wales lost their lives during the campaign and more than 3,000 were captured and taken as prisoners of war during the campaign.
- (3) That this House acknowledges the tireless efforts and work conducted by members of the Cretan Federation of Australia executive team, including President Ms Maria Lagoudakis, Vice President Mr Milton Stamatakis, Treasurer Ms Sophie Saviolakis-Valiontis, Secretary Ms Despina Parliaros, Public Relations Officer Mr Herc Kaselakis, board member Mr Pantelis Fridakis, board member Mr Kosta Grafanakis, board member Ms Vicki Kalogeropoulos, board member Mr George Katheklakis, board member Mr Tony Tsourdalakis and board member Mr Manoli Yerogianakis.

Motion agreed to.

QUEENS BIRTHDAY HONOURS LIST

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

- (1) That this House notes that:
- (a) eminent members of the Central Coast and Hunter regions were named in the 2018 Queen's Birthday Honours List, with a record 15 per cent increase in female recipients across the country in the Order of Australia;
 - (b) Kurt Fearnley was elevated within the Order of Australia, having previously been awarded the Medal of the Order of Australia [OAM], and was appointed an Officer of the Order of Australia [AO] in recognition of

his distinguished service to people with a disability, as a supporter of, and fundraiser for, Indigenous athletics and charitable organisations, and as a Paralympic athlete;

- (c) the following were appointed members of the Order of Australia [AM]: Dr Bernard Curran for service to tertiary education, particularly through higher learning opportunities in rural areas; Phyllis Davis for service to nursing through clinical, administrative and international advisory roles, and to nurse education; Julie Dolan for service to football as an administrator, player and coach, and as an ambassador for elite player development and junior participation; Iain Riggs for service to oenology as a winemaker, to the development of the Australian wine industry and to the promotion of the Hunter region; and Juliana Waugh for service to the community through advocacy roles to improve the safety and education for people who interact with horses;
 - (d) the following were conferred the Medal of the Order of Australia [OAM]: Margaret Albury for service to the community of Cessnock; Jack Anastas for service to the welfare of veterans, and to the community; John Asquith for service to conservation and the environment; Robyn Bradley for service to music through community ensembles; Dr Alan Bray for service to medicine, particularly to vascular surgery; Maurice Breen for service to rugby league and industrial relations; James (Tony) Castley for service to the community through a range of roles; the late Freda Collison for service to the community of Gresford; Fran Corner for service to the community of Port Stephens; Lesley Gent for service to veterans and their families; Iris Gillingham for service to the community of Sandgate; Margaret Hardy from service to the arts through a range of roles; Douglas Holmes for service to community health; William Howey for service to veterinary science; Graham Hudson for service to cricket and to the community of the Hunter; Merril Anne Jackson for service to community history; Herbert Jackson for service to the community of the Central Coast; Vicki Kerr for service to netball, and to the community; Scott Levi for service to the broadcast media industry, and to the community; Jocelyn Maughan for service to visual arts, and to education; Warren Mills for service to the community of North Gosford; Edwin Morris for service to the community of Mangrove Mountain; Jacqueline Newton for service to the community through charitable foundations; the late Robin Norling for service to the visual arts, and to education; Dr Kim Ostinga for service to medicine, particularly to orthopaedics; Colin Paulson for service to youth through Scouts, and to the community; Vivienne Paulson for service to youth through Scouts, and to the community; Marcia Seymour-Dane for service to women through a range of organisations; Wilma Simmons for service to the community through a range of roles; Catherine Tate for service to the community of Newcastle; Neil Thompson for service to the community through social welfare organisations; Ian Wheatley for service to pharmaceutical science; and Dr Johannes Nell for service to local government, and to the community of Port Stephens; and
 - (e) Mr Wayne Young was conferred the Australian Fire Service Medal for his 30 years of service to improving fire fighter welfare and his bravery during the Thredbo tragedy.
- (2) That this House congratulates and commends all those named and conferred Orders of Australia in recognition of their contributions to Australian societies.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 6 - PLANNING AND ENVIRONMENT

Authority to Make Visits of Inspections

The Hon. PAUL GREEN: I move:

That, for the purpose of its inquiry into the music and arts economy in New South Wales, Portfolio Committee No. 6 - Planning and Environment have power, with the approval of the President, to make visits of inspection elsewhere in Australia.

Motion agreed to.

Motions

WOLLONGBAR TAFE AWARDS OF EXCELLENCE

The Hon. BEN FRANKLIN (10:07): I move:

- (1) That this House notes that the Wollongbar TAFE Awards of Excellence were held on Tuesday 29 May 2018, to recognise the hard work, diligence and achievements of the Wollongbar TAFE students.
- (2) That this House congratulates the following award recipients:
 - (a) TAFE New South Wales Wollongbar Student of the Year, Summerland Credit Union Future Employee of the Year and the Information Technology Student of the Year, Stewart Archie;
 - (b) TAFE New South Wales Wollongbar Apprentice of the Year, Brooke Felsch;
 - (c) Veterinary Student of the Year, Nikki Reisinger;
 - (d) Beauty Therapy Student of the Year, Lisandra Feix;
 - (e) Beauty Therapy Award of Excellence and Beauty Therapy Aboriginal and Torres Strait Islander Student of the Year, Holly Jenkins;
 - (f) Commercial Cookery Apprentice of the Year, Jade Storm;

- (g) Carpentry Apprentice of the Year, Zac Nolan;
 - (h) Children Services Student of the Year, Tegan Graham;
 - (i) Tertiary Preparation Student of the Year and Tertiary Preparation Award of Excellence for Science and Maths, Billie Stradfield;
 - (j) Electrotechnology Apprentice of the year, Jack Gardiner;
 - (k) Engineering Metal Fabrication Apprentice of the Year, Daniel Duncan;
 - (l) Fashion Student of the Year, Tianna Evans;
 - (m) Horticulture Award of Excellence and Horticulture, Stephen O'Neill;
 - (n) Landscape Construction Apprentice of the Year and Award of Excellence in Landscape Construction, Lucas Flannery;
 - (o) Screen and Media Make-up Student of the Year, Pamela Scarlett; and
 - (p) Make-up Student of the Year, Larissa Scarlett.
- (3) That this House wishes all the award recipients and students of Wollongbar TAFE all the best for their future studies and careers.

Motion agreed to.

BALLINA ART SOCIETY FORTY-SIXTH ANNUAL EXHIBITION

Ms DAWN WALKER (10:08): I move:

That this House:

- (a) congratulates the Ballina Art Society on the occasion of its forty-sixth annual exhibition 2018;
- (b) notes the humour and community pride the society displayed in one of the 2018 event's sections, Prawnoigraphy—local scenes with our Ballina icon included;
- (c) notes the success of the event, with the sale of 18 works; and
- (d) applauds the hard work of our exhibition committee, Helen Craig, President; Julia Crofts, Secretary; Tina Farrow, Treasurer; Rena Hurley, Dagmar Titherington, Maggie Cross, Cecily Barrack, Meg Egglestone, and Heather Waldon.

Motion agreed to.

RIVERINA MURRAY TRAINING AWARDS

The Hon. WES FANG (10:08): I move:

- (1) That this House notes that on 8 June 2018, the Riverina Murray Training Awards were held in Wagga Wagga to celebrate the outstanding achievements in the vocational education and training sector within the Riverina-Murray Region.
- (2) That this House acknowledges the importance of vocational training to the New South Wales economy and congratulates the winners on their success:
 - (a) Caleb Weir, Trainee of the Year;
 - (b) Michael Edwards, Apprentice of the Year;
 - (c) Candace Cord, Aboriginal and Torres Strait Islander Student of the Year;
 - (d) Joshua Bartlett, School Based Apprentice/Trainee of the Year;
 - (e) Roslyn Twycross, Vocational Student of the Year; and
 - (f) Lachlan Carney, VET in Schools Student of the Year.
- (3) That this House commends all the finalists of the 2018 Riverina Murray Training Awards and wishes them every success for their future careers.

Motion agreed to.

SOCIAL FUTURE'S RECONCILIATION ACTION PLAN

Ms DAWN WALKER (10:09): I move:

- (1) That this House notes the launch of Social Future's inaugural Reconciliation Action Plan:
 - (a) outlining the organisation's plans to address Aboriginal and Torres Strait Islander disadvantage in the region;
 - (b) that 100 guests and staff attended the event, including Uncle Roy Gordon, who offered a smoking ceremony and Welcome to Country, Uncle Ken Morgan, who shared stories of the five decades of providing educational support to Aboriginal children all over Australia, and Uncle Reg King; and
 - (c) the commitment in the plan to achieving social justice for Aboriginal and Torres Strait Islander people.

- (2) That this House notes the need for government at every level to listen to the elders, as the custodians of this land, and for consultation, relationship-building and work to be done.

Motion agreed to.

GREAT WESTERN RAIL TO MOUNT VICTORIA 150TH ANNIVERSARY

The Hon. SHAYNE MALLARD (10:09): I move:

- (1) That this House notes that:
- (a) Saturday 26 May 2018 was the 150th anniversary of the Great Western Rail to Mount Victoria and the official opening of the station in 1868;
 - (b) a community celebration was held on Saturday 26 May 2018 as part of the Great Train Weekend;
 - (c) on Saturday 26 May 2018 the historic Garratt steam engine travelled from Central Station to Mount Victoria with distinguished guests on board; and
 - (d) attending the celebration were:
 - (i) His Excellency the Honourable T. F. Bathurst, AC, Lieutenant-Governor;
 - (ii) the Hon. Shayne Mallard, MLC, representing the Premier, the Hon. Gladys Berejiklian, MP, and the Minister for Transport and Infrastructure, the Hon. Andrew Constance, MP;
 - (iii) Blue Mountains Mayor Mark Greenhill, OAM;
 - (iv) Mr Howard Collins, OBE, Chief Executive Sydney Trains and New South Wales Trainlink;
 - (v) Mr Rob Mason, Chair Transport Heritage New South Wales;
 - (vi) Mr Andrew Moritz, CEO Transport Heritage New South Wales;
 - (vii) Ms Susan Templeman, MP, Federal member for Macquarie, who joined at Penrith Station;
 - (viii) Mr Bob Reid, OAM; and
 - (ix) Ms Wilhelmina Howard, President of the Mount Victoria Community Association.
 - (e) Mount Victoria Station opened for traffic as a brick station building on a timber platform and was originally called One Tree Hill;
 - (f) this railway gave birth to localised industry and encouraged settlement while today it continues to play a major role in facilitating tourism in both Mount Victoria and in the Blue Mountains;
 - (g) it is the most substantial railway station complex in the Blue Mountains with the former locomotive depot to service terminating trains for railway tourism associated with Jenolan Caves and handling goods trains over the steep grades of the Blue Mountains;
 - (h) during World War II, Mount Victoria was a welcome refreshment stop for troop trains and prisoner of war trains going west to Cowra;
 - (i) these refreshment rooms have since been repurposed with Platform 2 currently housing the local historic society museum, and the recently refurbished Platform 1 room is home to the Regional Learning Centre; and
 - (j) the Great Train Weekend community festival was attended by thousands of local rail enthusiasts with activities including:
 - (i) steam train rides to Lithgow;
 - (ii) trips on the historic motor rail to Katoomba;
 - (iii) a speech of historic importance by His Excellency the Honourable T. F. Bathurst, AC, Lieutenant-Governor;
 - (iv) unveiling of a comprehensive historic plaque; and
 - (v) period costumes.
 - (k) the Blue Mountains "Heathers Choir" performed an adapted song to the tune of *Chattanooga Choo Choo* called *Queen of the Western Line*:

By horse and cart took two days to Mt Victoria
 So they made up their mind
 To build the Great Western Line

Took fifteen years for the line to get to Penrith
 Then it stopped for a time
 While they considered the climb

First they had to build a bridge to get across the Nepean
 Battle up to Lapstone through the hills in between
 Blast their way to Glenbrook, struggle on to Springwood
 To make it any further they would have to be keen

It would be a fight to get it up to the top
 But they made it to Katoomba and they weren't gonna stop
 Shovel all the coal in, gotta keep it rollin'
 Woo Woo, hey Mt Vic, you're right at the top

There's gonna be a great big party at the station
 Lots of hullabaloo by folks who've come to whoo-hoo
 When the Garratt steams in, the celebration will be mighty fine
 Three cheers Mt Vic, Queen of the Western Line.

- (2) That this House congratulates the organisers of the Mount Victoria Great Train Weekend and the community of Mount Victoria.

Motion agreed to.

BYRON BAY BOARDRIDERS COMPETITION

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

- (1) That this House notes that:
- (a) the Byron Bay Boardriders Ben King Memorial Classic and Willsy's X Grom Competition were held from Saturday 9 June to Monday 11 June 2018;
 - (b) the Ben King Memorial Classic is an annual surfing competition held in memory of local surfing legend Ben King; and
 - (c) the Willsy's X Grom Competition is organised by Byron Bay Boardriders and Danny Wills to grow and support surfing.
- (2) That this House congratulates the following competition winners:
- (a) Ben King Memorial Classic:
 - (i) Open men, Thomas Woods;
 - (ii) Open Women, Nyxie Ryan;
 - (iii) 60 and over, Neil Cameron;
 - (iv) 50 and over, Anthony Bates;
 - (v) 40 and over, Lee Winkler;
 - (vi) 30 and over, Bryce Cameron; and
 - (vii) Boys 18 and under, Jagger Bartholomew.
 - (b) Willsy's X Grom Competition:
 - (i) 16 and under girls, Nyxie Ryan;
 - (ii) 16 and under boys, Touma Cameron;
 - (iii) 14 and under girls, Cali Barrett;
 - (iv) 14 and under boys, Touma Cameron;
 - (v) 12 and under boys, Hunter Winkler;
 - (vi) 10 and under boys, East Soria; and
 - (vii) eight and under mixed girls/boys parent assist, Axel Fitcher.
- (3) That this House congratulates and thanks the Byron Bay Boardriders for organising this year's competitions and for supporting our local surfers.

Motion agreed to.

Documents

TABLING OF PAPERS

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

- (1) Bail Act 2013—Report of the NSW Department of Justice entitled "Statutory Review: Bail Act 2013", dated June 2018.
- (2) Crimes (Criminal Organisations Control) Act 2012—Report of the NSW Department of Justice entitled "Statutory Review: Crimes (Criminal Organisations Control) Act 2012", dated June 2018.

I move:

That the reports be printed.

Motion agreed to.

AUDITOR-GENERAL**Reports**

The CLERK: According to the Public Finance and Audit Act 1983, I announce receipt of the Performance Audit Report of the Auditor-General entitled, "Shared Services in Local Government", dated June 2018, received this day and authorised to be printed.

*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 Wednesday 15 August 2018.

Motion agreed to.

Mr JUSTIN FIELD: I move:

That Business of the House Notice of Motion No. 2 be postponed until Wednesday 15 August 2018.

Motion agreed to.

*Special Adjournment***SPECIAL ADJOURNMENT**

The Hon. DON HARWIN: I move:

That this House at its rising today do adjourn until Tuesday 14 August 2018 at 2.30 p.m. unless the President or if the President is unable to act on account of illness or other cause, the Deputy President prior to that date by communication addressed to each and every member of the House fixes an alternative day or hour of meeting.

Motion agreed to.

*Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

The Hon. NATASHA MACLAREN-JONES: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: I move:

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

- (a) Private Members' Business item No. 1531 outside the Order of Precedence standing in the name of the Hon. Mark Pearson relating to the Animal Research Amendment (Reduction in Deaths of Dogs and Cats Used for Research) Bill.
- (b) Private Members' Business item No. 2326 outside the Order of Precedence standing in the name of the Hon. Adam Searle relating to compliance with orders for papers.
- (c) Private Members' Business item No. 2142 outside the Order of Precedence standing in the name of the Hon. Taylor Martin relating to the Central Coast Food Futures Forum.
- (d) Private Members' Business item No. 2334 outside the Order of Precedence standing in the name of Dr Mehreen Faruqi relating to the United Nations' World Refugee Day and Australian refugee policies.
- (e) Private Members' Business item No. 2268 outside the Order of Precedence standing in the name of the Hon. Ernest Wong relating to a Select Committee on Homelessness.
- (f) Private Members' Business item No. 1956 outside the Order of Precedence standing in the name of Reverend the Hon. Fred Nile relating to violence in South Africa.

- (g) Private Members' Business item No. 1996 outside the Order of Precedence standing in the name of the Hon. Bronnie Taylor relating to agricultural shows in New South Wales.
- (2) That proceedings be interrupted at approximately 12.00 p.m., but not so as to interrupt a member speaking, for consideration of Private Member's Business item No. 1872 outside the Order of Precedence standing in the name of the Hon. Paul Green relating to the Modern Slavery Bill 2018, and that this item take precedence of all other business until adjourned or concluded.
- (3) That following questions debate on Government business take precedence of general business for the remainder of this day.

Motion agreed to.

Bills

ANIMAL RESEARCH AMENDMENT (REDUCTION IN DEATHS OF DOGS AND CATS USED FOR RESEARCH) BILL 2018

First Reading

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

Second Reading Speech

The Hon. MARK PEARSON (10:19): I move:

That this bill be now read a second time

I am pleased to introduce the Animal Research Amendment (Reduction in Deaths of Dogs and Cats Used for Research) Bill 2018. This is a bill that requires little change to research practices, but it will mean everything to the approximately 1,000 dogs and cats that are routinely killed after being used in non-lethal research each year in New South Wales. Once these animals are no longer required for research purposes, they are killed with an intravenous barbiturate overdose. At times, the impact of the experimental protocol means that there is no alternative for these exploited animals but being put to death. However, if this is not the case, the Animal Justice Party believes these companion animals should be afforded the opportunity to be homed by animal rescue organisations.

The bill essentially provides a second chance at life for cats and dogs held in research establishments. The Animal Research Act's overarching principles in regard to the use of animals in research are those of replacement, reduction and refinement—the three Rs—to cause the least amount of suffering to the least amount of animals. Renowned Indian animal activist Maneka Gandhi, a leading pioneer of animal welfare regulation in India, was successful in adding a fourth R to include "rehabilitation" of research animals. Gandhi's reforms made it compulsory for research bodies to provide:

...after-care rendered to animals that have been bred for the purpose of experimentation, subject to any form of experimentation and retained in laboratory animal houses or breeding houses for the purpose of experimentation with the sole purpose of alleviating any pain or suffering due to the physical, physiological, psychological trauma that the animals had been exposed to, and to prolong the life of the animals until the point of natural death.

The Animal Justice Party's bill is in line with reforms in other jurisdictions. In the United States, New York, California, Nevada, Connecticut, Minnesota and Illinois passed legislation providing that animals used in research facilities must first offer dogs and cats to rescue centres before the option of killing can be considered. The New Zealand Anti-Vivisection Society and Helping You Help Animals are currently campaigning for the New Zealand Government to enact a mandatory retirement policy for animals used in research, testing and teaching. Facilities using these animals would have attempted homing of ex-research animals with willing animal rescue organisations before lethal options are considered.

The Animal Justice Party supports the transition to alternative methods of experimentation. However, the purpose of this bill is not to end animal research per se. The party asserts that experiments on animals are cruel, expensive and represent an outdated nineteenth-century approach to science and medicine. We would like to see investment in methods of studying diseases and testing products that replace animals entirely. There are now far more sophisticated predictors of human health outcomes. The alternatives include in-vitro tests using human cells and tissues, in-silico modelling using advanced computer-modelling techniques, and far more relevant studies with actual human volunteers. Tragically, penicillin was not used until a decade after its discovery because when tested on rabbits it was found to be ineffective. If tested today, it would not be recommended for human use because of its toxicity to guinea pigs.

There are far more biological differences between and within animal species that can affect the results of any experiment, including variations based on different ages, sexes and developmental stages. There are numerous

examples of drug testing on animals that inadvertently led to harmful drugs being approved for use on humans. Benoxaprofen, a non-steroidal anti-inflammatory, was tested on rhesus monkey with no ill effects, but human patients suffered severe liver toxicity and phototoxicity; and Rezulin, which safely lowered the blood sugar in rats, caused 391 human deaths due to liver toxicity.

Government statistics show that more than six million animals are used every year in Australia for medical research, experiments and surgical skills training, the majority of which are rats and mice. While the Animal Justice Party would like to see all these animals spared from invasive and cruel experimentation, I believe this bill is the beginning of a more enlightened approach to animal experimentation. It is a welfare-focused approach to those animals that have been domesticated for thousands of years to live with us and to trust us with their lives and wellbeing.

The object of this bill is to amend the Animal Research Act 1985, requiring research establishments to take all reasonable steps to home a dog or a cat that is no longer required by accredited persons for animal research purposes unless a vet or authorised person has determined that the dog or cat is not suitable to be homed. Such reasonable steps include: first, socialising or training the dog or cat to ensure that the dog or cat is suitable for homing; secondly, causing the dog or cat to be given to a person or animal homing organisation; or, thirdly, any other action taken in accordance with the code of practice under that Act. I use the word "homed" rather than "rehomed" because of the lives dogs and cats experience in these facilities, which cannot in any way be described as homes.

The RSPCA states that Australia has one of the highest rates of pet ownership in the world, with about 62 per cent of Australian households living with companion animals. Of those households, 38 per cent share their home with a dog and 29 per cent with a cat. Looking around the Chamber, there will be many members like me who share their home with dogs and cats. The dogs and cats used in research are no different from our four-legged companions who curl up in our laps or accompany us on our walks. It takes little imagination to consider how our companions would react to months of confinement in a research facility, deprived of exercise and entertainment, a caring touch or a kind word. The sterile, barren and isolated housing and the frightening or painful procedures may be too much for some to bear, but this bill limits the length of confinement and mandates socialisation or training so that animals stand a chance of retaining the ability to live as domestic animals in a family environment.

Undoubtedly some research is so invasive and so traumatic to both body and spirit that the dog or cat must be euthanised. Humane Research Australia has detailed experiments on greyhounds where researchers deliberately asphyxiated dogs for 30 minutes to cause the loss of function of the heart and lungs. The hearts were then surgically removed and preserved for four hours, after which period heart transplantation was performed and the dogs' recovery was assessed. Those that recovered were then killed. Other greyhounds were subject to cosmetic dental experimentation which involved the removal of teeth, sections of jawbone and replaced with dental implants. The greyhounds were then killed so that the researchers could remove the jaws for examination. This is despite there being little similarity between a dog and a human jaw.

At Sydney University in 2011, 11 cats were subjected to vision research. A partial craniotomy and bilateral cervical sympathectomy, which cuts the nerve supply to parts of the head and eyes, was then performed. The cats' heads were restrained in a stereotaxic device and a plastic cylinder was glued to the skull and a small opening was made in the brain matter where a microelectrode was placed and recorded neuron activity. Solutions were applied to the eyes to dilate the pupils and to retract the blinking membranes. The eyes were focused on a screen position using corrective lenses. At the end of the experiment, each cat was killed and the brain removed and studied. No outcomes have been identified.

The Australian and New Zealand Council for the Care of Animals in Research and Teaching raised concerns about using 11 cats for what seemed like "clearly an example of basic research...without any particular application or use in view". The Bionics Institute conducted experiments on day-old kittens that are artificially induced to become profoundly deaf. Cochlear implants are inserted while the kittens are anaesthetised and placed in a stereotaxic frame where the brain is exposed and stimulated by electrodes implanted into the brain. The kittens are then killed. Beagles are known for their placid natures and are often bred for sale to research facilities. They are used to test medical or pharmaceutical items, household products, cosmetics and for veterinary training. Not all beagles die as a result of the experiments conducted upon them, and they can languish for years in sterile cages, waiting for the next round of research to begin. Once their usefulness comes to an end they are killed.

The Animal Research Act was passed more than 30 years ago in New South Wales and was in response to the first stirring of the animal rights movement in challenging the ethics of keeping and using animals for medical and scientific research. The Act was designed to assuage the concerns of the general public that a proper system of oversight was in place to ensure the humane treatment of animals used in research. The Animal Research Act provides for a licensing system for research establishments to keep animals for the purposes of conducting research. The Act also established an Animal Research Review Panel responsible for a number of areas including

oversight of the supply of animals for use in connection with animal research. While neither the Animal Research Act nor the regulations address the issue of homing, the Australian code of practice for the care and use of animals for scientific purposes does consider the rehoming of animals. Clause 3.4.2 states:

Opportunities to rehome animals should be considered wherever possible, especially when the impact of the project or activity on the wellbeing of the animal has been minimal and their physiological condition and behavioural attributes indicate that they can be introduced to a new environment with minimal, transient impact on their wellbeing.

The Animal Research Review Panel and the Animal Welfare Branch of the Department of Primary Industries have developed policies and guidelines to assist researchers and teachers, members of animal ethics committees and the management of scientific institutions to understand and comply with the requirements of the Animal Research Act, the regulations and the code of practice. Within the "Guidelines for the Care and Housing of Dogs in Scientific Institutions", the Animal Research Review Panel has recommended in clause 13.4 that euthanasia should only be considered if the impact of the experimental protocol prevents the animal being returned to a normal life, or if the dog cannot be satisfactorily socialised.

My bill is intended to ensure that accredited research establishments, wherever possible, assist in the homing of cats and dogs after the non-lethal research ends and the animal is not required for research. My bill will insert a new section into the Animal Research Act, section 56B, which includes a requirement that the agency socialises or trains the dog or cat to ensure that they are suitable for homing. They must take reasonable steps to cause the dog or cat to be bought or adopted or given to an animal homing organisation by notifying the Animal Research Review Panel that the dog or cat is available to be homed. There are provisions to comply with the code of practice.

The bill also provides that in order to ensure the best possible chance of successful rehabilitation into a domestic environment, cats and dogs cannot be kept by an authorised person for more than six months or, with the approval of the panel, 12 months. In consultations with animal behaviourists, the consensus was that anything longer than 12 months confinement is the outer limit for companion animals placed in such stressful and barren conditions. Whilst the specifics of each individual research project undertaken would have an impact on an animal's capacity to be homed, 12 months would be more than enough time for an animal to develop negative associations with human interactions.

The list of specific facilities that use cats and dogs in medical research is not publicly available. In lieu of being able to consult directly with these researchers and groups, consultations have taken place with Dr Malcolm France, a chairperson to the University of Technology Sydney [UTS] Animal Care and Ethics Committee, and a New South Wales consultant in laboratory animal care and management. Dr France liaises with many of these establishments. He has expressed support for the bill and considers that it will significantly improve welfare outcomes for dogs and cats capable of being homed.

Dr France's feedback has helped shape this bill and has also provided guidance regarding the development of a confidentiality protocol between rescue groups and institutions to ensure that researchers and their staff feel protected and confident in the process. I have also consulted with a previous Animal Research Review Panel member, Ms Emma Hurst, and current panel member Ms Paula Wallace in regard to the practicalities of the bill. Both have expressed the belief that homing is not an onerous addition to the panel's responsibilities and that the panel is also examining ways to encourage more homing practices with all animal species used in research.

This bill has its genesis in a trial homing program that was instituted in 2014. The Research Animal Rehoming Service, run by a panel member of the Animal Research Review Panel, was created to assist with the rehoming of retired research animals. The service was promoted at its inception in an e-newsletter sent from the Department of Primary Industries to research facilities and animal ethics committees in New South Wales. While smaller animals have been rehomed, no cats or dogs have been offered up for homing. While research staff may occasionally adopt a dog or cat with whom they have developed a bond, the vast majority of healthy animals are still killed without any attempts made for rehabilitation or homing.

Despite the provisions of the code of practice and the policy and guidelines which support homing, such practices remain rare, especially for dogs and cats in research institutions. Accordingly, I consider that homing must be expressly directed in the legislation to ensure greater take-up by research institutions. The current voluntary practice is failing to provide rehoming opportunities for dogs and cats. The bill provides a clear process for research facilities to understand their responsibilities and for rescue and rehoming organisations to give cats and dogs used in research the opportunity to be rehomed. If surrender cannot be arranged with any rescue organisations due to space or other concerns, the research facility can choose to rehome privately. Only when these options are exhausted should euthanasia be considered.

The bill charges the Animal Research Review Panel with the responsibility of establishing a database of animal rescue and rehoming organisations including the RSPCA, the Animal Welfare League, the Cat Protection Society and rescue agencies registered under the Companion Animals Act, and alerting those that have indicated a potential interest when animals are available for homing. This need not be more than an email alert and would not be resource intensive for the panel. The Animal Care and Ethics Committee also has a duty to monitor the appropriateness of euthanasia for cats and dogs that are deemed unsuitable for homing.

In consultation with rescue and rehoming groups there is general support for the establishment of a homing database. The RSPCA recognises the benefits for suitable research animals to be offered for homing. I will be consulting with the National Health and Medical Research Council and animal ethics committees across New South Wales in the coming two months before the bill comes back before the House for consideration. In regard to the socialisation and training requirements of the bill, if objections are raised about the practicalities of these requirements then questions must be asked about the current living arrangements for companion animals in these facilities and compliance with the Animal Research Review Panel guideline No. 14 published in 1999, "Guidelines for the Care and Housing of Dogs in Scientific Institutions", which details aspects of dog behaviour relevant to housing and husbandry.

Clause 3.1 clearly states that dogs are social animals and are better housed in groups than individually, and that social isolation can be a severe stressor for dogs. If dogs are to be individually housed for a project, the animals should be given extra human interaction, care, attention and play activities apart from normal husbandry procedures. Group interaction for individually housed dogs should occur whenever possible, by pairing dogs during play times or during lead walks. Under 3.1.3, staff need to be experienced in animal behaviour and need to be able to understand and monitor the dogs based on group interactions dependent upon age, sex, breed, reproductive status, prior socialisation, sibling relationships, facilities and capability of staff to manage the group.

Clause 3.1.4 emphasises how human socialising is extremely important for most dogs and essential in accustoming them to human handling procedures in experimental studies, with dogs that actively avoid or reject human socialisation being unsuitable for research. Clause 3.2 details the design and construction of housing to avoid triggering aggressive behaviour. If the dog experiences difficulties in coping with the kennelling condition, strategies must be used to avoid behavioural problems and the facilities must provide the dogs with opportunities for behavioural choice. Given the improvements in understanding the behavioural needs of companion animals since the Animal Research Act was introduced, upgrades may be needed regardless of this proposed bill. All cats and dogs should receive regular socialisation, time with other animals, and positive experiences with their human guardians as a basic requirement for their physical and psychological wellbeing.

For those members who may be concerned about the suitability of animals placed on the database, nothing within the bill would put families or rescue agencies at risk. A dog or cat is not required to be homed under section 56B subsection (2) where a veterinary practitioner or a person with such relevant qualifications has determined that the dog or cat is not suitable to be homed. However, there are checks in place to ensure that vets do not simply rubber-stamp animals as unsuitable. Under subsection (8) if a dog or cat is determined to be unsuitable for homing by a veterinary practitioner or other person under subsection (7), the authorised person is not to cause the cat or dog to be killed without the approval of the Animal Care and Ethics Committee. This is a modest, uncontroversial reform with a simple mechanism that has the potential to save the lives of thousands of otherwise healthy companion animals. I am confident that the millions of companion animal loving residents of New South Wales would overwhelmingly support this bill and I commend it to the House.

Debate adjourned.

Motions

COMPLIANCE WITH ORDERS FOR PAPERS

The Hon. ADAM SEARLE (10:45): I move:

- (1) That this House notes that, on 5 June 2018, this House:
 - (a) censured the Leader of the Government as the representative of the Government in the Legislative Council for the Government's failure to comply with orders for the production of documents under Standing Order 52 dated 15 March 2018, 12 April 2018 and 17 May 2018;
 - (b) ordered that, under Standing Order 52, there be laid upon the table of the House by 9.30 a.m. on 6 June 2018 certain of those documents not previously provided to the resolutions dated 15 March 2018, 12 April 2018 and 17 May 2018; and
 - (c) ordered that, should the Leader of the Government fail to table the documents by 9.30 a.m. on 6 June 2018, the Leader of the Government was to attend in his place at the table at the conclusion of prayers to explain his reasons for continued non-compliance.
- (2) That this House notes that on 6 June 2018:

- (a) the Leader of the Government failed to table documents in compliance with the resolution of 5 June 2018;
 - (b) the Clerk tabled correspondence from the Deputy Secretary, Cabinet and Legal, Department of Premier and Cabinet in relation to the order of 5 June 2018, which stated that "after considering advice from the Crown Solicitor, a copy of which is enclosed, I advise that there are no further documents for production"; and
 - (c) on the President calling on the Leader of the Government to explain his reasons for continued non-compliance, in accordance with the resolution of 5 June 2018, the Leader of the Government stated that "further to the earlier advice of Ms Karen Smith, 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".
- (3) That this House notes that, on 8 June 2018, the Clerk received:
- (a) correspondence from the Secretary, Department of Premier and Cabinet, noting that:
 - (i) "all of the documents referred to in the resolution are Cabinet documents";
 - (ii) "the Legislative Council has no power to require such documents to be produced"; and
 - (iii) "on this occasion, however, the Government has decided to provide the documents sought to the Legislative Council on a voluntary basis, even though the Council has no power to require such production".
 - (b) redacted documents relating to Sydney stadiums and unredacted documents relating to the Tune report on the out-of-home-care system; and
 - (c) a submission identifying documents relating to Sydney stadiums and the Powerhouse Museum relocation business case which have been "provided on a confidential basis for inspection by members of the Legislative Council only."
- (4) That this House notes that on 12 June 2018, the Clerk published redacted documents relating to the Powerhouse Museum relocation business case, received on 8 June 2018, which had been treated as confidential until separated by representatives of the Department of Planning and Environment.
- (5) That this House notes that:
- (a) the only established mechanism by which the Department of Premier and Cabinet may lodge documents with the Clerk directly, or by which ministers and government agencies may make a claim of privilege is under Standing Order 52, in response to an order for the production of documents;
 - (b) in response to the House ordering the Leader of the Government to stand in his place at the table to explain his reasons for non-compliance with the order of 5 June 2018, the Leader of the Government advised the House 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"; and
 - (c) the correspondence and documents provided by the Department of Premier and Cabinet and received by the Clerk on 8 June 2018 and 12 June 2018 were administered by the Clerk in accordance with and under the authority of the provisions of Standing Order 52, including by treating the documents "provided on a confidential basis" in the same manner as documents subject to a claim of privilege.
- (6) That this House rejects the statement made by the Secretary of the Department of Premier and Cabinet on behalf of the Government that the documents provided on 8 June 2018 and 12 June 2018 were provided voluntarily.
- (7) That this House notes with concern the following statements made by the Government regarding the power of the Legislative Council to order the production of documents:
- (a) on 1 May 2018, in response to a question without notice regarding the non-production to the House of the full business case in relation to the Powerhouse Museum, the Leader of the Government informed the House of the Government's position that "no Cabinet information will be produced or referred to in responding to a resolution made under Standing Order 52";
 - (b) on 5 June 2018 during debate on the motion to censure the Leader of the Government, the Leader of the Government stated:
 - (i) "I represent the Government's view as it relates to the order for production of Cabinet documents";
 - (ii) "The majority judgement in *Egan v Chadwick* did decide the matter: the law is settled and it is well established"; and
 - (iii) that the Government's view is based on "the very clear position at law that the Legislative Council cannot compel the [Government] to hand over Cabinet documents".
 - (c) in correspondence received by the Clerk on 8 June 2018, the Secretary of the Department of Premier and Cabinet stated that "the Government has decided to provide the documents sought to the Legislative Council on a voluntary basis, even though the Council has no power to require such production".
- (8) That this House notes that in the judgements of Chief Justice Spigelman and Justice Meagher and Justice Priestley in the Court of Appeal in *Egan v Chadwick* (1999), in relation to Cabinet documents:
- (a) Chief Justice Spigelman held that:
 - (i) a distinction has been made between documents which disclose the actual deliberations within Cabinet and documents in the nature of reports or submissions prepared for the assistance of Cabinet;

- (ii) it is not reasonably necessary for the proper exercise of the functions of the Council to call for documents the production of which would conflict with the doctrine of collective ministerial responsibility by revealing the "actual deliberations of Cabinet"; and
 - (iii) however, the production of documents prepared outside Cabinet for submission to Cabinet may, or may not, depending on their content, be inconsistent with the doctrine of collective ministerial responsibility to Cabinet.
- (b) Meagher JA took the view that the immunity of Cabinet documents from production was "complete", arguing that the Legislative Council could not compel their production without subverting the doctrine of responsible government, but without exploring the distinction between different types of Cabinet documents drawn by Spigelman CJ;
- (c) Priestley JA noted that:
 - (i) a court has "the power to compel production to itself even of Cabinet documents";
 - (ii) the "function and status of the Council in the system of government in New South Wales require and justify the same degree of trust being reposed in the Council as in the courts when dealing with documents in respect of which the Executive claims public interest immunity"; and
 - (iii) "... notwithstanding the great respect that must be paid to such incidents of responsible government as cabinet confidentiality and collective responsibility, no legal right to absolute secrecy is given to any group of men and women in government, the possibility of accountability can never be kept out of mind, and this can only be to the benefit of the people of a truly representative democracy".
- (9) That this House notes that:
 - (a) the Government apparently relies on the broad definition of "Cabinet information" adopted in the Government Information (Public Access) Act 2009;
 - (b) the Legislative Council rejects the proposition that the test in the Government Information (Public Access) Act 2009 of what constitutes Cabinet information is applicable to Parliament;
 - (c) the Government's apparent reliance on the definition in the Government Information (Public Access) Act 2009 is likely to have led to a much broader class of documents being withheld from production to this House than that articulated by the majority of the NSW Court of Appeal in the judgments of Spigelman CJ and Priestley JA in *Egan v Chadwick*, the provision of which is necessary for the Legislative Council to fulfil its constitutional role; and
 - (d) the true principle from *Egan v Chadwick* concerning the power of the House to order the production of Cabinet documents is, at a minimum, that articulated by Spigelman CJ, and that the Government has failed to undertake the discrimination between classes of documents required by the reasoning of Spigelman CJ.
- (10) That this House asserts that it has the power to require the production of Cabinet documents such as those produced on 8 June 2018 and 12 June 2018 and that the test to be applied in determining whether a document is a Cabinet document captured by an order of the House is, at a minimum, that articulated by Spigelman CJ in *Egan v Chadwick*.

This motion traverses a matter which has been well canvassed in this place in recent weeks: the extent of the power of this House to compel the production of State documents from the Executive. The contention of the House is that this power extends even to at least some Cabinet documents as long as those documents do not reveal internal workings and deliberations of the Cabinet itself. This understanding and view is derived from a reading of the judgements of Chief Justice Spigelman and Justice Priestley in the *Egan v Chadwick* case. Even though they were on different sides of resolving the particular dispute in that case, we can glean from their opinions a two-to-one majority view in favour of a more expansive reading of the power of this House than has been accepted hitherto by State Governments of both persuasions.

Nevertheless, the House has persevered in its desire to compel the Government to produce the stadiums business case, the Powerhouse move business case, and the Tune report on out-of-home care. Despite some significant resistance over a number of weeks, the Government did indicate, belatedly, that it would comply. We assume it has fully complied with the resolution of the House, and we are happy for the Leader of the Government to confirm this. When the material was delivered to the Clerk at 5 o'clock on that Friday afternoon before the long weekend, it was accompanied by a letter from the Secretary of the Department of Premier and Cabinet which asserted that the compliance with the resolution of the House by the Government was voluntary and was not under compulsion. In doing so, the Government was cavilling with the view of the House itself.

Mr David Shoebridge: It was a shabby pretence.

The Hon. ADAM SEARLE: I acknowledge that interjection. This raises a further problem because at the same time, the Government sought to claim privilege over the stadiums business case and all 10 volumes of the preliminary and final business cases under the order in relation to the move of the Powerhouse Museum. It does not take a very experienced lawyer to know that if someone has possession of documents and claims to have legitimate privilege over those documents but then voluntarily gives those documents over to someone else, they waive and abandon that privilege. This means that the recipient of those documents is free to publish them in full

or make whatever use of them they can. This Government was trying to have it both ways. Its compliance with the order of the House, to meet a political imperative, was claimed to be voluntary, but at the same time it asked the House not to publish these documents in full.

The PRESIDENT: Mr David Shoebridge will cease interjecting. He will have an opportunity to speak if he seeks the call. The Leader of the Opposition will be heard in silence.

The Hon. ADAM SEARLE: The Government was trying to have it both ways. It wanted to meet its political imperative to get itself and the Leader of the Government out of some difficulty through—

The Hon. Don Harwin: I wasn't in any difficulty.

The Hon. ADAM SEARLE: I think the member was, but we can test it again if he wishes. The Government wanted to get the Leader of the Government and itself out of difficulty while still not accepting the power of the House. That puts the House in a difficult position because if we take the Government at its word, we should publish both sets of documents in full for the whole world to see. The Government was trying to snooker the House because it knows that the majority of members are responsible and would exercise the significant power reposed in the House with restraint. We are mindful of the words of Justice Priestley in *Egan v Chadwick* that the House not only has a responsibility to safeguard the public interest but also must not publish documents that are inimical to the public interest.

The Government knew that members would exercise this power responsibly and believed that it was able to have it both ways. I moved this motion in the House this morning to clearly set out the view of the House about the production of documents by the Government, set the record straight, and put on record the understanding of the majority of the House of how and why the Government did comply. We do not expect the Government to necessarily accept this, although it would be useful if it did because it would clarify matters. If the Government persists in resisting the majority view of the House on the powers and the extent of the powers of the House, it will invite further exploration of these matters through further calls for the production of State documents. It would be a much better approach if the Government engaged constructively with the Opposition and other parties to work out a sensible approach to how these matters should be dealt with in future instances of calls for papers so we do not have this ongoing dispute between the Government and the House about the extent of the House's powers and prerogatives.

I do not need to take matters further this morning. I invite all honourable members to reflect on this. If we do not pass this motion and step back from the issue, we will be accepting the view of the Government that it was under no obligation to produce the documents. If we do that it may well be incumbent upon us to revisit the issue of the publication of privileged documents because if the Government produced them voluntarily there is no privilege. The Government should not be allowed to have it both ways.

The Hon. ROBERT BROWN (10:52): As per usual, I wish briefly to comment on—

The Hon. Greg Donnelly: Succinctly.

The Hon. ROBERT BROWN: Succinctly, I hope. The Shooters, Fishers and Farmers Party supports the motion moved by the Hon. Adam Searle. I put two points on the record: First, I chair a couple of upper House committees and those committees run as an extension of the Parliament. Recently, I had cause to summons a witness and document, and the same attempt at subterfuge occurred. The witness—probably under the direction of the Government—tried to have it recorded that they appeared voluntarily and that the documents were being tabled voluntarily. I made sure that the record showed that the witness appeared and the documents were tabled after the summons had been issued. In my mind, it was clear that I had established, on behalf of the committee and therefore the House, that we were entitled to use whatever methods were necessary to try to clarify the powers of the House and committee.

That showed me that the Government is at least being consistent in its resistance to agree with the assertion of the House, as expressed in motions such as this, that we do have the power to require documents. We should be trusted by the Government, as responsible members of this House, to conduct the business of the House in accordance with the highest standards. Firstly, I find it insulting that the Government assumes that I am going to breach my duty to the people of this State by making errors such as publishing documents when it is not in the best interest of the people of the State. Secondly—and this point was made by the Leader of the Opposition—it is probably fairly obvious to all members that elements of the crossbench and Opposition are attempting to clarify, once and for all, matters that should have been clarified back in the day but were not. All members know what I am referring to.

I reassert that the Shooters, Fishers and Farmers Party supports the notion that the House has the power to require the tabling of all documents other than those that fall within the narrow definition of "documents that

are part of the Cabinet decision process". Reports such as the Tune report and Keelty report—which may be the subject of a Standing Order 52 shortly—expert advice, consultant reports and any other documents that come to the Cabinet are documents that members of the House should be able to assume will be tabled in good faith by the Government. It is not about being a bully; quite the opposite. This is about standing up for a principle and trying to see if we can establish what the principle is. If it means that we have to go back to the courts, then we will do so. If it comes to the point where it is going to be "*Ajaka v someone*" then that is where we will end up. I do not believe that this process is wasting the House's time. It is important for the House to understand exactly what its powers are and what they are not. For those reasons, the Shooters, Fishers and Farmers Party will support the motion of the Leader of the Opposition.

The Hon. MATTHEW MASON-COX (10:57): This is a very important motion about the powers of the House. The detailed nature of the motion sets out all the relevant circumstances relating to the long process that has been carried out to clarify the powers of the House, which were established in a series of cases some 20 years ago and culminated in the seminal decision of *Egan v Chadwick*. In that regard, it is very timely that the House revisits this issue. I laid out my thoughts in detail in this regard during the last sitting week, when the matter was discussed at length by this House, and I stand by what I said at that time. This, to me, is a very important matter of conscience. The oath that we all take when we come into this place to act in the interests of the people of New South Wales is front and centre in my deliberations in relation to this matter.

I note that since its inception, this House has developed its practice, which has varied over time. But it is important to note that this House has not conceded the position from the determination in *Egan v Chadwick*. Indeed, since that time, there have been a number of circumstances where this House has clearly asserted its power in relation to its ability to access or compel the production of documents under Standing Order 52 as they relate to Cabinet deliberations.

My perception is that since *Egan v Chadwick*, a position has developed based on a misreading of that case by the government of the day. Since that time, I think that governments of both persuasions have conveniently interpreted that case very narrowly, particularly in relation to the exclusion of any consideration or production of Cabinet documents. I have read that case and other cases of the time. It is very clear to me that this narrow construction has misled the government of the day—perhaps conveniently—in relation to how it interprets any motion for the production of documents under Standing Order 52 that is passed by this House.

Looking at the judgements as the Hon. Adam Searle has laid out, as the Clerks have advised and, indeed, as many authorities over the years have advised, it is very simple: This is a grey area and it is time that it was clarified. I note that the Government produced the documents that were sought by this House—the Powerhouse Museum business case, the Sydney stadia business cases and, indeed, the Tune report—and I think that was a seminal moment in relation to clarifying the power through the practice of the House. The fact that the Government resiled from that in the final instance, I think, is a mistake.

This motion deliberately and in a balanced way puts the position of this House and reasserts the view that I hold personally that this House does have the right and the power to access documents that may be subject to Cabinet deliberations as long as the deliberations of the Cabinet are not evidenced on the face of those Cabinet documents. That is a balanced and reasonable position. If the Government continues down the path of rejecting that position, then naturally these things as a matter of course will be subject to further testing.

I note that in this place we have a process that is well known and that all members, over time, have relied upon, and that is the arbiter process. If documents are subject to some privilege—be it legal or professional privilege, public immunity, Cabinet privilege or whatever—there is a well known process in which the government of the day can attach that privilege to those documents and have a legal arbiter review the documents to ascertain whether the privilege applies. Keith Mason—a very respected figure—is the current arbiter and it is a well understood process of this place that provides appropriate protection to the government of the day to ensure that documents are not released where that is against the public interest due to whatever privilege is being pushed by the Government. That is an appropriate way to handle documents in that sense.

In such situations, those documents are available in the Clerk's office for members of this House to view. Over the past 20 years, there has never been a breach of that confidentiality. That is important to understand, because this House takes these issues very seriously. It is time that the Government today acknowledged that and acceded to the will of the House and the power that is asserted clearly in the motion before us today. I welcome the opportunity to again support this position. As I said, it is a matter of strong public interest. I advised the Leader of the Government and the Government Whip that it is a matter of conscience for me and I will be voting accordingly to assert the powers of the House.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (11:05): The Government opposes the motion of the Leader of the Opposition. The Government

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

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

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

This memorandum was issued by the former Government in 2006 and its operation has been continued by this Government. All government agencies are required to comply with this memorandum, as they have been since it was issued by the former Government in 2006. The memorandum attaches a paper on Cabinet conventions in New South Wales compiled by Anne Twomey and Roger Wilkins. The paper discusses the convention of Cabinet confidentiality and its application to the production of documents to Parliament in light of the decision of the Court of Appeal in *Egan v Chadwick*. The paper states:

The power of the Houses of the Parliament to require the production of government documents is also derived from the principle of ministerial responsibility.

The Hon. Robert Brown: Point of order: I apologise to the Minister. I am having difficulty hearing him.

The Hon. DON HARWIN: I am not feeling well and am saving my voice for question time. The quote continues: While the courts have concluded that the Houses, in the exercise of their functions of legislation or the scrutiny of the executive, may require Ministers to produce government documents, this is subject to the requirements of cabinet confidentiality. The inherent powers of the Houses cannot be used to undermine the principle of collective ministerial responsibility by disclosing the deliberations of Ministers in Cabinet. This includes Cabinet documents which reveal the position that a Minister intended to put to the Cabinet. 'Cabinet documents' are generally taken to include: Cabinet Minutes, submissions concerning Cabinet Minutes, correspondence concerning Cabinet Minutes, analyses of Cabinet Minutes and briefings to Ministers on Cabinet Minutes, Cabinet Agendas and Cabinet decisions. The equivalent documents concerning Cabinet Committees are also considered Cabinet documents. Draft versions of all such documents are also considered Cabinet documents. I note that an order was passed by the House on 1 December 2005 in relation to Cabinet information concerning grey nurse sharks. In the event that any document falling within the scope of the order was not produced as part of the return to order on the grounds that it formed part of a Cabinet minute, or was held for consideration as part of Cabinet deliberations, the resolution required that:

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

The response provided by the then Director General of the Department of Premier and Cabinet to that resolution is available on the Parliament's website. It states:

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

This Government, like successive governments before it, recognises and respects the importance of Cabinet confidentiality to the system of responsible government. It is well-established, however, that the Government may decide to release Cabinet information voluntarily where this is appropriate. While the Government will continue to consider the voluntary disclosure of Cabinet information on a case-by-case basis, it will uphold the longstanding convention that Cabinet information is not required to be produced or referred to in responding to a resolution made under Standing Order 52. Furthermore, the Government will not be creating new documents, brought into existence after the date of the order, to identify how the provision of certain documents to the House would breach the immunity attaching to Cabinet documents. The Solicitor General has previously advised the Government that there is a good argument that Standing Order 52 "only envisages documents that were in existence at the date of the order". The Solicitor General also advised:

Apart from an index, however, we do not consider that a requirement to create documents, including edited versions of existing documents, would properly fall within the scope of the Council's power, which applies to the production of State papers.

Nor may it be possible to explain how Cabinet protection applies to a particular document, without making a disclosure that would undermine the convention of Cabinet confidentiality. I note that agencies and Ministers' offices named in a resolution under Standing Order 52 are required to certify to the Department of Premier and Cabinet, which collates all responses, that all documents that are lawfully required to be provided have been provided, or that no such documents are held. These standard certifications are then provided by the Department of Premier and Cabinet to the Clerk of the Parliaments. As a matter of longstanding practice, these certifications do not identify or refer to Cabinet documents.

The report of the Privileges Committee in relation to the 2009 Mount Penny return to order confirms that the guidance provided by the Department of Premier and Cabinet to agencies in responding to resolutions under Standing Order 52 is that "Cabinet documents should not be produced or referred to in responding to the resolutions". As such, the approach taken in responding to these latest series of resolutions requesting documents under Standing Order 52 is consistent with that adopted publicly for many years, including by the former Government. The documents provided by the Department of Premier and Cabinet in response to a resolution under Standing Order 52 are only those that may lawfully be required by the resolution. This excludes Cabinet documents which, as I have explained, cannot be compelled by the House. Therefore, the motion of the Leader of the Opposition is opposed.

Mr DAVID SHOEBRIDGE (11:14): On behalf of The Greens I indicate our solid support for the motion for the compliance with orders for papers moved by the Leader of the Opposition—in fact, I am grateful for the detail given in the motion, which will limit the necessity to repeat the detail in my contribution to the debate. I endorse the observations of the Leader of the Opposition in his contribution in support of the motion. The Greens unambiguously support the conclusion in paragraph (10) of the motion, which states:

- (10) That this House asserts that it has the power to require the production of Cabinet documents such as those produced on 8 June 2018 and 12 June 2018 and that the test to be applied in determining whether a document is a Cabinet document captured by an order of the House is, at a minimum, that articulated by Spigelman CJ in *Egan v Chadwick*.

However, I have one small matter with which I cavil, which is that arguably much of the material that was produced was not properly construed as Cabinet documents. Indeed, I believe that the June report and the Powerhouse business case report did not properly fall within the definition of Cabinet documents, as articulated by either the Chief Justice or Justice Priestley in *Egan v Chadwick*. I note that, of course, those two opinions form a majority opinion.

I listened closely to the contribution of the Leader of the Government, particularly when the Leader of the Government read the details of the Premier's memorandum. I note that the Premier's memorandum is now a decade old. It refers to Cabinet documents, but the list of Cabinet documents that it articulates really begins and ends with draft Cabinet minutes. It is very clear from the memorandum that, at least a decade ago, the concept of what was a Cabinet document properly construed and consistent with the law as identified by the majority in *Egan v Chadwick* is a far narrower compass than what this Government has purported to be Cabinet documents. On a number of occasions this Government, through its legal advisers, has sought to use the definitions of "Cabinet in confidence" and "Cabinet documents" found in the Government Information (Public Access) Act as though that has some relevance to the constitutional norms and common law definitions that we are dealing with in this tussle between the Parliament and the Executive.

To be clear, and so that the Government is not tempted to provide another one of those advices, the Government Information (Public access) Act has nothing to do with the powers of this House, under Standing Order 52 and other constitutional powers—nothing at all. It is offensive to common sense and even the most basic legal understanding of the matter for the Government, through its lawyers, to continue to assert Government Information (Public Access) Act definitions have any relevance at all. That has to stop. The Leader of the Government suggested that not only does the Government not have to produce Cabinet documents but the Government also does not have to tell the House about the purported Cabinet documents that it will not produce.

In his observations about the various constitutional organs in New South Wales with the courts, the Executive and the Parliament having constitutional roles, Justice Priestley accurately says that there is equality between each of those three organs of government. I believe that the Westminster tradition suggests there is parliamentary sovereignty, but in any event they are at least equal. Justice Priestley has held that courts have an unambiguous power to require the production of all Cabinet documents including the documents that record the proceedings of Cabinet. The High Court has made it clear that courts have that power. Justice Priestley has said—respectfully, I do not pretend to suggest that my legal understanding is anything like as competent as his—yes, courts have that power.

If courts have that power in a constitutional framework, where the Parliament is at least on an equal standing with the courts, surely Parliament also has that power. The judge says that courts use that power with enormous discretion. Where the court has the power to compel the production of Cabinet documents—even

including the minutes of Cabinet—they rarely, if ever, exercise or use that power. It is a reserve power to ensure that there is genuine and honest compliance with the subpoena powers and other powers of the court.

This Government says that this House should be happy with the self-certification of senior bureaucrats, without any detail. It is saying that what they assert to be Cabinet-in-confidence documents have not been produced. The Government claims that the bureaucrats do not need to provide an index or any details; it should just come with a song and a prayer. The House is meant to accept, without seeing any detail, that a senior bureaucrat has applied the appropriate legal test in determining what is and what is not a Cabinet document. That cannot be the law if there is to be any integrity in the process.

The assertion by the Government is that it does not have to identify the documents it is refusing to produce—or is seeking not to produce, which is what I believe the appropriate law should be. That assertion fails the most rudimentary inspection. That hands an unverifiable, unchallengeable power to a bureaucrat to say to the House, "I have decided what is Cabinet-in-confidence. You cannot challenge it. There is no process to challenge it." That hands a blank cheque to the Executive to hide documents.

Government members like that conclusion—at least while they are on the Government benches. In the long-term, the habit of secrecy will do the Government far more damage than good in the eyes of the public. Hiding the Tune report, for example, has simply led to a situation where the Minister's actions look illegitimate and the Government looks illegitimate and not genuine with respect to child protection. Hiding even the most basic details of the Sydney stadium business case makes it look as if there is something to hide. The public does not like governments that hide things from them. I would make the same observation in relation to the Powerhouse Museum. Secrecy, in the long-run, is not good for the Executive or for the government of the day. It most definitely is not good for democracy in New South Wales.

The Greens support this motion because it produces better Government. The Greens support the power of the Parliament to compel the Executive to produce documents, because we are elected to hold the Executive to account. The Greens support the motion because we believe that the power of parliaments at State and Federal levels over the last few decades has been whittled down, piece by piece, by an ever more exuberant Executive. Members of the Executive believe that they should control the legislative agenda, the budgetary powers, the ministerial powers and now even the flow of information to the Parliament which is attempting to hold them to account. If our democracy has arrived at that point we no longer have a genuine representative democracy. We have a floating four-year dictatorship in New South Wales, where there is one chance at holding the Government to account—which is on election day—and after that this Parliament and the various organs of government operate as a rubber stamp to the Executive. That is a very dangerous place for democracy to go.

The Greens support the motion. I will close by making an observation about the letter that came at 5.00 p.m. on 8 June from the Secretary of the Department of Premier and Cabinet after this House had passed three motions requiring the production of the documents. This House had censured the Leader of the Government and was on the verge of ejecting him from the Chamber in its efforts to force the Government to comply with those orders. Only at that point, when the Leader of the Government was about to be ejected from the Chamber, did the Government concede, through the Leader of the Government, that the documents would be produced.

The Government then insulted the intelligence of members of this House and the intelligence of the people of New South Wales. In correspondence producing those documents three days later, the Secretary of the Department of Premier and Cabinet said that "the Legislative Council has no power to require such documents to be produced" and "on this occasion, however, the Government has decided to provide the documents sought to the Legislative Council on a voluntary basis, even though the Council has no power to require such production". That is a patent absurdity. The House has the power. The Government produced the documents because it knew the Leader of the Government would be lawfully and appropriately ejected as a consequence of the House lawfully asserting its power.

This House has established one step in the process of a clearly identifiable constitutional norm. That is how these issues of constitutional power are established. They are established by practice and procedure. They are not laid down in a written Constitution. For the record, I state that the constitutional norm has now been established that this House has the power, and will exercise the power to require the production of documents, including Cabinet documents, and that this House will respect the conventions of responsible Government as understood at common law. This House is entitled to do what it did and will, if necessary, do it again to assert its authority.

Reverend the Hon. FRED NILE (11:26): As members know, I am not a lawyer, but I have some concern with the motion moved by the Leader of the Opposition. It reads like a historical record of what has been happening in the House, but the tone of the motion changes in paragraphs (8), (9) and (10)—especially in

paragraph (10)—where the Leader of the Opposition wants to lock this House into his view of the powers of the House. Paragraph (10) states:

That this House asserts that it has the power to require the production of Cabinet documents such as those produced on 8 June 2018 and 12 June 2018 and that the test to be applied in determining whether a document is a Cabinet document captured by an order of the House is, at a minimum, that articulated by Spigelman CJ in *Egan v Chadwick*.

That paragraph elevates Justice Spigelman's legal opinion above the other two judges in the Court of Appeal. There was a question raised during previous debates about whether Justice Spigelman's legal opinion was correct. I remember hearing that raised in the debate, but this motion locks us into the view of Justice Spigelman so that it would be the only one that this House can adopt. Obviously there were other judges involved in the matter of *Egan v Chadwick*. That is what troubles me about this motion. I know that the Leader of the Opposition is not being deceitful, but the motion does have a change of tone, particularly in paragraphs (8), (9) and (10). The crunch comes in paragraph (10).

The Hon. ADAM SEARLE (11:28): In reply: I thank the previous speakers—Reverend the Hon. Fred Nile, Mr David Shoebridge, Leader of the Government the Hon. Don Harwin, the Hon. Matthew Mason-Cox and the Hon. Robert Brown—for their contributions. I will make a couple of points, working backwards. I am not seeking to lock the House into my view about the powers of the House. The motion includes the powers of the House as have been articulated by the House before. I will put Reverend the Hon. Fred Nile's mind at rest about my elevation of the opinion of Justice Spigelman, who was the Chief Justice in that decision. He was one of the two judges in majority. The other, Justice Meagher, said, "I agree with the Chief Justice".

Two of the three judges pinned their reasoning to that of Justice Spigelman. The question mark in that case is whether to take the Spigelman approach or that of Justice Priestly. Both argue for the power of this House to compel the production of at least some Cabinet documents; they differ in how far they say the power of this House reached. Rather than form a definitive view, I suggest in the motion that the House should take the view that its power, at a minimum, is that articulated by Justice Spigelman—it is the more moderate of the two positions.

Mr David Shoebridge: Far too moderate.

The Hon. ADAM SEARLE: I am far too moderate on that point.

The Hon. Robert Brown: Justice Spigelman was far too moderate.

The Hon. ADAM SEARLE: Let us see. Far from locking the House into a view for all time, it is always a matter for this House that each time it is called upon to exercise its power, it chooses as a matter of discretion how it does so and the care and diligence it takes. Honourable members should be reassured about that. As to the issue of Cabinet information as articulated by the Leader of the Government, as Mr David Shoebridge pointed out, this Executive Government has reached further because we are talking about Cabinet documents. That was at the heart of the *Egan v Chadwick* case. The governments of the State have tried to blur that into claiming protection for that information, which is not something known at common law. It is a creation of the Government Information (Public Access) Act, which is much more far reaching. In the motion, I suggest that we should reject the Government's approach to that, as we have in the past. That is nothing new and is mentioned in paragraph (9).

As articulated by the Leader of the Government, the time has come for the Premier's memorandum to be reviewed. As the Leader of the Government pointed out, when we call for papers we do not know what we do not know. The government of the day does not provide a full list of documents in its possession, with them being itemised and nominated as being withheld because they are Cabinet documents—we simply do not know. It is only because the Opposition called for the production of certain named documents that it found out, as it were, the hard way. The Opposition calls upon the Executive Government to review that.

The Opposition is all for Cabinet confidentiality and understands that it is the cornerstone of responsible government. But even Cabinet documents are not completely immune from production at common law in public interest immunity cases, although they are produced rarely. Justice Priestly asked how this House of Parliament could have less trust placed in it and enjoy lesser power than a court of the land does. It is an equal partner in the development of the State and should have no less power than the courts. As to the views of Mr Roger Wilkins and Associate Professor Dr Anne Twomey, I worked with both of them when they were in the Cabinet Office. Mr Wilkins was the Cabinet Secretary. They are respected persons. They are not judges and have views.

The Opposition clearly says: We are not trying to find out the internal workings and deliberations of the Cabinet, what discussions were had or what decisions were made. But the Opposition believes it needs to know the inputs for certain governmental decisions in order that, as a House of Parliament, we can properly scrutinise the ultimate policies and actions of the Government to see whether they are soundly based or whether the Government departed from its own information and advice or recommendations and the Opposition may then

explore why it did so. That is the essence of representative democracy and holding the Executive of the State to account. I ask members to vote for the motion.

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

The House divided.

Ayes21

Noes20

Majority.....1

AYES

Borsak, Mr R
Donnelly, Mr G (teller)
Graham, Mr J
Mookhey, Mr D

Primrose, Mr P
Sharpe, Ms P
Voltz, Ms L

Brown, Mr R
Faruqi, Dr M
Houssos, Mrs C
Moselmane, Mr S
(teller)

Searle, Mr A
Shoebridge, Mr D
Walker, Ms D

Buckingham, Mr J
Field, Mr J
Mason-Cox, Mr M
Pearson, Mr M

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

NOES

Amato, Mr L
Colless, Mr R
Farlow, Mr S
Harwin, Mr D
Maclaren-Jones, Mrs
(teller)
Mitchell, Mrs
Taylor, Mrs

Blair, Mr
Cusack, Ms C
Franklin, Mr B
Khan, Mr T
Mallard, Mr S

Nile, Revd Mr
Ward, Ms P

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

Phelps, Dr P

Motion agreed to.

Bills

FORESTRY LEGISLATION AMENDMENT BILL 2018

Messages

The PRESIDENT: I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the abovementioned bill.

Motions

CENTRAL COAST FOOD INNOVATION INITIATIVE

The Hon. TAYLOR MARTIN (11:43): I move:

(1) That this House notes that:

- (a) on Thursday 26 April 2018 the Food Futures: Central Coast forum was held at Mingara Recreation Club at Tumby Umbi;
- (b) the event was part of the Central Coast Food Innovation initiative, which aims to grow the food industry of the Central Coast;
- (c) the food industry in New South Wales contributes \$113 billion to the economy, which represented 24 per cent of State GDP last year and is composed of 55,000 businesses across New South Wales; and
- (d) the Central Coast Food Innovation Initiative has six strategic regional initiatives to support this aim:
 - (i) development of a world-leading Food Innovation Centre;
 - (ii) business development and attraction projects including establishment of supply chain partnerships, formation of transport and logistics hubs, and creation of tourism and hospitality venues;
 - (iii) enhancement of research and development capabilities;

- (iv) skill development in this sector;
 - (v) creation and positioning of the Central Coast as a Food Destination; and
 - (vi) focus on nutrition and welfare.
- (e) a number of the goals of the food innovation initiative have been included in the Central Coast Regional Plan 2036.
- (2) That this House congratulates Regional Development Australia Central Coast, Central Coast Industry Connect, the University of Newcastle, the Newcastle Institute for Energy and Resources, regional industry groups and regional stakeholders from industry, education and government on this important strategic regional initiative to drive economic growth on the Central Coast.

On 26 April 2018 the Food Futures: Central Coast industry forum and the official launch of the Central Coast Food Innovation Initiative were held at the Mingara Recreation Club in Tumby Umbi on the Central Coast. I congratulate Regional Development Australia Central Coast on the development of the Central Coast Food Innovation Initiative and the partners who have assisted in getting it to the stage it is now at, including: Central Coast Industry Connect; the University of Newcastle; the Newcastle Institute for Energy and Resources; and regional stakeholders from industry, the education sector and government, with special thanks to John Mouland and Phil Walker from Regional Development Australia Central Coast for their initiative.

The food industry in New South Wales contributes \$113 billion to the economy, which represented 24 per cent of the gross State product last year, and is composed of 55,000 businesses across New South Wales. The food and beverage manufacturing industry employs close to 70,000 people in 3,800 businesses. The reason I have such a strong belief the Central Coast Food Innovation Initiative will be so successful is that it is driving our region's agenda. By playing to our strengths and specialising in what we do best, the initiative will be a catalyst for ensuring that the Central Coast can not only claim its fair share of the food industry in New South Wales, but also grow the local industry to be a more important driver of the local economy. The initiative identifies that this can be done by attracting new businesses, research and development capability, growing the food manufacturing base in the region through relocations and growth of existing manufacturers, and encouraging start-ups and food entrepreneurs.

There are a number of successful food producers, manufacturers and restaurants on the Central Coast. There is Mars Food Australia at Berkeley Vale, which opened its state-of-the-art facility in 1992. Since then, it has continued to grow its operations and has become one of the largest employers on the Central Coast, with more than 300 associates working on site. The majority—I am informed 99 per cent—of Mars Food Australia products are manufactured at the site in Berkeley Vale, with many high-quality ingredients sourced from reputable Australian suppliers and local Australian farmers. With a turnover exceeding \$1 billion, Mars Food is one of Australia's leading consumer brands, supplying local and export customers with high-quality food, pet care, chocolate, gum and confectionery products. It exports to more than 30 countries around the world.

Lowes TC is an Australian-owned, expert agri-science business, and a global industry leader in plant tissue culture propagation. It is a family-owned and run business and has been proudly supplying the global agri-industry with high-quality plant tissue culture and research services for more than 20 years. It is continually developing ways to propagate new plant varieties for distribution to customers around the world. With a head office on the Central Coast and a global network of facilities, Lowes TC supplies more than five million live plants every year internationally.

Eastcoast Juices employs more than 25 local Central Coast staff. It sources and uses Central Coast and wholly Australian produce in every part of the production process whenever possible. Products can be found in major chains across the country, such as Woolworths. It is a product that the Central Coast is proud of. Mingara Recreation Club is a primary example of a club on the coast that promotes the use of local produce where possible. Specifically, the Indigo restaurant boasts regional produce and local suppliers. Chief Executive Officer Paul Barnett has again committed his organisation to the effort to grow the food industry on the Central Coast.

Central Coast green tea growers have picked up encouraging signals and they are on first base to supply exclusive premium product to the lucrative Japanese market. Premium green tea from the Mangrove Mountain and Somersby areas, made from the first leaves of spring, caters for out-of-season consumers at a time of heaviest demand from Japanese drinkers in their Northern Hemisphere winter. Consumption of green tea in Australia has grown three-fold in the past five years, and last year more than 1,200 tonnes of tea worth more than \$7.5 million was imported. In association with the partnership, the Ourimbah Campus of the University of Newcastle is analysing tea quality, assessing the health benefits. It has recently shown that the chemical compound EGCG reduces cholesterol and may have anti-inflammatory effects.

The Central Coast Food Innovation Initiative is being supported by New South Wales Government departments and a number of its goals have been included in the Central Coast Regional Plan 2036. The plan

recognises the importance of the food industry and food manufacturing on the Central Coast, and it includes a number of actions to be taken to ensure the promotion of these industries. This includes the creation of a centre of innovation through plans that build on specialisation in food manufacturing. It also includes identifying employment land in strategic locations, protecting the natural environment and managing the use of agricultural and resource lands.

The Government has a number of goals that align with those of the Central Coast Food Innovation Initiative. The goal of strong job creation aligns with the Premier's 2015 goal of 150,000 new jobs by 2019. That goal has already been exceeded by more than 70,000 positions. The NSW Trade and Investment Action Plan also aims to increase the value of our State's food and fibre exports by more than one-third, from \$7.4 billion in 2015-16 to \$10 billion by 2020. The New South Wales food and agricultural sector is respected internationally for its clean, green and safe produce, and the Central Coast is well placed to take advantage of this strong reputation.

The Government has identified priority markets for growing our trade and investment relationships. To maximise opportunities and increase efficiencies across government, the approach is to focus efforts in markets and sectors with the greatest potential. These priority markets for the food industry are Japan, China, India, the United Arab Emirates, Korea, Indonesia and Vietnam. The Central Coast Food Innovation Initiative recognises that exporting our product is key to growing the food industry in our region. Ensuring international export preparedness will be one of the Food Innovation Centre's goals.

Many of our food producers do not have the capacity to market themselves directly to commercial buyers, distributors and exporters. That is why the Government supports New South Wales food producers at Fine Food Australia. Fine Food Australia is the largest food industry trade event in the Southern Hemisphere, and it gives our producers unrivalled access to contracts and contacts in Australia and around the world. It attracts almost 27,000 visitors, 4,500 buyers and more than 1,000 Australian and international exhibitors. This year will be the eighteenth consecutive year in which the Government has supported New South Wales businesses to take part. I thank the Minister for his advocacy in this regard. The Government has a presence at the show, with the Flavours of New South Wales stand and subsidises for New South Wales producers.

Another way in which the Central Coast Food Innovation Initiative will grow exports is by attracting transport and logistics hubs to the Central Coast. The Central Coast's position between port facilities in Sydney and Newcastle is an important strength from which the region can leverage. Next year the NorthConnex tunnel will open, which will close the final gap allowing for traffic-light, free travel all the way from the Central Coast to Melbourne. When Western Sydney Airport opens in the next decade, we will be directly linked to it by the motorway, and work is well advanced in realising the goal of a clear route north towards Brisbane.

Earlier this year, the New South Wales Government was selected as one of the successful tenderers by the Commonwealth Government to investigate faster rail proposals. This Government's proposal aims to develop a business case for faster travel times between Sydney and Newcastle, cutting the journey from three hours to two hours. The New South Wales proposal puts freight front and centre, with the business case investigating reducing track curvature, deviations and realignments, junction rearrangement, level crossings, and better segregation of passenger and freight services. The business case is being developed and will be finalised next year. I was extremely pleased to see funding of \$6 million included in this week's budget.

The \$1.3 billion Regional Growth Fund is another way in which the Government supports growing the regions by investing in projects that facilitate regional development. The fund has a number of grants available to local government, regional organisations, industry and other community organisations that can benefit from the goals of the Central Coast Food Innovation Initiative. I encourage all members to examine the fund. Businesses on the ground often have issues with communication. Small and larger businesses and other organisations often have a clear idea of where they are and the problems they encounter, but sometimes getting those issues across to those who can effect change is difficult. It is important that industry takes a role in planning its own future and that it provides feedback on what needs to be done by government.

This is where forums such as Food Futures are valuable. They allow attendees to share the challenges within their industry and to share information. The Central Coast Food Innovation Initiative has as one of its strategic initiatives a focus on skills and education. In April, Deputy Premier John Barilaro announced the \$30 million Skills for Business Program that allows New South Wales small business owners and their staff to undertake free TAFE NSW qualifications, including a Certificate IV in New Small Business. This qualification is suitable for those establishing a small business, helping potential entrepreneurs to build skills to solve a range of business challenges, and to develop the ability to analyse and evaluate information and data to grow their business.

I am extremely excited about the possibilities that will come from the Central Coast becoming a food destination. The Central Coast is a fantastic destination for tourists that is worth about \$880 million a year to the

local economy. If we want to increase the number of tourists coming to the Central Coast, particularly from interstate and overseas, we need to expand existing and new tourism development activities. We know that the Hunter Valley has benefited from tourists visiting its wineries. More international wine tourists visit the area than any other regional location in New South Wales, with 955,000 overseas visitor nights in 2015.

The Central Coast Harvest Festival was held on 9 and 10 June on the plateau—or the mountains area, as it is known. The festival is held at multiple locations and allows attendees to follow a trail and to enjoy various free activities, entertainment and outdoor food experiences along Route 33. Festival-goers were able to talk to local farmers, to taste their produce and to enjoy the sights and sounds of the region. The inaugural 2017 festival attracted more than 10,000 visitors, which is incredible. The 2018 festival was also well attended despite the poor weather. I attended this year's festival with the member for Robertson, Lucy Wicks, and Central Coast Councillor Jilly Pilon. We distributed seed starter kits to visitors, which the children loved. One of the kits contained coriander, which received mixed feedback. This year's Harvest Festival was supported by a \$20,000 grant from Destination NSW, which was a huge contribution to the success of the event. The Central Coast mayor stated: We welcome the continued support of the NSW Government for Harvest Festival Central Coast and praise its efforts in boosting tourism in regional NSW. Harvest Festival Central Coast is an important event that council runs for the region and it has been developed to link directly with local farmers and businesses to promote our region's quality produce and showcase our unique hinterland to visitors. I am pleased to acknowledge the mayor's support for this project. Tourism in the region is vital to keeping our local businesses going and growing as our area expands and we work towards our 2036 plan. I invite all members, including those from the crossbench, to come up to the Harvest Trail next year. I thank the local chamber of commerce and Lorraine and Rodger Wilson for their advocacy for the Harvest Trail. We are looking to expand the Harvest Trail to run all year round so that people from Sydney can find their way towards the Hunter Valley wineries by visiting Central Coast food businesses on their way through rather than just driving up the F3 and bypassing our area.

The Hon. Niall Blair: Get in and have a look around.

The Hon. TAYLOR MARTIN: That is right. I acknowledge the interjection from the Minister to get off the F3, have a look around and spend some time—

[Interruption]

The PRESIDENT: Order! There are far too many interjections. The Hon. Taylor Martin has the call.

The Hon. TAYLOR MARTIN: Time and again we hear of the need for more jobs in our area. I am pleased to see this investment from our Government, the support from the local council and, most of all, the small businesses in the area that support their chamber of commerce in pushing these events time after time. There are growing events backed by our small and medium businesses such as, as I mentioned, Mars Food and Sanitarium, which is a very large employer towards the north of the Central Coast.

The Hon. Niall Blair: Tell us about Weet-Bix.

The Hon. TAYLOR MARTIN: I acknowledge the interjection of the Minister. Weet-Bix is a proud product of the Central Coast. In summary, I am very excited by the possibilities to come from the food innovation initiative. I hope others in this Chamber support the initiative, share my excitement and visit our region in future.

Debate adjourned.

WORLD REFUGEE DAY

Dr MEHREEN FARUQI (12:02): I move:

- (1) That this House notes that:
 - (a) the United Nations' World Refugee Day is observed on 20 June each year;
 - (b) this event honours the bravery and determination of those who are forced to flee their homeland under threat of persecution, conflict and violence;
 - (c) we are witnessing the highest levels of displacement on record, and according to the UNHCR, over 65 million people have been forced from their homes, more than 21 million people are refugees and half are under the age of 18;
 - (d) every minute, 20 people leave everything behind to flee war, persecution or terror;
 - (e) Australia is a signatory to the United Nations' Refugee Convention which sets out the rights of refugees;
 - (f) there have been three deaths by suicide on Manus Island in the past 12 months; and
 - (g) the Australian Government is still holding 142 children on Nauru.

- (2) That this House condemns Australia's disregard for the Refugee Convention and recognises that international organisations, including the United Nations and Amnesty International, have declared Australia in violation of international laws for its treatment of asylum seekers.
- (3) That this House calls on the Australian Government to end the cruel treatment of refugees, shut down offshore detention centres and relocate all detained refugees to Australia.
- (4) That this House calls on the New South Wales Government to:
 - (a) recognise the plight of refugees and the need to welcome people fleeing persecution and seeking asylum to Australia;
 - (b) recognise the serious harm being done to refugees and intervene to protect the basic human rights of asylum seekers; and
 - (c) provide funding and full support to resettle the refugees in New South Wales.

This week is World Refugee Week, with the United Nations World Refugee Day observed on 20 June each year. This is a day on which we can all stand with refugees and show our support for the millions of people who are forced to flee their homes and homelands because of violence and persecution. Today we also salute their strength, courage and determination. It is a time to reflect on the plight of a record 68.5 million people displaced from their homes. *Time* magazine reported that this means a person has been displaced from their home every two seconds. It is well beyond time to show solidarity and compassion, and—much more importantly—to take meaningful action to provide protection and safety and a place refugees can call home. It is on our shoulders to do so, to open our hearts and minds and to share Australia's boundless plains when refugees and asylum seekers come to our shores seeking safety. In his message on World Refugee Day the UN High Commissioner for Refugees said:

No one becomes a refugee by choice; but the rest of us can have a choice about how we help.

Sadly, we all know that Australia is far from that place at the moment. Governments, whether Liberal-Nationals or Labor, have flaunted and violated international laws through their treatment of asylum seekers for years. The two major parties may disagree on other matters but they have formed a tight and unbelievably inhumane partnership in their support for offshore imprisonment of some of the most vulnerable people in the world. As I speak in this Chamber there are 142 children still being held on Nauru. As I speak, Ali, a 63-year-old Hazara man detained on Nauru, is dying from advanced lung cancer. Hundreds of doctors have signed a petition calling on the Government to bring him here for comfort and palliative care, but our heartless Government refuses to listen, even though he has been accepted as a legitimate refugee.

Refugees who are still in offshore detention in Manus live in deplorable conditions affecting their physical and mental health. Twelve refugees and asylum seekers have died while in Australian immigration detention on Manus Island and Nauru, some of them through self-immolation. Two people have committed suicide in just the past two months. Their names are Salim Kyawning and Fariborz Karami. Salim was a 26-year-old stateless man from the persecuted Rohingya minority in Myanmar. He had been in detention for five long years. On 22 May it all just became too much to bear. Salim died from severe head injuries after jumping from a moving vehicle on Manus Island.

We lost Fariborz Karami to suicide just last week. Like Salim he was also 26 years old and had been in detention for five years. On 15 June his body was found by family and friends inside his mouldy tent in camp No. RPC3. Just two days before his suicide, his mother had written a letter pleading for help for her son, one of the many letters she had been sending to Canstruct International, the Brisbane company that runs the processing centre under contract from the Australian Government. I thank the *Guardian* Australia for embarking on a project to record these lives lost in offshore detention and for the work of journalists who have defied this Government's censorship and blackout on Manus and Nauru and continued to report on the horrific reality of our offshore detention camps. Just yesterday in the *Guardian* Saba Vasefi and Ben Doherty told Karami's story in detail. In her letter before his death, this is some of what his mother wrote:

Due to repetitive darkness of this life, my kids are depressed. I also am emotionally and physically in a fatal stage of my life. Many times, I have asked for your help, but, instead of assisting me, each time you have wounded me more. Again, you have not answered me. You have not taken my request seriously. If my kids and myself get worse, you will be responsible.

There is no denying that Australia is responsible for this trauma and for these deaths. A significant number of women have been raped, sexually abused and bashed and have had to suffer through other degrading acts perpetrated against them after they were sent to offshore detention by successive Australian governments. This was brought to our attention by Wendy Bacon, Pamela Curr, Carmen Lawrence, Julie Macken and Claire O'Connor in a report published in 2016. Who can forget the treatment of a pregnant woman in 2017 who was exposed to significant harm and even death when Peter Dutton refused to have her flown to Australia for much-needed medical treatment? It was only after intense pressure that the woman was allowed to come here to deliver her baby when she was 37 weeks pregnant.

It was not long ago—only in 2014—when a refugee died of sepsis because his transfer to Australia was delayed after resistance from the Department of Immigration and Border Protection. What had started with an improperly treated minor infection on Manus eventually led to his death because Australia would not let him in to be treated. It is not possible to know all of this and not think it is inhumane. How can we know the harm our refugee policies are perpetuating and still persist with policies that continue to inflict these atrocities in some misguided notion of "stopping the boats" or supposedly "protecting our borders" or by stopping certain "types" of people coming to Australia? This is nothing but shameful.

It is shameful that a rich nation like ours, the lucky country, is not willing to share and help only a few thousand vulnerable people who come to our shores seeking safety. Instead, politicians of all stripes are busy making "examples" out of people in offshore prisons, using them as human deterrents for others who may seek shelter and safety in Australia. What a sadistic display of our so-called immigration policy. Unfortunately, some of these politicians, for political advantage, have been dehumanising and demonising people fleeing from persecution by using language such as "illegals", "queue-jumpers" and "boat people" and painting them as a threat to national security. The use of such language is not only completely misleading but also inflammatory and feeds unnecessary fear. This sort of misinformation has been around since the Howard era, when he refused to allow asylum seekers into Australia and declared:

... we will decide who comes to this country and the circumstances in which they come.

This is nothing short of utterly disgraceful. Let us get a few facts straight on this issue: Fact 1: Seeking asylum in Australia, including coming by boat, is legitimate and legal. It is a human right to claim asylum. Fact 2: Australia is a signatory to the UN Refugee Convention, which means we have sworn a commitment to offer protection to those who have fled their home countries due to a threat to their lives and basic freedoms. Fact 3: Australia has one of the most restrictive immigration detention systems in the world. It is mandatory, indefinite and provides no opportunity for people to challenge the need for their detention in a court of law.

Fact 4: There is no orderly resettlement queue for asylum seekers to join. Only a very small proportion of asylum seekers are registered with the United Nations High Commissioner for Refugees [UNHCR], and even then just 1 per cent out of those recognised as refugees are ever resettled in Australia. Fact 6: More than 90 per cent of asylum seekers who come to Australia by boat are found to be genuine refugees. Fact 7: Australia's asylum seeker policies of offshore detention, enacted by Labor Prime Minister Kevin Rudd in 2013 and continued by Liberal Prime Ministers Tony Abbott and Malcolm Turnbull, have cost taxpayers more than \$5 billion. Fact 8: Refugees who have come to our shores have made huge contributions to Australia, both economically and culturally—though the worth of human life can never be measured by these yardsticks alone.

And what of the human cost of Australia's cruel policies towards refugees? It is violence, depression, isolation, uncertainty and in some cases death. It is only through whistleblowers like journalist and filmmaker Behrouz Boochani, who has been held on Manus Island, that we even know of this plight. As human rights lawyer Daniel Webb says:

Our government chose to build these camps on remote corners of remote islands in order to hide from view what they don't want the public to see—deliberate cruelty to innocent human beings.

As the old adage goes: Out of sight, out of mind. People from all corners of Australia have continued to expose this policy. They continue to speak about the stark reality of offshore detention and the fact that people fleeing from war-torn nations are running for their lives and will do all they can to get out of there. There are many reasons why people seek asylum: wars, civil unrest, religious vilification, lack of democratic rights, foreign intervention. The so-called deterrent policies used by both Labor and Liberal Governments have only served to further punish, victimise and target these people.

Policy approaches over the last two decades such as temporary protection visas, offshore processing, mandatory detention, turning back the boats through military-led operations, keeping children in detention, and not allowing anyone who comes by boat into Australia clearly abrogate our responsibility. These policies show real contempt for our legal and moral obligations. Refugee policies should not be about border protection, national security or political point scoring. We are, after all, talking about real people who are fleeing horrendous circumstances. Surely the test for any response to people seeking asylum has to be based on respect, human rights, compassion, safety and dignity for all. In 1954, Australia was one of the first countries to accede to the Refugee Convention. Six decades on, we have abandoned our humanitarian obligations and have become one of the worst countries in our cruel treatment of asylum seekers.

Labor and Coalition members of Parliament seem to be competing with each other to come up with ways to deny people asylum. Our treatment of refugees has become another indelible stain on the human rights record of this country. One of the reasons I joined The Greens in 2004 was our strong record in supporting compassionate and humane treatment of refugees. I was appalled by the Howard Government's response to the Tampa incident

and the decision not to allow 438 stranded asylum seekers to enter Australia. On the other hand, I was truly inspired by The Greens leader Bob Brown's courage in insisting that we let those asylum seekers in. I am proud of this stance. We will continue to challenge the unjust and unfair demonisation of persecuted people who have been scapegoated by successive Governments and are blamed for supposedly taking Australian jobs or eating up our welfare system. This reeks of bigotry and lack of respect for all human life. We will continue to call out xenophobia and fearmongering through the border security state. We will continue to defy this bipartisan inhumanity.

Shamefully, Australia's offshore detention system is now a model of cruelty internationally, with many commenting that the recent policy in United States to imprison children has been inspired—for lack of a better word—by the Australian Government's policies of detention. These policies and the resultant structures will only be dismantled by bold, sustained activism and overwhelming pressure. Australians are a welcoming, compassionate people.

The PRESIDENT: Order! The Hon. Dr Peter Phelps will cease interjecting.

Dr MEHREEN FARUQI: I am reminded of this compassion every time I go to a rally for refugees. The old parties do not speak for us. The Turnbull Government does not speak for us. Bill Shorten does not speak for us. Over the years, thousands upon thousands of people have come out to rallies to show their disgust at the harm being done to refugees under our watch, attended vigils to mourn the deaths of asylum seekers in our care, and condemned this treatment of people who are already fleeing violence. Doctors are standing up for refugees, grandmothers are standing up for refugees, rural Australians are standing up for refugees, lawyers are standing up for refugees, and ordinary people are standing up for refugees. I have been privileged to stand with all these Australians. The groundswell is only getting bigger.

No-one can look at the horrifying and deeply troubling deaths of refugees in our offshore prisons and say truthfully that all is well. We will not stop until the Australian Government ends its cruel treatment of refugees, shuts down offshore detention centres and relocates all detained refugees to Australia. We will not stop until the plight of refugees is recognised and they are welcomed, supported and resettled here. We cannot rest, for there is blood on the hands of this Government and the ones before it. We will not rest until we bring them here, until we let them stay. I commend the motion to the House.

Debate adjourned.

Visitors

VISITORS

The PRESIDENT: On behalf of all honourable members, I welcome to the Legislative Council all who have come to watch these proceedings from the President's gallery and the public gallery today. For those who have never visited this Chamber before, I must explain that just as we have rules that apply to members in this House, we also have rules for visitors who watch the debate. Whatever you think about what is said, you must watch this debate in silence. There is to be no applause, jeering or other gestures. It is just not permitted. Visitors are also not to attempt to talk with members in the Chamber. If you have anything to say to a person next to you, say it quietly. No audible conversations are to take place. No photographs or filming of any form is permitted, apart from media photographers who are authorised to do so. Please follow any instructions from officers of the Parliament. I again welcome our visitors to Chamber.

Bills

MODERN SLAVERY BILL 2018

In Committee

Consideration of the Legislative Assembly amendments.

Schedule of the amendments referred to in message of 21 June 2018.

- | | |
|-------|---|
| No. 1 | GOVT No. 1 [c2018-021M]
Page 2, clause 3 (h), line 21. Omit "corporate and other bodies". Insert instead "commercial organisations". |
| No. 2 | GOVT No. 2 [c2018-021M]
Page 4, clause 6, lines 4 and 5. Omit all words on those lines. Insert instead "An Anti-slavery Commissioner is to be appointed under Part 4 of the <i>Government Sector Employment Act 2013</i> ". |
| No. 3 | GOVT No. 3 [c2018-021M]
Page 4, clause 7, line 9. Omit "this Act". Insert instead "section 9 (1) (a) or (c)". |
| No. 4 | GOVT No. 4 [c2018-021M] |

- Page 4, clause 8 (2), line 15. Omit "Premier". Insert instead "Minister".
- No. 5 **GOVT No. 5 [c2018-021M]**
 Page 4, clause 9 (1), lines 20 and 21. Omit all words on those lines. Insert instead
- (a) to advocate for and promote action to combat modern slavery,
 - (b) to identify and provide assistance and support for victims of modern slavery,
- No. 6 **GOVT No. 6 [c2018-021M]**
 Page 4, clause 9 (1) (d), line 29. Omit "corporate and other bodies". Insert instead "commercial organisations".
- No. 7 **GOVT No. 7 [c2018-021M]**
 Page 5, clause 11 (3), line 15. Omit "Premier". Insert instead "Minister".
- No. 8 **GOVT No. 8 [c2018-021M]**
 Page 6, clause 14 (3), line 30. Omit "Premier". Insert instead "Minister".
- No. 9 **GOVT No. 9 [c2018-021M]**
 Page 7, clause 19 (1), line 19. Omit "Presiding Officer of each House of Parliament".
 Insert instead "Minister. The report is to be furnished to the Presiding Officer of each House of Parliament within 14 sitting days after it is given to the Minister".
- No. 10 **GOVT No. 10 [c2018-021M]**
 Page 7, clause 19 (3) (d), lines 44 and 45. Omit all words on those lines.
- No. 11 **GOVT No. 11 [c2018-021M]**
 Page 8, clause 19 (4), line 2. Insert "Minister who is to furnish the report to the" after "report to the".
- No. 12 **GOVT No. 12 [c2018-021M]**
 Page 8, clause 19 (5), line 6. Omit "Commissioner". Insert instead "Minister".
- No. 13 **GOVT No. 13 [c2018-021M]**
 Page 8, clause 20, lines 7–22. Omit all words on those lines.
- No. 14 **GOVT No. 14 [c2018-021M]**
 Pages 8 and 9, clause 23 (1) (a)–(e), line 41 on page 8 to line 8 on page 9. Omit all words on those lines. Insert instead:
- (a) to inquire into and report on matters relating to modern slavery,
 - (b) to report to both Houses of Parliament on matters relating to modern slavery.
- No. 15 **GOVT No. 15 [c2018-021M]**
 Page 9, clause 23 (3), line 14. Omit all words on that line.
- No. 16 **GOVT No. 16 [c2018-021M]**
 Page 10, clause 25 (1), line 3. Omit "section". Insert instead "Act".
- No. 17 **GOVT No. 17 [c2018-021M]**
 Page 10, clause 25. Insert after line 45:
- (9) This section does not apply to a commercial organisation if the organisation is subject to obligations under a law of the Commonwealth or another State or a Territory that is prescribed as a corresponding law for the purposes of this section.
- No. 18 **GOVT No. 18 [c2018-021M]**
 Page 13. Insert after line 5:

32 Annual reports

- (1) The annual reporting information for a GSF agency under the *Government Sector Finance Act 2018* is to include the following matters:
 - (a) a statement of the action taken by the agency in relation to any issue raised by the Anti-slavery Commissioner during the financial year then ended concerning the operations of the agency and identified by the Commissioner as being a significant issue,
 - (b) a statement of steps taken to ensure that goods and services procured by and for the agency during the financial year then ended were not the product of modern slavery within the meaning of the *Modern Slavery Act 2018*.
- (2) This section commences on the commencement of Part 7.3 of the *Government Sector Finance Act 2018*.

No. 19 GOVT No. 19 [c2018-021M]

Pages 14 and 15, Schedule 1, line 1 on page 14 to line 29 on page 15. Omit all words on those lines.

No. 20 GOVT No. 20 [c2018-021M]

Page 29, Schedule 6.5, lines 1–6. Omit all words on those lines.

No. 21 GOVT No. 21 [c2018-021M]

Page 30, Schedule 6.7 [3], line 25. Omit "the steps". Insert instead "reasonable steps that are".

No. 22 GOVT No. 22 [c2018-021M]

Page 30, Schedule 6.7 [5], line 37. Insert "take reasonable steps to" after "must".

The Hon. PAUL GREEN (12:19): I move:

That the Committee agree to the Legislative Assembly's amendments.

I thank all members for their patience. One of my sons is caught on a train and we are trying to get him here. I support the Modern Slavery Bill 2018 and the Legislative Assembly amendments. First and foremost, I thank Jesus for the gracious opportunity to represent him in this place. I welcome my wife, Michelle, and children, Benjamin, Emma, Eden and James, who is arriving late by train, which is probably consistent with James. I acknowledge Reverend the Hon. Fred Nile, the working group, the important stakeholders who are present in the public gallery and the President's gallery, the general public and the incredible Christian Democratic Party members and supporters who have come from all over New South Wales and Australia to join us today for this historic movement. We could not have done this without them. Their presence here today demonstrates their heartfelt commitment to the issue, and their contribution to changing the lives of thousands of people not only in New South Wales but also all over the world.

Modern slavery knows no boundaries. It does not discriminate or reside within one nation, nationality, religion or culture. Modern slavery is everywhere and we can no longer pretend it is not happening in New South Wales, the rest of Australia or the world. I thank Premier Gladys Berejiklian for introducing the bill in the other place. It was an honour to have the Premier sponsor the bill in the Legislative Assembly. As the Premier said, there is an undeniable moral imperative to take action on all modern forms of slavery. It is everyone's responsibility to protect the most vulnerable in our communities. Our ultimate goal was to ensure any proposed amendments would not weaken the bill. It was imperative that the commissioner remain independent, well-resourced and under the Premier and Cabinet portfolio. It was important also that there was transparency in supply chains for government and commercial organisation procurement.

The Government put forward a number of amendments to address the following five issues: firstly, the appointment of the Anti-slavery Commissioner under the Government Sector Employment Act 2013, and ensuring the commissioner is independent in relation to advisory and advocacy functions; secondly, giving the proposed modern slavery parliamentary committee a broad remit to inquire into and report on matters relating to modern slavery; thirdly, ensuring that the supply chain reporting obligations in the bill do not overlap with any future Commonwealth regulation of modern slavery; fourthly, imposing a requirement on government agencies to take reasonable steps to ensure that goods and services procured by and for the agency are not the product of modern slavery; and fifthly, removing from the bill a requirement for a modern slavery course in the school curriculum, which is better facilitated through non-legislative means.

During the course of discussions with the Premier in relation to possible amendments, a further issue arose in light of the Government Sector Finance Bill. The Modern Slavery Bill was drafted on the basis of the existing Public Finance and Audit Act 1983, which the Government intends to replace with the Government Sector Finance Bill and its cognate bill. The issue arose because of a difference in the definition of "government agency" in the Modern Slavery Bill and the Government Sector Finance Bill. Some complex issues arose in how to most appropriately resolve the issue, which I need not detail at this time. What I do note for the record is that the Government will make a regulation under the Government Sector Finance Bill to ensure the provisions of the Government Sector Finance Bill as enacted apply to the paragraph (d) definition of "government agency" in the Modern Slavery Bill. It was originally intended that the Modern Slavery Bill would operate in relation to the Public Finance and Audit Act.

Under clause 2 of the bill, the legislation will not come into operation until it is proclaimed. I note from my discussions with the Premier that the Government will ensure the Act is proclaimed and the regulations are gazetted expeditiously, consistent with the need for this groundbreaking bill becoming law in New South Wales. The art of politics is negotiation. We negotiated some changes, and I am reasonably happy with where we are at. As we knew from the start, it was never going to be the perfect bill. But it is a very good start, not only for New South Wales, but also for the rest of Australia. I note the commissioner will not be subject to the direction and

control of the Minister—in this case the Premier—on core matters such as advocacy, making recommendations, providing information and advice, and education and training.

There are reporting changes to supply chain monitoring by exempting commercial organisations from the bill's requirement to prepare a modern slavery statement if they are required to meet corresponding obligations imposed on them by the Commonwealth or another State or Territory. No matter where it is reported, I have asked the Government to ensure the regulations require the modern slavery statement to be included on the electronic public register. There will be changes to government procurement to ensure agencies take all reasonable steps to ensure goods and services procured by and for government agencies are not the product of modern slavery. I encourage the Government and its agencies to be stringent in their procurement processes.

The Hon. SCOTT FARLOW (12:26): The Modern Slavery Bill 2018 was introduced by the Hon. Paul Green to this House on 8 March 2018 and passed through this House with amendments on 3 May 2018. I thank the Hon. Paul Green for his tireless efforts both inside and outside the House. As he remarked, politics is accented by negotiation, and the Hon. Paul Green is a tough negotiator and has seen a lot of what he wanted to achieve in the bill. I also thank his colleagues and supporters, none greater than Reverend the Hon. Fred Nile, and all members who were part of the cross-party parliamentary working group for helping to put this bill together. I note the supporters in the gallery who have come to see the bill pass through the House today and thank them for their efforts and advocacy in helping to raise public awareness of this important issue. The bill was introduced to the Legislative Assembly by the Premier on 6 June 2018. The Government moved amendments to the bill on sheet C2018-021M to ensure a smooth transition to implementation.

The Government amendments addressed the following five issues: firstly, appointing the Anti-slavery Commissioner under the Government Sector Employment Act 2013, and ensuring the commissioner is independent in relation to advisory and advocacy functions; secondly, giving the proposed modern slavery parliamentary committee a broad remit to inquire into and report on matters relating to modern slavery; thirdly, ensuring that the supply chain reporting obligations in the bill do not overlap with any future Commonwealth regulation of modern slavery; fourthly, imposing a requirement on government agencies to take reasonable steps to ensure that goods and services procured by and for the agency are not the product of modern slavery; and fifthly, removing from the bill a requirement for a modern slavery course in the school curriculum. The policy objective of this proposal can be achieved by non-legislative means. All stakeholders are encouraged to contribute to the review of the school curriculum that is currently underway.

The bill imposed a requirement to prepare a modern slavery statement on commercial organisations with a total annual turnover of not less than \$50 million. This may include some organisations that we would regard as small businesses because they have fewer than 20 employees. The Government has received advice from the Small Business Commissioner about the regulatory burden on small businesses arising out of the provision. During the implementation process for this bill, small businesses will be exempt from the requirement to prepare a modern slavery statement for 18 months following the bill's commencement. Again, I thank the Hon. Paul Green for his passion, dedication and integrity in introducing the bill to the House, and for his leadership on this very important matter for the people of New South Wales. I commend the amendments moved in the other place to the Committee and I commend the bill.

The Hon. ADAM SEARLE (12:30): The Opposition outlined its view on the Modern Slavery Bill 2018 in the second reading debate, so I will not go over that ground. On balance, the Opposition believes that the amendments moved by the Government and made by the other House seriously weaken this bill. This will be the first modern slavery legislation in Australia and it would be most unfortunate if we did not do all we could to ensure that it was as robust a regime as possible. Lest I be accused of being a party pooper, let me say that I acknowledge the good, hard work of the Hon. Paul Green in bringing the bill to this point. I understand that trying to navigate the legislation through the whole of the Parliament, with the Coalition in control of the other place, posed significant challenges for a more robust scheme. Nevertheless, in my view it would be regrettable if this House were to accept a lot of the amendments made by the other place.

The Opposition has no issue with Government amendments Nos 1, 6 and 10. Amendments Nos 4, 7 and 8 remove references to the Premier and insert instead a reference to the Minister; that is neither here nor there. Amendments Nos 9, 11 and 12 interpose the Minister between the Anti-slavery Commissioner and his or her reports to the Parliament; I think that is a slight weakening of the regime but, again, not really here nor there.

The substantial weakening is found in amendments Nos 2, 3, 13, 15 and 19. Combined, those amendments remove the independence of the proposed commissioner, who was meant to be an independent statutory officer. Why is that important? Because if the supply chain of this State is affected by modern slavery practices, the State has a conflict of interest. Public servants who are susceptible to the control direction of the Executive may not be in a position to robustly monitor, report and advocate for the elimination of any exploitation found to exist in the State's supply chain if they are to all intents and purposes creatures of the Executive. They

require that one step of independence from the government of the day to report independently and robustly what is happening in the supply chain. This change would be most regrettable.

The independence of the body is also being seriously eroded. I refer to clause 9 on page 4 of the bill: Although the commissioner, being a public servant, will retain his or her independence with respect to advocacy and functions relating to joint cooperation with other government bodies, the commissioner will be absolutely subject to the control and direction of the Government in relation to what recommendations he or she may make and what information, advice, education and training the office may provide about prevention, detection, investigation and prosecution of offences involving modern slavery. The body will be controlled by the Minister with respect to the monitoring of reporting concerning risks of modern slavery occurring in government agency supply chains. In monitoring the effectiveness of the legislation, again, the commissioner will be controlled by the Executive. In community awareness raising and exercising any other functions in the Act or conferred on the commissioner by other Acts, the commissioner will simply be, in a legal sense, the creature of the Executive.

This provision represents nothing less than the complete neutering of the effectiveness of the office of the commissioner. All the commissioner will be able to do is advocacy, promotion and coordinating corporation with the bureaucracy. Those are very important functions but by no means the most important functions to be proposed for the office. In combination, amendments Nos 2, 3, 13, 15 and 19 are regrettable and the Labor Opposition is unable to support them. If possible, I ask for that group of amendments to be voted on as a block, separate from the other amendments.

The Opposition believes that these amendments cut to the core of the efficacy of the legislation. It is committed to a robust modern slavery agenda and framework for this State, as was outlined by the shadow Attorney General last year and reiterated in the parliamentary debate on this bill here and in the other place. We stand by that. When this bill becomes law, and should we be elected to office next March, we will build on the foundations that have been laid down by the Hon. Paul Green and the work of his parliamentary colleagues in the working group and, indeed, by the Parliament as a whole.

It is good to have established the basic framework and foundation. Irrespective of the fate of these amendments, the Opposition will still support the legislation. But we do regret the missed opportunity that the advent of these other amendments represents. Nevertheless, hopefully it begins a conversation with the private sector and government agencies about eliminating exploitation and slavery-like practices in the supply chains not only of the State Government but also, hopefully, across the general economy here and abroad, with Australia doing what it can to eliminate this unsavoury set of practices worldwide.

Reverend the Hon. FRED NILE (12:37): I support the Modern Slavery Bill 2018 and the amendments that were moved and adopted in the other place. I thank the Hon. Paul Green for his dedication and hard work to get the bill to this stage. It takes a lot of negotiation to get two Houses of Parliament to agree on one bill; it is not an easy achievement. There has to be negotiations on the amendments. Contrary to the criticism made by the Leader of the Labor Opposition, as far as I am aware the amendments have not done harm to the bill but have clarified its operation. They have added the following objectives. First:

- (a) to advocate for and promote action to combat modern slavery,

That is the whole aim of the bill, as reaffirmed in the amendments from the other place. Secondly:

- (b) to identify and provide assistance and support for victims of modern slavery, I am sure all members of the House would agree with that. It is important that the bill proceed through this House. Members of the public may not realise that there are two Houses of Parliament. The bill has been through this House and it then went to the other place, the Legislative Assembly. Some amendments were moved and agreed to in the Legislative Assembly, which we are now considering. Every bill has to be passed by both Houses of Parliament, and that sometimes takes a lot of negotiation.

The passage of this bill through both Houses indicates that the Hon. Paul Green has brought us to a successful point with this bill. The bill will be passed and a commissioner will be appointed once it is implemented. Once the bill becomes an Act, reports will be made to the Parliament and the legislation can be reviewed to improve its operation. I am pleased to support the bill and the amendments moved in the Legislative Assembly.

The Hon. MATTHEW MASON-COX (12:39): I shall make a brief contribution to the debate on the amendments passed in the other place to the Modern Slavery Bill 2018. I congratulate the Hon. Paul Green for his leadership and vision in introducing this bill and his negotiation skills during the passage of this bill. As Reverend the Hon. Fred Nile said, it is no small feat to negotiate the passage of an historic crossbench bill through both Houses of Parliament. This is a momentous achievement, particularly given the subject matter of this bill, and it would be remiss of me not to acknowledge the work of the Hon. Paul Green in getting this bill to this stage.

I thank members of the cross-party working group and the stakeholders, many of whom are in the gallery today. They provided tremendous support in relation to the development of this bill, from the early days when the Hon. Paul Green chaired the committee inquiry into human trafficking in New South Wales. This bill has had a

long gestation period, and it is important that this House acknowledge the many stages of its progress. We are indebted to the Hon. Paul Green for his leadership and vision on this important issue.

I will reflect upon comments made by the Leader of the Opposition in debate on the amendments moved in the other place. I believe that these comments were well meant and came from a good place, as is evident in the multi-partisan support for this bill. The support has been evident in the various stages of the passage of this bill, from its drafting to the amendments passed in the other place. In relation to the amendments, the Leader of the Opposition suggested that the independence of the anti-slavery commissioner has been undermined in some ways. It is worth noting that the amendments concerning the independent status of the commissioner will not change, but the commissioner will hold a senior position within the bureaucracy in the Department of Premier and Cabinet. I acknowledge that is a significant change, but at the same time I put that change in context in relation to changes being made in other areas, particularly by the Commonwealth. The Commonwealth is finally moving to address this area—

The Hon. Adam Searle: So they say.

The Hon. MATTHEW MASON-COX: Things are happening, although I understand that Commonwealth budget legislation, personal income tax cuts, have perhaps overtaken other legislative changes this week. I understand that there will be significant movement on the anti-slavery front, as a result of the leadership role of this Parliament in relation to this matter and the efforts of the Hon. Paul Green. I hope that a Federal anti-slavery commissioner will be appointed. This commissioner will be independent and will work with anti-slavery commissioners in other States, should other States use this legislation as a model. We hope this will be the case, and at the same time we hope to see scrutiny of supply lines and a positive response to important provisions in this bill by the public sector and the private sector. I note that the bill includes reporting requirements, which must be enforced.

I note that under terms of this bill the Auditor-General is given powers to conduct anti-slavery audits. This refinement will ensure that there is accountability and an independent review of actions taken by public sector agencies, which are compelled to comply with the terms of this bill. I understand finance directives will be issued in regard to government sector agencies, and an exhaustive approach has been taken to ensure that these directives are specific in relation to the obligations of government agencies. These directives will also be all-encompassing in relation to entities such as WestConnex and the Motorways Corporation. We must ensure that no exceptions or exemptions are created over time; we must have a comprehensive response that ensures that every government agency, however formed, is covered and has to abide by the provisions of this bill.

In conclusion, this legislation is a comprehensive response. The independence of the office of the Anti-slavery Commissioner will be overseen by a parliamentary committee consisting of five members from this august House and five members from the other place. The committee will be chaired by an independent appointee, enhancing the independence of the office of the Anti-slavery Commissioner. There will be oversight by this Parliament and independent oversight by the Auditor-General. In all, this legislation is an excellent and balanced response. We know that legislation could always be better, and in that regard I welcome the comments of the Leader of the Opposition, because one day those opposite may haunt the government benches. We have reached a point where we have come together to support this historic legislation. I acknowledge the role of the Christian Democratic Party, under the leadership of Reverend the Hon. Fred Nile, and the vision of the Hon. Paul Green.

The Hon. SCOTT FARLOW (12:46): I will clarify the Government's position by addressing some of the concerns raised about the nature of the appointment of the Anti-slavery Commissioner and amendments Nos 2 and 3 moved in the other place. The bill establishes the commissioner as an independent statutory appointment, appointed by the Government for five-year terms. Establishing new independent offices is an expensive exercise, as each separate entity needs its own Australian Business Number, insurance and back-office support. That is why the Government has proposed that it would be more appropriate for the commissioner to be appointed as a public servant attached to the relevant government department under the Government Sector Employment Act 2013.

Amendment No. 2 is to put the Anti-slavery Commissioner on the same footing as the Commissioner of Victims Rights under the Victims Rights and Support Act 2013. Amendment No. 3 ensures the independence of the commissioner in relation to the commissioner's key functions of advocacy, making recommendations, providing information and advice, and education and training. The commissioner will not be subject to the direction and control of the Minister on these core matters.

The Hon. Dr PETER PHELPS (12:47): I support the amendments to the Modern Slavery Bill 2018 before us today, although I do not believe the amendments have gone far enough. First, I note the changes have been made in relation to the supply chain rules for reasonable steps to be taken. That is a vital component of the legislation. Evidence given to the committee by industry representatives indicated that any assertions made by

industry, any endorsements industry made and any material industry provided in relation to the non-use of slavery is entirely conditional upon their knowledge.

Industry representatives acknowledged they had very limited knowledge of their supply chains—the electronics industry, in particular, can give no valid assurances whatsoever that slavery is not part of its supply chain, especially in the early stages of mineral extraction or component manufacturer. That means the supply chain rules will be a farce in that regard, because we will receive assurances but we will have absolutely no guarantees about the early and middle stages of the supply chain, especially for the electronics industry. That will give us false comfort. I also note that there has now been an acceptance of Federal approval of supply accreditation, and therefore effectively a large part of this legislation will be made redundant, as we always knew it would be, by Federal initiatives in this matter.

The second point is that no new offences have been created through this bill. Thus I come back to one of my original criticisms of the earlier Act: this bill does not add new criminality; it simply restates actions which were already criminal. As such, it offers no new legislative enactment against already-existing criminal offences. If one looks at schedule 3, one sees that the offences derive entirely from existing sections of the Crimes Act, the Human Tissue Act or the Commonwealth Criminal Code. In that regard this is nothing more than a vanity bill because it does not add anything to the existing legislative framework against slavery.

This bill has been named the Modern Slavery Bill to aggregate existing anti-slavery provisions. It has created a notion of modern slavery. What does that mean? I am very concerned that, even after the slight gutting of the provisions in this bill, this legislation will be used to expand the definition of "modern slavery" into areas more rightly handled by industrial law. If one listens to the contributions of Labor members in this place and the other place one will discover that their intention is clear. Although Hansard cannot record it, I note the big thumbs-up being given by the Leader of the Opposition.

Members have been foolish to accede to this bill knowing full well that, were this State to suffer the outrage of a Labor government coming to power, that party would use this bill. A Labor government would amend the bill and turn it into a Trojan Horse for militant industrial activism. Labor's lackeys in the union movement will be able to go around and say not merely that organisations in this country are not giving workers appropriate rights or pay, but also that these organisations are engaged in slavery. That is the linguistic facade which those opposite would like to erect.

As I said, I support these amendments. I think they go some way to correcting some of the more egregious problems, but they do not go anywhere near solving the fundamental problem—that is, that we have set ourselves up for a hospital pass. I can understand why the Government has meekly acquiesced to this vanity bill—it gives into vanity motions all the time—but this is bad law and bad politics. I will not be supporting the bill.

The Hon. PAUL GREEN (12:52): I hope the member is feeling better for his contribution! I welcome Labor's comments. This is a bill that is meant to be built on. It will be our legacy. If it does, somehow, down the track, help someone whose freedom has been taken away because their employer has ripped them off, so be it. I am not ashamed of that. This bill, very cleverly, does not create 100 laws, because a lot of those laws already exist. This bill allows a commissioner to pull the levers to make sure that people are doing the right things in the right way and in the right order to ensure that people are treated respectfully and are fully valued. Every person is entitled to be treated that way.

There was a compromise made with respect to the commissioner and the statutory provisions but, as I said earlier, politics is about the art of negotiation. The Christian Democratic Party has negotiated something like 153 amendments in this House and we have had something like 151 pass because we negotiate fairly and truthfully. There was a cost, in terms of the commissioner, in getting this bill across the line. I remind everyone that we have a Commissioner of the NSW Police Force who is very powerful and who has all the powers he needs to do the job of keeping our community safe. So I have come to the view that an Anti-slavery Commissioner would be just as good as a Commissioner of Police and would have the same degree of bureaucratic power. So in achieving an agreement with the Government we did not lose much.

I have listened to the contribution of others and I have been encouraged by them. I have also been very encouraged by Katherine Maloney, who is working across the sectors and tells me that industry is already responding to the heart of this bill. Companies are looking at their supply chains. They are starting to get their acts together and are making sure that they evaluate their supply chains on the basis of ethics and humaneness. No person should be bought and sold like an animal or—I acknowledge the interjection—a commodity.

I thank all members for their contributions. I acknowledge in the President's gallery young James Green, who finally got here. He made it, which was very impressive. I am not sure whether I acknowledged earlier my

sons Jonathan and Mike—we call him Miracle—back home in Nowra. Given that there will be no additional third reading stage I seek the Chamber's indulgence to express my gratitude.

The CHAIR (The Hon. Trevor Khan): I am sure the Committee has no problem with that at all.

The Hon. PAUL GREEN: I extend my sincerest thanks to the Premier, the Hon. Gladys Berejiklian, and Tom Payten, who is in the President's gallery. They assisted us greatly to get to this point. I thank the Deputy Premier, the Hon. John Barilaro, a member of The Nationals, and the Hon. Niall Blair, Deputy Leader of this House and a member of The Nationals, for their consistent support for this bill and for their recognition of the urgency and importance of this bill, not just for me or the many stakeholders who are in the public gallery today but also, even more, for the victims who are waiting to be rescued.

I also thank the Leader of the Opposition, the Hon. Luke Foley, the Hon. Adam Searle and the Hon. Paul Lynch. I note the consistent support of the working group—the Hon. Greg Donnelly from the Labor Party, the Hon. Trevor Khan from The Nationals, the Hon. Robert Brown from the Shooters, Fishers and Farmers Party and the Hon. Matthew Mason-Cox from the Liberal Party, and his adviser, Andrew O'Sullivan. I would not be able to be here today making this speech without their massive encouragement and support.

I extend my thanks to my colleague in the Christian Democratic Party, its leader Reverend the Hon. Fred Nile, and his great staff, Edwin Dyga and Katherine Hawken. I also thank the Government Whip, the Hon. Natasha Maclaren-Jones, for her support and assistance in facilitating the process of the bill through this House. I thank Mr David Shoebridge, the Hon. Mark Pearson and the Hon. Ben Franklin, who came in at a crucial point, for their contributions and goodwill for this bill.

I extend my sincerest thanks to the Clerk of the Parliaments, Mr David Blunt—a man of great honour—and his adviser, Kate Cadell. I also thank the secretariat of the Select Committee on Human Trafficking in New South Wales—Ms Rebecca Main, Mr Samuel Griffith, Ms Shaza Barbar and Ms Jenny Whight—for their work in supporting the committee. I take a moment to acknowledge that this month A21 will celebrate its tenth anniversary. A21 was created by Christine and Nick Caine and has been a remarkably successful response agency addressing the issue of human trafficking across the world. I thank the members of A21 for being here today and for their contribution to raising awareness of modern slavery and human trafficking in Australia and across the globe. I extend my gracious thanks to the many stakeholders who have invested a lifetime in this cause. They know who they are, and are present in the gallery. We would not have had a Modern Slavery Bill 2018 in New South Wales if it were not for their feedback, their consultation and their support. I sincerely thank them.

Finally, I thank my amazing staff, whom I could not do this job without. My notes add, "(Feel free to elaborate on our greatness more here.)" That would have been written by Marie, who is sitting in the gallery behind my family. It was an immense effort to arrange not only the human trafficking committee but also to arrange our parliamentary tour to the United States, where we visited the Los Angeles Police Department, the Federal Bureau of Investigation, Homeland Security and other agencies. This bill is as much the fruit of Marie's labours as it is mine. I also thank Danielle Dieckmann for her amazing, wise counsel along the way. I thank them both dearly and sincerely.

I acknowledge Hannah Green, who this week had her first baby, Stephenia Green—I clarify that there is no conflict of interest; she is no relation. I congratulate Hannah and Nathan on their beautiful baby. I also thank Emily Van Esch from my office, and my previous staff. Someone asked, "How long has it taken?" It has taken 52 years to do this.

The Hon. Greg Donnelly: How old are you?

The Hon. PAUL GREEN: Fifty-two. Yvette Ellias, Michelle Ryan, Dom Cutrupi and Bec Gallagher have played a major part in this bill, and I am proud of the hard work that we have done together—it has been an awesome team effort. I thank those who have invested so much in defending those who are captive to slavery and slavery-like practices. Like them, I am committed to being a voice for the voiceless. Let today be a milestone in eradicating modern slavery in New South Wales. Let today be a stepping stone in eradicating modern slavery not only in Australia but also world wide. I thank all members for their interest and encouragement. This is not a Paul Green bill or a Christian Democratic Party bill; this is our bill. I welcome all guests to the Preston-Stanley Room for refreshments following the debate. I commend the bill and the amendments to the Committee in Jesus' name.

The CHAIR (The Hon. Trevor Khan): I will put the amendments in two tranches. The first will be the tranche that I understand there is no issue with; the second tranche will be those where there might be an issue. The question is that Legislative Assembly amendments Nos 1, 4 to 12, 14, 16 to 18 and 20 to 22 be agreed to.

Amendments agreed to.

The CHAIR: The question is that Legislative Assembly amendments Nos 2, 3, 13, 15 and 19 be agreed to.

The Committee divided.

Ayes21
Noes18
Majority.....3

AYES

Ajaka, Mr
Clarke, Mr D
Fang, Mr W
Green, Mr P (teller)
Maclaren-Jones, Mrs
(teller)
Mason-Cox, Mr M
Phelps, Dr P

Amato, Mr L
Colless, Mr R
Farlow, Mr S
Harwin, Mr D
Mallard, Mr S

Mitchell, Mrs
Taylor, Mrs

Blair, Mr
Cusack, Ms C
Franklin, Mr B
MacDonald, Mr S
Martin, Mr T

Nile, Revd Mr
Ward, Ms P

NOES

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

Primrose, Mr P
Sharpe, Ms P
Voltz, Ms L

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

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

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

Amendments agreed to.

The Hon. PAUL GREEN: I move:

That the Chair do now leave the chair and report that the Committee has agreed to the Legislative Assembly's amendments.

Motion agreed to.

Adoption of Report

The Hon. PAUL GREEN: I move:

That the report be adopted.

Motion agreed to.

Messages

The Hon. PAUL GREEN: I move:

That a message be forwarded to the Legislative Assembly informing the Assembly that the Legislative Council agrees to the Assembly's amendments.

Motion agreed to.

The PRESIDENT: I shall 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

ENERGY ASSISTANCE PROGRAM

The Hon. ADAM SEARLE (14:30): My question is directed to the Minister for Energy and Utilities. Given the State Government provides taxpayer-funded electricity rebates, what action is the Government taking to ensure that the big energy companies that are paid the subsidies, which are meant to benefit elderly and other vulnerable customers, maximise the value of those payments and put vulnerable customers on the best market deal possible?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:31): I thank the honourable member for his question. I have spoken about this issue in the House previously. I spoke about it last year—

The Hon. Adam Searle: When are you looking into it? Next year?

The Hon. DON HARWIN: No, it was part of the energy assistance program. In fact, I have told the House previously about how we amended the social code to require retailers to put their customers on the best available plan. I have also discussed what we are proposing to do to require retailers to report to us about how successful they have been, and foreshadowed that we will take action against them if they have not. I am not sure if the honourable member remembers all that information, which I have dealt with before.

The Hon. Niall Blair: He wasn't listening.

The Hon. DON HARWIN: I suspect that the Deputy Leader of the Government may well be right. I have previously outlined at some length what we are doing with retailers to make sure that rebate customers are put on the best rate. There is more to come.

The Hon. ADAM SEARLE (14:32): I ask a supplementary question. Will the Minister elucidate that part of his answer when he talked about the reporting back by retailer electricity customers, and inform the House when he expects that to take place?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:32): I expect to receive information about that shortly.

STATE BUDGET

The Hon. LOU AMATO (14:32): My question is addressed to the Leader of the Government. Will the Leader of the Government update the House on how the Government is delivering for the people of New South Wales, and are there any alternative policies?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:33): The Hon. Lou Amato is on the ball, as we would expect. The Government is delivering for the people of New South Wales. Our budget is delivering record investment across New South Wales in health, education, roads and transport, and is supporting our most vulnerable. We have delivered a budget that supports families and businesses in the cities and in the regions. This morning, in the other place, we had a budget reply speech from a leader who appeared to be a very sad and lonely figure. Where was the member for Strathfield during his contribution? She was nowhere to be seen. I wonder what she was up to.

The Hon. Adam Searle: Point of order: The Minister is reflecting on a member of the other place. He should do that only by way of substantive motion, not through these indirect means. It does not become the Leader of the Government.

The Hon. Scott Farlow: To the point of order: The Leader of the Government was not making a reflection; he was simply asking a rhetorical question: Where was the member for Strathfield?

The PRESIDENT: Order! The Hon. Scott Farlow was not speaking to the point of order. I call the Hon. Scott Farlow to order for the first time. The Minister should not reflect on another member.

The Hon. DON HARWIN: I am curious about why the Leader of the Opposition would regard my asking a question about where the member for Strathfield was as a reflection. What does he think the member for Strathfield is up to? That is what immediately occurs to me.

The Hon. Adam Searle: Point of order: The Minister is now reflecting on me. It is ridiculous. I ask you to call the Leader of the Government to order. This cheap carry-on by the Government on the final sitting day of the session should not be permitted. We can be here all afternoon if it is required.

The PRESIDENT: Order! It is difficult for me to hear a point of order that is presented to me in an appropriate manner when Government members and members sitting next to or behind the Leader of the Opposition are interjecting. I will not hesitate to call members to order. I note that we have all had a maximum of three hours sleep and are tired. I assure members I am tired also. The Leader of the Government will cease making reflections on members of either House. Further, he will be generally relevant to the question that was asked of him. The Minister has the call.

The Hon. DON HARWIN: What we saw was a speech that outlined alternative policies with no substance or plans. The policies came from a leader who leads a team that does not have a clue how to govern New South Wales. The only way he would be able to pay for his plans would be by cancelling other projects. He wants to scrap the Bankstown metro and the northern beaches tunnel. There is only one thing consistent about the

New South Wales Labor Party: When it is in government, it does not deliver. It says it is going to do things but it does not deliver. Labor members make empty promises and fanciful claims but their commitments are as vacuous as some of what we heard in the other place this morning. Labor wants to tear up our infrastructure projects because that is all it ever does—cancel projects. We all remember what it was like when Labor was in government and projects were cancelled. We are the builders and they are the wreckers.

The Leader of the Opposition seems to be following the Bob Carr school of practice that says, "Sydney's full, so we better not build any infrastructure." Labor offers absolutely nothing for the people of New South Wales. The Leader of the Opposition said that Labor stands for more nurses, teachers and midwives; it is the Liberal-Nationals who are delivering them. Those opposite have to be able to pay for their promises. Labor is not up to the task, and nothing the Leader of the Opposition said this morning suggests otherwise. Labor members cannot be trusted. The people of New South Wales tasked us to rebuild the State after the 16 years of mismanagement, neglect and corruption under the former Labor Government. We are delivering for families all over New South Wales. Labor and its leader have no vision and no policies. I suspect that very soon—come September—the leadership roulette wheel will be spinning. In contrast, this Government is delivering today and building for the future. Only the Liberal Party and The Nationals can be trusted to manage the budget and provide the infrastructure and services that we need.

PRESCHOOL FUNDING

The Hon. WALT SECORD (14:39): My question is directed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Yesterday, in response to a question from my colleague the Hon. Courtney Houssos, the Minister said:

As a State Government, we do not fund the long day care sector.

Page 1-5 of Budget Paper No. 3 states clearly:

- Continuing Start Strong funding for preschool education in community preschools and long day care services,

Did the Minister knowingly mislead the Parliament?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:40): I thank the honourable member for his question. I repeat what I said yesterday, which was that State governments are responsible for funding preschools while the Commonwealth Government is primarily responsible for funding long day care.

The Hon. Walt Secord: Primarily! Bit of a crab walk.

The Hon. SARAH MITCHELL: This is exactly what I said yesterday. The New South Wales Government is primarily responsible for supporting access to early childhood education, as opposed to childcare. The New South Wales Government provides supplementary funding to support educational outcomes under Start Strong to the long day care sector for children who attend a preschool program for 600 hours in the year before school only. For example, New South Wales provides grants to support educational outcomes, such as employing an additional teacher or speech therapist, or learning resources, not subsidising fees. This approach is consistent with New South Wales's requirements under the National Partnership Agreement on Universal Access to Early Childhood Education.

The Hon. WALT SECORD (14:41): I ask a supplementary question. Will the Minister elucidate her answer with regard to how much the New South Wales Government provides towards long-term day care?

The PRESIDENT: Order! The two deputy leaders will not have an argument or discussion across the table. As I have said, if members have an issue they should take it outside.

The Hon. Walt Secord: Mr President, tell them to pick their four best.

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:42): I refer to my previous answer. I have said that the information is in the budget papers. I will not play this game.

SOUTH-EASTERN SYDNEY COMPULSORY LAND ACQUISITION

Dr MEHREEN FARUQI (14:42): My question is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, representing the Minister for Health. For the expansion of the Prince of Wales Hospital, NSW Health has issued new acquisition notices to people who have yet to agree to sell their homes. Homeowners have been given just 30 days to negotiate before their properties are compulsorily acquired. Given how fraught and stressful the process has been to date for these people, why have homeowners been given such short notice?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:43): I thank the honourable member for her question, which she has asked of me representing the Minister for Health in this place. As she said, the issue of compulsory acquisition certainly can cause some distress for those who are going through that process. In areas where the Government is building the critical infrastructure that is required across the State, compulsory acquisitions need to occur at times. Of course, we see that not only in the health space, such as the hospital expansion to which the member's question referred, but also in other areas of critical infrastructure development and construction in New South Wales, whether in transport or other areas.

I do not have with me the relevant information about time frames in relation to that hospital. It is best to make sure that any commentary in this place uses the latest and most accurate information, so I will take the question on notice, refer it to the Minister for Health and come back to the member with an answer in due course. I am not sure if she will be here to receive the information, as we know that she has big plans and may be moving on. Regardless of whether the member is here or not, I am sure that when I present the answer to the House, it will be of interest to many.

METEOROLOGICAL SERVICES

The Hon. BEN FRANKLIN (14:45): 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 improving weather information services for regional communities?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:45): I thank the Parliamentary Secretary for his question. For far too long, the people of Western and Central New South Wales have had to rely on inadequate and unreliable weather radar coverage. The New South Wales Liberal and Nationals Government has committed more than \$25 million to fund three new Doppler radar weather stations in the Central West and Far West of the State. It gives me great pleasure to talk to the House about this investment as I know many of our rural and regional communities have long been advocating for Doppler radar. Some may ask: What is a Doppler radar?

The Hon. Greg Donnelly: What is a Doppler radar?

The Hon. NIALL BLAIR: It is funny you should ask. A Doppler radar is a specialised radar that measures the direction and speed of precipitation in the atmosphere towards or away from the radar. They offer a range of benefits over conventional radars in short-term weather forecasting, as they more accurately determine accumulated rainfall and resultant stored soil moisture across properties, particularly for large and geographically dispersed land holdings. They offer enhanced tracking of the location and strength of wind changes, which is critical for aviation, firefighting and other emergency services. This level of detail allows for the detection of plague locust migrations. These weather stations have the potential to provide economic, social and environmental benefits for more than 170,000 people as well as providing benefits worth more than \$156 million over the next 20 years.

I acknowledge the Orana Regional Organisation of Councils [OROC] for its work in coming directly to my office and bringing this opportunity to our attention. The OROC chairman and Gilgandra Shire Mayor Doug Batten has applauded the announcement and said that, "Not only do the economics stack up; there has been a strong case on the grounds of equity for radar services to be provided in this part of NSW. Well done to the State Government in acknowledging this in their 2018 budget." This \$25 million investment has also been welcomed by the NSW Farmers' Association and the Country Women's Association.

I cannot overstate this: Accurate and reliable weather information in regional and rural New South Wales is absolutely critical. Recently a cropper in our west told me this story. In the last financial year, he was battling disease on his chickpeas and urgently needed to spray them in order to minimise the spread of the disease. Looking at the weather forecast, there was a 30 per cent chance of 10 to 15 millimetres, which would generally result in nothing. So he took the chance and emptied more than \$100,000 worth of spray onto his paddock, only to see the rain come down a couple of hours later. I do not know what that crop yielded but I do know that if there had been reliable weather data in that part of the State, the forecast may have indicated something like a 95 per cent chance of 40 to 50 millimetres and he would not have taken the chance to spray.

Farming is a numbers game, and every day our farmers are weighing up risks across their businesses. The New South Wales Government is proud to support our farmers and our communities in the west. We will continue to invest in robust, long-term decisions that do not just support our farmers now but support them well and truly into the future. Farming communities have been calling out for accurate weather forecasting. People in Sydney take for granted the fact that they can look at the radar on the Bureau of Meteorology website to see

whether a storm is coming, which would mean they would move their car under shelter and make a range of other decisions. This Government has delivered for Western New South Wales. [*Time expired.*]

CLIMATE CHANGE FUND

Mr JUSTIN FIELD (14:50): My question without notice is directed to the Minister for Resources, and Minister for Energy and Utilities, representing the Minister for the Environment. Despite releasing the Climate Change Fund draft strategic plan for consultation in November 2016, the Government has failed to finalise the strategic plan, has failed to finalise three announced action plans, last year underspent on climate action by \$142 million and has reduced budgeted Climate Change Fund spending for the fourth year in a row, and greenhouse gas emissions have risen in New South Wales for the past three years. With this record, is it not time for the Minister to admit that the Government has no genuine plan or intention to invest in climate action and support communities to adapt to climate disruption?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:50): I heard what the member said about the Climate Change Fund, but he is not correct. Expenditures are being made from the Climate Change Fund for the exact purpose of addressing the issue of climate change. That expenditure can be done in a number of ways, including through energy efficiency measures and other specific works to enable us to deal with rising water levels and flooding impacts, for example. All sorts of things can and are being done, and when we return from the winter recess I will take great pleasure in talking about all the good things that this Government is doing with the help of the Climate Change Fund. A lot of excellent work is being undertaken, and the people of New South Wales will be satisfied that this Government is determined to reduce energy emissions. This Government is taking action on climate change, and the people of New South Wales will be pleased with what we announce.

Mr JUSTIN FIELD (14:52): I ask a supplementary question. Would the Minister please elucidate his answer with regard to the funds being spent on other specific works and inform the House of the nature of the works budgeted for the 2018-19 financial year.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:52): I refer the member to my previous answer.

PRESCHOOL FUNDING

The Hon. COURTNEY HOUSSOS (14:52): My question without notice is directed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Given that nine large early learning providers have confirmed in an open letter to the Premier that the Government's funding announcement for preschool for three-year-olds is simply a reversal of the Government's 2013 cut and it leaves 83 per cent of three-year-olds without any new funding, what advice does the Government provide to parents in regional towns like Forster-Tuncurry which have no community preschools?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:53): I thank the member for her question because it gives me the opportunity to talk about the Government's preschool funding policy announcement, a big part of our budget that we are proud of. This is a good opportunity for me to put more facts on the record. The reality is that more three-year-olds are currently being funded under Start Strong than ever before in this State. Prior to Start Strong, the number of three-year-olds attending preschool was around 3,500 in 2016. Under these policy extensions, this attendance is projected to grow to around 12,000 three-year-olds in 2022. This Government's \$197 million investment in this year's budget ensures that even more three-year-olds will benefit—in fact, 6,500 additional children are expected to benefit. It is also important to put on the record some facts about what happened under the Labor Government.

The Hon. Trevor Khan: Point of order: Mr President, my point of order is about the constant interjections from members of the Opposition. The Minister should not have to take a barrage of abuse from the Opposition whilst answering a question. I ask that all members who are interjecting be called to order.

The PRESIDENT: I uphold the point of order. There are far too many interjections, but because I was conferring with a member at the time I cannot identify who was interjecting, although I could hear the interjections. Members who continue to interject will be called to order, and this is my final warning to members on both sides of the Chamber.

The Hon. SARAH MITCHELL: Under Labor, preschools were funded through service level grant-based funding. This funding was as messy as it sounds; there was no consistency and the funding model meant services had no obligation to focus on the year before school. This Government changed that by making access to preschool easier for services and cheaper for families. Now we are giving families choice, and we believe

in giving families choice through funding security for not one year but two years of education. The fact is that this Government's spending on early childhood education is double what the previous Labor Government spent in its last year of government.

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the first time. I call the Hon. Courtney Houssos to order for the first time.

The Hon. SARAH MITCHELL: The Labor Government spent \$222 million on childhood education in its last year in government and this State lagged on every single indicator. This year the Government is spending \$474 million on early childhood education and leading the nation in providing universal access to education for three-year-olds.

The Hon. Lynda Voltz: Point of order: Mr President, you called members of the Opposition to order for interjecting, and I ask that you call members on the Government benches to order for interjecting.

The PRESIDENT: Would you like to name them?

The Hon. Lynda Voltz: Yes, the Hon. Natalie Ward would be a good place to start.

The PRESIDENT: Order! I call the Hon. Natalie Ward to order for the first time.

The Hon. Dr Peter Phelps: Yay!

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

The Hon. SARAH MITCHELL: On the issue of subsidising long day care, the Opposition suggests that these subsidies would not benefit families, but merely act as a cost-shift from the Federal Government to the State Government. Under the National Partnerships Agreement, States are to fund education and there is no role for the States to play in reducing fees for long day care. The Opposition is giving the impression that peak bodies and families are not happy with the Government's funding announcement, and that is not the truth. I cannot tell members the number of messages and phone calls of support that we have had, even from people in other States.

The Hon. Trevor Khan: Point of order: Mr President, I note that you called the Hon. Natalie Ward to order for interjecting, but at the same time the Hon. Daniel Mookhey and the Hon. Courtney Houssos have been shouting abuse at the Minister during her answer. If there is a degree of equity in rulings, I suggest that these members be called to order.

The PRESIDENT: I uphold the point of order. I remind the Hon. Courtney Houssos that the Minister is answering her question and I call her to order for the second time. I call the Hon. Daniel Mookhey to order for the first time.

The Hon. SARAH MITCHELL: The member asked me about preschool services in regional and remote communities. I note that yesterday Community Connections Solutions Australia, a peak organisation that for nearly 50 years has represented early childhood services in rural and remote communities across New South Wales, said, "We welcome the additional funding for early childhood education in New South Wales budget".

The Hon. Walt Secord: Your staff member wrote that.

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the first time. Interjections are bad enough, but standing up while interjecting is a little worse.

The Hon. SARAH MITCHELL: Early Childhood Australia, another wonderful peak organisation for providers, says, "We congratulate the Government on taking leadership in extending universal access to community preschools to three-year-old children across New South Wales." Even today there was an editorial about this in the *Sydney Morning Herald*. It said:

One measure in the state budget, though, should attract no cynicism. In the government's decision to boost funding for preschool education there is no catch. This is genuine progress.

As I said on Tuesday, this is good news. The Opposition does not like good news. We love it and we know families do too.

EARLY CHILDHOOD EDUCATION

The Hon. NATASHA MACLAREN-JONES (14:59): My question is addressed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Can the Minister please update the House on the New South Wales Government's commitment to support more children accessing at least 600 hours of quality early childhood education?

The Hon. Greg Donnelly: I refer to my previous answer.

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:00): I could refer to my—

The Hon. Niall Blair: Point of order: This has to stop. The Minister has only just started providing an answer and there has been a barrage of interjections coming from the Opposition backbench and from the Deputy Leader of the Opposition. It is absolutely disorderly.

The Hon. Walt Secord: To the point of order: For clarity and for the education of the House, I did make one interjection. I used the term "primarily". I just wanted to emphasise to the Minister, and warn her, that in her previous answer she tried to crab walk away and use the term "primarily". That hardly constitutes a disorderly interjection.

The PRESIDENT: The Hon. Walt Secord has not made a point of order; he made a debating point. I call the Hon. Walt Secord to order for the second time. I also indicate to Government members that the occasional "Hear, hear," or word of support for a Minister is acceptable in the context of a robust question time, but a continual loud chorus that invites interjections from the other side of the Chamber, and which makes it difficult for the Chair to hear interjections from the other side, does not assist the Minister nor, more importantly, the Chair.

The Hon. SARAH MITCHELL: As I said, this is a good opportunity to talk about something that I am very passionate about. As I have just said, New South Wales became the first State in Australia to fund universal access for three-year-olds in community preschools. As I have said repeatedly in the House, we understand just how important quality early childhood education is. The Government is, once again, putting its money where its mouth is by investing in our future generations.

By extending the successful Start Strong program for two years of preschool we will increase participation rates for three-year-olds and improve preschool affordability, saving families on average \$825 per year. As I briefly mentioned yesterday, I had the pleasure of joining the Premier and the Treasurer at St Peters Community Preschool after this historic announcement. The direct feedback that we received from the staff at St Peters and the fantastic director Laurel Walker is that they are really happy with this announcement. They are extremely appreciative of this record investment from the Government. The staff of the preschool have seen the success of the Start Strong program and told me that they know it will make a big difference to families in their local area. This is good news.

In 2016 this Government invested \$115 million to launch Start Strong. In the 2017-18 budget, we committed an additional \$217 million over four years to support universal access to early childhood education. Now we are making history by investing a record \$474 million in early childhood education—more than double what Labor invested in their final year in Government. This is a reminder that the Government supports working families. The Government is working to support mums and dads in every corner of the State to ensure that cost is not a barrier when it comes to sending their children to preschool. As a mother, I know how important these cost-of-living savings really are. I have seen it in real terms. In 2017, Start Strong delivered a 25 per cent decrease in daily fees for all children in community preschools, a 41 per cent decrease in fees for Aboriginal and low-income families, and an increase of 600 hours of participation in the year before school.

In 2017, 94.1 per cent of New South Wales children were enrolled in early childhood education programs in the year before school for 600 hours. This is a massive improvement because the Government has funded this and the Start Strong program is working. It is the single biggest investment of State funds in early childhood in New South Wales history, and is delivering real benefits to children and their families. The Government wants a child's education to help them reach their full potential. Government members know that every child's learning journey begins early, with significant brain development happening well before children enter our primary school classrooms. This budget means that more children than ever before will have the best possible start in life.

Government members have listened. We looked at the research, talked to the sector and the families and delivered real outcomes for children and families in New South Wales. As Minister for Early Childhood Education I am proud that the New South Wales Government is leading the country. The Government is making sure that children will have access to two years of quality early childhood education without putting extra financial pressure on families. We know that access to quality early childhood education has a significant positive impact on a child's future, and I am proud that we are stepping up and delivering.

The announcement also includes an investment of \$42.1 million for capital works to deliver an additional 4,800 new community preschool places in growth areas—in communities where there are demands for these services. The Government's capital works funding has already been hugely successful. Thanks to this budget we are going even bigger and better. It is a real outcome for families, because that is exactly what we care about.

GREENHOUSE GAS EMISSIONS

Mr JUSTIN FIELD (15:06): My question is directed to the Minister for Resources, and Minister for Energy and Utilities, the Hon. Don Harwin. Is the Minister aware of criticism that the emissions reduction targets proposed for the National Energy Guarantee [NEG] lack the ambition necessary to reduce Australia's total greenhouse gas emissions in line with the Paris climate agreement, even though emission reductions in the electricity sector are far easier to achieve than in other sectors? Is the Government concerned that inadequate emission targets in the NEG will mean other sectors such as transport, industry, waste and agriculture will have to reduce emissions significantly in order to meet the Paris target, and does the New South Wales Government have a plan to reduce greenhouse gas emissions in these other sectors?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:06): I am certainly very well aware that those criticisms are being made of the National Energy Guarantee. Today represents our last sitting day for some weeks, but before we resume in August there will be a meeting of the COAG Energy Council on 12 August. Hopefully, this will be the last time that honourable members will have to hear me talking about why I think the National Energy Guarantee is essential.

I hope that when we gather again I will be able to report that we have "brung it home", and that we have a national energy guarantee. The Government has seen the draft design of the National Energy Guarantee and, frankly, we like what we see. The best thing the Government could do to ensure that we are on a trajectory towards meeting our international obligations and our emissions targets plus creating the certainty for investors to invest in new generating capacity is bringing in a National Energy Guarantee.

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

The Hon. DON HARWIN: The investment certainty and the extra generating capacity is what we desperately need after the early, unexpected and unplanned closures under the previous Labor Government of Australia of the Northern Power Station and with the early and unexpected closure of the Hazelwood Power Station—although it was getting on and the closure would have happened sooner or later.

The PRESIDENT: I call the Hon. Daniel Mookhey to order for the second time.

The Hon. DON HARWIN: Nevertheless, it is widely recognised that the reason we have had such difficulty with the wholesale component of people's power bills over the last 12 months is the lack of generating capacity. Getting a national energy guarantee is critical. One thing that has characterised our public debate for years and years—almost nine years—is a tendency that I can only describe as zealotry on both sides of the divide to regard the perfect as the enemy of the good.

Many times the Government has been close to integrating climate and energy policy but has failed. I will not point fingers, but the current Prime Minister, when he was Leader of the Opposition, was working on a proposal with the current Opposition when they were in Government. It may well have fixed it but it did not, because The Greens and others brought it down. If we get into a situation this time when, for example, a colleague of Mr Justin Field the Australian Capital Territory energy Minister Shane Rattenbury—the good bloke that he is—uses the sorts of concerns that Mr Justin Field outlined in his question as a reason to block the National Energy Guarantee, it will be an absolute national tragedy. [*Time expired.*]

STATE WATER MANAGEMENT SYSTEM

The Hon. PENNY SHARPE (15:10): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Budget Paper No. 2, pages 6-8, indicates that the Minister has cut by 28 per cent the funding of Integrated Surveillance Monitoring, Automation and Remote Telemetry, better known as iSMART, which manages our dams, weirs and regulators. How does the Minister justify the cuts?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:11): It is interesting to finally get a question relating to my portfolio that is not from my shadow Minister.

The Hon. Walt Secord: He wrote it. He had a better input in that.

The Hon. NIALL BLAIR: He wrote it, did he? I am sure that by the time the House gets back after the winter break the shadow Minister will have more questions, especially during budget estimates. I will take the Hon. Penny Sharpe's question on notice and have a look at it.

The PRESIDENT: Order! I remind the Hon. Daniel Mookhey that he is on two calls to order. I will not give him any more warnings—I do not want anyone to say that I am playing favourites with him.

The Hon. NIAL BLAIR: As I was saying, I am happy to take the question on notice, look at the details and come back to the member in due course.

STATE INFRASTRUCTURE

The Hon. TAYLOR MARTIN (15:12): My question is addressed to the Leader of the Government. Will the Leader of the Government update the House on how the Government is planning for the future of New South Wales, and are there any alternatives?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:12): The Government has a vision, a plan and the means to achieve that plan. They are all highlighted in the budget. Those three things were sorely lacking from the budget reply speech of the Leader of the Opposition this morning. What did he have to say about cost of living? Not one thing. He has zero policies to reduce cost-of-living pressures on New South Wales families. As I have stated, the Government is taking steps to reduce pressure on power prices, help customers get a better deal on their energy and lower Sydney Water bills by \$100 a year. The Government has introduced comprehensive third party [CTP] reforms, which will save motorists about \$120 a year, as well as the Active Kids rebate and the Creative Kids rebate—the list goes on.

I find it interesting to go through some things that the Leader of the Opposition did not talk about in his reply to the budget. For example, he failed to mention the mining industry. It is the biggest export industry by far and a crucial employer across regional New South Wales. Mining royalties added \$1.8 billion to the State books last year, and the Government is expecting \$7.4 billion in revenue over the forward estimates. Over the four years, that is almost enough to pay for the Government's \$8 billion hospital infrastructure program. It did not even rate a mention from the Leader of the Opposition. However, I noticed that he mentioned a location for The Tweed Hospital, which was curious. I took particular interest in his nomination of a site where the hospital would be built. Much to my surprise, the Leader of the Opposition announced that the Labor Party would build the hospital in Kings Forest. That seemed a bit strange to me.

The Hon. Walt Secord: Point of order: This will be worth it, Mr President. To assist the Leader of the Government and to avoid acute embarrassment, the only people to receive donations from the company that I foreshadow he will refer to is the Liberal Party in 2007, and it is to the tune of \$25,000. I ask the Minister to reconsider his answer.

The Hon. Niall Blair: Point of order—

The PRESIDENT: What is the member's point of order?

The Hon. Niall Blair: That is my point of order.

The Hon. Walt Secord: It was relevance.

The Hon. Niall Blair: Numerous Presidents have ruled that points of order should not be used to make debating points. That is clearly what the Deputy Leader of the Opposition did.

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the third time. In accordance with Standing Order 192, I direct the Usher of the Black Rod to remove the Hon. Walt Secord from the Chamber. The member is excluded until the conclusion of question time.

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

The PRESIDENT: Order! I call the Hon. Lynda Voltz to order for the first time. I have advised members on many occasions that I take the job of Chair very seriously. I have a duty to protect the integrity of the Chair, of the Chamber and of members. I assure all members that having to evict a member from the Chamber is a very difficult task for the Chair, and is not something that the Chair wants to do or enjoys doing. I ask members that when such an occurrence takes place, it is taken as seriously by them as it is taken by the Chair. It is not a laughing matter, a joke or an opportunity for inappropriate remarks to be made.

The Hon. DON HARWIN: I only wanted to say that it seemed a bit strange that the Leader of the Opposition would make such an announcement, given that the Government is letting the community have its input into where The Tweed Hospital should be built. I have received advice that that is what the Government is doing. Coal is crucial to the New South Wales economy. This side of the House does not forget that. It is a key part of the mining industry. I remind the House that 110,000 people, directly or indirectly, are employed by the mining industry in New South Wales. It worries me that the speech of the Leader of the Opposition made no mention of the importance of mining to the State's revenue base. The Leader of the Opposition also did not make a single policy statement for the arts, except when he wrongly claimed that there was an increase in the cost of visiting the Powerhouse Museum. It is simply wrong. That was his sole reference to the arts.

He did not back in the Regional Cultural Fund, which is making a huge difference in regional New South Wales; he did not back in the Sydney Modern Project; and he did not back in the Australian Museum upgrade. As all members know, he does not back in arts and culture in Western Sydney. Even though there is a historic imbalance of cultural infrastructure between the east and the west in Sydney, he is opposing record investment in Western Sydney. It was a very disappointing speech. Two critical areas: mining for our revenue base and our creative industries— [*Time expired.*]

KEMBLA GRANGE PRISON PROPOSAL

The Hon. PAUL GREEN (15:20): My question is directed to the Minister for Primary Industries, representing the Minister for Corrections. Concerns have been raised with my office following the proposed establishment of a jail in West Dapto where the planned site would back on to a future land release under the West Dapto master plan. Will the Minister advise what community consultation has been undertaken on the proposed jail site? Further, what steps have been taken to reassure local communities, particularly young families who have already purchased or are looking to purchase land near this proposed site?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:20): I thank the Hon. Paul Green for his question to me representing the Minister for Corrections in this place. I am aware of some of the discussions about the correction centre and consultations with the community in the Dapto area. As with one of the earlier questions from The Greens about compulsory acquisitions, sometimes planning for these projects creates some uncertainty or concern for some members of the community.

All members know that the Hon. Paul Green is quick to raise the concerns that people bring to him with the representatives of the Government, in particular the Minister. There was no better example of the member's advocacy and the way that he goes into bat for those that seek help from him than what we saw earlier today with the Modern Slavery Bill that passed through this House, accepting the amendments that came from the Legislative Assembly. With that level of commitment, compassion and honour, we know that the member is going in to bat and advocate on behalf of residents who have some concerns about consultation. I do not have that information with me today in the House. I am happy to take the question on notice, refer it to the Minister for Corrections and come back to the member, hopefully with the information that he seeks.

LOCAL LAND SERVICES

The Hon. MICK VEITCH (15:22): My question is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister advise the House of the rationale underpinning the 25 per cent increase in Local Land Services [LLS] taxes, fees and fines as detailed in this year's budget, which will impact on our drought-affected farmers?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:23): I thank the Hon. Mick Veitch for his question. I am sure this is an area that we could spend much more time on than the four minutes I am allocated to answer his question. When we get a chance to have a bit of a sparing session in budget estimates—I think kick off is 9.00 a.m. on 31 August—I will be ready. You better hit the gym.

The Hon. Mick Veitch: I'll be ready. I'm back in the gym, don't you worry.

The Hon. NIALL BLAIR: You won't make the fighting weight at the moment. You will have to get into the sweatsuit and go for a run.

The PRESIDENT: I call the Deputy Leader of the Government to order for the first time. Do not tell me it was worth it or there will be a second call to order. The Minister has the call.

The Hon. NIALL BLAIR: There will be time to go through this issue in more detail and I am happy to talk the member through this. Obviously, as the member is aware, there have been a number of changes and an increase in services provided by Local Land Services in the past 12 months. I remember when the budget was handed down last year the member was concerned about staffing numbers in LLS. I am happy to say that this budget is the healthiest budget there has ever been for Local Land Services. The staff in Local Land Services have never had more certainty than what this budget provides for. This budget is underpinning Local Land Services. But, when a range of other services is provided by an organisation such as Local Land Services, consistently there is a prediction or an allocation of what the assumed income could be for that agency.

The Hon. Mick Veitch: You're not going to meet it.

The Hon. NIALL BLAIR: I hope we do not meet—

The PRESIDENT: I call the Hon. Mick Veitch to order for the first time. The Minister has the call.

The Hon. NIALL BLAIR: Responding to the disorderly interjection, I hope we do not meet any of those projections on fines, because the role of Local Land Services is to work with landholders to ensure that they do not incur fines. In relation to fees—

The Hon. Scott Farlow: Point of order: The Hon. Mick Veitch was called to order approximately 15 seconds ago, and he continued with his interjections. I ask that he again be called to order.

The PRESIDENT: I uphold the point of order. I call the Hon. Mick Veitch to order for the second time.

The Hon. Mick Veitch: Thanks, Scott!

The PRESIDENT: It appears that some members really do want an early mark. If I cannot have one, they cannot have one. The Minister has the call.

The Hon. NIALL BLAIR: I certainly hope we do not hit the projected target on fines, but we need to project the fees and we provide fees for some of the services that Local Land Services offers. We hear quite often that many people like to pay for the services offered by Local Land Services. One of the most successful programs is run in the Sydney Basin, where Local Land Services educates and informs small block landholders. People have told me firsthand they are very happy to pay for fees for that type of service. That budget figure covers a range of things. We are proud to support Local Land Services and the turnaround of its economic position, particularly over the past 12 months. This Government introduced Local Land Services and has backed it. That has been further underpinned with the budget this week. It does a great job and we thank it for everything that it does. This budget will allow it to have the resources to continue to do that and service the people of New South Wales as a result.

MURRAY-DARLING BASIN PLAN

The Hon. BRONNIE TAYLOR (15:27): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. How is the New South Wales Government safeguarding the interests of New South Wales basin communities under the Murray-Darling Basin Plan?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:28): I thank the Parliamentary Secretary for Southern New South Wales for her question. Recently I met with representatives of the other Murray-Darling States, the Australian Capital Territory and the Commonwealth at a meeting of the Murray-Darling Basin Ministerial Council. We came together to reach agreement on measures to safeguard the immediate and long-term futures of rural and regional communities across the basin. The agreements we reached at that meeting addressed concerns that have been raised regarding the impact of water conservation measures on those communities. All States have come to an agreement to focus our immediate water efficiency savings from off farm, urban and industrial projects. That means the 62 gigalitres of water efficiency measures that need to be recovered by July 2019 will not be taken from the productive water of our regional communities.

For the benefit of those opposite, productive water does not just assist our food and fibre producers in those communities. Productive water means that local businesses, local people and local organisations have an income stream that is vital to our communities productivity. Many of these communities are already doing it tough because of the drought, and that is happening across New South Wales. Under the Murray-Darling Basin Plan, where these measures can be implemented in a manner that has a neutral or positive social and economic impact on our rural and regional communities, up to 450 gigalitres of water for the environment can be secured through water-use efficiency measures by 2024.

Obviously, each State and Commonwealth had its own view on what constitutes social and economic impacts. That is why the meeting also agreed to the development of a new and consistent framework to define what is meant when we say "social and economic impacts". The New South Wales Government welcomes this decision, which will inject additional certainty into a procedure that is too often held hostage to differing interpretations based on individual State's interests. All States agreed that the first consideration is what is best for those most affected by water limitations and drought conditions, which is how it always should have been.

One criterion that has been considered is the so-called "participation test", which was used to assess the socioeconomic impacts of water recovery. It has long been the New South Wales Government's contention that this test fails to account for flow-on effects across the community—that is, the suppliers, the trucking companies and the rest of the extended supply chain that are not involved in the operation of farming or extracting industries that are crucial to the communities that depend on those water-reliant industries. I am pleased that a consistent new approach has been formulated that takes into account the impacts of water-use efficiency on entire communities. The New South Wales Liberal-Nationals Government supports our rural and regional communities.

That is in stark contrast to members opposite, who would throw our communities on the scrap heap. That will not happen on our watch. We stand up for our communities and we make sure we get it right.

ENERGY ASSISTANCE PROGRAM

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:31): Earlier today, the Leader of the Opposition asked me a question about the new Social Programs for Energy Code, which has been in effect since 11 December 2017. I advise him that the Government is now collecting critical data from energy companies to help hold them to account and to ensure benefits are being provided to vulnerable customers. The Government has established a retailer working group and held a meeting with retailers in recent weeks. This is a means of communicating any issues with retailers directly. The operation of the code and the changes that have been made were explained to them at that meeting. That will further strengthen the requirements of energy companies to benefit vulnerable customers.

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

Deferred Answers

FIREARMS AMNESTY

In reply to **the Hon. ROBERT BROWN** (17 May 2018).

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

I am advised:

Firearms, related articles and prohibited weapons can be surrendered at all New South Wales police stations during the upcoming New South Wales firearms amnesty. NSW Police Force personnel are aware of the commencement of the amnesty on 1 July 2018 and will ensure the necessary storage facilities are available as per legislative requirements.

AIR POLLUTION

In reply to **Mr JEREMY BUCKINGHAM** (17 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:

1. The Office of Environment and Heritage [OEH] and the Environment Protection Authority have commissioned and completed a number of studies on air quality in the Lake Macquarie area that have indicated the air quality as being generally good. OEH also publish information on air quality monitoring around New South Wales on their website.

<http://www.environment.nsw.gov.au/topics/air/monitoring-air-quality>

<https://www.epa.nsw.gov.au/your-environment/air/regional-air-quality/lake-macquarie-wyong-air-quality>

<http://www.epa.nsw.gov.au/your-environment/air/industrial-emissions>

INFORMATION COMMISSION INVESTIGATION

In reply to **Dr MEHREEN FARUQI** (17 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:

The Information and Privacy Commissioner's report showed that Transport for NSW fulfilled its obligations under the GIPA Act in relation to all of the access applications reviewed by the Commissioner. It is a matter for the Information Commissioner to disclose further details of the report.

Transport for NSW is committed to the principles of the GIPA Act, which are about promoting open government. Transport for NSW has taken action already to strengthen its processes to ensure its handling of all information requests is as robust as possible.

*Committees***PUBLIC ACCOUNTABILITY COMMITTEE****Reference**

Reverend the Hon. FRED NILE: I inform the House that in accordance with paragraph (10) of the resolution of the House establishing the Public Accountability Committee, the committee resolved this day to adopt the following terms of reference:

- (1) That the Public Accountability Committee inquire into and report on the impact of the WestConnex project, including:
 - (a) the adequacy of the business case for the WestConnex project, including the cost-benefits ratio;
 - (b) the cost of WestConnex project, including the size and reasons for overruns;
 - (c) consideration of the governance and structure of the WestConnex project including the relationship between Sydney Motorway Corporation, Roads and Maritime Services, the Treasury and its shareholding Ministers;
 - (d) the compulsory acquisition of property for the project;
 - (e) the recommendations of the Audit Office of New South Wales and the Australian National Audit Office in regard to WestConnex;
 - (f) the extent to which the project is meeting the original goals of the project as articulated in 2012;
 - (g) the relationship between WestConnex and other toll road projects including the Sydney Gateway, Western Harbour Tunnel, F6 and Beaches Link;
 - (h) the circumstances by which WestConnex and the Sydney Gateway were declared to be separate projects in 2017;
 - (i) the cost of the project against its current valuation as determined through the sale of the Sydney Motorway; and
 - (j) any other related matter.
- (2) That the committee report by 1 December 2018.

*Personal Explanation***STATE INFRASTRUCTURE**

The Hon. ADAM SEARLE (15:35): By leave: I wish to make a personal explanation. I believe during questions without notice the Leader of the Government reflected upon me and a member of the other place. I advise the House that the member for Strathfield has informed me that she was present for the entirety of the speech of the Leader of the Opposition.

*Motions***MESSAGE STICK**

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:35): I move:

- (1) That this House notes that:
 - (a) on 11 October 2017, during a special ceremony to commemorate the introduction of the Aboriginal Languages Bill 2017, a message stick was passed between Aboriginal elders representing Aboriginal Language groups, who addressed members, then handed to the Minister for Aboriginal Affairs and later that day presented to the Parliament of New South Wales;
 - (b) on 17 October 2017, during the second reading debate on the Aboriginal Languages Bill 2017 members reflected on the significance of the message stick ceremony and suggested that it should be displayed permanently in the Chamber to acknowledge the substantial contribution of the Aboriginal community to the development of the State;
 - (c) the President, on behalf of the House, consulted with the Aboriginal Languages Establishment Advisory Group [ALEAG] and the NSW Coalition of Aboriginal Regional Alliances [NCARA] on the appropriate means by which to have the message stick permanently displayed in the Parliament; and
 - (d) the President commissioned LSJ Heritage Planning and Architecture to design a cabinet to display the message stick and a description of its significance.
- (2) That this House authorises the President to facilitate the following works related to the permanent display of the message stick:
 - (a) that the display cabinet be located on the northern wall of the Chamber in the space currently occupied by the middle row of the bookshelves in the President's Gallery; and

- (b) that the display cabinet will contain the following description: "This original message stick, presented to the Parliament of New South Wales, is a physical symbol of the Languages that the Aboriginal Languages Act 2017 seeks to acknowledge, nurture and grow. It is a commemoration of the introduction of the bill in the Legislative Council, the first of its kind in the world, and the first occasion on which an Aboriginal Language was spoken in debate by a non-member. It is a reminder of the two-way ongoing dialogue between the Aboriginal community and the New South Wales Parliament."
- (3) That, during the present session and unless otherwise ordered:
 - (a) the message stick presented to the New South Wales Parliament on 11 October 2017, during the ceremony to mark the introduction of the Aboriginal Languages Bill 2017 in the Legislative Council, be placed on permanent display in the President's Gallery;
 - (b) the House authorise the placement of the message stick on the table during proceedings on opening of Parliament, or during other special occasions at the discretion of the President; and
 - (c) on those occasions set out in paragraph (b), an Aboriginal Language group, selected on a rotational basis from a list of Aboriginal Language groups maintained by the President and the Aboriginal Languages Establishment Advisory Group and, once established, the Aboriginal Languages Trust, nominate an elder who will be invited to:
 - (i) remove the message stick from the display cabinet;
 - (ii) briefly address members from the Bar of the House in their language; and
 - (iii) hand the message stick to the Usher of the Black Rod for placement on the Table.

I thank members for their consideration of this motion, and particularly the President and the Clerk for the work they have done on this matter. I commend the motion to the House.

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

Motion agreed to.

Bills

APPROPRIATION BILL 2018

APPROPRIATION (PARLIAMENT) BILL 2018

NSW GENERATIONS FUNDS BILL 2018

SNOWY HYDRO LEGACY FUND BILL 2018

STATE REVENUE LEGISLATION AMENDMENT BILL 2018

First Reading

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

The Hon. DON HARWIN: According to sessional order, I declare the bills to be urgent bills.

The PRESIDENT: The question is that the bills be considered urgent bills.

Declaration of urgency agreed to.

Second Reading Speech

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:37): 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.

These bills will implement a number of measures included in the 2018-19 Budget.

These measures will help make NSW the best place to do business, provide infrastructure to connect our state and secure our future.

State Revenue Legislation Amendment Bill 2018

This is a budget that supports jobs and businesses, which is why from 1 July 2018 we will commence a four-year pathway to raise the payroll tax threshold to \$1 million. This is expected to reduce payroll tax by \$881 million over the forward estimates period.

The State Revenue Legislation Amendment Bill 2018 increases the tax-free threshold for payroll tax from \$750,000 to \$850,000 in 2018-19; \$900,000 in 2019-20; \$950,000 in 2020-21; and \$1 million in 2021-22.

By increasing the tax-free threshold, the Government will reduce the payroll tax bill of 39,000 businesses. Larger businesses that continue to pay payroll tax will save up to \$13,625 per year by 2021-22.

This measure also means that over the next four years, we expect that more than 5,000 businesses that are currently paying payroll tax, will stop having to pay payroll tax. In addition to saving up to \$13,625 per year, these small to medium-sized businesses will no longer be required to deal with the administrative complexity of submitting payroll tax returns. This will free up time and money for small businesses to focus on what they do best — creating jobs and growth for New South Wales.

The Government has also announced a review of payroll tax administration, which is being pursued by the newly appointed NSW Productivity Commissioner. The bill also makes a technical amendment to the Emergency Services Levy Act 2017, to make it clear that insurers do not have to indicate in their invoices the amount of insurance premium that is attributable to an emergency services levy contribution, if that amount is zero.

Snowy Hydro Legacy Fund Bill 2018

The Government's infrastructure program announced in this budget will connect our State and make it a better place. As a sign of our commitment to regional areas, the Government has dedicated the entire proceeds of the Snowy Hydro transaction— more than \$4 billion—to regional infrastructure.

The Government will establish the Snowy Hydro Legacy Fund, through the Snowy Hydro Legacy Fund Bill. This Bill ensures that funding will only be used for projects that will improve economic development in regional New South Wales.

NSW Generations Funds Bill 2018

To support the State's triple-A credit rating and help fund community facilities and services, we are launching the world-first, dual-purpose NSW Generations Fund.

The NSW Generations Funds Bill 2018 provides for the establishment of the NSW Generations (Debt Retirement) Fund and NSW Generations (Community Services and Facilities) Fund. These Funds will collectively be known as the NSW Generations Fund or the NGF.

The NGF will help future-proof the state's budget and deliver a dividend to the community of the day.

The NSW Generations (Debt Retirement) Fund will help provide funding for reducing the debt of the State and support the State's triple-A credit rating, which is the object of the Fiscal Responsibility Act 2012.

The unprecedented strength of the NSW balance sheet means the Government can provide initial seed funding of \$3 billion from the State's balance sheet reserves for the debt retirement fund.

The NSW Generations (Community Services and Facilities) Fund will help provide funding for cost effective facilities and services throughout New South Wales to help improve community well-being and the lives of the people of New South Wales.

The first initiative to be funded by this fund is My Community Dividend. This program will allow community members to submit new and innovative ways to improve community wellbeing. Submitted eligible projects will be put online for community vote. Projects with the highest number of votes will be funded by the Government.

This budget and these bills put people first, builds for tomorrow and delivers for today.

I commend these bills to the House.

Second Reading Debate

The Hon. ADAM SEARLE (15:37): Before I commence addressing the substance of the Appropriation Bill 2018 and cognate bills, I request that they be voted on separately for reasons that members who have been in this place for a number of years would well remember. Appropriation bills are properly not able to be amended or blocked by this House. Of course, the other bills do not fall into that category. Given the behaviour of a past Treasurer, the Opposition wants the bills to be voted on separately.

Eight budgets, four Treasurers, three Premiers and still this Government has not been able to repair the accumulated and massive damage that it and its predecessors have done through their cuts to investment in health, education and other vital services across this State. After eight budgets, members opposite have only now worked out that the community rightly expects that the services that make life worth living must be funded properly by government. This eighth, and hopefully final, Coalition budget reveals clearly that members opposite will continue to put stadiums before schools, hospitals and other vital services that our communities desperately need. Before I continue, if those opposite wish to keep interjecting I can take every moment of the 40 minutes speaking time available to me. Is that how the Hon. Catherine Cusack wants to play it?

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I will keep the House in order.

The Hon. ADAM SEARLE: Thank you, Mr Deputy President. What we have here is a pre-election budget con job focused on cuts to services that is attempting to give the impression of playing catch-up after eight years, or eight budgets, of neglect to the health and education systems of this State. Let us look at the state in which the Government is leaving the budget as we head towards the next election. The budget position for this financial year is \$600 million down on the half-yearly review. The budget surpluses between 2019 and 2021 have been written down by almost \$730 million. Those opposite like to try to monster our side of politics with charges of debt and deficit. When last in office, the Labor Party reduced the net debt of this State from \$15 billion, or

7.1 per cent of gross State product, to less than \$8 billion, or 1.8 per cent of gross State product, when Labor left office.

This budget will return net debt as a percentage of gross State product to more than 4 per cent over the forward estimates, ratcheting up each year. Net debt in 2018-19 will go up to almost \$3 billion and is forecast to be almost \$29 billion by 2021-22, despite the fact that the Government has privatised or sold off \$50 billion worth of public assets. That is \$50 billion worth of privatisation and net debt blowing out to almost \$30 billion. But of course that is net debt. For the benefit of those who do not know, this is not a mortgage offset account. It is not as though the Government can just sell things, put them in the bank and that somehow cancels out the debt that has been racked up. Total State sector borrowings are forecast to hit \$77.5 billion by 2018-19 and almost \$94 billion by 2021-22. That is, again, despite \$50 billion in privatisations.

The repayments on this debt—because repayments are not made on net debt; they are paid on actual debt—will go up to something like \$4.5 billion over the forward estimates per year, from almost \$3.5 billion this year. At the same time, through the privatisations, this Government has weakened the balance sheet of the State. In 2012-13 dividends from various sources to the Government totalled \$2.6 billion, but in 2017-18 they were only \$1.5 billion. That is a loss of more than \$1 billion a year in recurrent funding for the State budget. That is \$11 billion of revenue over the next decade sacrificed. This has exposed the State to unreliable stamp duties, from which we can see some softening in the revenue. This year's budget confirms that \$5.5 billion in stamp duties will be lost over the 2019-21 period.

Despite being in its eighth year in office, the Coalition Government has failed to address the fact that 180,000 new school places are needed in the next 15 years. It has announced just 13 new schools, none with a start or a finish date nor a single dollar of investment next to their name—there is only a figure of some \$417 million for planning over the four years. Those opposite should remember that this Government cut the Education budget by almost \$2 billion in 2012 then cut \$266 million from school capital works. The Government has promised a dozen new schools a year, but under this Government more schools have closed since 2011 than have opened. The previous Labor Government averaged five new schools each year; this Government has averaged just two. Our children are sitting in almost 4,800 demountables that the Minister for Education has confirmed are here to stay.

When we turn to TAFE, we see that there are 175,000 fewer students in TAFE. We see course fees put up, TAFE campuses closed and all sorts of things done to weaken the TAFE system, including 5,000 fewer TAFE teachers. That is simply not good enough. No construction money has been allocated in the budget to the Sydney Gateway and Rozelle Interchange sections of WestConnex, nor for the north-south rail link to the Western Sydney Airport or the second stage of Parramatta Light Rail. This year only 8.4 per cent of the almost \$33 billion Restart NSW Fund went towards health and education.

Of the 170 announcements claimed by the Government, only 20 are in any way new projects. That is another example of the Government's attempt to engage in sleight of hand. Let us talk about the air-conditioning program for schools. The Government has announced a \$500 million program, but that is not over the forward estimates. It is only providing \$100 million a year, pushing it out beyond the forward estimates. This pales into insignificance with the program already announced by the Labor Opposition: \$300 million from the Snowy Hydro sale with the other \$500 million to come from consolidated revenue.

When we look at health, we see the same attempts at sleight of hand. The Government has promised \$582 million for Tweed Hospital but less than \$51 million is provided in the budget and it will not be completed until 2025. The much-vaunted Liverpool health and academic precinct, said to be worth \$740 million, is allocated only \$3.5 million in the budget and has a scheduled completion date of 2026. For Westmead Hospital, \$765 million is promised but there is only \$188 million in the budget—and, again, it will not be finished until 2025. We see the same pattern with Randwick, Maitland, Campbelltown and even Nepean hospitals, with the completion dates pushed out not beyond the election date of next year but the election date at the end of that Parliament. Those opposite are making promises to be delivered not by their successors in office but by their successors' successors—two elections away—which means that none of these promises can be believed.

There are many other areas on which this budget can be critiqued, but I will not delay the House. I simply make a couple of observations. If the best this Government can do to help citizens tackle soaring energy prices is to allocate an assistance service through Service NSW, even though the parliamentary inquiry heard this week that the profit margins of the big energy companies alone constitute 15 per cent to 20 per cent of household energy bills, then the people of New South Wales are in for long, cold winters and hot summers because they will not be able to afford the energy.

Last year and this year we have heard a lot about instances of wage theft—the Wollongong scandal, for instance. In successive weeks, including last week, there have been reports from the Fair Work Ombudsman of

scores of instances across the State, including in rural and regional New South Wales, of not accidental underpayment but systematic ripping off of mainly young and vulnerable workers. There is nothing in the budget to help address that. There are so many shortcomings in this budget. Those opposite and those reading the record of the debate should not misinterpret the fact that Labor will not vote to block the budget, because the convention of this House is that budgets are allowed to pass without much debate and without amendment. But make no mistake, in the days, weeks and months ahead in the lead-up to the election members on this side of the House will be unravelling this very poor budget that delivers very little for the people of this State.

Mr JUSTIN FIELD (15:48): On behalf of The Greens I respond to the 2018-19 budget appropriation bills before the House. I note the convention outlined by the Hon. Adam Searle to pass the budget bills in the Legislative Council but I reiterate that there is a massive gap between the way this budget is being presented by the Government and what it will do for the people of New South Wales. Ultimately, it fails to prepare this State for the future. Today in this place I asked some questions about climate change, which is one of the most stark gaps in this budget. Climate change is the most critical economic issue of our time. The major reports that outline the risk to society, to the environment, and to people as a result of climate change are primarily economic reports. They talk about the billions of dollars at risk in coastal communities, agriculture and State infrastructure if we do not respond to climate change.

On my reading of the budget, spending on climate change will fall for the third consecutive year. If the Minister has something different in mind, it should have been outlined in the budget. The Government allocated \$142 million to this issue but it was not spent. I estimate that about \$450 million has been underspent, based on what has been captured by the Climate Change Fund, year on year, from the energy distributors. This is money in the bank that was supposed to be allocated to climate action and simply is not being spent. The \$100 million or so allocated this year is a long, long way from the \$1.4 billion that has been committed over five years. I said last night in an adjournment speech that it is as if, while the world burns, this Government is prepared to spend more money on sports stadiums than on climate action.

I appreciate that this budget includes some spending for the community, although it is largely directed at an election campaign rather than coming from the Government's heart. The Government is playing catch-up, and its spending is built on about \$53 billion worth of privatisations over the past 10 years—primarily by the Coalition Government, but also by the former Labor Government. The budget shows the folly of that approach, because \$1.9 billion has been allocated to assist households to pay their electricity bills. Privatised electricity companies are fleecing the public and now we will spend public money to subsidise their exorbitant bills. What a ridiculous money-go-round. It is evidence that privatisation has been a failure for the people of New South Wales. Effectively, we now have to subsidise energy companies through their bills. We would be far better served returning those energy companies to public control, investing in renewable energy and reducing electricity prices for the people of New South Wales.

I appreciate time is short in these debates, so I will bring up only a couple of other matters. It has been a long week. I take issue with something the Treasurer said yesterday about employment growth. He spoke about the significant fall in regional unemployment, from its post-mining boom peak of 7.3 per cent to the current rate of 5.7 per cent. That is all well and good—until we look at the details. In my local community on the South Coast, youth unemployment is 22 per cent. For the past couple of years it has been bouncing between 22 per cent and 30 per cent. There is nothing at all in this budget to help with that. I will say more about this issue in the adjournment debate later today.

We cannot allow communities that do not have economic opportunities to continue to suffer. It is all well and good to put money into trade training, but if people cannot get to the training courses, if local TAFE courses have been cut and if local trade opportunities do not exist because peak contractors are not employing local people, it does not make a difference. I ask the Government to consider how this budget is impacting the community. Another concern I raise, which seems to have been largely ignored to this point, is that a revenue crunch is coming. Privatisation has meant that many dividends will not continue and the one-off hit of money is being spent. Some people recognise that stamp duty revenues will soon slow.

The Greens advocate strongly for the taxes on gambling and coal royalties to be reduced. Those harmful industries should be wound back substantially, if not phased out entirely. There is a future risk attached to this budget that is made worse by climate change. We need to start a public conversation about broadening the tax base in New South Wales and expanding the land tax base, especially for property investors. This will not only stabilise revenues, but also allow us to capture value for the public from major public infrastructure investments. We must think bigger about revenue into the future so that we can do what is needed for the people of this State.

As I have been saying this week, The Greens take a different approach to budgets. We look at how to assess, measure and respond to the wellbeing needs of the public. I have given notice of my intention to introduce the Wellbeing Indicators Bill 2018 to Parliament, and I look forward to debating it with all members and with the

community before the next election. From the perspective of The Greens, this budget is a bit of a show. The figures quoted in the media in the lead-up to the budget belie the facts of the budget and how it will not impact people in the community. The budget uses sleight of hand, particularly around the climate, homelessness, and some of the fundamental services that people in this State rely on.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:55): In reply: I thank honourable members for their contributions to the debate. There were only two: from the Leader of the Opposition and from Mr Justin Field. As all members of the House are aware, the convention is that members largely make their contributions on the budget during the take-note debate. Traditionally, debate on the appropriation bills is short. The Leader of the Opposition made a request in terms of how the budget bills will be put to the House. They will be put seriatim, in accordance with the standing orders. The Government has no problem with that. With those few remarks, I commend the bills to the House.

The PRESIDENT: The question is that the Appropriation Bill 2018 be now read a second time.

Motion agreed to.

The PRESIDENT: The question is that the Appropriation (Parliament) Bill 2018 be now read a second time.

Motion agreed to.

The PRESIDENT: The question is that the NSW Generations Funds Bill 2018 be now read a second time.

Motion agreed to.

The PRESIDENT: The question is that the Snowy Hydro Legacy Fund Bill 2018 be now read a second time.

Motion agreed to.

The PRESIDENT: The question is that the State Revenue Legislation Amendment Bill 2018 be now read a second time.

Motion agreed to.

Third Reading

The Hon. DON HARWIN: I move:

That these bills be now read a third time.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 2 - HEALTH AND COMMUNITY SERVICES

Reference

The Hon. GREG DONNELLY: I inform the House that in accordance with paragraph (2) of the resolution of the House establishing the portfolio committees, Portfolio Committee No. 2 – Health and Community Services resolved on 21 June 2018 to adopt the following terms of reference:

That Portfolio Committee No. 2 – Health and Community Services inquire into and report on the provision of disability services across New South Wales, and in particular:

- (a) the implementation of the National Disability Insurance Scheme [NDIS] and its success or otherwise in providing choice and control for people with disability;
- (b) the experience of people with complex care and support needs in developing, enacting and reviewing NDIS plans;
- (c) the accessibility of early intervention supports for children;
- (d) the effectiveness and impact of privatising government-run disability services;
- (e) the provision of support services, including accommodation services, for people with disability regardless of whether they are eligible or ineligible to participate in the National Disability Insurance Scheme;
- (f) the adequacy of current regulations and oversight mechanisms in relation to disability service providers;
- (g) workforce issues impacting on the delivery of disability services;
- (h) challenges facing disability service providers and their sustainability;

- (i) incidents where inadequate disability supports result in greater strain on other community services, such as justice and health services;
- (j) policies, regulation or oversight mechanisms that could improve the provision and accessibility of disability services across New South Wales; and
- (k) any other related matter.

Bills

JUSTICE LEGISLATION AMENDMENT BILL (NO 2) 2018

Assent

The PRESIDENT: I report receipt of a message from the Governor notifying His Excellency's assent to the abovementioned bill.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

GOVERNMENT ACCOUNTABILITY

Dr MEHREEN FARUQI (16:01): In moments of despair at the state of politics in New South Wales, I like to imagine the Premier accidentally redacting a birthday card to a friend, unsure how else to handle a document heading out of her office. There may be some dark joy in this image, but it is all too close to home. There is no greater symbol of the lack of government accountability in this State than the sight of thick black lines that hide information that is important to the people of New South Wales. Last week the black marker was wielded again when the Government was dragged, kicking and screaming, to release the business cases for moving the Powerhouse Museum and its stadium rebuilds. Instead of making themselves accountable to the public, Government members continue to pull every trick in the book to keep secret the justification—or lack thereof—for spending billions and selling public assets.

This, of course, is typical of the Liberals. The posture of this Government is anti-accountability at all times. Hundreds of billions of dollars in public funds are spent without the Government feeling any need whatsoever to involve the Parliament and community in a meaningful conversation about the decisions and their consequences. The Government relies on a near-impenetrable bureaucratic fog to shield these decisions for the benefit of its mates in mining, gambling, tolling, the banks and big business. It goes so far as to rely on the vagaries of corporate structures to avoid sorely needed transparency. Internal Government emails have shown that the decision to have Infrastructure NSW lead the stadium rebuild was to avoid the need for public hearings and independent scrutiny.

When the community, media and other politicians ask questions or lodge Government Information (Public Access) Act applications, they are met with silence and evasion, with seemingly everything being in Cabinet or commercial confidence. This is what happens when there is a secretive government with a propensity to privatise everything. Avenues for review are similarly involved and time consuming, shutting out citizens and community groups from a process that should facilitate public discussion of government decisions. Indeed, to add insult to injury, the Government has wasted an untold amount of taxpayer money and time in the NSW Civil and Administrative Tribunal, the courts and both Houses of Parliament in an attempt to keep information out of the public's reach.

The Premier is so obsessed with secrecy that the stadiums business case was kept from most of the Cabinet. We know this because Government Ministers took their frustration to the *Sydney Morning Herald*. I would like to offer the Premier a new and easy test of whether a policy is worth pursuing: If she is worried about losing the support of her own Cabinet by showing them the numbers, then it is definitely a bad policy. But that is not all. The Government sat on the Tune report into out-of-home care for two years and when it was released the Minister for Family and Community Services refused to answer any questions about the Government's failures to reform the sector—she hung up on the radio host instead.

Despite its best efforts, we have held the Government to account. Each win felt like pulling teeth from a government bureaucracy desperately in need of a trip to the dentist, but they were wins nonetheless. During my five years in this place we have forced the release of many hidden documents, including hundreds of secret WestConnex documents—today it was announced there will be an inquiry into the debacle that is WestConnex—thousands of papers from Greyhound Racing NSW and documents proving that the Government misled the public about the need for the Thirroul rail tunnel. We have exposed the Government's efforts to run down bus services

only to sell them off, and instigated the Auditor-General's inquiry into Newcastle public transport. We have exposed the Government's plans to strip animal welfare organisations of their charitable status, the cutting down of thousands of trees under land clearing laws and the waste of hundreds of millions of dollars on the botched project to upgrade technology systems for transport agencies.

It really should not require constant vigilance and jumping through hoops for the smallest amount of government transparency. For a start, we should exempt community groups and individuals from Government Information (Public Access) Act application fees and increase the independence of right to information officers. But much more needs to change to remove the veil of secrecy. I may not be around in the world of Macquarie Street politics for much longer, but members better believe that I will not stop airing this Government's dirty laundry. The Greens remain absolutely committed to making transparency and accountability more than buzzwords. We will keep holding governments—now and in the future—to that standard.

RAMSAY CENTRE FOR WESTERN CIVILISATION

The Hon. DAVID CLARKE (16:06): A successful campaign by cultural Marxists to scuttle an offer by the Ramsay Centre for Western Civilisation to establish a new course on western civilisation at the Australian National University [ANU] is a further manifestation of the fact that we are increasingly ruled by a dictatorship of political correctness, which saturates many of nation's institutions and much of its public life.

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

The Hon. DAVID CLARKE: The dictatorship is propagated with taxpayers' money by the ABC, parts of academia and a growing network of anti-discrimination and human rights tribunals that intimidate the Australian public into subservient obedience. The regime is rewriting our language to conform to its gender and identity claptrap and replaces historic truths with ideological lies. One would have thought the ANU would welcome the Ramsay Centre's offer to fund a course on western civilisation with open arms. However, the offer was rejected, not because of organisational obstacles but because of the left's hatred of western civilisation and what it represents. Those who oppose the course despise their own cultural heritage, history, the achievements of their ancestors and the fact that western civilisation is the foundation stone of our nation.

When the Ramsay Centre subsequently made a similar proposal to the University of Sydney, more than 100 academics and a gaggle of students from the Marxist left attacked the course as "chauvinistic" and based on "European supremacism". These and other universities have fallen over themselves to establish centres for Arab and Islamic studies, which are funded by Middle Eastern governments, including Iran and Saudi Arabia, where religious tolerance, democracy and human rights—the fruits of western civilisation—are non-existent. Likewise, the universities have rushed to set up Chinese Government funded Confucius Institutes, which are now established in 13 Australian tertiary institutions. Despite all this, there is still no centre for western civilisation to be seen.

The ABC—always a flag bearer for the left—is doing whatever it can to give coverage to anybody putting the boot into the Ramsay Centre. ABC Radio host Jonathan Green joined the campaign by vilifying the late Paul Ramsay, AO, founder of Ramsay Health Care and benefactor of the Ramsay Centre, by posing the question: "How do you make \$3.3 billion out of other people's ill health?" Of course, Green would never pose such a question about the left's favourite billionaire, George Soros, who controversially made his fortune out of international financial speculation and who has donated \$18 billion to a vast network of far-left causes, including GetUp! Increasingly, Australian universities—themselves a product of western civilisation—are allowing themselves to be used to strangle freedom of expression. In 2015, the University of Western Australia cancelled the establishment of the Consensus Centre, which was linked to Dr Bjorn Lomborg, a target of political correctness because he questioned the left's dogma on climate change.

Then there was the recent sacking of Professor Peter Ridd by James Cook University for daring to suggest that some scientists had exaggerated the dangers to the Great Barrier Reef posed by climate change. In many universities, students are being marked down in assignments for using gendered language and must use non-discriminatory words. At the University of Technology Sydney, students must avoid sexist words such as "mankind", "man-made" and "spokesman". The University of New South Wales has a cultural diversity and inclusive practice toolkit that describes European settlement as an invasion and directs students how to be politically correct in what they say and write.

At Sydney University, there are published directives to minimise the positiveness of Western cultural literature and maximise the use of identity politics, the culture wars and queer theory. In some universities, marriage is taught to be a form of sexual exploitation. Recently, the University of Melbourne hosted a dance performance that required the audience to be racially segregated and whites to sign a declaration that was meant to humiliate and belittle them. However, despite all of the activities of the cultural Marxists in some of our

universities, Western civilisation has stood the test of time. It will still be here when the cultural Marxists have long since disappeared.

PARRAMATTA HERITAGE PRESERVATION

The Hon. LYNDIA VOLTZ (16:10): I have to give the best lefty speech I can. In his book on Rome, Robert Hughes noted:

... one of the vital things that makes a city great is not mere raw size, but the amount of care, detail, observation and love precipitated in its contents, including but not only its buildings

That lesson appears to be lost in the fatuous hedonism of this State Government. Slice by slice, the fabric of this city is being torn away and nowhere more so than in the destruction of our nationally significant heritage areas in Parramatta. The release of the Powerhouse Museum business case is but another nail in the coffin for long-protected buildings and open spaces that form the lands of the Dharug people and the heart of early European occupation of this nation.

Already we have seen the rezoning of lands around the important Fleet Street Heritage Precinct; the destruction of the Parramatta War Memorial Pool; the rezoning of 120 hectares of one of the world's oldest public parks, allowing leases within the Mays Hill precinct of Parramatta Park Trust lands; and the proposed light rail line route being built across soccer fields at Robin Thomas Reserve. But the Powerhouse Museum business case nails the colours of this Government to the mast. I am surprised that crime scene tape has not been erected around Parramatta given the cultural vandalism this Government has inflicted on the region.

In the Powerhouse Museum business case, which has been released only as a result of a motion of this House, we at last see the details of the Government's preferred option for a Museum of Applied Arts and Sciences at Parramatta. We find that its preferred model would require the removal of heritage-listed Willow Grove and St George's Terrace. According to the Government's own heritage report, these two buildings are of "exceptional significance" and make an important contribution to the heritage significance of Parramatta. They are located in the core of the central business district [CBD] and represent a significant phase in the evolution and development of Parramatta. Both buildings are rare examples of their architectural styles in the Parramatta CBD and demolition would represent a loss and further erosion of the heritage built fabric of the city as a whole. That phrase from the heritage report should be well noted by members on the other side of the Chamber: "loss and further erosion are now bywords for heritage in Parramatta".

This Government continues to keep the public ill-informed. Given the Government's modus operandi, the locals of Parramatta are well versed following the secrecy that surrounded the decision to demolish the Parramatta War Memorial Pool—a pool that the New South Wales Government never planned to replace. If the Berejiklian Government and the Minister for Sport had been serious from the start, they would have had plans and money ready to go to build a replacement pool as the top priority before the demolition of the existing pool and stadium began. Yet they will have built one stadium and started demolition of a second stadium while Parramatta enters another sweltering summer without a pool.

Likewise, the details of the destruction and plans to demolish Willow Grove and St George's Terrace, buried away by claims of cabinet-in-confidence, were revealed only as a result of the motion of this House. Again, the public was kept in the dark about the Government's controversial plans. Perhaps the Berejiklian Government has taken *The Satires of Juvenal* too literally. Perhaps it believes that the building of a stadium within Parramatta will blind the populace with such a sense of hedonism that they will not care about the loss of the soul of the city—or, as Juvenal put it:

But nowadays with no vote to sell, their motto is 'Couldn't Care Less'. Time was when their plebiscite elected Generals, Heads of State, commanders of legions, but now, They've pulled in their horns: only two things concern them, Bread and the Games.

The member for Parramatta was quoted in the local newspaper saying that it was too early to speculate on the historical buildings in jeopardy but that he was a "realist". One could almost feel sorry for the member for Parramatta, impotent against an omnipotent government prepared to release the wrecking ball on his unsuspecting electorate with monotonous regularity. "Bread and the Games" may be the motto of this Government. Perhaps the member for Parramatta has joined in, but it is a poor substitute for the loss of Parramatta's significant heritage and open spaces that belong not only to the people of Parramatta but also to the entire nation.

SOUTH COAST YOUTH UNEMPLOYMENT

Mr JUSTIN FIELD (16:14): This week's New South Wales budget was a missed opportunity for much-needed investment in the young people of the South Coast—particularly in education, training and employment for the young people of the Shoalhaven and the Southern Highlands, who face the highest rates of unemployment in this State. I took issue with the Treasurer's budget speech, in which he talked about strong employment growth and a significant fall in regional unemployment rates, particularly for young people. In fact,

we have five times the State average rate of youth unemployment in one of the most socioeconomically advantaged areas of the State. The area is quite wealthy, with a lot of development and tourism and a lot of people wanting to come to the area. However, there is a substantial anomaly: four to five times the State average rate of youth unemployment in urban areas and double that in most regional areas. It points to a failure of advocacy of Government members there, including the local member for the South Coast and the Parliamentary Secretary in particular. They cannot hide from the fact that this has been going on for years. I have raised it with them directly.

Last year, I held a youth unemployment forum in Nowra, which got together local advocates, employment services providers, employees from different sectors operating in the area, and educators from the secondary, tertiary and TAFE sectors. We put together a range of specific recommendations and put them to State and Federal governments. What we need down there is the restoration of the youth employment coordinator position—the very first thing gutted by Tony Abbott when he took government in 2013. As soon as that position was cut, youth unemployment rose markedly across that area. We need the youth employment coordinator restored for our region. The Government has done that in the Illawarra but not in the area with the greatest need in the State. It is a real disgrace.

I recognise that some financial support has been allocated to reduce fees for trade training, but that is of little value if apprenticeship opportunities are not there. It is of no value at all if local TAFE courses have been cut and there is no access to transport to get to TAFE. Young people living in the bay and basin have lost hope. Unless they have access to a family car, a family member or friend to drive them, they have no option to get public transport to a TAFE course and get home before midnight. People are hitchhiking to get to training and employment opportunities to try to break the cycle of youth unemployment across our region. We do have opportunities, particularly in agriculture and in tourism, health and aged care. We just lack the creativity and will of Government to invest in our young people.

I recognise that there has been some investment in major infrastructure on the South Coast, and that is welcome. But we need a guarantee that some of the employment that comes from that investment—the dedicated apprenticeships and employment opportunities—are offered to our young people, particularly Indigenous youth in the Shoalhaven. Improving roads is welcome, but it is stark to see the piece of diesel infrastructure still running between Kiama and Bomaderry. Let us electrify that train line. If the Government is going to cut services, it needs to ensure that people can get to the next service opportunity. Young people in the Shoalhaven need to be able to get to Wollongong.

I acknowledge the investment by this Government in early learning, which fundamental leads to happy and productive adult lives. The Government has invested \$200 million in early learning over four years, but we should not pretend that we did not start from a very low base in New South Wales compared with other States. In part, this lack of investment is because this State has not thought enough about early learning. The State has an extremely diversified early learning system, with a lot of private long day care centres and some for-profit long day care centres. Investment in community preschools is welcome, but I note the lack of investment in public preschools and the public early learning sector, which adds to the complexity in the delivery of early learning services and supporting our young people and families. [*Time expired.*]

REPRODUCTIVE HEALTH CLINICS SAFE ACCESS ZONES

The Hon. TREVOR KHAN (16:20): In the early months of 2017 the Hon. Penny Sharpe gave notice of the introduction of a bill, being an amendment to the Summary Offences Act. That bill was intended to create what has loosely been described as "safe access zones" around reproductive health clinics. As a result of its introduction and second reading speech, certain somewhat complicated events occurred that resulted in the establishment of a working group to review the bill standing in the name of the Hon. Penny Sharpe and to decide upon a way forward. It is not necessary for me to explain all of what happened in the process, but by August 2017 a new bill had been prepared. This bill was the Public Health Amendment (Safe Access to Reproductive Health Clinics) Bill 2018. In the preparation of this legislation there were lengthy discussions with various stakeholders, and the matter made very slow progress for some time.

It was only in about April this year that it was decided to press forward with the bill. In the latter part of April I travelled to Turkey as part of the Parliamentary Friends of Turkey group, returning at about 6.30 a.m. on 1 May 2018. A few hours later I was in a joint Liberal-Nationals party room meeting, where I gave notice of the bill. The notice of a notice of motion to introduce this bill was given on that very day by me and the Hon. Penny Sharpe. On 15 May 2018 the parties discussed this matter and on 17 May 2018 the Hon. Penny Sharpe gave the second reading speech in the Chamber. On 24 May 2018 the second reading debate occurred in the Legislative Council, and the bill passed unamended on that day. On 5 June 2018 the bill was read for a first time in the Legislative Assembly. The member for Port Macquarie, Leslie Williams, had carriage of the bill in the House and she gave the second reading speech on 7 June 2018. The bill was considered in detail into the early hours of

8 June 2018, when it surprisingly passed without amendment. On 8 June 2018 the bill was sent to the Governor for assent, and on 15 June 2018 the Governor assented to the bill.

In the history of the Parliament of New South Wales this is the first time that a co-sponsored bill has passed, which makes it an historic event in itself. I thank the Hon. Penny Sharpe for her considerable dedication to the matter. Others who played a pivotal role in the passage of this legislation are: the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education, Sarah Mitchell; the Hon. Bronnie Taylor; and the member for Port Macquarie, Lesley Williams. In The Nationals party room those members convinced a large group of generally old, white men that this matter should be pursued. Without their efforts, I believe the bill would not have gone very much further. I also thank Soula Papadopoulos and Nigel Hill from the Office of the Parliamentary Counsel, and Legislative Assembly Clerks Helen Minnican and Carly Maxwell.

I particularly note Richard Karaba, Matt Yeldam and Liam Caulfield, three parliamentary staffers. Richard and Matt are from my office and Liam is from the office of the Hon. Penny Sharpe. I think Richard and Matt have had an extraordinary time working for me for a number of reasons. I can only say that this bill provided learning experiences for these members of our staff and that they used the opportunity to provide extraordinary support for members of Parliament in our deliberations.

PUBLIC BROADCASTING

The Hon. SHAOQUETT MOSELMANE (16:25): As a member of the Labor Party and also a member of the multicultural community in New South Wales, I make a brief contribution on a subject that I am very passionate about: our public broadcasting. Before I go into the substantive part of my contribution, I commend the Hon. Rick Colless for bringing forward a motion earlier this week supporting the ABC, as well as the House's strong objection to any moves to sell the ABC in part or as a whole. The Hon. Rick Colless recognises what the Labor Party has recognised for decades: the vital service the public broadcasters play in providing diversity of media messaging to all Australians across the nation. When listening to SBS Arabic in Rockdale, Mandarin in Oatley, or Italian in Bexley, or when watching the ABC's *Landline* in Bourke, we are assured by Australia's public broadcasters that we are getting quality, objective reporting delivered by professional journalists. I note that the SBS mission statement, which is available on its website, reads:

SBS's mission is to contribute to a more cohesive, equitable and harmonious Australian society through the provision of multilingual and multicultural radio and television services. The world is an amazing place ... SBS seeks to provide a constantly fresh perspective on the cultural diversity of Australia and the world.

The ABC's vision statement reads:

The ABC's vision is to provide high quality content and services that will ensure the ABC is valued by the community as Australia's most trusted and creative media organisation.

I read these statements into *Hansard* because I believe SBS and the ABC are bound to follow their mission statements. The ABC consistently brings home Logie awards for broadcasting material on television and now online that goes where others fear to tread. The ABC and SBS are well regarded in the industry, often bringing home the biggest bag of Walkleys. Importantly, the ABC and the SBS are willing to give young writers and journalists a go when commercial television will not. Writers like Debra Oswald, the creator of one of Australia's most celebrated television dramas *Offspring*, started her television career writing scripts for *Police Rescue* for the ABC, which were subsequently nominated for an Australian Film Institute award.

Despite all this, it seems that some in the Federal Government would prefer the public broadcasters not to play such a large role. They would like to gag and restrict them. The ABC provides the truth and the likes of Prime Minister Turnbull and his mob simply cannot handle the truth. Funnily enough, the ABC's early news broadcasts in the 1920s, 1930s and 1940s were initially restricted due to pressure from one Sir Keith Murdoch, who controlled many Australian newspapers. Luckily, the ABC stood firm, and in 1939 Warren Denning was appointed to Canberra as the first ABC political correspondent after Murdoch had refused to allow his newspapers to cover a speech by then Prime Minister Joseph Lyons.

The 1942 Australian Broadcasting Act, which enshrined a central broadcasting service known as the ABC, was in fact mostly a response to the direct attempt by power players such as Murdoch Sr to restrict diversity in the Australian media landscape. It seems the more things change, the more they stay the same. Given the Liberals gave a multimillion-dollar handout to Murdoch empire entity Fox Sports, it is no wonder that the Murdoch press is licking its lips at the prospect of a Federal Liberal Government privatising the ABC if it wins the next election. I would like to conclude by noting the comments of Phil Coorey from the *Australian Financial Review*. I think they are highly relevant in the circumstances and should be heeded by those in Canberra. He said:

Tony Abbott's fixation with such issues as the ABC ... was one of the reasons his star fell soon into his prime ministership. People want you focused on their issues, not the penny-ant bugbears carried over from university politics.

As one minister said in the wake of Saturday's vote: "Let's think how we can distract ourselves from the economy, jobs, infrastructure and national security? I know, let's sell the ABC."

"Are they all f---ing nuts?"

GOVERNMENT ACCOUNTABILITY

The Hon. SCOTT FARLOW (16:29): I wish to address a point raised by Dr Mehreen Faruqi when she claimed that Minister Goward had hung up on the ABC. I draw to the Chamber's attention the comments of Dan Bouchier. The journalist said in a tweet:

Point of clarification on an interview with NSW Minister @PruGoward this morning on @abccanberra with @adamms Shirley. The Minister did not leave the interview because of questioning, but because of a time restraint. My apologies for giving the wrong impression.

The ABC, which the Hon. Shaoquett Moselmane was just talking about, had pre-recorded an interview and gave the impression that the Minister had hung up when it had been arranged beforehand that the Minister could do an interview for only a certain amount of time because she had to be at a Cabinet meeting.

PARRAMATTA HERITAGE PRESERVATION

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:30): In reply: I would like to briefly reply to the adjournment debate and, in particular, the comments of the Hon. Lynda Voltz.

The PRESIDENT: I know that some members seem perplexed by the fact that I have given the Minister the call. The Minister has put the motion that the House do now adjourn. The contributions by members to the adjournment debate are in relation to that question. The mover of the motion that the House do now adjourn is entitled to a reply. That is what is occurring now.

The Hon. DON HARWIN: I will very briefly respond to the comments of the Hon. Lynda Voltz in relation to the final business case of the Powerhouse Museum and, in particular, to her remarks about the future of Willow Grove and St George's Terrace and the impact of the new museum at Parramatta upon them. As the House would be aware, there was an announcement in April this year about the relocation to stunning new premises in Parramatta of the Museum of Applied Arts and Sciences.

The Government has conducted a thorough investigation into the project to achieve the best outcomes for the community. The business case for the project is underpinned by extensive architectural, heritage, museological, geotechnical, engineering and flood-risk studies. The New South Wales Government is working closely with the City of Parramatta Council to ensure the new museum will be the anchor of the new and vibrant arts and cultural precinct. The selected site on the banks of the Parramatta River is the ideal location for the new museum. There has been no decision on Willow Grove and St George's Terrace at this time, regardless of what might have—

The Hon. Lynda Voltz: Point of order: My understanding with respect to the right of reply of the Minister is that he can comment only with regard to points that have been raised as part of the debate. I raised the preferred option that was put forward in the business case. The Minister is not referring to the preferred options put forward in the business case. The Minister is now talking about the Government's negotiations with Parramatta City Council, which is outside the points that I raised within my speech. Mr President, I ask you to bring him back to points that I raised within my contribution in the adjournment debate.

The PRESIDENT: The Hon. Lynda Voltz did raise the Powerhouse Museum. In reply a Minister is entitled to be generally relevant in relation to the matters that were raised. The Minister is doing that. I remind the Minister that in reply he is to focus on the matters raised. He is entitled to be generally relevant.

The Hon. DON HARWIN: We will have a discussion about that later. There has been no decision on Willow Grove and St George's Terrace at this time. An international design competition for the new museum, and master planning for the precinct will respond to the location and to Parramatta's identity. The design parameters for the new museum in Parramatta will be sympathetic to the surrounding local heritage. The project will be subject to normal New South Wales planning processes, including the development of the secretary's environmental assessment requirements and an environmental impact statement which takes into consideration various impacts on items of local significance. The Government is very proud of its decision to build an iconic, fit-for-purpose museum in Western Sydney that will be recognised around the world. The comments that the member was making were quite premature.

The Hon. Lynda Voltz: Point of order: The Minister in response to a discussion in the adjournment debate should not make reflections on members' comments. He has implied that I have in some way raised matters in my speech other than the options that have been put forward by the Government. He has implied that the

Government has been misrepresented. That is reflecting on me. The Government has been clear in its business case that the option has been put forward to demolish Willow Grove and St George's Terraces. For the Minister to imply that I was not reflecting the Government's position is outside the standing orders.

The PRESIDENT: Before I acknowledge the Leader of the Government, I indicate that I made an error. I wish to clarify the matter. I think it is important and I thank the Clerk for bringing it to my attention. I refer honourable members to two rulings. There was a ruling in the year 2000 by the then Deputy President Saffin:

The adjournment question is put at the end of 30 minutes or at the conclusion of the Minister's remarks if a Minister desires to speak. A Minister is not restricted as to time when speaking in the adjournment debate.

I was correct about that in my earlier remark. But there is also the ruling in 2005 of the then Deputy President Fazio. It states:

It is the general practice in this chamber that Ministers speaking in reply in the adjournment debate are not restricted to referring to matters raised by members in their contributions to the motion.

I was incorrect in what I stated earlier. There is no point of order. I thank the Clerk. The Minister has the call.

The Hon. Lynda Voltz: I would like to seek clarification. My understanding was that those rulings were with regard to Ministers speaking during adjournment debates and quantifying the closing of the debate.

The Hon. DON HARWIN: That is what I am doing.

The Hon. Lynda Voltz: I understand that. The President would be aware of previous rulings where Ministers spoke within the 30 minutes of debate and actually closed the debate. They were not responding to matters that were raised in debate. Is it now the practice that the Minister will be allowed to speak outside the 30 minutes?

The PRESIDENT: Order! I have given my ruling. I have read the past rulings. The Minister is in order. There is no point of order.

The Hon. DON HARWIN: In terms of matters just raised by the Hon. Lynda Voltz, I was making the comments I made in relation to this matter simply on the basis that she was making a judgement about the Government's position based on the final business case that was done in December. I would encourage her to look at the final business case summary that was released by Infrastructure NSW following all of the processes that the central agencies went through after the final business case was concluded so that she understands what I have been saying in relation to Willow Grove and St George's Terrace. I wanted to speak only on that issue, even though—as you have correctly ruled, Mr President—I could speak on anything. The time has come for us to go home, so I wish all honourable members a productive period away from this House working on their parliamentary duties.

The PRESIDENT: The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 16:39 until Tuesday 14 August 2018 at 14:30.