



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Tuesday, 18 September 2018

Authorised by the Parliament of New South Wales

TABLE OF CONTENTS

Members	1
Legislative Council Vacancy	1
Bills	1
Fair Trading Amendment (Short-Term Rental Accommodation) Bill 2018	1
Unexplained Wealth (Commonwealth Powers) Bill 2018.....	1
Fair Trading Legislation Amendment (Consumer Guarantee Directions) Bill 2018	1
Paintball Bill 2018	1
Residential Tenancies Amendment (Social Housing) Bill 2018	1
Assent.....	1
Governor	1
Administration of the Government	1
Members	2
Pledge of Loyalty	2
Governor	2
Administration of the Government	2
Administration of the Government	2
Administration of the Government	2
Announcements.....	2
Death of the Honourable Dr Derek David Freeman, A Former Member of the Legislative Council ...	2
Death of Sir Nicholas Michael Shehadie, AC, OBE	2
Documents	3
Ombudsman	3
Reports	3
Commemorations	3
Centenary of First World War	3
Motions	3
International Yoga Day.....	3
National Day of Portugal	4
Cardiac Prevention Aid and Research Luncheon	5
Flavours of NSW Stand at Fine Foods Australian 2018.....	5
New South Wales Junior State Surfing Titles.....	6
Lake Macquarie International Children's Games Team	6
Committees	7
Portfolio Committee No. 6 - Planning and Environment	7
Documents	7
Tabling of Papers	7
Tabled Papers not Ordered to be Printed.....	7
Committees	7
Legislation Review Committee.....	7
Report: Legislation Review Digest No. 60/56.....	7

TABLE OF CONTENTS—*continuing*

Documents	8
Inspector of the Law Enforcement Conduct Commission	8
Reports	8
Auditor-General	8
Reports	8
Committees	8
Portfolio Committee No. 5 - Industry and Transport.....	8
Report: Windsor Bridge Replacement Project.....	8
Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission	8
Report: 2018 Review of the Annual Reports of Oversighted Bodies.....	8
Portfolio Committee No. 2 - Health and Community Services	9
Further Government Response: Child Protection	9
Petitions.....	9
Responses to Petitions.....	9
Announcements.....	9
The Hon. Walt Secord.....	9
Business of the House	9
Postponement of Business	9
Members	9
Parliamentary Secretaries.....	9
Committees	9
Portfolio Committee No. 4 - Legal Affairs.....	9
Extension of Reporting Date.....	9
Procedure Committee.....	10
Membership	10
Public Works Committee.....	10
Membership	10
Privileges Committee.....	10
Membership	10
Ballot.....	10
Declaration of Ballot.....	10
Portfolio Committee No. 5 - Industry and Transport.....	10
Membership	10
Ballot.....	10
Declaration of Ballot.....	11
Presiding Officers	11
Temporary Chair of Committees	11
Committees	11
Selection of Bills Committee	11
Reports	11
Bills	11

TABLE OF CONTENTS—*continuing*

Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018	11
Second Reading Speech.....	11
Second Reading Debate	17
Questions Without Notice.....	20
Wagga Wagga By-Election.....	20
Public Libraries.....	21
Member for Kiama.....	22
Taxi Industry.....	23
Water Management and Compliance.....	23
Taxi Industry.....	24
Deputy Government Whip.....	24
Community Preschools Drought Relief Payments	24
Renewable Energy	25
Wagga Wagga By-Election.....	26
Regional Library Services.....	27
Drug Testing	28
Wagga Wagga By-Election.....	29
Primary Industries.....	29
Ym Efficiency Cargo Spillage	30
Deferred Answers	31
Correctional Centre Security.....	31
NSW Police Force Legal Costs.....	31
Documents	31
Tabling of Papers.....	31
Committees	31
Portfolio Committee No. 4 - Legal Affairs.....	31
Report: Museums and Galleries in New South Wales - First Report	31
Portfolio Committee No. 6 - Planning and Environment	36
Report: Energy from Waste Technology.....	36
Bills	42
Criminal Procedure Amendment (Pre-trial Disclosure) Bill 2018	42
First Reading.....	42
Business of the House.....	42
Notices of Motions.....	42
Adjournment Debate.....	42
Adjournment	42
National Indigenous Human Rights Awards	42
State Infrastructure.....	43
Taxi Industry.....	44
The Entrance Electorate Infrastructure	45
Chinese Australians	46
Aged Care Facilities.....	46

TABLE OF CONTENTS—*continuing*

LEGISLATIVE COUNCIL

Tuesday, 18 September 2018

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

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

Members

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT: Further to the communication from the Official Secretary to His Excellency the Governor acknowledging receipt of the resignation of Dr Mehreen Faruqi, MLC, dated 14 August 2018, I now report receipt of the following communication from His Excellency the Governor:

GOVERNMENT HOUSE
SYDNEY

Thursday, 16 August 2018

Dear President,

I have the honour to inform you that I have received a letter dated 14 August 2018 from the Honourable Dr Mehreen Faruqi, MLC, tendering her resignation as a Member of the Legislative Council of New South Wales, effective immediately.

The Official Secretary to the Governor has acknowledged receipt of the letter from Dr Faruqi, on my behalf, and has informed her that you have been advised of her resignation.

Yours sincerely

General the Honourable David Hurley, AC, DSC (Ret'd)
Governor of New South Wales

Bills

FAIR TRADING AMENDMENT (SHORT-TERM RENTAL ACCOMMODATION) BILL 2018

UNEXPLAINED WEALTH (COMMONWEALTH POWERS) BILL 2018

**FAIR TRADING LEGISLATION AMENDMENT (CONSUMER GUARANTEE DIRECTIONS) BILL
2018**

PAINTBALL BILL 2018

RESIDENTIAL TENANCIES AMENDMENT (SOCIAL HOUSING) BILL 2018

Assent

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

Governor

ADMINISTRATION OF THE GOVERNMENT

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

GOVERNMENT HOUSE
SYDNEY

T Bathurst
LIEUTENANT-GOVERNOR

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

Wednesday 29 August 2018

*Members***PLEDGE OF LOYALTY**

The PRESIDENT: I inform the House that on Wednesday 29 August 2018 Ms Cate Faehrmann presented herself to His Excellency the Lieutenant Governor and took the pledge of loyalty. I further report that the Lieutenant Governor has forwarded to the Clerk a message transmitting the pledge of loyalty for the member.

Ms Cate Faehrmann signed the Roll of the House.

*Governor***ADMINISTRATION OF THE GOVERNMENT**

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

GOVERNMENT HOUSE
SYDNEY

David Hurley
GOVERNOR

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

Thursday, 30 August 2018

ADMINISTRATION OF THE GOVERNMENT

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

GOVERNMENT HOUSE
SYDNEY

T Bathurst
LIEUTENANT-GOVERNOR

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

Saturday 15 September 2018

ADMINISTRATION OF THE GOVERNMENT

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

GOVERNMENT HOUSE
SYDNEY

David Hurley
GOVERNOR

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

Sunday, 16 September 2018

*Announcements***DEATH OF THE HONOURABLE DR DEREK DAVID FREEMAN, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL**

The PRESIDENT (14:34): I announce the death on 9 February 2018 of the Hon. Dr Derek David Freeman, aged 93 years, a member of this House from 1973 to 1984. On behalf of the House, I have extended to his family the deep sympathy of the Legislative Council in the loss sustained.

Members and officers of the House stood in their places as a mark of respect.

DEATH OF SIR NICHOLAS MICHAEL SHEHADIE, AC, OBE

The PRESIDENT (14:35): As members would be aware, following the death of Sir Nicholas Michael Shehadie, AC, OBE, on 11 February 2018, on behalf of members I wrote to the former Governor of New South Wales, Professor the Hon. Dame Marie Bashir, AD, CVO, expressing our deepest sympathy and forwarding a bound copy of the parliamentary debate on the motion moved by Mrs Natalie Ward in relation to Sir Nicholas. I have received the following reply from Dame Marie:

Tuesday, 4 September 2018

Dear Mr Ajaka and Fellow Members of the Legislative Council,

I was deeply touched on receiving your gracious letter and caring message of condolence on following the death of our beloved Nicholas.

I do hope that you will excuse the tardiness of my response due to a number of factors.

Nicholas' passing has certainly deeply affected the lives of our children Michael, Susan and Alexandra and their families, as well as my own. However, we are also grateful for the joys within his long and fulfilling life, and that he did not suffer prolonged disability.

The family join with me in thanking you for your thoughts of condolence and care.

Kind regards,

Yours sincerely,

Marie Shehadie

Professor the Hon. Dame Marie R. Bashir, AD, CVO

Documents

OMBUDSMAN

Reports

The PRESIDENT: According to the Ombudsman Act 1974, I announce receipt of the following reports of the Ombudsman:

- (1) Special report entitled "Water: compliance and enforcement", dated 17 August 2018, received out of session and authorised to be made public on 17 August 2018.
- (2) Special report entitled "Complaint handling improvement program: Commitments implementation review", dated 31 August 2018, received out of session and authorised to be made public on 31 August 2018.

The PRESIDENT: According to the Community Services (Complaints, Reviews and Monitoring) Act 1993 and the Ombudsman Act 1974, I announce receipt of the following report:

"Report into Reviewable Deaths in: 2014 and 2015; 2016 and 2017: Deaths of people with disability in residential care", dated 31 August 2018, received out of session and authorised to be made public on 31 August 2018.

The Hon. DON HARWIN: I move:

That the reports be printed.

Motion agreed to.

Commemorations

CENTENARY OF FIRST WORLD WAR

The PRESIDENT (14:37): On 1 September 1918, on the north-western edge of Anvil Wood near the village of Péronne, the 53rd Battalion of the Australian Imperial Force [AIF] encountered a 77 millimetre field gun firing at very close range. According to a later citation for "conspicuous bravery and daring", William Currey, a 23-year-old private, rushed forward under intense machine gun fire and succeeded in capturing the gun single-handedly after killing the entire crew. Later, when the advance of the left flank was checked by an enemy strong point, he crept around the flank and engaged the post with a Lewis gun. Finally, he rushed the post single-handedly, causing many casualties. It was entirely owing to his gallant conduct that the situation was relieved and the advance able to continue.

Currey was one of eight Australians awarded the Victoria Cross for their actions that day in the Battle of Mont Saint-Quentin. Only 67 Australians were so recognised during the entirety of the war. The son of a miner from Wallsend, Currey had twice tried to enlist in 1914 without his parents' consent, giving a false age, only to be discovered and rejected. After he was finally accepted into the AIF in October 1916, he fought at Polygon Wood prior to distinguishing himself at Péronne.

After the war, Currey worked as a storeman with NSW Railways and subsequently joined the Labor Party. He was elected to the Legislative Assembly in 1941 as the member for Kogarah, a seat he held until his sudden death in 1948. While more than 50 veterans of the First World War served in the Parliament of New South Wales, Currey was the only one to have been awarded the Victoria Cross. On the occasion of the centenary of the institution of the decoration of the Victoria Cross, a plaque was mounted in Speaker's Square to honour William Matthew Currey, VC, in 1956. Lest we forget.

Motions

INTERNATIONAL YOGA DAY

The Hon. DAVID CLARKE (14:40): I move:

- (1) That this House notes that:

- (a) on Friday 1 June 2018 the Consul General for India in Sydney Mr B. Vanlalvawna hosted at the Indian Cultural Centre, Sydney a celebratory function to mark International Yoga Day which was attended by members of the Indian-Australian community and yoga enthusiasts and practitioners;
 - (b) in December 2014 the United Nations passed a resolution declaring 21 June each year as International Yoga Day to "highlight the important role healthy living plays in the realisation of Sustainable Development Goals";
 - (c) the United Nations noted that yoga is an ancient physical, mental and spiritual practice that originated in India, symbolising the union of body and consciousness and is practised in various forms around the world by many millions of people;
 - (d) as part of the function hosted by the Indian Consul General Mr Vanlalvawna there was a yoga presentation titled an "Introduction and Experience in Heartfulness, Relaxation and Meditation" conducted by Ms Poonam Sharma, yoga teacher and practitioner; and
 - (e) those who attended as guests included:
 - (i) Usha Adams, Australian School of Meditation and Yoga;
 - (ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, and Mrs Marisa Clarke;
 - (iii) Narala Vishnu, Heartfulness practitioner;
 - (iv) Elizabeth Denley, teacher, Heartfulness Institute;
 - (v) Mr Rajesh, Heartfulness teacher;
 - (vi) Ms Latha Srinivasasan, Heartfulness co-ordinator;
 - (vii) Geraldine Norris;
 - (viii) Ajit Singh;
 - (ix) Kishori Pandey;
 - (x) Pulak Deb;
 - (xi) Sanat Pal;
 - (xii) Julie Parekh;
 - (xiii) Peck Lan Lai;
 - (xiv) Nirmalya Sikdar;
 - (xv) Sharat Aggarwal;
 - (xvi) Sathappan Ramasamy;
 - (xvii) H. K. Khandelwal;
 - (xviii) Manjula Harsha;
 - (xix) Anit Pandhi;
 - (xx) Deepak MN;
 - (xxi) Ujjal Boria; and
 - (xxii) representatives from various Indian-Australian community organisations, media representatives and yoga enthusiasts.
- (2) That this House extends greetings and best wishes on the occasion of International Yoga Day to those persons throughout Australia who seek physical, mental and spiritual wellbeing through the practice of yoga.

Motion agreed to.

NATIONAL DAY OF PORTUGAL

The Hon. DAVID CLARKE (14:40): I move:

- (1) That this House notes that:
 - (a) on Monday 11 June 2018 the Ambassador of Portugal to Australia, His Excellency Mr Paulo Cunha-Alves, and the Consul General of Portugal in Sydney, Mr Paulo Domingues, hosted a reception at the Shangri-La Hotel, The Rocks, to celebrate the National Day of Portugal which was attended by members and friends of the Portuguese-Australian community;
 - (b) also known as "The Day of Portugal, Camoes and the Portuguese Communities", the date commemorates the death of the Portuguese poet Luis de Camoes on 10 June 1580 whose national epic poem *The Lusíads* running to a total of 1,102 stanzas celebrates Portuguese history and achievements;
 - (c) those who attended as guests included:
 - (i) Mr Marcos Perestrelo, Deputy Minister for Defence, Portugal;

- (ii) His Excellency Mr Paulo Cunha-Alves, Ambassador of Portugal to Australia;
 - (iii) Mr Carlos Pascoa, member of the Portuguese Parliament;
 - (iv) Mr Paulo Domingues, Consul General of Portugal in Sydney;
 - (v) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the New South Wales Government;
 - (vi) Ms Rhonda Piggott, Director of the New South Wales State Office of the Department of Foreign Affairs and Trade;
 - (vii) Councillor Jess Miller, Deputy Lord Mayor of the City of Sydney, representing the Lord Mayor, Ms Clover Moore;
 - (viii) Councillor Gordon Bradbery, Lord Mayor of Wollongong;
 - (ix) Mr Albert Vella, OAM, President of the New South Wales Federation of Community Language Schools;
 - (x) Ms Nina Conomos, Co-ordinator of the New South Wales Community Language Schools Program;
 - (xi) Ms Susana Teixeira-Pinto, Co-ordinator for the Portuguese Language Program and Education Affairs in Australia;
 - (xii) members of the Consular Corps;
 - (xiii) members of the Council for Portuguese Communities;
 - (xiv) members of the Council of the Regional Government of Madeira for the Diaspora; and
 - (xv) representatives of Portuguese associations.
- (d) the Portuguese language is spoken by a total of 260 million people and is the sixth most natively spoken language in the world, the third most spoken European language in the world and the single most spoken language in South America.
- (2) That this House extends congratulations and best wishes to members of the Portuguese Australian community and to all Portuguese speaking Australians on the occasion of Portugal's National Day, also known as "The Day of Portugal, Camoes and the Portuguese Communities".

Motion agreed to.

CARDIAC PREVENTION AID AND RESEARCH LUNCHEON

The Hon. DAVID CLARKE (14:40): I move:

- (1) That this House notes that:
- (a) on Friday 25 May 2018 the Sydney Catholic Business Network under the patronage of His Grace, the Most Reverend Anthony Fisher, OP, Catholic Archbishop of Sydney, held a luncheon at the Hyatt Regency Hotel, Sydney;
 - (b) the luncheon was addressed by Professor Robert Graham of the Victor Chang Cardiac Research Institute and attended by several hundred members and friends of the Business Network;
 - (c) Professor Robert Graham addressed the luncheon on the latest developments surrounding cardiac preventative aid and research which is already proving to save lives; and
 - (d) those who attended as special guests included:
 - (i) His Grace, the Most Reverend Anthony Fisher, OP, Catholic Archbishop of Sydney;
 - (ii) Professor Robert Graham, Victor Chang Cardiac Research Institute;
 - (iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. Gladys Berejiklian, MP, Premier;
 - (iv) Mr Michael Digges, Catholic Archdiocese of Sydney;
 - (v) Mr Danny Casey, Chairman of Catholic Super; and
 - (vi) representatives of numerous Catholic welfare, educational and social organisations.
- (2) That this House commends Professor Robert Graham and the Victor Chang Cardiac Research Institute for their fine work in advancing research into the prevention and cure of heart disease.

Motion agreed to.

FLAVOURS OF NSW STAND AT FINE FOODS AUSTRALIAN 2018

The Hon. TAYLOR MARTIN (14:41): I move:

- (1) That this House notes that:

- (a) Fine Food Australia is the largest food and beverage business-to-business tradeshow in Australia attracting national and international buyers and distributors, and provides the opportunity for exhibitors to gain access to new markets and raise awareness of their brands;
 - (b) each year the Government supports New South Wales food producers and manufacturers with the "Flavours of NSW" stand at Fine Food Australia and selects the best food companies from across the State to participate;
 - (c) in 2018, the following food and beverage businesses will participate: Pacdon Park, Little Creek Cheese, White Horse Coffee, Oz Tukka, The Welder's Dog Brewing, Fresh Fodder, Wildbrumby, PhycoHealth, Eclipse Organics, Blushing Blueberries, Julianne's Kitchen and Born Wild Foods;
 - (d) on 31 July 2018, the Department of Industry hosted a pre-event workshop at Parliament House for the 12 food and beverage producers that were selected to exhibit on the Government stand at Fine Food Australia 2018; and
 - (e) the pre-event workshop will assist the co-exhibitors in preparing themselves to:
 - (i) get the best return on investment;
 - (ii) be confident dealing with potential new clients, generating leads and following up on them;
 - (iii) market and present their product professionally;
 - (iv) prepare adequate sampling stocks;
 - (v) be export ready; and
 - (vi) be prepared for the hard work associated with taking part in a trade show.
- (2) That this House:
- (a) congratulates the 12 food businesses on their selection to be a part of the Flavours of NSW stand; and
 - (b) wishes the participants every success in achieving their goals at Fine Food Australia next month.

Motion agreed to.

NEW SOUTH WALES JUNIOR STATE SURFING TITLES

The Hon. TAYLOR MARTIN (14:41): I move:

- (1) That this House notes that:
- (a) the New South Wales Junior State Surfing Titles were held at Macauleys Beach, Coffs Harbour, on July 24 2018;
 - (b) the event featured 136 of the best junior surfers in New South Wales competing across four divisions for the prestigious State titles;
 - (c) qualifiers for titles were determined by eight individual regional titles, which took place earlier in 2018;
 - (d) the under-18 girls competition was won by Molly Picklum from Shelly Beach, her second New South Wales title, with third place won by Madison Poole from Lambton; and
 - (e) the under-16 boys competition was won by Mike Clayton-Brown from Port Stephens, with second place won by Lennox Chell from Avoca and third place by Jordan Liackman from Caves Beach.
- (2) That this House congratulates Miss Picklum, Mr Clayton-Brown, Mr Chell and Mr Liackman on their outstanding results at the titles.

Motion agreed to.

LAKE MACQUARIE INTERNATIONAL CHILDREN'S GAMES TEAM

The Hon. TAYLOR MARTIN (14:41): I move:

- (1) That this House notes that:
- (a) the International Children's Games were held in Jerusalem, Israel, from 29 July to 3 August 2018;
 - (b) the International Children's Games are the biggest youth multi-sport event in the world;
 - (c) youths aged between 12 to 15 from different countries compete in variety of sport events;
 - (d) the games aim to enable youths to meet and develop friendship and then deeply understand each other's culture;
 - (e) the Lake Macquarie team was represented by Caleb Baker, Skye Southam, Brew Austin, Dillon Siv and Emily Dobbins, swimming; Benjamin Roberts, Travis Petersen, Bryce Webber, Jemma Pollard and Jasmine Roberts, athletics; and Erica Wattus and Millie Warham, tennis; and
 - (f) the Lake Macquarie team also included four coaches who guided the athletes in their preparation and accompanied the team to Jerusalem: Mavis Godber and Gerrard Keating, athletics; Karen Leth, swimming; and Christina Laurie, tennis.

- (2) That this House congratulates:
- (a) Millie Warham and Erica Wattus who finished quarter-finalists in the tennis doubles competition;
 - (b) Travis Petersen who finished fifth in the five kilogram shot put;
 - (c) Jemma Pollard and Bryce Webber, who finished semi-finalists in the 100 metres sprint;
 - (d) Emily Dobbins, who competed in the 100 metres and 200 metres backstroke and finished sixth and eighth respectively; and
 - (e) team Lake Macquarie for their commitment to being the very best representatives of their region at the International Children's Games.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 6 - PLANNING AND ENVIRONMENT

Government Response: Energy from Waste Technology

The Hon. SCOTT FARLOW: According to standing order, I table the Government response to report No. 7 of Portfolio Committee No. 6 – Planning and Environment entitled "Energy from Waste Technology", tabled on 28 March 2018. I move:

That the report be printed.

Motion agreed to.

Documents

TABLING OF PAPERS

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

- (1) Statutory and Other Officers Remuneration Act 1975—Reports dated 7 August 2018:
- (a) Reports and determinations under section 13;
Court and Related Officers Group: Annual Determination;
Judges and Magistrates Group: Annual Determination; and
Public Office Holders Group: Annual Determination.
 - (b) Report and determinations under section 24C—Chief and Senior Executive Service: Annual Determination.
 - (c) Report and determination under section 24O—Public Service Senior Executives: Annual Determination.

I move:

That the reports be printed.

Motion agreed to.

TABLED PAPERS NOT ORDERED TO BE PRINTED

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

Committees

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 60/56

The Hon. NATASHA MACLAREN-JONES: I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 60/56", dated 18 September 2018. I move:

That the report be printed.

Motion agreed to.

*Documents***INSPECTOR OF THE LAW ENFORCEMENT CONDUCT COMMISSION****Reports**

The CLERK: According to the Surveillance Devices Act 2007, I announce receipt of a report from the Inspector of the Law Enforcement Conduct Commission entitled "Report under Section 49 (1) of the Surveillance Devices Act 2007 for the period ending 30 June 2018", dated August 2018, received out of session and authorised to be made public on 31 August 2018.

AUDITOR-GENERAL**Reports**

The CLERK: According to the Public Finance and Audit Act 1983, I announce receipt of the following reports of the Auditor-General:

- (1) Special Report entitled "Procurement and reporting of consultancy services", dated 4 September 2018, received out of session and authorised to be printed on 4 September 2018.
- (2) Performance Audit Report entitled "Progress and measurement of Premier's priorities", dated 13 September 2018, received out of session and authorised to be printed on 13 September 2018; and

*Committees***PORTFOLIO COMMITTEE NO. 5 - INDUSTRY AND TRANSPORT****Report: Windsor Bridge Replacement Project**

The CLERK: According to standing order, I announce receipt of report No. 48 of Portfolio Committee No. 5 – Industry and Transport entitled "Windsor Bridge Replacement Project", dated August 2018, together with transcripts of evidence, submissions, tabled documents, correspondence, answers to questions taken on notice and supplementary questions, received out of session and authorised to be printed on 22 August 2018.

The Hon. MICK VEITCH (14:45): On behalf of the Hon. Robert Brown: I move:

That the House take note of the report.

Debate adjourned.

**COMMITTEE ON THE OMBUDSMAN, THE LAW ENFORCEMENT CONDUCT COMMISSION
AND THE CRIME COMMISSION****Report: 2018 Review of the Annual Reports of Oversighted Bodies**

The CLERK: According to standing order, I announce receipt of report No. 4/56 of the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission entitled "2018 Review of the Annual Reports of Oversighted Bodies", dated August 2018.

The Hon. TREVOR KHAN (14:46): I move:

That the House take note of the report.

This year the Committee on the Ombudsman, the Law enforcement Conduct Commission and the Crime Commission has made several recommendations and findings in relation to the Law Enforcement Conduct Commission [LECC] and has discussed a number of significant changes to the structure and focus of the NSW Ombudsman and the Crime Commission. The LECC embodies the single model envisaged by Mr Andrew Tink, AM, in his landmark review of police oversight in New South Wales. It replaces the Police Integrity Commission, the Police and Compliance Branch of the NSW Ombudsman and the Inspector of the Crime Commission.

Like its predecessor, the LECC performs a critical role in ensuring that police are accountable for their actions and helps to maintain confidence in the police. This is particularly true in relation to critical incidents that involve the serious injury or death of a member of the public or a police officer. The LECC needs adequate funding to do this important job properly. In response to concerns raised by the LECC and in light of the Tink review, the committee has recommended that, first, additional funding be provided for the new position of Commissioner for Integrity, Commissioner for Oversight and the chief executive officer and, secondly, that the LECC receive funding to increase the number of staff in its critical incident team. The committee has also recommended that the LECC's Commissioner for Oversight be given the power to undertake private examinations. The committee sees merit in the LECC's request that it be able to conduct joint investigations with the NSW Police Force. However,

because of the potential risks involved, it has recommended that the Minister for Police first consult with relevant stakeholders.

The committee is particularly interested in proposed changes to the leadership structure of the Crime Commission. The proposal is that the agency be led by a chief executive officer with investigative and management experience rather than a commissioner with substantial legal experience. The committee's view is that a modern law enforcement organisation with the significant powers of the Crime Commission needs senior leadership with an appropriate level of legal management and investigative expertise. The Ombudsman is also an area of change, having lost some of its jurisdiction due to the establishment of the National Disability Insurance Scheme and the Law Enforcement Conduct Commission. These changes have prompted the Ombudsman to review its structure and processes to ensure that it can continue to perform its functions effectively.

Debate adjourned.

PORTFOLIO COMMITTEE NO. 2 - HEALTH AND COMMUNITY SERVICES

Further Government Response: Child Protection

The CLERK: According to standing order, I announce receipt of the Government's further response to report No. 46 of Portfolio Committee No. 2 – Health and Community Services—formerly General Purpose Standing Committee No. 2—entitled "Child Protection", tabled on 16 March 2017, received out of session and authorised to be printed on 31 August 2018.

Petitions

RESPONSES TO PETITIONS

Tweed Byron Policing

The CLERK: According to sessional order, I announce receipt of the following response to a petition signed by 500 or more persons:

Response from the Hon. Troy Grant, MP, Minister for Police and Minister for Emergency Services, to a petition presented by Mr Secord on 14 August 2018 concerning the Tweed Byron police district, received out of session and authorised to be printed on 13 September 2018.

Announcements

THE HON. WALT SECORD

The PRESIDENT: I understand that today is the thirtieth anniversary of the Hon. Walt Secord's arrival in Australia. Welcome!

The Hon. Walt Secord: Thank you, Mr President.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. DON HARWIN: I move:

That Government Business Order of the Day No. 1 be postponed until the next sitting day.

Motion agreed to.

Members

PARLIAMENTARY SECRETARIES

The Hon. DON HARWIN: I inform the House that on 14 August 2018, Mr Mark Taylor, MP, was appointed Parliamentary Secretary for the Centenary of ANZAC, Counter Terrorism, Corrections and Veterans. An updated list of Parliamentary Secretaries dated 14 August 2018 is available from the Clerks at the table.

Committees

PORTFOLIO COMMITTEE NO. 4 - LEGAL AFFAIRS

Extension of Reporting Date

Mr DAVID SHOEBRIDGE: On behalf of the Hon. Robert Borsak: In accordance with paragraph 2 (6) of the resolution establishing the portfolio committees, I inform the House that on 12 September 2018 Portfolio Committee No. 4 – Legal Affairs resolved to extend the reporting date for its inquiry into museums and galleries to 28 February 2019.

PROCEDURE COMMITTEE**Membership**

The PRESIDENT: I inform the House that the Clerk has received the following nomination for membership of the Procedure Committee:

Ms Faehrmann in place of Dr Faruqi, resigned.

PUBLIC WORKS COMMITTEE**Membership**

The PRESIDENT: I inform the House that the Clerk has received the following nomination for membership of the Public Works Committee:

Ms Faehrmann in place of Dr Faruqi, resigned.

PRIVILEGES COMMITTEE**Membership**

The PRESIDENT: I advise the House that following the resignation of Dr Mehreen Faruqi nominations were sought for one cross bench member to be appointed to the Privileges Committee. According to the resolution of the House relating to the establishment of committees, I advise that crossbench members have not reached agreement about representation on the committee. The following members have written to the Clerk nominating themselves for crossbench membership of the committee: Mr Robert Borsak and Ms Cate Faehrmann. In the absence of agreement, the crossbench representation on the committee is to be determined by the House.

Ballot

The Hon. DON HARWIN: I move:

That the crossbench member to serve on the Privileges Committee be chosen by ballot in accordance with Standing Order 135.

Motion agreed to.

The President informed members of the procedure to be adopted for the conduct of the ballot pursuant to Standing Order 135.

[The ballot was conducted.]

Declaration of Ballot

The PRESIDENT: I declare Ms Cate Faehrmann, having received the greater number of votes in the ballot, as the crossbench member of the Privileges Committee.

PORTFOLIO COMMITTEE NO. 5 - INDUSTRY AND TRANSPORT**Membership**

The PRESIDENT: I advise the House that following the resignation of Dr Mehreen Faruqi nominations were sought for one cross bench member to be appointed to Portfolio Committee No. 5 – Industry and Transport. According to the resolution of the House relating to the establishment of committees, I advise that crossbench members have not reached agreement about representation on the committee. The following members have written to the Clerk nominating themselves for crossbench membership of the committee: Ms Cate Faehrmann and the Hon. Mark Pearson. In the absence of such agreement, representation will be determined by the House.

Ballot

The Hon. DON HARWIN: I move:

That the crossbench member to serve on Portfolio Committee No. 5 - Industry and Transport be chosen by ballot in accordance with Standing Order 135.

Motion agreed to.

The PRESIDENT: Is leave granted for the bells to be rung for one minute?

Leave granted.

The President informed members of the procedure to be adopted for the conduct of the ballot pursuant to Standing Order 135.

[The ballot was conducted.]

Declaration of Ballot

The PRESIDENT: I declare the Hon. Mark Pearson, having received the greater number of votes in the ballot, as the crossbench member of Portfolio Committee No. 5 – Industry and Transport.

Presiding Officers

TEMPORARY CHAIR OF COMMITTEES

The PRESIDENT: I nominate Mr David Shoebridge to act as Temporary Chair of Committees during the remainder of the present session of Parliament.

Committees

SELECTION OF BILLS COMMITTEE

Reports

The Hon. NATASHA MACLAREN-JONES: According to standing order, I table report No. 12 of the Selection of Bills Committee, dated 18 September 2018. I move:

That the report be printed.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: I move:

- (1) That the following bills not be referred to a standing committee for inquiry and report:
 - (a) Children (Education and Care Services) Supplementary Provisions Amendment Bill 2018;
 - (b) Criminal Procedure Amendment (Pre-trial Disclosure) Bill 2018;
 - (c) Emergency Services Legislation Amendment Bill 2018;
 - (d) RSL NSW Bill 2018;
 - (e) Strata Schemes Management Amendment (Building Defects Scheme) Bill 2018;
 - (f) Waste Avoidance Resource Recovery Amendment (Marine Plastics Reduction) Bill 2018.
- (2) That:
 - (a) the Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018 be referred to the Standing Committee on Law and Justice for inquiry and report;
 - (b) the bill be referred to the committee upon the conclusion of the second reading debate but before the question is put; and
 - (c) that the committee report by Tuesday 25 September 2018.

Motion agreed to.

Bills

ROAD TRANSPORT LEGISLATION AMENDMENT (PENALTIES AND OTHER SANCTIONS) BILL 2018

Second Reading Speech

The Hon. CATHERINE CUSACK (15:35): On behalf of the Hon. Niall Blair: I move:

That this bill be now read a second time.

I am pleased to introduce the Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018. The main purpose of the bill is to amend road transport legislation in order to tackle drink- and drug-driving behaviour by strengthening penalties and sanctions, and enhancing enforcement. One of the objectives is to ensure penalties, including licence suspension and fines, are consistently and swiftly applied to low level prescribed concentration of alcohol [PCA] and drug presence first offences through licence suspension coupled with penalty notices. In addition, the bill expands the mandatory alcohol interlock program to include more offences and provides for the imposition of vehicle sanctions for certain repeat drink driving offences. Lastly, the bill provides that drink- and drug-drive offenders may be required to complete an education course.

Questions have been raised in the other place about whether the drink-driving statistics support tougher penalties for lower range drink-driving. There is scientific evidence that crash risk escalates as blood alcohol content increases; however, this does not mean that driving with lower levels of alcohol is safe. The safest option, from both a crash and legal perspective, is not to drink before driving. A driver with a blood alcohol concentration

in the low PCA range, from 0.05 up to 0.079, is two to four times more likely to be involved in a casualty crash compared to a sober driver. These drivers pose a serious risk to themselves and everyone else on the road.

From 2013 to 2017, a total of 851 people were hospitalised or killed from crashes involving a driver with a blood alcohol concentration above zero but less than 0.08. If we are serious about our commitment to the safety of our communities, then it is important we take further action to prevent these injuries and deaths. Firm action that emphasises the need to separate drinking from driving needs to be taken for all alcohol offences. Concerns were also raised in the other place that this package sends a message to the community that drink-driving is no longer a serious risk. But, on any reasonable assessment, it is clear that this package delivers stronger and more certain sanctions, applied consistently for first time offenders. That is, if you are caught low-range drink-driving—or for a drug presence offence—you will be off the road for three months. This is a serious penalty for a serious offence.

We have taken into consideration the penalties being applied by courts—and the fine proposed in the bill reflects, but is not below, average court amounts. While some may argue that a day in court may be a deterrent for some, it often results in no loss of licence or penalty. For most drivers, the loss of licence for a period of three months cannot be hidden from family, friends or an employer. It is a daily reminder to change one's behaviour. I would like to further reiterate that this bill stops first time drink-drivers detected of a low-range offence from driving immediately. This is not currently the case. The existing process means that if detected at the roadside for low-range drink driving you are free to drive up until you attend court. However, Victorian research has found a higher rate of drink-driving offending occurs between detection and the start of a licence sanction—highlighting the importance of taking action as soon as possible.

The reforms proposed in the bill take a tougher stance: If detected drink-driving, you will be off the road immediately and, if you appeal, you will not be able to drive until the matter is determined in court. As part of the Road Safety Plan 2021, these changes are coupled with the New South Wales Government's commitment to enhanced enforcement by the NSW Police Force and ongoing public campaigns to educate drivers about the risks of drink and drug driving. The true message of this package to the community is simple and powerful: Have a plan B, because if you drink-drive, you will be caught, and you will lose your licence—immediately. I would like to emphasise these reforms do not remove an offender's choice to have his or her matter dealt with by a court if they are issued with a penalty notice. This option will be available. Importantly, too, despite questions in the other place, an offender can appeal against the police decision to issue an immediate licence suspension for lower range drink-driving.

I also address comments raised in the other place regarding expanding the circumstances under which the court could make an interlock exemption order. There are existing provisions in the Act that allow a magistrate to make an exemption order, rather than interlock order, if an offender has a medical condition which prevents the offender from providing a breath sample to operate the device or an offender does not have access to a vehicle in which to install a device. Approximately 5 per cent of matters currently result in an exemption order and expanding exemption provisions is not proposed in this bill. Exemptions from mandatory alcohol interlock programs vary from State to State. In Victoria and South Australia, interlock exemptions are limited to medical conditions only. Western Australia also offers exemptions for medical conditions and, reflecting the large distances to travel in that State, if a person lives a long distance from a service centre. In New South Wales, there are alternative measures in place to assist offenders to complete their court-ordered interlock.

The Act already includes an express obligation on Roads and Maritime Services to have a financial assistance scheme in place to support offenders to meet the costs of interlock services. A concession rate of 35 per cent off the full cost of the interlock is available to full-rate pension recipients, low-income Health Care Card holders and Department of Veterans Affairs Gold Card holders. A severe financial hardship scheme has also been established to provide short-term financial assistance—up to 100 per cent of standard program fees—to participants who apply for assistance and meet severe financial hardship criteria.

Technically, interlock devices can be installed on a wide range of vehicles used for work, including both light and heavy vehicles, and accredited providers are required to provide services in country New South Wales. It is also important to note that offenders who are exempt from the interlock program receive disqualification periods that are longer than the upfront period off-the-road if they receive an interlock order. Exempting offenders, for example, on work grounds may have the perverse outcome of resulting in a person being unable to work for longer than if they returned to licensing with an interlock installed. The effect of exemptions will be considered in future evaluation of the outcomes of the current and expanded interlock program. I seek leave to incorporate the remainder of the second reading speech in *Hansard*.

Leave granted.

These reforms relate to the Road Transport Legislation Amendment (Road Safety) Act 2018, which commenced on 1 July 2018, and introduced tougher penalties for driving under the influence offences, provided new police powers to deal with suspected drug-affected drivers and included cocaine in our roadside drug-testing regime.

These reforms have their origins in the New South Wales Government's Road Safety Plan 2021, released in February this year. The plan, as members will recall, features targeted and proven initiatives to address key trends, trauma risks and the types of crashes occurring on NSW roads—including drink and drug driving.

The Road Safety Plan recognises the fact that we have made progress in saving lives on New South Wales roads through co-ordinated policies and programs that improve safety infrastructure, enhance enforcement, strengthen licensing and educate road users. However, while we saw the lowest number deaths in 2014 since records began in 1923—with 307 lives lost—increases in the road toll since 2015 show that there is no room for complacency.

The 0.05 blood alcohol limit has been in place for almost 38 years in NSW, and enforced through roadside breath-testing for almost 36 years. Over this period, large scale enforcement has been supported with public education campaigns, and we have seen community attitudes to drink-driving shift dramatically. Some groups of drivers, such as provisional drivers, are also subject to lower limits.

In 1980, 389 people were killed in alcohol-related crashes in New South Wales, representing 30 per cent of the road toll. In 2017, preliminary data indicate that figure has dropped to 55, or around 14 per cent of the road toll. Initiatives to date have clearly had dramatic results, but 55 people still unnecessarily lost their lives last year.

In addition, 81 deaths last year—or 21 per cent of the road toll—were from crashes involving a driver or rider with an illicit drug in his or her system.

These deaths were largely preventable—it is about people taking personal responsibility when they get behind the wheel. The statistics indicate that the message is not getting through to some drivers who continue to drink or take drugs and drive. Deterring drink- and drug-driving remains an important road safety priority.

This bill introduces changes to how low-range, novice-range and special-range PCA offences and drug presence penalties can be applied for first time offences, including a three-month licence suspension when police issue a penalty notice to an offender.

Currently, when a driver's roadside breath test indicates a low, novice or special range PCA offence, he or she is arrested for the purposes of breath analysis. If a person then fails a breath analysis test, police issue a court attendance notice for a specified date in the future. Offenders retain their licences and are able to drive until their matter is determined by a court.

Over the three-year period ending June 2017, 56 per cent of low-range drink-driving first offences resulted in a non-conviction order in court, typically a section 10. Similarly, 36 per cent of first offences for driving with the presence of an illicit drug resulted in non-conviction. This means that offenders who are proven to have committed an offence do not lose their licence.

A review of national and international research by the Australian Institute of Criminology has concluded that licence sanctions need to be applied consistently as they are recognised as the key strategy, coupled with effective enforcement, to address drink-driving.

Importantly too, the current court process is lengthy and resource intensive. The time between arrest and a court determination for a low-range PCA first offence is around 44 days. During this time, the offender retains their licence and can drive.

Research from the United States has shown immediate licence suspension to be a more effective deterrent of drink-driving than suspensions that are applied later. As mentioned earlier, Victorian research has also found a higher rate of drink-driving offending occurs between detection and the start of a licence sanction—highlighting the importance of taking action as soon as possible.

A similar scenario surrounds the treatment of drug presence first offences, of which at least 6,500 are now dealt with by New South Wales courts each year and the number is growing as testing enforcement increases.

Unlike PCA offences, where breath analysis devices can provide a conclusive alcohol breath reading at the roadside or police station, roadside drug tests are screening tests. If a test returns a positive reading for drug presence, a saliva sample is sent for further testing at a laboratory. If the result is confirmed—which it is in 97 per cent of cases—the driver is then issued a court attendance notice. The average time between the offence and the court appearance is around 54 days and again a driver can continue to drive during this period.

The changes proposed in the bill provide for penalties which are both comparatively swift in delivery and consistent in application.

This bill establishes penalty notices for novice-, special-, low-range PCA offences and driving with the presence of an illicit drug offence that are a first time offence. This will be applied where a penalty notice for this type of offence has not already been issued, and the person has not been convicted of the same or an equivalent offence, in the previous five years.

In the case of low-, novice- and special-range PCA offences, police will issue penalty notices at the roadside or station; while, in the case of drug presence offences, a penalty notice will be issued if drug presence is confirmed by a laboratory.

The penalty notice will be set at level 7, which is currently \$561. This is higher than, but consistent with, the average court fine. In 2017, the average fine issued by courts was \$482 for a low-range PCA first offence and \$473 for a drug presence first offence. These amounts have remained consistent over time.

Those who may be sceptical about the merits of this proposal should look at the use of these measures across Australia. Several other jurisdictions in Australia, including Victoria, South Australia, Western Australia and Tasmania, already deal with low-range PCA first offences with the issuing of penalty notices. Victoria, South Australia and the Northern Territory also issue penalty notices for drug presence first offences.

Importantly, where an offence is dealt with by penalty notice, it will be coupled with action to take a driver off the road. That is, the bill amends the Road Transport Act 2013 to enable Police to issue an immediate licence suspension notice after a driver commits a novice-, special- or low-range drink-driving offence. This is in addition to the penalty notice issued. The licence suspension

applies for three months if the offender is issued a penalty notice, or, if the offender is required to attend court, until the charge is heard and determined in court.

This means that roadside licence suspension may apply for all PCA drink-driving offences in New South Wales, as it currently can for all middle- and high-range PCA offences. This significantly strengthens current penalties and takes drink-drivers off the road as soon as feasible after an offence.

The bill also allows Roads and Maritime Services to apply a three-month licence sanction, usually licence suspension, after an infringement for an 'alcohol or other drug related driving offence'. This definition includes lower range PCA and drug presence first offences. This means that where a licence suspension for these offences cannot be imposed by police at the roadside in conjunction with a penalty notice—for example, drug presence first offences where the penalty notice is issued after laboratory results, Roads and Maritime Services can subsequently suspend a driver licence or visiting driver privileges. This ensures that a driver always faces a three-month licence sanction and is similar to the current process where a driver is detected speeding by over 30km/h and has their licence subsequently suspended by Roads and Maritime Services.

A licence suspension of three months for these first time offences is commensurate with the level of road safety risk and sanctions for other safety offences. A three-month licence sanction currently applies for offences of speeding by more than 30km/h, but less than 45 kilometres per hour over the limit. Currently, an offender who is convicted of a lower range PCA or drug presence offence receives an automatic six-month disqualification from driving, but this period can be reduced by the court to no less than three months. However, as highlighted earlier, many offenders do not have a conviction recorded and are not disqualified.

I would emphasise to honourable members that despite the introduction of licence suspension coupled with penalty notices, police will retain the discretion to issue a court attendance notice if circumstances require it. As in other States and Territories, the introduction of penalty notices and a three-month licence suspension for certain drink- and drug-drive offences should reduce the pressure on the New South Wales court system and support enhanced enforcement.

Drink- and drug-drive offences are among the most common traffic matters dealt with in the NSW Local Court, and drug presence offences will increase as New South Wales' mobile drug testing regime doubles to 200,000 tests each year by the end of 2020. As mentioned, these reforms do not remove an offender's choice to have his or her matter dealt with by a court if they are issued with a penalty notice. This option will be available. Importantly too, an offender can appeal against the police decision to issue an immediate licence suspension for lower range drink-driving. This is the same process that is available to other drivers who can be suspended immediately by police, including middle- and high-range drink-drivers, and drivers who exceed the speed limit by more than 45 kilometres per hour.

If an appeal is lodged against an immediate suspension, the suspension remains in place until the appeal is determined or decision stayed by a court. This is appropriate given the seriousness of the offence and what is known about drink-driving and drug driving behaviour. These behaviours are major contributors to the road toll, with drink-driving contributing to 14 per cent of the New South Wales road toll in 2017 and drug-driving is even higher, contributing to 21 per cent of the road toll.

Survey research commissioned by Transport for NSW and involving over 1,700 drivers suggests that in New South Wales approximately 146,000 people per month drove whilst potentially over the legal limit. NSW Police Force detect a proportion of offenders, typically ranging from 1,600 to 1,800 drink-driving offences per month. This suggests, consistent with international research, that if an offender is caught drink-driving in New South Wales at any level, it is likely they have taken the risk many times before and do not warrant lenient treatment.

As part of the New South Wales Government's record \$1.9 billion investment in road safety over the next five years, our roadside mobile drug testing program will double to 200,000 tests per year, and we will deliver more Highway Patrol Officers in country New South Wales to target the road toll and deliver more random breath testing. This is to ensure all drivers are aware that there is a high risk of being detected if they choose to drink or drug drive, and to stop the behaviour before it occurs.

Taking immediate and certain licence action against all drink-drivers is a reasonable and important step in changing behaviour and reducing trauma, both amongst those who are detected and those who are yet to be caught. The certainty and swiftness of the licence sanction—alongside greater certainty of being caught—combine to deter all drivers from taking the risk. These reforms send a clear message to the community, drink and drive—either at a low-, medium- or high-range level—and you will receive an immediate licence suspension. You will be off the road.

I also point out that, in keeping with the Government's policy to toughen sanctions for drink- and drug-driving, the bill doubles the current maximum court fines for lower range drink and drug presence first offences. Accordingly, for a lower range PCA or drug presence first offence, the maximum penalty will increase from 10 penalty units or \$1,100, to 20 penalty units or \$2,200, which is equivalent to typical maximum court fines for NSW Road Rules offences. For a second or subsequent offence, the maximum fine will increase from 20 or \$2,200 to 30 or \$3,300 penalty units.

I emphasise that these are the maximum fines that a court can impose. As is currently the case, the court will apply judgement in ordering the most appropriate penalty based on the circumstances of the case. However, this sends a clear message that any drink-driving or drug presence offence is considered at least as serious as other safety offences in the Road Rules.

Another important element in the bill is ensuring that a drink- or drug-driving offence dealt with by penalty notice will be considered as a previous offence in the event of further offending. The purpose of this is to maintain the principle of applying higher penalties and additional sanctions for second or subsequent offences. This is important to deterring repeat offending and is an existing feature of road transport law.

The bill provides that if a person is convicted of a further offence of the same or an equivalent type within five years of the date of committing a drink- or drug-driving offence that was dealt with by penalty notice, the further offence will be considered a second or subsequent offence. Second and subsequent offences must be dealt with by a court and carry not only higher possible fines but longer periods of licence disqualification and involve alcohol interlock orders if the repeat offence is alcohol related. For example, if a person committed a low-range PCA drink-driving offence that was dealt with by penalty notice, and was then convicted in court of a second drink-driving offence within five years from when the penalty notice offence was committed, an alcohol interlock order, or exemption order, would be required.

It is anticipated that the reforms to lower range offences, including suspension and penalty notices for first offences, will commence in May 2019. This will allow time for system changes to be implemented, as well as Police, Revenue NSW and Roads and Maritime procedures to be updated and for communications to occur.

A second reform in this bill relates to the expansion of the Mandatory Alcohol Interlock Program. Members will recall that this Government introduced the program in February 2015 for repeat and high-range drink-drive offenders. Except in limited circumstances, it is mandatory for a court to make an interlock order on conviction for an interlock offence. Offenders are required to complete an 'upfront' disqualification period and a minimum period on the program, which requires an interlock.

An interlock is an electronic breath testing device linked to the ignition system of the car, motorcycle or heavy vehicle the offender drives and only permits the vehicle to start if the driver passes a breath test. An offender may obtain a licence without an interlock condition if he or she successfully completes the minimum period ordered by the court. A person who receives an interlock order and does not enter the interlock program is disqualified from holding a licence—other than a learner or interlock licence—for a period of five years from the date of his or her conviction. This is a current feature of the Act and is not being changed by these amendments.

Interlock programs are in place in all Australian jurisdictions and, while they may vary in scope, design and requirements, they are designed to help drink-drivers separate drinking and driving. Since February 2015, over 6,900 interlock licences, in New South Wales, have been issued to offenders who were convicted of high-range or repeat drink-driving offences. The bill amends the Act to include middle-range PCA first offences as a mandatory interlock offence. Studies have found an increase in crash risk of around four times at the lower end of middle range, 0.08 BAC, compared with unimpaired driving. At the high end, near 0.15 BAC, the crash risk rises steeply to around 12 times.

Moreover, there are a considerable number of middle-range first offenders—around 5,500 to 6,000 every year in New South Wales. While second and subsequent middle-range drink-driving offenders are already subject to mandatory interlock orders, the bill includes first offenders for the purposes of deterrence and behaviour change.

The bill amends the Act to include an 'upfront' disqualification period of a minimum of three months, up to a maximum of six months for a middle-range PCA first offence, combined with a minimum interlock participation period of 12 months. This means that offenders may return to driving earlier than if they were convicted of this offence and the automatic licence disqualification under the Act applied and meet work, family and other commitments that may depend on licensing. But they can only do so on an interlock licence, which separates drinking from driving.

The second related amendment involves the inclusion within the Mandatory Alcohol Interlock Program of driving under the influence [DUI] first offences where the offence involves alcohol and a motor vehicle. Inclusion of this offence in the program will mean that all drink-driving offences with the exception of first offence low-, special- and novice-range offences, require an interlock.

The upfront disqualification and interlock periods proposed are equivalent to the periods which currently apply for a high-range PCA first offence. This is a minimum of six months, up to a maximum of nine months upfront disqualification, combined with a minimum interlock participation period of 24 months. Periods for a repeat offence of this type, which are already part of the interlock program, will also increase to align with high-range repeat offences. This is a minimum of nine months, up to a maximum of 12 months upfront disqualification, combined with a minimum interlock participation period of 48 months.

This change is consistent with the Road Transport Legislation Amendment (Road Safety) Act 2018, which aligned penalties for driving under the influence to high-range PCA offences. It is expected that interlock orders will apply to offences committed from the end of this year. I am advised that Transport for NSW and Roads and Maritime Services will be working with accredited interlock providers over the coming months to ensure there is accessible device installation and maintenance services in country New South Wales.

There is already a network of 66 provider centres across the state, including in key regional towns—Wagga Wagga, Albury, Grafton, Griffith, Coffs Harbour, Taree, Nowra, Jindabyne, Parkes, Dubbo, Forbes, and Broken Hill. Expansion of the program is an opportunity to support expansion of services to more country locations. Initial consultation with providers indicates a strong market capability to expand services.

Turning to other measures to discourage drink- and drug-driving, the bill amends the Act to extend the vehicle sanctions regime to include certain drink-driving offences. Currently, vehicle sanctions—such as number plate confiscation, vehicle impoundment or forfeiture—apply to certain sanctionable offences, such as high-range speeding, racing, burnouts and police pursuits and repeated unauthorised driving. These are high-risk road safety offences.

Sanctions are imposed on what the legislation defines as the offending operator—that is, a person who, at the time of an offence, was both the driver and the registered operator of the motor vehicle. Vehicle sanctions in NSW are usually applied for three months and involve number plate confiscation, but cannot currently be applied for any drink-driving offences.

This bill amends the definition of sanctionable offences to include repeat middle- and high-range PCA offences and repeat 'refusal' offences related to drink-driving. That is, the sanction may apply to an offender who is caught committing one of these higher risk types of drink-driving offences if the person was convicted of another drink-driving offence in the five years before the new offence.

A person is charged with a relevant refusal type offence if he or she refuses or fails to submit to a breath analysis or provide a blood sample after a failed breath test. Such behaviour demands serious measures in response. People who drink and drive cannot be allowed to escape the consequences of their actions by refusing to comply with the directions of police officers or authorised sample takers.

Across Australian jurisdictions, the offences for which vehicle sanctions are applied vary, as does the length of the sanction and the method of application. Currently, Victoria, Queensland and South Australia all have vehicle sanctions available for certain drink-driving offences. Vehicle sanctions, for the drink-driving offences I have outlined, will commence in New South Wales by the end of this year. Further, the New South Wales Government's Road Safety Plan 2021 acknowledges that education is an important component of the Safe System approach to improving road safety, along with other strategies such as enhanced enforcement and tougher penalties.

For that reason, the bill provides that Roads and Maritime Services may require drink- and drug-driving offenders to complete an education course as prescribed by regulation. If the requirement is not met, Roads and Maritime Services may suspend a person's driver licence or refuse to issue one if an application is made.

Education courses for drink- and drug-driving offenders can reduce reoffending especially when combined with other penalties. Currently, there are two key types of education program operating in New South Wales. The first, the Traffic Offender Intervention Program [TOIP], is a general program for traffic offenders regulated under the Criminal Procedure Act 1986. These are run by community organisations and reviews have found strong stakeholder support.

In 2016, of the 16,300 people who attended a TOIP, over 50 per cent had a PCA or drug presence offence. A more intensive course is offered via the Sober Driver Program which is delivered mostly by Corrective Services NSW and funded by the Community Road Safety Fund. Targeted at repeat drink-driving offenders, it caters for 700 to 800 participants annually. Repeat evaluations over the 15 years of its existence have found that this program, which is based on adult learning principles, cut drink-drive reoffending among participants by around half.

The bill provides the legislative framework to enhance education requirements for offenders, but the provisions will only commence once a comprehensive education strategy is developed by Transport for NSW.

In developing the new approach, Transport for NSW will work with other agencies and key stakeholders including the departments of Premier and Cabinet, Health, Education and Justice to examine best practice in the delivery of evidence-based adult education and targeted courses for different types of offenders to treat diverse patterns of behaviour. This will include reviewing and leveraging the best from programs and approaches in other States and consultation with existing course providers in New South Wales. The strategy will also take into consideration how remote and regional delivery of the programs will be managed so that education is available to all offenders.

The inclusion of education as a component alongside penalties and other sanctions highlights this Government's commitment to holistic reform that reduces reoffending and road trauma. The strategy to support this reform will aim to pair the right education course to more offenders to maximise the benefits that can be achieved through education. Work on the new strategy will commence shortly and is planned for completion in the 2018-19 financial year.

Again, this measure will put New South Wales in closer step with other jurisdictions, such as Victoria and Queensland, which are revising behaviour change programs for drink- and drug-drivers with a view to introducing more effective measures. New offender education requirements in New South Wales are envisaged for introduction in 2019/20.

To further enhance drug driving enforcement, the bill also includes an amendment to the definition of "drug" in the Act. This amendment implements a recommendation from a review announced by the Premier in January 2018. The review was completed to identify safeguards to reduce the risk of driving while impaired by prescription drugs. The review sought input from NSW Health and the Pharmacy Guild of Australia, as well as Police and road safety experts. The term "drug" in the Act currently encompasses a broad range of illegal and pharmaceutical drugs and alcohol. Common drugs such as codeine, pseudoephedrine and diazepam, or valium, already fall within this definition.

At the outset, it is important to clarify that this reform does not have an impact on the scope of mobile drug testing of drivers' oral fluid. Random drug testing of oral fluid detects four types of illicit drug only. These are THC, the active component of cannabis, methylamphetamine—speed or ice, MDMA—ecstasy, and cocaine. There is no roadside testing of oral fluid for pharmaceutical drugs, and this reform does not change that position. This definition of "drug" is most relevant to the driving under the influence offence in section 112 of the Act, and when blood and urine is collected in mandatory testing after a fatal crash.

As there has been some confusion around the effect of this amendment, it is important to clarify how a driving under the influence of a drug offence would typically be detected. If a police officer has a reasonable belief that a driver is under the influence of a drug or alcohol, based on their manner of driving or their condition or behaviour and they pass a roadside breath test, the officer can require the driver to complete a sobriety assessment. If the driver fails or refuses the assessment, the police officer can arrest them and require them to undergo blood or urine testing. These offenders do not have their licence suspended immediately and this is not proposed in this bill.

Under the Act, the samples can be analysed for a drug, within the current meaning. This includes the listed illegal or pharmaceutical drugs. Evidence of the drug and its concentration may support charging the driver with the offence of driving under the influence of a drug. The laboratory results and expert evidence as to the effect of a drug, alongside police observations of the driver's condition or behaviour at the roadside, can be used to support the charge of driving under the influence in court.

The key challenge with the current definition of drug is that new pharmaceuticals—or substances that have no medicinal value—regularly enter the drug market. Drugs can only be added to the definition in the Road Transport Act 2013 by new legislation or regulation. If a substance is not a listed drug it affects the likelihood of a successful drug-driving prosecution, even if the substance is known to impair physical or mental abilities if misused and there are police observations that a person appeared affected when driving.

The bill amends the definition of drug to include, in addition to the current substances, any other substance that, when taken by an ordinary person, may deprive that person of, or may impair, his or her normal mental or physical faculties. This change means that, if a driver is detected driving while under the influence of a new type of illegal or pharmaceutical substance and the prosecution can establish that a substance meets this description, then it will be considered a drug. The fact that a substance is a drug does not and will not, in itself, mean that a person is guilty of an offence. I stress that as is currently the case in a driving under the influence matter, evidence will still be required to prove that the person charged actually was under the influence of the substance to the satisfaction of the court.

As outlined, this evidence can include police observations at the roadside, as well as the results of blood and urine analysis. This analysis can include the type and concentration of the drug, and expert opinion can also be provided which may differentiate between therapeutic levels of a substance, and non-therapeutic misuse.

This amendment does not create a new offence or introduce additional police powers at the roadside. It improves our ability to prosecute and deter driving while impaired in the context of a constantly changing drug market. This is not a new legislative proposal in Australia. Other jurisdictions, including Queensland, Victoria and Western Australia, already have similar broader

definitions in their road transport law. Importantly, this does not ban the use of medication and driving—it simply reinforces that if a driver is under the influence of any substance, we expect them not to drive. It is already, very reasonably, an offence to drive if you are under the influence of drugs. The elements of this offence are not changing.

People who follow medical advice and refrain from driving while affected by pharmaceutical drugs will not be impacted upon by this change to the legislation. This change will be supported by updates and clarifications on the Transport for NSW and Roads and Maritime Services website, and in drug-driving communications. In addition to amendments to road transport legislation to provide for additional sanctions and penalties for drink- and drug-driving, the bill also amends the Roads Act 1993 to introduce new penalties to protect the security of the Sydney Harbour Bridge and other major bridges and tunnels.

The Sydney Harbour Bridge and the Sydney Opera House are icons in the harbour city's landscape. Unfortunately, both structures can attract trespassers who have a range of motivations for their actions. In the case of the Sydney Harbour Bridge, such acts can threaten community safety and cause serious interference with the transport network. While every effort has been made to ensure the security of the bridge against criminal acts and trespassing, there have been a number of incidents over recent years which have caused prolonged disruption.

While the Sydney Opera House Trust Act has a substantial offence provision for trespassing at the Opera House with intent, there is nothing similar in roads legislation. To provide greater deterrence, the bill creates an offence relating to actions that cause damage, disruption or obstructs vehicles and pedestrians using the Sydney Harbour Bridge. If a person causes, or intends to cause, damage to the structure or seriously disrupts traffic, including trains, using the bridge or tunnel or commits any offence punishable by imprisonment or arising under the Summary Offences Act 1988, he or she will be liable to a maximum court penalty of 200 penalty units, currently \$22,000, and/or two years imprisonment. In future, the provision can be extended by regulation to other major bridges or road tunnels, if warranted.

The amendments in this bill will make progress in tackling the problems of drink- and drug-driving in New South Wales by deploying effective measures, such as immediate licence suspension, which have value in deterring reoffending. Similarly, the issue of penalty notices for lower range PCA and drug presence first offences will provide swift and more certain consequences.

An added benefit from these initiatives is the substantial reduction in matters automatically referred to the NSW Local Court, which will reduce pressure on court resources. It is estimated that lower range drink- and drug-drive first offences currently number more than 13,000 matters annually.

While offenders can elect to have their matter heard in court and appeal licence sanctions, we expect a substantial reduction in volumes, which will be monitored over time. Police attendance at court to provide evidence in these types of matters is also expected to be reduced, giving time back to high visibility, on-road policing.

The expansion of the Mandatory Alcohol Interlock Program to additional offences mirrors similar initiatives in other states and territories, which have been shown to reduce repeat offending. Likewise, the inclusion of drink- and drug- drive offences to those sanctionable offences that warrant a vehicle sanction is a logical step. Again, removing access to a vehicle is a proven method for dealing with recidivist road safety offenders where other penalties and sanctions may fail. Lastly, the expansion and refinement of drug and alcohol education courses is another strategy to enhance road safety by promoting behaviour change.

I wish to highlight again the importance of this reform. While we have made gains, 55 people lost their lives to drink-driving in 2017, and 81 died in crashes involving a driver with an illicit drug in their system. This reform is a key measure of the Government's Road Safety Plan 2021. It takes what we know from experience across Australia and internationally, and enhances our penalty framework with the goal of increasing deterrence and reducing trauma on our roads. I commend this bill to the House.

Second Reading Debate

The Hon. PENNY SHARPE (15:42): I lead for the Opposition in this House regarding the Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018. Labor will not oppose this bill; however, as outlined by my colleague in the other place, the Opposition holds concerns about aspects of the bill and I will be moving amendments regarding the most significant of those concerns. The key aims of the bill are to make changes to the penalties that apply to drivers for drink- and-drug driving, specifically to alter the ways in which penalties for low-range, novice-range, and special-range alcohol offences and drug-presence offences will be applied to first-time offenders.

The bill will allow for the issue of penalty notices in respect of the alcohol and other drug-related driving offences, as I have described, while maintaining other sanctions including licence suspensions. The bill will ensure that certain offences dealt with by way of penalty notice are included for the purposes of determining whether a new offence is a second or subsequent offence. The bill will increase the maximum penalties for certain alcohol and other drug-related driving offences. The bill will permit Roads and Maritime Services [RMS] to require persons convicted of certain alcohol and other drug-related driving offences to undertake education programs and to suspend or cancel any licence held by an offender until the offender has completed the program. The bill will expand the definition of "drug" to include substances that can impair, or deprive a person of, normal mental or physical faculties. On a separate matter, the bill will create an offence for conduct that results in damage, disruption or obstruction and certain other conduct on the Sydney Harbour Bridge and other major bridges and tunnels. Of course, Labor supports this amendment.

I will turn first to the area of greatest concern, and that is the changes to penalties for alcohol-related offences, which is the removal of low-range prescribed concentration of alcohol [PCA] offences from the court system. It is proposed that instead of a court attendance notice, a simple penalty notice will be issued to a driver, with a monetary fine and an immediate licence suspension. Currently, when a driver is breath-tested and the result indicates a low or novice or special-range PCA, the driver is arrested for the purposes of breath analysis. If the

person fails the breath analysis, police issue a court attendance notice for the matter to be decided by the court. Generally offenders retain their licence until the matter is determined by the court.

Under the new system proposed by the Government, this bill establishes penalty notices for novice and special and low-range PCA offences and driving with the presence of illicit drug offences for first-time offenders. A first-time offender is defined as where a penalty notice for this type offence has not already been issued within the previous five years. The penalty notice will set a fine of \$561, which is higher than the average court fine of \$482 for low-range PCA, and \$473 for a drug presence first offence. The proposed new system will mean penalty notices for novice and special and low-range alcohol offences will be issued by police at the side of the road or at the station. For drug offences, it will be issued once the test has been confirmed by the laboratory. Police will also retain the discretion to issue a court attendance notice.

An offender issued with a penalty notice can also elect to have the matter dealt with by a court, and the bill doubles the current maximum court fines for lower range drink and drug presence first offences. As well as the penalty notice, the bill enables police to issue an immediate licence suspension notice for a maximum of three months if the offender is issued a penalty notice or until the offender attends court. For drug-driving related offences, the bill allows RMS to apply a three-month licence sanction for an "alcohol or other drug related driving offence". This applies where a licence suspension cannot be imposed by police at roadside—for example, where a drug presence is subsequently confirmed by laboratory results received at a later time. If a person is convicted within five years of the date of committing a drink- or drug-driving offence dealt with by a penalty notice, the further offence will be considered a second offence.

As outlined by my colleague in the other place, there are significant concerns with the proposed changes. The Opposition consulted widely on the bill and received feedback from the NSW Bar Association, the Law Society of NSW and legal practitioners, as well as advice from road safety experts. Labor shares concerns regarding the impact this change will have on general and specific deterrence for these crimes. The Law Society of NSW described its concerns as follows:

We are of the view that the reforms will decrease deterrence, increase offence and recidivism rates, and have a significant impact on people's livelihoods—particularly those living in regional and remote areas.

We are also concerned that despite being designed to reduce the pressure on the Local Court, they may in fact have the opposite effect.

These concerns are not of a minor nature; rather, they describe a serious risk if the Parliament proceeds with the Government's plans. As I said, I will move amendments to address this concern in the Committee stage. The Law Society makes a point of referring to the very purpose of sentencing under the Crimes (Sentencing Procedure Act) 1999, to illustrate that it is exactly the experience that is being removed by the Government—that is, going to court, standing up in front of a magistrate, receiving warnings of the consequences, explaining it to friends and family, undertaking a traffic offender program—that is a genuine deterrent factor for drink- and drug-driving offences. The court process focuses a person on their behaviour in a way that a person dealing with a fine and licence suspension does not. The reality is that this proposal leans toward undermining the general and specific deterrent effect of requiring a person who has committed one of these offences to be held accountable for their actions in a courtroom, rather than simply through their bank account.

The Government argues that 56 per cent of low-range drink-driving offences resulted in a non-conviction order in court anyway, which is typically a section 10, and that the court process is lengthy and resource intensive. As my colleague the shadow Minister for Roads stated in her response in the other place, the court process is also a powerful deterrent and it reinforces the community's view that drink-driving is a crime—a serious crime. In addition, if the court process is too long, perhaps the Government should look at the underlying reasons for that rather than trying to find quick ways to reduce costs in the justice system.

Concerningly, the Law Society asserts that a greater burden may now be placed on the court system due to an increase in urgent applications for appeals against licence suspensions, resulting in two hearings rather than the single hearing called for at present. The Opposition will watch this very closely. The Government has not been convincing in arguing that this plan is not part of an attempt to clear court lists, cut spending and raise revenue at the cost of carefully considered justice and the highest deterrence for offenders. The Minister gave this away in her reply when she stated that:

Transport for NSW and the Department of Justice will monitor the impact of the initiatives during the first year of their implementation. The review will examine costs and savings, especially to the Local Court.

The initial focus is on costs and savings, not driver safety. For rural and regional NSW, the impacts of the changes are even greater. The Law Society stated:

The automatic licence suspension will impact on people's livelihoods, particularly in regional and rural areas that lack public transport options.

The fact is that in rural and regional areas, where the likelihood is higher that a person will be dependent upon having a licence to get to work, the impact of losing their licence is far greater than for someone who happens to live in a metropolitan area with a large and cost-effective public transport system available to them. It is a very different level of punishment depending on a person's circumstances. I hope that members from regional areas will raise this issue during the debate and try to make changes in relation to it. This is part of the reason that Parliament gives the courts the discretion to consider such factors in sentencing, but the Government today proposes to take that away. Given the chorus of concern about these provisions of the bill, I will be moving amendments on behalf of the Opposition to retain the targeted lower range drink-driving offences within the court system rather than being dealt with by penalty notice.

The bill expands the mandatory alcohol interlock program by including middle-range prescribed concentration of alcohol offences as a mandatory interlock offence. I thank the Parliamentary Secretary for her further explanation of some of these matters in the second reading speech. Currently second and subsequent middle-range drink-driving offenders are subject to mandatory interlock orders; now first offenders will also be included. This means all drink-driving offences, with the exception of first offence for low-, special- and novice-range offences, will now require an interlock. The bill also amends the Act to include an upfront disqualification period of a minimum of three months up to a maximum of six months for a middle-range PCA first offence, combined with a minimum interlock participation period of 12 months.

My colleague in the other place noted that the Labor Party does not oppose this provision. However, we agree with the Law Society of NSW that interlock periods tend to disproportionately impact disadvantaged sections of the community and people who drive for a living. Further, the Law Society believes that there should be an expansion of the circumstances under which the court could make an exemption order. The Minister's reply stated that the adequacy of financial support for low-income and disadvantaged participants in the interlock program will be monitored, as well as the capacity of interlock providers to service regional and rural New South Wales, and the Opposition will again keenly watch the reporting of these results.

The bill amends the definition of sanctionable offences to include repeat, middle- and high-range PCA offences and repeat refusal offences related to drink-driving. The bill also provides that RMS may require drink and drug-driving offenders to complete an education course as prescribed by regulation. However, there is no information on how these education courses will be implemented and who will be targeted, and the Minister's reply provided little elucidation, despite the request of my colleague in the other place. I ask the Parliamentary Secretary to address these matters in her reply. According to the Minister, Transport for NSW is developing an education strategy and course content in collaboration with other agencies, but we do not know anything beyond that.

I commend my colleague the shadow Minister for Roads for driving Labor's strong advocacy for increased driver education in recent years. We believe the approach to road safety should not be limited to simply handing offending drivers ever-increasing fines but that we should also seek to change behaviour and attitudes as a way of preventing motorists from reoffending and to bring down the road toll as effectively as possible. The bill also amends the definition of drug in the Act. The term "drug" currently encompasses a broad range of illegal and pharmaceutical drugs and alcohol. Currently drugs can only be added to the definition in the Road Transport Act 2013 by new legislation or regulation, which we understand presents challenges in a constantly changing drug market. The bill amends the definition of drug to include, in addition to the current substances, any other substance that, when taken by an ordinary person, may deprive that person of, or may impair, his or her normal mental or physical faculties.

As is currently the case in driving under the influence, evidence will still be required to prove that the person charged was under the influence of the substance to the satisfaction of the court. However, this broad definition has created some concern in the community that there may be impact on legitimate prescription medicine. The current legislation allows members of the public and medical practitioners to find out exactly which substances are and are not classified as drugs for the purpose of the Act, and in this place we should endeavour to make our laws as clear and as understandable as possible. I am concerned that this provision will add uncertainty to these offences where it did not previously exist. The NSW Bar Association raised concerns about the new definition of drug. It said:

This is a very broad definition which would cover not only illicit or "recreational" drugs, but many common medications including anti-depressants, anti-anxiety drugs and also painkillers such as paracetamol, ibuprofen and medications containing codeine. Many medications have the potential to cause effects of impairment upon ordinary people, including as a side-effect. A person might arguably be "under the influence" of a medication even if their ability to drive was not significantly impaired. The proposed extended definition does not provide any exception for either:

1. Over-the-counter medication taken in accordance with pharmacist's advice or the recommendations on the official packaging; or
2. Prescription medication taken in accordance with a prescription and medical advice.

I note the Minister addressed this matter partially in her reply and, while I understand it will make it possible for the prosecution to make its case, it is possible it will also make it harder for people to be certain that they are adhering to the law, given the broadness of the new definition.

Finally, the bill introduces new penalties to protect the security of the harbour bridge by creating an offence relating to actions that cause damage, cause disruption or obstruct vehicles and pedestrians using the bridge. There is a maximum penalty of \$22,000 and/or two years imprisonment. The provision can be extended by regulation to other major bridges or road tunnels if warranted. Labor does not oppose these measures. As I indicated at the outset, Labor will not oppose the bill. However, I urge the Government to give serious consideration to Labor's amendments.

The Hon. PAUL GREEN (15:55): I speak on the Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018. The objects of this bill are: first, to allow for the issue of penalty notices in respect of certain alcohol and other drug-related driving offences while maintaining other relevant sanctions, including licence suspensions in respect of those offences; secondly, to ensure that certain offences that are dealt with by way of penalty notice are included for the purposes of determining whether a new offence is a second or subsequent offence; thirdly, to increase the maximum penalties for certain alcohol and other drug-related driving offences; fourthly, to permit Roads and Maritime Services to require persons convicted of certain alcohol and other drug-related driving offences to undertake education programs and to suspend or cancel any licence held by an offender until the offender has completed the program; fifthly, to expand the definition of drugs to include substances that can impair or deprive a person of normal mental or physical faculties; and finally, to create an offence for conduct that results in damage, disruption, full obstruction and certain other conduct on the Sydney Harbour Bridge and other major bridges and tunnels.

The Law Society has contacted me about this bill and some of its points and concerns about this bill have been well delivered already by the Hon. Penny Sharpe, but there are some other arguments that I will put on the record. I have been approached by stakeholders, such as from the legal profession, that regularly deal with road- and transport-related matters. Those who have spoken to our office have argued against aspects of this bill—for example, Mr John Sutton, director of a law firm that routinely advises and represents clients in roads and traffic matters, who pointed out a few things that I want to highlight.

The first is that the Victorian laws on which this bill is modelled have been in force since 1994, and those laws include mandatory education for those who are caught drinking and driving. In contrast, the New South Wales law mandates that individuals found in breach of the law are brought before the courts, and education programs are not mandatory here. However, the recidivism rate in Victoria is approximately 29 per cent while in New South Wales it is just 8.1 per cent. This statistical information is available in a September 2016 report titled, "The Effect of Sanctions on Victorian Drink-Drivers," and also via the NSW Bureau of Crime and Statistics and Research [BOCSAR].

Mr Sutton and others have therefore argued that our system is better than the Victorian system in encouraging drivers not to drink or to repeat their offence. Another criticism is that the proposed Act gives authorities the right to suspend immediately the licence of an individual found to be in breach. Of course, this could affect people in rural and regional areas who rely on having a licence to get to and from work. We do not want to jeopardise their opportunity to engage in long-term employment because they have been silly and ignored their responsibilities.

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

Questions Without Notice

WAGGA WAGGA BY-ELECTION

The Hon. ADAM SEARLE (16:00): I direct my question to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. After the Wagga Wagga by-election, the Minister told the Liberal Party faithful, "This is a community that has missed out for too long." Will the Minister detail how the Wagga Wagga community has missed out under his Government and will it be honouring each of its promises made during the by-election campaign?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:00): The honourable member should not believe everything he reads in the *Sydney Morning Herald*. The journalist who wrote that article was not in the room, but other journalists were; in fact, my speech was recorded. I invite the Leader of the Opposition to look at the whole speech I made and not to rely only on a report in the *Sydney Morning Herald*. If he were to read the speech, he would see that I said the community missed out for too long under Labor, and it did. That is exactly what I said; that is the substance and the thrust of what

I said. Incidentally, I have never seen members of a political party look so happy about running third. This is the first Opposition in the recent history of this State whose primary vote dropped. Its own candidate—

The Hon. Trevor Khan: Point of order: There are, in my submission, far too many interjections.

The PRESIDENT: Order! There are—

The Hon. Lynda Voltz: Standing up for the Liberal Party again.

The PRESIDENT: Order! I call the Hon. Lynda Voltz to order for the first time for interjecting when I am speaking. I am attempting—in fact, I am trying very hard—to allow question time to be robust. However, the line has been well and truly crossed and we are into only the third minute of questions. I ask members to wait until the last three minutes. The Minister has the call.

The Hon. DON HARWIN: As I was saying, this Opposition went backwards in a by-election. The people of regional New South Wales have yet again rejected the Labor Party. The Opposition is led by a man who believes in nothing and stands for nothing.

The Hon. Adam Searle: Point of order—

The PRESIDENT: Order! I will give the honourable member the call when members on his side of the Chamber stop yelling behind him.

The Hon. Adam Searle: My point of order relates to relevance. The Minister has strayed from being generally relevant. The Leader of the Opposition in the other place was not referred to in the question. The question asked whether the Government would be honouring its election commitments made during the by-election campaign.

The PRESIDENT: Order! I apologise to the Leader of the Opposition because I could not hear what the Leader of the Government was saying due to the incredibly loud interjections. However, I will listen carefully if the interjections cease so that I can rule on a point of order. The Minister has the call, and I remind him to be generally relevant.

The Hon. DON HARWIN: The Government has accepted the result in the Wagga Wagga by-election. We know that many recent events have made the people of New South Wales lose trust in politics and politicians. The Government is working hard to earn back the trust of voters in Wagga Wagga and will continue to deliver for them, just as it has done for the past seven years. The Government delivered the \$282 million stages one and two of the Wagga Wagga Hospital redevelopment, and it has committed to deliver stage three. We will deliver \$6 million for Wagga Wagga Airport, \$20 million for the Wagga Wagga courthouse, and \$4 million for flood protection. The list of the Government's other achievements in Wagga Wagga goes on and on.

The people of Wagga Wagga know this Government has delivered. I spent a lot of time in Wagga Wagga during the by-election campaign and I saw a number of members of the Opposition there. Everyone I spoke to had the same message: We appreciate everything the Government has been doing for the people of Wagga Wagga, but on this occasion we are not happy with the political class; we are not happy with the former member for Wagga Wagga—

The PRESIDENT: Order! The fact that members of the Opposition are smiling at me when I stand convinces me that they know they have gone well beyond being robust. This is my second warning, and I do not intend to give a third. I will start calling them to order even though we are only six minutes into questions.

The Hon. DON HARWIN: They said they are not happy with the political class, the Government or the Opposition, and that was reflected in the result. I assure them that the Government will keep delivering for them— [*Time expired.*]

The Hon. ADAM SEARLE (16:06): I ask a supplementary question. Will the Minister elucidate the part of his answer in which he was reciting the Government's commitments and indicate whether all of the commitments made during the Wagga Wagga by-election campaign will be funded in the 2018-19 half-yearly budget review?

The Hon. Don Harwin: Point of order: That is a substantially new question and it is out of order.

The PRESIDENT: Order! The supplementary question is out of order.

PUBLIC LIBRARIES

The Hon. LOU AMATO (16:07): I address my question to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Will the Minister update the House on how the Government is supporting public libraries across New South Wales?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:07): I thank the honourable member for his question. I am passionate about public libraries and the critical role they play in local communities across the State. They are at the heart of so many communities, particularly across regional New South Wales, where they provide access to collections toured by the State Library. This Government is a proud supporter of the more than 370 public libraries across the State, and it has supported them with more than \$112 million over the past four years. This investment has included infrastructure grant programs to support the capital works.

Some of the projects that were supported by this Government in 2017-18 included: \$111,000 to deliver an innovative and digitally responsive library service to the Burwood community; \$66,000 to activate library spaces for creative engagement at Batemans Bay Library; \$199,000 for the Gilgandra Library extension for spaces to create, to collaborate and to connect; \$134,000 for additional community space in the Queanbeyan Library; \$200,000 for the Parkes Library Expansion Project—

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

The Hon. DON HARWIN: —and \$198,000 for the refurbishment of the Lismore Library. Only a few weeks ago at the Riverina Regional Library, I was delighted to announce that the Government would be providing an additional \$60 million for our public libraries over four years from July 2019. This will help public libraries to expand their collections, to carry out infrastructure upgrades and to extend their reach to remote communities in the State's far west.

The funding will also enable public libraries to extend their opening hours, undertake technology upgrades and expand their outreach programs. For the first time in more than 20 years, the per capita subsidy provided to each local council will be increased from \$1.85 to \$2.85 per capita over four years. This means that all local councils will receive an increase in annual library subsidy funding averaging between 40 per cent and 50 per cent over four years. In addition, a further \$6 million will be provided annually towards infrastructure upgrades. This will transform public libraries and ensure that they can grow and realise their potential as vital community and learning hubs, especially in regional areas. The State's most remote towns in the far west will also benefit, with a 100 per cent funding increase for Broken Hill Council's Outback Letterbox Library program, which delivers vital services to isolated towns.

The funding boost will also enable the rollout of Service NSW kiosks to public libraries that will operate with trained library staff to provide communities with easier access to a range of government services and transactions. We know that libraries are at the heart of so many regional communities, and this Government will ensure that libraries get the support that they need. This Government believes that every community deserves its fair share and it is delivering from Broken Hill to Bondi, from Bega to Ballina and everywhere in between. This Government is working for everyone. I am immensely proud of this record \$60 million funding boost that will transform and modernise public libraries, improve learning and convenience, and help deliver key services.

MEMBER FOR KIAMA

The Hon. WALT SECORD (16:11): My question without notice is directed to the Leader of the Government. Given the bullying allegations made yesterday in the Federal Parliament against the member for Kiama and the Parliamentary Secretary for Education and the Illawarra and South Coast, Mr Gareth Ward, does he enjoy this Government's full support? What is this Government doing about allegations of his "bullying, betrayal and backstabbing" and his "serial bullying" of party members and local elected officials?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:11): The answer to the first half of the question is yes; he has the full confidence of the Government. The second part of the question is out of order.

The Hon. Walt Secord: Mr President, for the benefit of the Leader of the Government, it is not out of order. It relates to public policy in New South Wales. I was careful at the end to emphasise that it was in New South Wales.

The Hon. Adam Searle: Point of order—

The Hon. Walt Secord: It relates to public policy in New South Wales. He can dodge it if he wishes.

The PRESIDENT: Order! First, the Leader of the Government did not take a point of order. He simply answered one part of the question. Once he has commenced answering a question it is too late for a point of order to be taken. The Minister answered the second part of the question the way in which he wished to do so.

The Hon. Scott Farlow: Mr President—

The PRESIDENT: There is no point of order and no need for members to respond to the point of order. I gave the Hon. Walt Secord the call for the benefit of the doubt but the member is incorrect. I do not need to hear from the Parliamentary Secretary.

TAXI INDUSTRY

The Hon. ROBERT BROWN (16:13): My question without notice is directed to the Leader of the Government, representing the Minister for Transport and Infrastructure. Is the Minister aware that 4,500 taxi plate owners in New South Wales have purchased a franchise, being a New South Wales taxi plate purchase, with their life savings, received a taxi plate after long service as a taxi driver or received a taxi plate in recognition of military service, and that these plates are often passed down through generations to the next of kin? How does the Government justify charging many hundreds of thousands of dollars for a taxi licence plate that is sold under its guidance and it then offers \$20,000 per plate for a maximum of two plates as compensation, dressing it up as an assistance income package as a consequence of its deregulation of the New South Wales taxi industry?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:14): I thank the Hon. Robert Brown for his question. There can be no doubt about the fact that changes in the way in which taxis and point to point transport are regulated do have an impact. But the Minister for Transport and Infrastructure was asked the question. I think the Minister for Transport and Infrastructure has put in place a number of appropriate arrangements but I will invite him to respond to the member's questions in the terms that he would like.

WATER MANAGEMENT AND COMPLIANCE

The Hon. TREVOR KHAN (16:14): 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 Government is maintaining confidence in water management in New South Wales?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:15): I thank the member for his question but I seek the indulgence of the House before I answer this question. I acknowledge in the public gallery David and Jenny Sillett. I bumped into Mr and Mrs Sillett unexpectedly today. Dave Sillett was my year 6 primary schoolteacher—he was deputy principal of Goulburn North Public School—and he is a fine example of why we need to ensure we get more male teachers in our primary schools. Dave Sillett was a huge influence on my life. He was a fantastic basketball coach and I enjoyed a friendship not only with his son, Michael, but also with his sons, Carl, and Gary. Gary started a wonderful charity called Pillars of Strength to support fathers and families impacted by babies undergoing neonatal care, and the tragedy of stillborn babies. Mr and Mrs Sillett were a huge influence on my life and they also had a close friendship with my parents. Dave Sillett was an inspiration to me and his influence led me to where I am today. Their visit was a wonderful surprise and I wanted to acknowledge them while I had the chance.

The Government has a responsibility to the people of New South Wales to ensure it takes an equitable and transparent approach to water management not just for now but also for future generations. The establishment of the Natural Resources Access Regulator [NRAR] has been a major step forward. NRAR is our new strong, independent cop on the beat which has wasted no time in getting straight to work as its record shows. In the first five months of operation NRAR investigators have lodged 109 compliance actions against licence holders with four progressing to prosecution under the Water Management Act 2000. Additionally, eight landholders have had to remediate the areas that they had disturbed.

Tough water compliance is even more critical during times of drought. Any additional drop taken by a licence holder beyond his or her allocation impacts on other users, including irrigators, regional communities and the environment. With more hot weather on its way, NRAR is continuing to increase the number of boots on the ground. NRAR Chief Regulator Grant Barnes has visited communities across the State, meeting water users from Port Macquarie to Bourke and from Walgett to Wollongong. He has heard their concerns and he stresses that the vast majority of water users are honest, law-abiding people who understand that exceeding water limits is theft. But it is critical that irrigators and other licence holders act in accordance with the law to maintain community confidence in our system of water licencing. NRAR is there to ensure a fair, transparent and enforceable water compliance system to prevent water theft and to ensure equitable water use for all users throughout New South Wales.

The people of New South Wales demand and deserve nothing less. That is why I find it unbelievable that the Leader of the Opposition—who leads a party that opposed the creation of the NRAR—would announce that his party is going to save the Darling. One might reasonably ask how the Labor Party plans to do that? Is the Labor Party going to make it rain? Is it going to create a system where productive and environmental water use is balanced? Is it going to continue our critical work in ensuring confidence in our water system, given the fact that

it opposed the sensible approaches that this Government brought to water reform? The Labor Party opposed the establishment of NRAR. How can our communities rely upon it to deliver the transformation that is needed? I am proud that this Government set up NRAR. I am glad it is getting across the State and I am out there making sure that those who do the right thing are supported by a compliance system in which they can all have faith. I congratulate the head of NRAR. It was a positive approach. Those opposite opposed it. Their results have been shown.

TAXI INDUSTRY

The Hon. ROBERT BROWN (16:19): My question without notice is directed to the Leader of the Government, representing the Minister for Transport and Infrastructure. Is the Minister aware that the chairman of the New South Wales Taxi Council, Brian Wilkins, is on record as saying that those who do not renew their membership of the New South Wales Taxi Council will find that they will not receive any assistance when applying for their hardship package? Is membership of the New South Wales Taxi Council a prerequisite for accessing hardship packages? If not, why does the adjudication panel include members of the New South Wales Taxi Council?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:20): I thank the member for his question. I was not aware of it. I cannot help him with the second two aspects of his question so I will refer it to the Minister for Transport and Infrastructure and get a response for him as quickly as possible.

DEPUTY GOVERNMENT WHIP

The Hon. DANIEL MOOKHEY (16:20): My question without notice is addressed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Does his Deputy Whip, the Hon. Wes Fang, retain his full support after he openly threatened his Coalition colleague the Hon. Matthew Mason-Cox via an infamous text message? What action has the Minister taken as a result of this serious threat?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:21): I have no idea what the member is referring to. Yes, of course the Deputy Government Whip has my full support.

COMMUNITY PRESCHOOLS DROUGHT RELIEF PAYMENTS

Mr SCOT MacDONALD (16:21): My question is addressed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on what the Government is doing to support community preschool services in regional New South Wales dealing with the effects of drought?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:21): I thank the member for his question and for his concern for drought-affected communities in New South Wales. Those of us who are lucky enough to live in regional communities know that we are bred to be resilient, particularly in tough times. As a mother I know that juggling work and family commitments is not always easy. For many families with young children, as this crippling drought persists, things are getting harder and harder.

It was brought to my attention recently that as the dry conditions continue to bite, some families were making the tough call to stop sending their children to preschool because they simply could not afford it. That is why I was proud to stand alongside the Premier and the outstanding Nationals candidate for Dubbo Dugald Saunders last week to announce that this Liberal-Nationals Government is committing \$3 million to those community preschools right across the State that have been hardest hit by this year's drought.

To announce this funding we visited Dubbo West Preschool, a fantastic service. I commend the director, Cathryn Albert, for all the work that the preschool is doing in Dubbo as well as some of the parents who are members of the committee who were with us on the day. I also acknowledge Meg Mendham from Community Connections Solutions Australia [CCSA] for making the trip to Dubbo to accompany us. That organisation has done a lot of work to support services in drought-affected areas during this time, and I commend it for the support that it is providing.

The goal of these 2018 drought payments is to help alleviate some of the pressure on families by supporting early childhood education services or our community preschools where attendance may have dropped due to socio-economic pressures, and also to boost service operators coping with additional challenges. These payments can be used for a number of initiatives. The increased financial support means that services will be better equipped to provide initiatives for maintaining preschool participation for families where drought is limiting

access to early childhood education. This could be through additional transport arrangements or fee reductions to make things easier for families who are doing it tough.

Physical environments that have been damaged by the dry weather can also be repaired thanks to these payments, in turn supporting the children's capacities to learn and engage. This might include the purchase of water management equipment or an opportunity to give the playgrounds a bit of a new lease on life. The Government acknowledges how important a preschool's physical environment is on a child's development. Finally, these drought payments can also go towards future proofing community preschools to ensure that they are better equipped to cope with similar circumstances if they arise in the years ahead. Services will be supported if they need to make operational changes to be more flexible or conduct sustainability planning that can contribute to the ongoing resilience of service delivery.

The good news is that services in the hardest hit drought-affected communities will receive their payments shortly. Community and mobile preschool services in these areas will receive a minimum payment of \$3,000, with services in drought areas receiving a minimum payment of \$4,000 and services in intense drought areas receiving a minimum payment of \$5,000. But, importantly, where enrolments are greater payments will be increased accordingly. This money is being invested back into the communities which need it the most. As Minister for Early Childhood Education I believe it is crucial that this Government continues to support its country families to ensure that all children have access to a top quality early childhood education.

The 2018 preschool drought relief payments continue the Government's work in providing help to our farming and regional communities struggling in the face of drought. Those of us on this side of the House know that the Government has committed more than \$1 billion to drought-affected parts of New South Wales. As we know, preschool is important to a child's development, and has immeasurable benefits on their social, cognitive and emotional skills. As Minister, I want to make sure that this dry time has as little impact on our children's development as possible. We will continue to look at ways to help make life a bit easier for those doing it tough in this drought.

RENEWABLE ENERGY

Mr JEREMY BUCKINGHAM (16:25): My question without notice is directed to the Minister for Resources, and Minister for Energy and Utilities. Since this House last sat the Morrison Federal Government has officially ditched the National Energy Guarantee [NEG] policy, and the new Federal Minister for Energy, Angus Taylor, has said that renewable energy is deindustrialising Australia and that a renewable energy target is "virtue signalling with other people's money". Now that the NEG is dead, does the New South Wales Government agree with the Federal Government's new direction on energy policy, and will the New South Wales Government implement a State-based renewable energy target or other State-based policies to ensure continued investment in renewable energy in our State?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:26): I thank the member for his question. The position of the New South Wales Government on the National Energy Guarantee is as follows. First, it is not the proposal of the Federal Government; it is the proposal of the Energy Security Board, which is chaired by Kerry Schott. The Deputy Chair is Clare Savage. That board includes representation from the Australian Energy Market Commission, the Australian Energy Market Operator and the Australian Energy Regulator. It is their proposal.

The last meeting of the COAG Energy Council received their proposal and the draft that they propose regarding how that will work. The council agreed that it would be put out to consultation, and the New South Wales position was to support it being put out to consultation. It is out for consultation. The Federal Government has a view. It has made it fairly clear what that is. But the consultation is ongoing until the COAG Energy Council dictates otherwise. I think that the reliability aspect of the National Energy Guarantee is important. The reliability obligation is critical because the intermittency of renewable energy generation is such that it needs to be firmed up. We have seen what the consequences of a disorderly rush towards renewable energy looks like.

We have seen it in South Australia. We have seen all sorts of problems with system stability and blackouts as a result of the way they have proceeded. Therefore, a reliability obligation that focuses on the ability to dispatch power and on possible deficits in respect of the ability to dispatch power at some point in the future is absolutely critical. I note that the Federal Government has also said that it considers those issues to be important.

The Hon. Peter Primrose: Which one?

The Hon. DON HARWIN: Well, the ability to dispatch power—

The Hon. Peter Primrose: No, which government do you mean?

The Hon. DON HARWIN: The issue of reliability is a priority for us and one I will continue to pursue. In respect of the other aspect of the question about the Federal Minister's comments about the target, I am not going to give an ongoing commentary on the opinions of Federal Ministers; I will leave that to members of the crossbench and members of the Opposition if they wish to do so. I have certainly had a discussion with the Minister and have a clear picture of what he— [*Time expired.*]

WAGGA WAGGA BY-ELECTION

The Hon. PENNY SHARPE (16:30): My question without notice is directed to the Deputy Leader of the Government and the Leader of The Nationals in the Legislative Council. What is the Minister's response to community concerns about comments made by Liberal member of Parliament the Hon. Matthew Mason-Cox, who said that the Wagga Wagga by-election result was caused by the appalling treachery of The Nationals?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:31): I thank the member for her question. It is the first question from the Opposition directed to me during today's question time. During a time when the farmers of this State that I represent are suffering one of the worst droughts that we have seen, that is the first question the Labor Party decided to ask me today—

The Hon. Penny Sharpe: Point of order: The Minister is debating the question; he is not entitled to do so.

The PRESIDENT: I do not uphold the point of order. There was probably a different point of order, but the Minister was not debating the question. The Minister has the call, but I remind him to be generally relevant.

The Hon. NIALL BLAIR: Government members are absolutely standing by our farmers. That is why, if it were our turn to ask questions, that would be the first question we would ask. However, we could ask about fishing, because there is an issue around fishing at the moment and we know that the Labor Party is divided on that issue.

The Hon. Penny Sharpe: Point of order: My point of order goes to general relevance. This is not even close to what the Minister was asked about.

The PRESIDENT: I uphold the point of order. The Minister should be generally relevant to the question asked.

The Hon. NIALL BLAIR: Government members can speak for themselves about their comments. But one thing I can guarantee is that every Government member is united on one thing and that is to ensure that Labor Party members do not return to this side of the Chamber. We are united to ensure that those opposite do not take this State backwards.

The Hon. Mick Veitch: Point of order: The Deputy Leader of the Government is fully aware that the standing orders have strong provisions around misleading the Chamber—they are not united.

The PRESIDENT: Order! That is not a point of order. The Minister has the call.

The Hon. NIALL BLAIR: We are united under one goal: to ensure that the good work we have done since coming into Government in 2011 continues. What is at risk? If we are not united to ensure that those opposite do not come to this side of the Chamber there is so much at risk. Those opposite pose a risk to all the good hard work that we have done and to every industry in New South Wales and every stakeholder group in New South Wales. We are united to ensure that we take it up to every member opposite in every one of the seats across the State in March next year because the people of New South Wales need us in government after the election. We know what the economy was like when we came into government in 2011. We know what is at risk if those opposite were to come into government. That is what unites every single member on this side of the Chamber.

The Hon. Scott Farlow: Point of order: The Hon. Walt Secord continues to yell across the Chamber and make dreadful aspersions against the Minister. I ask you to call the member to order.

The PRESIDENT: I am not in a position to rule on the point of order because of the loud interjections that were coming from both sides of the Chamber. In fact, the Minister is being compelled to scream so that he can be heard over the continual interjections from all members. The Minister has the call.

The Hon. NIALL BLAIR: Those of us on this side of the Chamber know what is at risk. We know that the good hard work that we have done to restore the economy is at risk.

The Hon. Penny Sharpe: Point of order: I have been listening very carefully to what the Minister has said and my point of order is with respect to general relevance. Again, he is now straying well away from what the question was about, which was the behaviour of a member of this Chamber.

The Hon. NIALL BLAIR: To the point of order: I was obviously being generally relevant to the point about any division or a team being united. Also, I have already addressed the part of the question about individual member's comments earlier in my answer.

The Hon. Penny Sharpe: To the point of order: The question did not ask about the unity of the other side of the Chamber, as clearly there is none; it was a question about the way in which two members of this Chamber are behaving against one another and whether there is confidence in the Coalition partnership in the Chamber.

The PRESIDENT: The question of the Hon. Penny Sharpe commences with the words, "What is the Minister's response to community concerns about comments ..." The Minister was being generally relevant to the first part of the question.

The Hon. NIALL BLAIR: I could have probably spent a large part of the answer talking about the disunity in the member's party on particular policy issues such as fishing, but we might come back to that a little bit later on. There is nothing like a common enemy to ensure that we are all united. Those opposite are offering that up. Nothing unites the Liberal Party and The Nationals more than the Labor Party. We will ensure that every single member of both of those teams works together as a single unit to make sure that those opposite do not return to government in 2019. That is what we do. The people of New South Wales need that to occur; industry in New South Wales needs that to occur; and the stakeholders in New South Wales need that to occur.

If that was the answer the member was looking for, we have absolute confidence in working together to make sure that those opposite do not return to government. They do not deserve it; they have not done the work. We saw that in budget estimates. It was the laziest attempt that we have seen from an Opposition. One would think that after seven years they would be getting good at it, but maybe they need a bit longer to make sure that they do not. We are working together to ensure that those opposite stay over there and we stay over here. As a result, the people of New South Wales will benefit.

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

REGIONAL LIBRARY SERVICES

The Hon. WES FANG (16:39): My question is addressed to the Minister for the Arts. Will he update the House on how the New South Wales Government is supporting library services across regional New South Wales, particularly the Far West of the State?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:39): It will be an absolute delight to do so. Members are well aware of the importance of libraries—

The Hon. Daniel Mookhey: We have had this one.

The PRESIDENT: Stop the clock. I call the Hon. Daniel Mookhey to order for the first time. The Minister has the call.

The Hon. DON HARWIN: Members would also be aware of the importance of libraries to our regional communities where they often serve as community hubs. However, for people living in remote and isolated communities in the State's Far West, visiting a local public library is often not feasible, given it can involve a round trip of hundreds of kilometres. To help fill this void, the State Library's Outback Letterbox Program has been running for more than 40 years in conjunction with the Broken Hill City Library.

The Outback Letterbox Program provides library services to people living in the Central Darling Shire and the Unincorporated Far West Region of New South Wales. It offers library services to more than 2,000 people in towns including Wilcannia, Menindee and White Cliffs, as well as many isolated stations and villages. It ensures all New South Wales residents have access to public library services, including the unincorporated area, which does not have a council and, therefore, does not have its own library service. To provide some perspective of the vast size of the State's Far West, the Unincorporated Far West Region of New South Wales and the Central Darling Shire cover an area of 146,000 square kilometres—more area than the whole nation of Greece.

The Outback Letterbox Program provides a vital service to those isolated communities with more than 1,000 items being borrowed each month, delivered to residents, and picked up six weeks later. The people of the Far West value the Outback Letterbox Program. The State Library received feedback from someone who lives on a station 120 kilometres from Broken Hill and who has used the service for more than 20 years, and who wrote:

Having a bag of books is like having Christmas every six weeks. If I get sent good books, sometimes there is a lack of tea being cooked, or housework being done.

This feedback reinforces the Government's decision to boost public library funding from July next year by doubling the annual funding for the Outback Letterbox Program. The doubling of funding for the Outback Letterbox Program will enable the Broken Hill Library to significantly improve its collections in all formats including e-books, delivery and promotion. This is all part of the record \$60 million boost that this Government will deliver from July next year. I am proud that the Government is boosting support to the delivery of library services and outreach programs to communities in the most isolated part of the State.

We are not just offering a simplistic solution like those opposite would. We have worked with the State Library to develop a plan that will deliver for those communities that need it most. We govern for all of New South Wales and we believe that every community deserves their fair share. The regions were neglected for far too long under the 16 years of Labor. Only the Liberals and The Nationals can be trusted to deliver for communities across regional New South Wales because we do it every day as a Government. The proposal that we came up with to increase library funding in the manner in which this Government is doing that is a firm demonstration of delivering for people. This program responds to the need of isolated communities and communities that are disadvantaged. [*Time expired.*]

DRUG TESTING

Ms CATE FAEHRMANN (16:44): My question is directed to the Minister representing the Premier. In the light of the two young lives tragically lost from drug overdoses at the Defqon.1 dance party on the weekend and considering that experts—including senior police, retired judges and health workers—recommended in a recent Australia21 report that users should be able to submit their drugs for testing to be better informed and protected because they purchase illicit drugs from criminal sources, and therefore often have no idea about the purity or safety of the drugs when they take them and, further, considering evidence from the United Kingdom proving the effectiveness of pill testing in preventing young people from consuming harmful substances, I ask: Why is the Government rejecting pill testing to save young people's lives?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:45): The death of two young people and the hospitalisation of more than a dozen others is a tragedy for those young people, their family and friends. Today we must acknowledge their loss. It is clear the use of drugs that turned deadly or nearly deadly at this event was on such a scale that we must consider what our options are in terms of future events. We have to put a stop to far too many deaths that are occurring at those sorts of events resulting from attendees consuming illicit drugs. Each of these tragic deaths highlights the risks posed by those substances.

No-one can ever be certain what they are taking or how it might affect them, which is why the police cannot stand by when we all know there is a part of our community who think that taking drugs at dance parties and music festivals is acceptable. The New South Wales Government wants a safe environment for young people to enjoy large events, recognising that most participants are doing the right thing most of the time. However, the possession and use of illicit drugs in New South Wales are criminal offences. The NSW Police Force and other government agencies continue to work with event organisers to ensure that the bad behaviour of a few individuals does not spoil the atmosphere or create an unsafe environment for the rest of the public.

However, it just does not seem to be enough, which is why an announcement was made earlier today by the Premier and other Ministers about the appointment of an expert panel to provide advice on what this Government can do to keep people safe at music festivals. Comprising the Commissioner of Police, the Chief Medical Officer and the Chair of the Independent Liquor and Gaming Authority, the panel will provide advice on whether new offences or increased penalties are required to stop drug dealers endangering lives, how music festival promoters and operators can improve safety at their festivals, and whether improved drug education is required to address the increase in illegal drug use in our community.

Government agencies including the NSW Police Force and emergency services require the continued support and collaboration of festival organisers if we are to have any chance of addressing this issue. We want everyone to have a great time but we must be cognisant of behaviour that places others at risk. Our hardworking police will continue to conduct large-scale police operations at festivals throughout the year. The loud and clear message to those who are planning to bring drugs into any event, particularly those who plan to sell them, is: Forget it. If you are caught you should expect either to leave in the back of a police car or to be out on your ear while the party goes on without you.

In line with our commitment to tackling drug possession and dealing, any person found with any drugs and displaying aggressive and antisocial behaviour will be appropriately dealt with. I note that the President of the Australian Medical Association, Tony Bartone, is quoted in the media as backing calls for pill testing. Yet those same reports also note his organisation has been saying that "proper co-ordinated clinical trials" are needed to determine whether there is a role for pill testing to play. [*Time expired.*]

WAGGA WAGGA BY-ELECTION

The Hon. COURTNEY HOUSSOS (16:49): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given his commitment during the Wagga Wagga by-election to provide an additional \$10 million of funding for the Riverina Conservatorium of Music, will he honour this commitment and provide a funding timetable?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:50): I suggest that the honourable member does her research a little better, because in fact the Government has already made a \$10 million commitment to the conservatorium building, which has been transferred from Roads and Maritime Services to the conservatorium, for the revitalisation of the building. We stand by that commitment, and during the by-election I made an additional commitment, which the honourable member obviously has not caught up with. I fully intend making sure that this commitment is overseen as well. If the honourable member and, obviously, the shadow Minister, who wrote the question for her, had done their research they would know that the Riverina Conservatorium of Music has been actively pursuing not just a revitalisation of that building, which is its new home for its best studios and its rehearsal spaces, but also a recital hall.

It is true that in the last couple of weeks I, on behalf of the Government, made a commitment that we will provide \$20 million of funding for that recital hall, which is adjacent to the conservatorium, and we will deliver that funding in full. We will keep faith with the people of Wagga Wagga, who will see us deliver our commitment. That is why Wagga Wagga will be back in the family of this Government after the next election. Let me tell members, it is not just a \$10 million commitment. We have made three commitments to that project: a building, \$10 million to fix it and \$20 million for a recital hall next to it. It is going to be a fabulous facility for the people of the entire south-west of the State.

That conservatorium has a reach much further than just the city of Wagga Wagga or the electorate of Wagga Wagga, for that matter. I am sure that the member for Cootamundra and the member for Murray are just as delighted as the people of Wagga Wagga are about the commitment that we have made, because communities in their electorates will benefit from this Riverina conservatorium program as well. Residents in the south-west of this State can be comforted by the fact that I am giving this commitment that all three of the components of that project will be delivered in full.

The Hon. COURTNEY HOUSSOS (16:53:0): I ask a supplementary question. I ask the Minister to elucidate his answer by confirming that all three of those commitments will be in the half yearly budget update.

The PRESIDENT: Order! That is not a supplementary question. I rule the question out of order.

PRIMARY INDUSTRIES

The Hon. NATASHA MACLAREN-JONES (16:53): 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 Government's policies have encouraged growth in our primary industries?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:53): It is worth reflecting for a moment on the previous 16 years of the inept Labor Government and how it had depressed the hopes and aspirations of the people of New South Wales, in particular the people of regional New South Wales. With the lowest economic and employment growth in the nation, a revolving door of Ministers and vital regional infrastructure being run down, the people of New South Wales became outraged at their Government racking up debt on fruitless vanity projects such as the never-to-be-built Sydney Metro or the never-to-be-used Teard.

The Hon. Penny Sharpe: Let's talk about the light rail, Sydney stadiums—

The PRESIDENT: Order! Stop the clock. I call the Hon. Penny Sharpe to order for the second time. Continued interjections while the Minister is attempting to answer a question are clearly disorderly. I remind members of a ruling of then President Primrose on 5 December 2007:

Members should allow Ministers to answer their questions without interruption.

The Minister has the call.

The Hon. NIALL BLAIR: Labor's Sydney-centric approach saw regional agencies under constant threat from death by 1,000 budget cuts. I was one of many who took to the streets to protest against Labor's plans to close agricultural research stations across the State. This was symptomatic of a government that just did not get regional New South Wales, nor the importance of the State's primary producers to our economy. The proud history of the Department of Primary Industries [DPI] was trampled as it became just another part of the mega Department

of Industry and Investment, leading to an exodus of highly valued staff across the State. We came to government determined to make New South Wales number one again, not just in terms of economic and jobs growth but to rebuild our regional institutions and restore them to their rightful place of leadership in the nation and in the region.

The PRESIDENT: Stop the clock. If the Hon. Lynda Voltz and the Hon. Penny Sharpe want to have a loud discussions whilst the Hon. Peter Primrose sits between them trying to listen to the Minister's answer—

The Hon. Lynda Voltz: No, he is not.

The PRESIDENT: The Hon. Lynda Voltz will desist from interjecting while I am making a ruling. I call the Hon. Lynda Voltz to order for the second time for interjecting while I am speaking. If members want to have a conversation, they should leave the Chamber, because I definitely want to hear what the Minister is saying and I know that Hansard wants to be able to hear what the Minister is saying. The Minister has the call.

The Hon. NIALL BLAIR: People of regional New South Wales want to hear what I am saying, and I am pleased to report that we have kept our promises. NSW DPI is one of the largest research providers to Australian primary industries, with more than \$90 million in expenditure each year and more than 700 active projects. We have invested heavily in plant production research, currently equating to 158 projects with a total of \$163 million based mostly out of Wagga Wagga and Tamworth. Our livestock productivity research portfolio consists of 75 projects with a total of \$21 million, led from Armidale and Trangie.

Our fisheries research portfolio consists of 88 projects with a total of \$39 million, predominantly led from Port Stephens and Narrandera. Our biosecurity risk mitigation research portfolio, which consists of 142 projects with a total of \$74 million, is predominantly led from Elizabeth Macarthur Agricultural Institute and our Ourimbah premises. I could go on and list our investment in forestry, natural resource productivity, market access research, climate resilience and plant protection, but I would need a lot more than four minutes to run through those projects.

We have also reformed customer services to farmers. I acknowledge that Local Land Services [LLS] had at times a challenging start, but it has now evolved to be the one-stop shop for farmers, covering off on animal health advice, natural resource management, pest and weed control and emergency services like biosecurity outbreaks, floods and fires. A scary thing for me is to hear Labor wanting to shut down LLS. My message to rural land-owners is: Beware of Labor politicians promising to review anything, as that is code for re-centralisation and cost savings.

The biggest difference between this Liberals and Nationals Government and those opposite is that we trust farmers and they do not. We trust farmers to be the best environmental custodians of their land; those opposite do not. We trust farmers to be the best advocates for the welfare of their livestock; those opposite do not. We trust farmers to produce the cleanest, greenest and safest food in the region; sadly, those opposite, through their actions do not. Members on this side of the Chamber can say that we have been here to support our farmers from the day that we came into government in 2011. We will continue to remind members about what we have done. [*Time expired.*]

YM EFFICIENCY CARGO SPILLAGE

Mr JUSTIN FIELD (16:59): My question is directed to the Hon. Niall Blair, representing the Minister for Roads, Maritime and Freight. Why are commercial fishers yet to be compensated for the loss of productive fishing grounds more than three months after shipping containers were lost off the container ship *YM Efficiency*, and which continue to lie on the bottom of the ocean off the coast between Newcastle and Port Stephens, creating a hazard to fishers? When will the shipping containers be removed from the sea floor and what action is the Government taking to ensure the ship owner or their insurer fairly compensate impacted commercial fishers?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:59): I thank the honourable member for his question. This is an area where the member and I do not differ too much in relation to the impact that that incident has had on our fishing sector here in New South Wales. I am more than happy to take the question on notice so that I can give Mr Justin Field the latest update on the response, because I know that not a lot has progressed since budget estimates when we last spoke about this.

I am also more than happy to provide further information while I am here by putting on the record that I too think that either the owners or the insurers of that ship should be addressing the shortcomings for those who are losing their income as a result of this incident. Those shipping containers not only pose a hazard to our commercial fishing fleet, but also have restricted the ability of fishers to get on and do what they do very well here in this State—that is, to provide an income for their families through the commercial fisheries sector.

Mr Justin Field and I will not disagree on that. That is something that the member and I are in total agreement about.

This is not the commercial fishers' doing. This is an incident which has occurred and it is regrettable. We have spoken in this House about the impact it has had on the local environment and the expensive clean-up that has been continuing since the incident occurred. I will not only take the question on notice and provide the member with the latest information in relation to the recovery efforts—as he has directed his question to the Minister responsible for that clean-up—but also come back to the member with information about the commercial fishing side.

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

Deferred Answers

CORRECTIONAL CENTRE SECURITY

In reply to **Reverend the Hon. FRED NILE** (14 August 2018).

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

I am advised:

The inmate Rev. Nile refers to is not in gaol for the murder of a prison officer.

I am aware that a small number of correctional officers are alleged to have engaged in inappropriate relationships with inmates. This type of conduct contravenes the Department of Justice's Guide to Conduct and Ethics and is subject to disciplinary investigation and sanction.

In response I requested the Secretary of the Department of Justice, establish Taskforce Themis to investigate allegations of inappropriate sexual relationships between inmates and correctional staff. Taskforce Themis is led by former Police Assistant Commissioner Mark Murdoch and will examine all allegations in the last 10 years involving current and former staff. The task force will assess the adequacy of CSNSW's management of both preventative actions and response to allegations of inappropriate relationships between staff and offenders.

I have also requested the Secretary provide options to increase penalties for staff misconduct, including sexual and other inappropriate relationships between staff and inmates.

Please let me know should you require any further information.

NSW POLICE FORCE LEGAL COSTS

In reply to **the Hon. ROBERT BORSAK** (14 August 2018).

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

I am advised:

The Office of General Counsel does not apportion costs to individual matters.

Documents

TABLING OF PAPERS

The Hon. DANIEL MOOKHEY (17:02): To assist the Leader of the Government, I seek leave to table an article published in *The Australian* on 11 September 2018 entitled, "Libs accuse Nats of treachery in Wagga."

Leave not granted.

Committees

PORTFOLIO COMMITTEE NO. 4 - LEGAL AFFAIRS

Report: Museums and Galleries in New South Wales - First Report

Debate resumed from 14 August 2018.

The Hon. SHAYNE MALLARD (17:03): I speak on the interim museums and galleries report which was released in December 2017. The final report was expected in 2018, but as we have heard earlier today in this Chamber, the committee has marked the second anniversary of this inquiry. There was no cake, but there was a guest appearance from the Minister for the Arts, the Hon. Don Harwin, for the third time at the inquiry. The inquiry, as was reported today, extended its reporting date to February 2019. It is a long fishing trip, this one. The committee issued its interim report in order for the recommendations to be considered by the Government alongside the final business case relating to the relocation of the Powerhouse Museum and also to inform the

Minister in the context of the requirements that we uncovered in our inquiry for rural and regional galleries in New South Wales. In that regard, the report has also provided some important information to the Minister late last year.

The committee considered museums and galleries across New South Wales, but it mostly has focused on the relocation of the Powerhouse Museum. Government members have been supportive of ensuring that Parramatta, the heart of Western Sydney, has a world-class cultural institution, such as the Powerhouse Museum, embedded at the Parramatta River. That has been the consistent position of the Government members on this committee, and it has been my personal view since before I entered this place in 2015. Opposition members have continued to change their position on the Powerhouse Museum relocation. They have been consistent in changing their position.

I do not agree with all of the recommendations of this interim report, and I think it should be considered in the political environment which we are in—in the context of an imminent election. However, I do agree with some of the recommendations, such as recommendation seven, that the New South Wales Government consider investing in a cultural precinct proposed for Western Sydney, such as a migration museum or cultural centre. That recommendation does not exclude the relocation of the Powerhouse Museum. Recommendation nine is that the Minister for Arts and Create NSW update the Create NSW Arts and Cultural Policy Framework to expressly include support and capacity funding for regional museums and galleries.

Recommendation 10 is that Create NSW, in partnership with Museums and Galleries of NSW, review and expand funding grants and programs for projects, capital works and maintenance in rural and regional museums and galleries; ensure a minimum percentage of grant and program funding is allocated to rural art and cultural facilities, as we have found is the case interstate; examine the restrictions on the allocation of the Regional Cultural Fund; and investigate expanding the fund's availability and making it accessible for specific programs and staffing needs. Recommendation 14 is to establish a dedicated centre for Aboriginal art and culture, and/or increase exhibition or accumulation of Aboriginal collections. I think that is fundamentally important.

For background on this report, since 2012 the New South Wales Government has prioritised the revitalisation and expansion of key cultural institutions in Sydney through the development of an arts and cultural ribbon around Sydney Harbour and the central business district [CBD]. This has been done in partnership with the Sydney City Council. The Government considers that a strong arts and cultural sector would show New South Wales as a desirable place to live, work, visit, invest and play. Since 2014 Infrastructure NSW has outlined that the arts and cultural ribbon would also encompass cultural facilities at Barangaroo, which is under development, and the clusters of institutions in the central business district from Sydney Harbour to Liverpool Street, including the Opera House and the Art Gallery of New South Wales. The ribbon was also proposed to encompass the newly developed Walsh Bay Arts Precinct, which is now well underway.

Despite the inclusion of the Powerhouse Museum as part of the arts and cultural ribbon in the 2012 PricewaterhouseCoopers report, the 2014 State Infrastructure Strategy Update did not include it in the ribbon as the Powerhouse Museum was deemed to be relatively remote from the proposed CBD cultural precinct. In this strategy update, it was proposed that the Powerhouse Museum be relocated from Ultimo to Parramatta. This follows on from the strong advocacy of Western Sydney stakeholders, including the Sydney Business Chamber, Mr David Borger, and the Liverpool, Penrith and Parramatta City councils, who commissioned the Deloitte report.

Museums and galleries deliver a number of benefits to individuals, communities and the economy, not least of which is the promotion of cultural tourism which leads to positive economic impact and strong community identity. As the Australian Institute for the Conservation of Cultural Materials points out:

Museums and galleries have a strong part to play in both cultural tourism and the development of liveable cities.

This statement was supported by Sydney Living Museums, trustees of the Historic Houses Trust. It stated that the economic impact of museums and galleries goes well beyond their contribution to cultural tourism and the visitor economy as they provide education, entertainment, and urban environments enjoyed by the people of New South Wales. Destination NSW reported in 2015 that New South Wales had received more than 11.4 million international, domestic, cultural and heritage visitors, with nearly 6 per cent of visitors going to the museums or galleries in the city.

In the same year, cultural and heritage tourism generated \$11.2 billion for the State economy. In September 2011, the Department of Premier and Cabinet released "NSW 2021: A Plan to Make NSW Number One", which put forward 32 goals to be achieved over 10 years. One of the goals was to enhance cultural, creative, sporting and recreation opportunities through the development of an arts and cultural policy. This policy set the future direction of the sector and recognised the sector's central economic role as part of the Visitor Economy Action Plan.

In 2014, Infrastructure NSW released its updated State Infrastructure Strategy, which included the aim of delivering "targeted upgrades to the State's cultural, sporting and environmental infrastructure to drive growth in the visitor economy [and] realise the economic and social benefits of strong cultural and sporting sectors". The strategy identified six infrastructure opportunities for the revitalisation of the cultural economy in Sydney and regional New South Wales, one of which included a Western Sydney cultural hub at Parramatta. In February 2015, the Government launched "Create in NSW: NSW Arts and Cultural Policy Framework", which is a whole-of-government policy framework that focuses on three key regions: regional New South Wales, Western Sydney, and metropolitan Sydney. It was the first statewide arts and culture policy framework.

The decision to relocate the Powerhouse Museum from Ultimo to Parramatta was one of the Coalition Government's 2015 election commitments to fulfil the recommendation made in the update of the Rebuilding NSW—State Infrastructure Strategy 2014. It was no surprise and it was not a whiteboard thought bubble as suggested by some members of the committee. It followed strong representations from leaders of Western Sydney, including, as I said, representatives of the business chamber, local government and the arts community. Infrastructure NSW recommended in its strategy update that there be investment in a new Parramatta cultural precinct, which would potentially include the relocation of the Powerhouse Museum. The report stated that "a relocated Powerhouse Museum could be a core asset in the Parramatta precinct and a major addition to cultural infrastructure in the west".

In February 2015, former Premier the Hon. Mike Baird and then Deputy Premier and Minister for Arts, the Hon. Troy Grant, formally announced the relocation of the Powerhouse Museum to Parramatta as part of the development of an arts and cultural precinct in Western Sydney. In April 2016, the Government announced that the old David Jones car park site on the banks of the Parramatta River was the preferred location for the new Powerhouse Museum and commenced negotiations with the owner, Parramatta City Council. When the current Minister for the Arts, the Hon Don Harwin, appeared before the committee for the first time in June 2017, he stated:

The NSW Government is committed to establishing an iconic, vibrant, interactive, world-class institution in Parramatta to further grow and promote an accessible and diverse arts and cultural environment in Western Sydney.

A public consultation process, which comprised two stages, was then undertaken. It involved consultation on what people wanted to see in a new museum in Western Sydney to inform options being considered in the business case and consultation on the project options that emerged from the business case. Stakeholder meetings, community outreach activities, an online survey, focus groups and a community deliberative forum have been held to ensure the new museum meets community needs.

Western Sydney deserves a world-class arts and cultural centre, which is what this Government will deliver. Mr David Borger, the Western Sydney Director of the Sydney Business Chamber, said that for many years there have been complaints about underinvestment in cultural infrastructure and cultural funding in Western Sydney. In order to effect change, the Sydney Business Chamber worked with Liverpool City Council, Penrith City Council and City of Parramatta Council to gather the evidence and the facts around where the money trail was going and what the region was receiving in return for the taxes paid by the people of Western Sydney. A report was prepared for the three councils by Deloitte Access Economics, which recommended that the Powerhouse Museum be located in Western Sydney. Mr Borger added that because the museum had an international collection it was not fixed to any particular location. Mr Borger was of the view that a new museum in the geographic centre of Sydney presented new opportunities for the collection.

A new Powerhouse museum in Parramatta will be bigger and better than anything New South Wales has seen. An international design competition is to be held for the site at the end of this year, with works to commence in 2019 and the new museum to open its doors in 2023. The Parramatta museum will include 18,000 square metres of exhibition and public spaces, which is 15 per cent more than the 15,708 square metres at Ultimo. Western Sydney will be home to the largest museum in New South Wales built for one of Australia's fastest growing regions. The new Powerhouse Museum offers a once-in-a-generation opportunity to create a purpose-built museum to welcome people from across New South Wales and around the world to experience the Museum of Applied Arts and Sciences collection. [*Extension of time*]

I thank members for their indulgence. Arts and culture are key contributors to our economy, adding more than \$16.3 billion to the gross State product in 2016-17. A diverse arts and cultural sector makes New South Wales an even better place to work, to live and to visit. The new Powerhouse Museum will be a significant cultural facility for Australia's fastest growing and most diverse population. It will deliver world-class opportunities for education and research, it will boost economic growth for the region, it will create new jobs and partnership opportunities, and it will generate a local arts hub in Western Sydney to unlock artistic potential in the global marketplace. The new arts and cultural precinct will include interactive and touring exhibitions, a planetarium, children's spaces, education laboratories and a museums discovery centre.

The Government plans to retain a creative industries presence at Ultimo. A creative industries precinct is critical in cementing Sydney's reputation as Australia's cultural capital while investing in one of the fastest growing economic sectors of the State. Like that of New York's Meatpacking District and Singapore's cultural district, Australia's foremost creative industries precinct would see enhanced public space and pedestrian connections with the aim of making a new global home for design, fashion and cultural exchange in Ultimo. This will integrate well with the design- and fashion-aligned businesses and educational institutions already in the area. Part of this creative industries precinct will include a design and fashion museum and a new theatre.

The committee's fourth recommendation was that the New South Wales Government release the full business case for the Powerhouse Museum and all assessed proposals to the committee and the community for full public consultation before making its final decision. Minister Harwin stated that "large-scale investment projects such as this are subject to an assurance and business case process to enable the Government to thoroughly investigate the costs and benefits of all options". In evidence recently provided during the estimates committee hearings, the Minister reconfirmed that Infrastructure NSW and Treasury separately tested the financials of the business case.

The committee also made recommendations about a migration museum. Some inquiry participants proposed that a migration museum be established in Parramatta. Both Ms Meade and the Professional Historians Association NSW and ACT noted that New South Wales is the only State that does not have a dedicated museum responsible for the collection, documentation and interpretation of migration history. For a State that constantly promotes diversity it is unusual not to invest in the rich and growing narrative of multiculturalism in New South Wales. The absence of a State migration museum represents both a significant gap and an exciting opportunity to deliver one. The committee also examined issues affecting regional museums and galleries, particularly funding and access to State collections.

The committee also believes there could be value in having a dedicated centre for Aboriginal arts and culture and/or increased exhibition or accumulation of Aboriginal collections and that the Government should work with Aboriginal elders, communities and key stakeholders to establish how best to capture the history, art and culture of Aboriginal people. I had some involvement in that area when I was a councillor on the City of Sydney and I know it is extremely complex and must be handled sensitively. I certainly support that recommendation. With those qualified comments, I commend this report cautiously to the House.

The Hon. SCOTT FARLOW (17:17): Portfolio Committee No. 4 – Legal Affairs has inquired into and reported on the performance or effectiveness of New South Wales Government agencies responsible for the organisation, structure and funding of museums and galleries in New South Wales. In coming to the inquiry, I was looking forward to what I thought would be a great analysis of museums and galleries and how they operate in New South Wales and elsewhere. Unfortunately, the committee has fallen somewhat short and focused on only one element, which of course was the Powerhouse Museum relocation. Despite that, the interim report makes 14 recommendations that relate to ensuring the New South Wales Government remains the arts and culture powerhouse it has always been.

The recommendations include holding annual events at which free entry to the State's key cultural institutions is offered to all members of the public. However, none of the recommendations outlined any feasible and/or relevant options available to Western Sydney to address its lack of cultural centres of excellence. Of course, it is this Government that is providing one of those options with the relocation of the Powerhouse Museum. The committee's fourth recommendation relates to releasing the full business case for the Powerhouse Museum and all assessed proposals to the committee and the community for full public consultation before a final decision is made. This, along with the fifth recommendation, highlights the fact that members of the Labor Party and crossbench heavy committee were focused more on detailing their opinions on the move of the Powerhouse Museum than on determining what is best for parts of Sydney such as the west and its need for cultural institutions.

It is an area which unfortunately has been underfunded for too long and has been ignored by those members opposite in particular. But there are voices—even from within Labor—who have called for the relocation of the Powerhouse. The Labor Party supported it when this committee first started and supported it at the last election but has now changed its tune. There are still people on that side of the House who do support it, as well as those associated with that side of the House such as David Borger, the former member for Granville, and Chris Brown, who have called for this investment for Western Sydney, which is key to making sure that Parramatta can live up to its promise as part of the three cities strategy by having world-leading cultural institutions such as the Powerhouse Museum.

A *Sydney Morning Herald* article by Nigel Gladstone published on 24 April 2018 entitled "Sydney population grows by over 100,000 in a year for the first time" highlighted the fact that not only is Parramatta lacking adequate institutions but it is growing at a faster rate than any other part of the city. This again shows why the Powerhouse move is so vital. One of the things we have seen through the inquiry and the evidence is that it is

not just a zero sum game if the Powerhouse Museum is to stay at Ultimo. The institution requires significant investment for it to be able to continue in that space and that is something that has been known for many years. That is also a vital part of the Government's business case for the relocation to Parramatta. To have a key cultural institution in Parramatta which is accessible to the community and to visitors from Western Sydney illustrates why it is such a great project that should be supported. The article also highlighted that the area around Parramatta had the largest shifts in New South Wales for three measurements of regional population growth: the most new overseas migrants, the highest natural increase and the most internal migration of people moving out between June 2016 and June 2017.

This report is nothing more than a smear on the Government, forcing it and the Premier to back down on a proposal that will bring arts, culture, science and technology to the west where it belongs. It is unfortunate that this inquiry has not looked at the substantive issue into museums and galleries and how we can improve them into the future but largely has run this case against the Powerhouse relocation. As we have heard again in this Chamber today, the committee has extended its reporting date to 28 February 2019. The report details that this inquiry has been protracted because of the changing nature of the Government's proposals for the Powerhouse Museum. This is a misappropriate term to use. With big moves of this nature, changes naturally occur over time with the Minister and the Premier being clear that a full case will be presented to the public once the details have been finalised. The Government has been very clear on that.

The DEPUTY PRESIDENT (The Hon. Ernest Wong): Order! The conversations of Government members are too disorderly. The member should be listened to in silence.

The Hon. SCOTT FARLOW: I did not mind it, but it is fine. As outlined under the 2014 State Infrastructure Strategy Update investment in culture and arts in and around Western Sydney is vitally needed. The Committee's report, however, highlights a number of alternative, more costly options available to the west which would significantly reduce accessibility and experience to residents and attendees of the museum. Options such as a Powerhouse Museum satellite site in Parramatta, which would complement the existing museum in Ultimo and allow a more substantial amount of the State's collection to be on display, was and still is an unfeasible option for the Government and indeed the State to undertake.

Mr Deputy President, I am sure you would appreciate that Parramatta is not a second-class place and the Parramatta that we envisage into the future should be a premier location. We are seeing that through the Government's investments. Whether it is the Western Sydney stadium, the Powerhouse Museum relocation or investment in projects such as the Parramatta light rail and the new Western Metro, Parramatta is at the top of this Government's agenda.

There is no better advocate for Parramatta than the Hon. Dr Geoff Lee, the member for Parramatta, who is an outstanding representative for the Parramatta community. Judging from this committee's report, it is quite clear that the focus was to disprove and reevaluate the need, want and cost of a cultural and arts institution in the west of Sydney. The cost is to those residents and families of Western Sydney who have been crying out for a long time for more investment in Western Sydney and particularly in Parramatta.

I remember as a child a focal point was going to the Children's Museum at Holroyd. That museum is no longer there but imagine what having a cultural institution such as the Powerhouse Museum would do for the children, families and schools of Western Sydney who would otherwise have to trek for hours to the heart of Sydney in Ultimo. For the Powerhouse Museum and the Museum of Arts and Applied Sciences to be a functional and accessible museum to the masses is one of the key reasons the Powerhouse Museum or the Museum of Arts and Applied Sciences should be moved there.

I speak as somebody who is a member of the Powerhouse Museum and somebody who has spent a lot of time at that museum with my family. My son Christian and my daughter Colette were there on Sunday while I was out at Auburn opening the new West Sydney Wolves Basketball team. I have a vested interest in making sure that the Powerhouse survives and thrives. It will survive and thrive in Parramatta. That is the assurance of the Minister, the Hon. Don Harwin, who has been stewarding this project through. It is a great project for Western Sydney and it will revitalise Parramatta and will see it fulfil its promise as the heart of Western Sydney and as a true second city as part of the three city strategy.

The report has also recommended that the business case consider the establishment of a Museum of Applied Arts and Sciences satellite site in Western Sydney. The report argues that developing institutions such as a migration museum or a cultural centre would benefit the west equally if not more than the Powerhouse Museum. This would be identified during a community consultation process. We know there is a great alternative for Western Sydney and that is the Powerhouse Museum relocation. It is a cultural institution which is known and loved by so many people across our community, particularly those in Western Sydney. We know that is the option that people in Western Sydney are excited about. We have seen through this report and the continuing inquiries

that those opposite seem to have some sort of fixation on the planetarium, which again is something through community consultation the community have said they want to see and they are excited about as part of the project.

The Hon. Penny Sharpe: Have you seen the *South Park* episode?

The Hon. SCOTT FARLOW: I note the comments of the Hon. Penny Sharpe. Those opposite seem to have some obsession with *South Park* and the planetarium, and the Cartmans opposite seem to have some sort of concern about the planetarium. But we know that those in Western Sydney actually want to see projects such as this. They are excited about something like the relocation of the Museum of Arts and Applied Sciences and the potential it has to be a world-class institution and to have new offerings as well, such as exhibition space for big travelling blockbusters. I went to Melbourne with my kids a couple of years ago to see the Jurassic Park exhibition and those are things that our cultural institutions cannot house in New South Wales at the moment. But they could under a relocated Powerhouse Museum because none of our cultural institutions have that sort of space. We have seen with the announcement of the travelling blockbusters the Australian Museum being able to get that sort of exhibition with Tutankhamun coming and the \$50 million that has been put into that project, which is another great investment in arts and culture in New South Wales.

What this report fails to highlight is the need for action and for change now. It is time that Western Sydney had access to world-class facilities now, not in 10 years and not just a satellite site but a fully fledged, fully funded and fully committed museum. Western Sydney deserves the best and that is what this Government is providing.

Debate adjourned.

PORTFOLIO COMMITTEE NO. 6 - PLANNING AND ENVIRONMENT

Report: Energy from Waste Technology

Debate resumed from 14 August 2018.

The Hon. PENNY SHARPE (17:27): I speak on the debate on this very important report done by Portfolio Committee No. 6 entitled, "Energy from waste technology". I thank the Chair of this committee, the Hon. Paul Green, who had to undertake what ended up being quite a complex inquiry with a lot of information and a lot technical information. We ended up with a report that was very important to the future of New South Wales. I also thank the committee staff who had to deal with many submissions and quite a lot of community concern in relation to this and again a lot of technical detail. At the beginning of this inquiry none of us really thought that we would end up knowing so much about what is happening to waste in New South Wales, but I am very pleased that we did because there are some serious matters that the current Government is failing to come to grips with. This inquiry uncovered those matters. I want to reflect briefly on some of those and on some of the recommendations within the report.

We need to understand where the terms of reference came from: It came from community concern about the proposal for a giant energy-from-waste operation in Western Sydney at Eastern Creek, which would have been one of the world's biggest. In the end we were shown to be correct to be concerned about that. I also note the committee was very careful in the writing of this report in that it did not trample on the planning process. Again, I acknowledge the work of the committee staff and the work of the Hon. Paul Green in his careful steering of this inquiry.

There are lots of questions about energy from waste. The concerns of the community in Western Sydney were absolutely legitimate. The Government had allowed a \$700 million proposal for a plant smack bang in the middle of Eastern Creek, very close to houses, that would have burnt rubbish for energy. The inquiry looked at a whole range of technologies in relation to energy from waste, and it is clear that that technology works. But there are a range of serious concerns around emissions, health impacts and the impact on recycling. Those are legitimate questions that this inquiry looked at. I was very pleased that the committee recommended that this proposal not be approved. And I was very pleased when, through the planning process, it was stopped, although I think that the Government probably could have stopped a lot of the concerns of the community in relation to that. I acknowledge the work of the community in Western Sydney to fight off this incinerator. Community members did not want it; they knew it was wrong for them, and I am glad that we were able to assist them in that process.

I will talk briefly about the impact of energy from waste. Labor, as a result of this inquiry, has thought a lot about how we should manage energy from waste. There is a bill in the lower House—I am not sure that we will get to it before the election—in relation to managing energy from waste. I want to put on the record some of the proposals that were suggested. Given the topography, energy-from-waste technologies are simply not suitable for the Sydney Basin. There are significant concerns around air quality and pollution as it is. There needs to be more work by the Chief Scientist and some more input in relation to the interaction between the Environment

Protection Authority's guidelines and where we could look at other proposals. Essentially, Labor's bill talks about a moratorium until further work is done. I could go into more detail in relation to that, but I wanted to put on record that that was our proposal.

I want to make sure that if energy from waste technology is used in New South Wales it should adopt the world's best practice in emissions monitoring and residual waste disposal. One of the issues that has not been grappled with is that the ash at the end of the process is extremely toxic. How do we manage that? Although we may be able to squeeze more energy from the waste and stop things going to landfill there are some issues around the toxic residual waste that have not been dealt with. There needs to be more work done on the impact on human health. NSW Health backed the committee in relation to our concerns and raised the same concerns with regard to the proposed operation in Western Sydney. I will also talk briefly about the impact on recycling targets and recycling generally.

The Hon. Paul Green: Section 88.

The Hon. PENNY SHARPE: You can bet your bottom dollar, the Hon. Paul Green, I am going to talk about waste levies too. The recycling targets are a real issue. People have been following programs like *War on Waste*. There was a great episode in which Craig Reucassel looked at energy from waste in Sweden. The impact there was that people were not recycling anymore; they were just feeding these giant incinerators to extract some energy. That is a legitimate concern if we are serious about trying to deal with waste issues.

The waste issues that we face in New South Wales are significant. There is a growing population and we are running out of areas for landfill. There is a recycling crisis as a result of changes to China's policy on taking plastics. New South Wales needs to be looking at all options for managing waste in the future. We cannot simply burn it; we cannot simply bury it. Ultimately, we have to move towards what those in the industry talked to the committee a lot about during this inquiry—a circular economy. The Government should be trying to minimise waste in the first place and to reuse waste. Recycling should occur close to home. That is simply not happening here. It is a huge problem.

Most people in New South Wales would be shocked to know that the bottles that they carefully place in the recycling bins are not necessarily recycled. Some bottles are stored as crushed glass somewhere in the State; some, if we are lucky, are being used in road base. It is simply not the case that the bottle that is carefully cleaned and put out for recycling is being refilled and reused. I think people would be quite shocked to learn that.

New South Wales is missing out on a massive opportunity at the moment. Waste levies raise hundreds of millions of dollars a year. The waste levy in New South Wales is raising around \$800 million a year. The real issue is that two-thirds of that is going into consolidated revenue. The Government could be investing and working with local governments to help them build better recycling facilities. The Government could also be working with industries to help them to recycle. There is huge community opportunity here. For every job in landfill there are seven jobs in recycling. It is one of those cases where there is money, there is a need but somehow there is no political will to invest in our communities. There are regional development opportunities in this. If Labor is elected and I am every fortunate enough to be the Minister with responsibility for the environment this will be a very high priority for me, because I think we can do so much better on this.

The Hon. Paul Green: Your election policy.

The Hon. PENNY SHARPE: It will be very good. I cannot go on without mentioning two significant failures on the part of the Government in relation to waste—the recycling issue and being very slow off the mark to deal with the China issue. Members need to understand that this State is currently allowing 75 trucks a day—around 10,000 trucks a year—to travel to Queensland to dump waste there. I know that the people of Queensland do not want our waste. It is dangerous because the trucks being used are unmarked and often not safe. The State is losing over \$114 million a year in waste levies. Over the last seven years this State has not had that \$700 million, which could have gone into consolidated revenue or be used to deal with waste issues. This Government and the Minister have failed completely to deal with this.

The Hon. Shayne Mallard: What about your Queensland colleagues?

The Hon. PENNY SHARPE: The Queensland Government has dealt with it by reintroducing the levy that the member's mates got rid of when Campbell Newman was Premier. If the member wants me to talk about his mates in Queensland I will be happy to do that.

The Hon. Shayne Mallard: The levy is back?

The Hon. PENNY SHARPE: Yes, the levy is back. The Hon. Shayne Mallard should have been paying attention. But the issue still has not been dealt with. In the short time I have left I want to raise two more issues. One is Mangrove Mountain. There is a massive dump on the Central Coast that has been allowed to take

1,000,000 million tonnes when it was only supposed to take 200,000 tonnes of rubbish. There is a proposal to allow more dumping there, although it is over the water catchment. There have been calls for an inquiry, and the committee recommended that. I think that the Government is due to reply to the committee next week, and I hope that the Government will take this up. It is a very serious matter that has been ignored.

There has been a lot of criticism of the Environment Protection Authority and its ability to operate. There needs to be a review of the EPA, which still does not have a CEO; there is an acting CEO. There have been too many reviews. Is the EPA fit for purpose? It has a really important job in New South Wales and it is clearly struggling to do that. I could speculate on the range of reasons for that but I am running out of time. I look forward to the Government's response. I hope it looks closely at these very carefully worded and sensible recommendations.

The Hon. SHAYNE MALLARD (17:38): I am pleased to support this report on energy-from-waste technology. I do so noting that the title of the report is now a little misleading because the House expanded the terms of reference of the inquiry to look at much more than energy from waste. The terms of reference covered:

- a) the current provision of waste disposal and recycling, the impact of waste levies and the capacity (considering issues of location, scale, technology and environmental health) to address the ongoing disposal needs for commercial, industrial, household and hazardous waste
- b) the role of 'energy from waste' technology in addressing waste disposal needs and the resulting impact on the future of the recycling industry
- c) current regulatory standards...
- ...
- h) the transport of all classifications of waste and recyclable materials out of New South Wales and the consequences for waste disposal, government revenue and environment programs, employment, roads and transport routes, and the environment
- i) the prevalence and scale of illegal dumping across New South Wales and the actions of the NSW Environment Protection Authority to address it, and
- j) the sustainability and impacts of the current waste and landfill regime on human and environmental health, including drinking water, soil contamination, fire hazards and emissions
- ...

That is quite a comprehensive and broad set of reviews for waste. The terms of reference were self-referred by the committee on 6 April 2017. The terms of reference were extended through the House on 10 August 2017. This was a very important and timely inquiry as New South Wales struggles to deal with record levels of waste created through population growth and the economic boom that is occurring in this State, which is creating a lot of building, commercial and residential waste. Waste disposal is a serious issue in New South Wales. In 2014-15 New South Wales generated nearly 19 million tonnes of waste. It is the second highest per capita producer of waste in the world, which is astounding.

Therefore it is essential that waste management services and infrastructure are strategically planned and delivered appropriately. The inquiry demonstrated that this is not happening satisfactorily. The committee has made a number of recommendations to overcome this issue, including the recommendation that the New South Wales Government hypothecate a greater percentage of waste levy funds to local councils and the waste industry to support the provision of additional waste services, initiatives and infrastructure. The committee recommended that the New South Wales Government identify a government body responsible for leading waste infrastructure planning. That is important because we found that there is no one government body responsible for leading waste infrastructure planning, from the planning and zoning through to the provision of services across the State.

The committee appreciates the challenges involved in regulating the waste industry. While it is apparent that most waste operators comply with the regulatory system, a small proportion of bad apples and bad industry participants appear insistent on operating outside of the law. There was a great deal of debate during the inquiry about using energy-from-waste technologies. Over the years New South Wales has become dependent on landfill and it is time to look at other options for waste disposal. Energy from waste is a means of energy recovery and not solely waste disposal. The waste hierarchy that the State adopts dictates that it is preferable to recover energy from a residual material rather than disposing of it, as is current practice.

I emphasise that energy from waste is a process of dealing with the residual material that is left after all the recyclable material has been extracted and recycled. It is a small component left over from that process. As the Hon. Penny Sharpe said, there are many of these operations overseas but sadly, as we know, some of them—for example in Mexico and parts of Europe—take all the waste, including recyclables, and burn it to produce electricity. In Mexico City it is used to power the trams—a very hungry means of consumption—but that is not the proposal for New South Wales.

When using best practice technologies, energy from waste produces less harmful emissions than landfill, can assist in reaching renewable energy goals and can be a viable alternative to landfills. While the committee found that energy from waste is legitimate in the waste hierarchy, there are still legitimate concerns surrounding energy-from-waste technology and whether it is environmentally sound, whether the technologies are more efficient than landfills and whether the technologies will undermine resource recovery and recycling. On the other hand, other stakeholders, including the NSW Environment Protection Authority [EPA], waste management organisations and some local councils, such as the City of Sydney, advocated the use of energy from waste in the hierarchy of extracting waste in the system.

I turn to the application for an energy-from-waste facility at Eastern Creek. The inquiry examined the proposal by the Next Generation to build an energy-from-waste facility at Eastern Creek. Many of the issues raised by inquiry participants in relation to the proposed facility included the proponent's social licence to operate—that is, the support of the community—the site of the project, the lack of reference facilities and the proposed feedstock for the project. The committee also considered issues with regard to emissions standards and monitoring, and whether the proponent was a "fit and proper person" to operate an energy-from-waste facility.

The Next Generation applied to the Department of Planning and Environment to build a large-scale energy-from-waste facility in Eastern Creek. The site currently houses a Genesis Xero waste recycling facility, a material processing centre for construction and demolition waste and commercial and industrial waste, and has waste disposal facilities and landfill capacity. The proponent proposed that the facility would source feedstock from the residual chute waste at the Genesis facility and would accept suitable and eligible waste fuels from authorised third parties. The fuel, or feedstock, would be mixed before the feed hopper pushed it onto the continually moving grate furnace where it would be combusted.

During the duration of the inquiry, members made numerous site visits, including one day of hearings at Rooty Hill, which was a very passionate set of hearings. This allowed for residents of Western Sydney to express their concerns regarding the proposed energy-from-waste incinerator and the impact on air quality and pollution. The committee received hundreds of passionate submissions from residents of Western Sydney. The committee also noted the concerns of the stakeholders who raised issues associated with the topographic structure of the Sydney Basin and the challenges of trapped air pollution within it. The committee found that the Next Generation proposal could add substantially to the challenges of managing air pollution across Sydney, particularly Western Sydney. As such the committee, in recommendation 20 of its report, recommended:

That, subject to the current assessment process being conducted by the NSW Department of Planning and Environment, the NSW Government not approve the energy from waste facility proposed by The Next Generation at Eastern Creek.

After being assessed by the Independent Planning Commission the proposal at Eastern Creek was rejected in July. The community and the committee welcomed that. The commission cited "uncertainty" over the project's human health risks and impact on air and water quality and stated that the project was not in the public interest and refused consent. During the inquiry there was a significant emphasis upon the role of the Environment Protection Authority in regulating the waste industry and questions around whether it is doing so effectively. Stakeholders pointed to the increase in illegal dumping, including the insidious crime of dumping contaminated waste such as asbestos, and the growing volume of New South Wales waste being transported to Queensland.

Industry stakeholders were not satisfied and called on the New South Wales Government to investigate options to restructure the EPA and undertake an independent review of the EPA's performance of its various functions. This is not the first inquiry to support that. Recommendation 17 of the report recommended that the NSW Environment Protection Authority set out the expected community engagement practices and outcomes. A strong regulatory regime is undoubtedly dependent on a clear and consistent approach for the enforcement of sanctions, particularly when pursuing prosecutions. The committee also found that amongst stakeholders there is a perception that the EPA is not effectively performing its regulatory role in relation to the waste industry. These serious concerns were reflected in recommendations 21, 22 and 23.

There was a proposal to restructure the EPA; the committee did not receive sufficient evidence to recommend this action. However, it has been recommended that the Government investigate options to restructure the EPA so it can improve its performance. I now turn to the future of waste management in New South Wales. The committee heard concerns about the shortfall in waste infrastructure, including the need for greater strategic planning in this area and support for an infrastructure plan and a lead agency to oversee its implementation. The committee found there was an urgent need to identify and zone land for waste facilities. We look perhaps to the Greater Sydney Commission to pick up some of this idea because it transcends and goes across council areas in the Greater Sydney area.

Evidence presented during the inquiry, particularly from local councils, suggested that New South Wales currently has insufficient waste infrastructure to meet demand. Inquiry participants expressed significant concern

that New South Wales is not adequately equipped to manage increasing amounts of waste in the future. It is generally understood by State and local government that the waste and resource recovery industry in New South Wales is facing the challenge of insufficient infrastructure—from processing plants to transfer stations, to organics and recycling facilities—being available to treat not only the existing waste but also the projected growth in waste generation in the short-term future. Therefore, the following recommendations were made:

Recommendation 19

That the NSW Government establish an expert advisory body on energy from waste chaired by the Chief Scientist to examine and report on the energy from waste regulatory framework to create certainty for the market and communities ...

...

Recommendation 31

That the NSW Government identify a government body, either an existing department or agency or a newly-created body, responsible for leading waste management infrastructure planning in New South Wales ...

In conclusion, waste management is a very serious challenge for this State. With a rapidly expanding population and a growing economy it is imperative that the Government takes a leading role in strategically planning the management of waste going forward. We cannot rely upon the ad hoc processes that are in place at the moment. The community and industry look for certainty when it comes to waste management policy. Energy from waste is a means of energy recovery and not waste disposal. During the inquiry we heard heartfelt submissions from residents of Western Sydney— [*Time expired.*]

The Hon. MATTHEW MASON-COX (17:48): It certainly was a pleasure to participate in this inquiry, which was very well chaired by the Hon. Paul Green. Who would have thought that the concept of energy from waste would have set us upon such an odyssey?

The Hon. Dr Peter Phelps: Did you get to Sweden?

The Hon. MATTHEW MASON-COX: The committee did not even travel interstate, let alone internationally. I must say it would have been good to travel interstate when so many trucks were carrying New South Wales waste to Queensland. This inquiry was excellent. The committee pored over the evidence for many months. It feels like a lifetime ago that the inquiry began, but the report was handed down in March this year. I felt very privileged to be part of the committee because at the outset I knew very little about waste recycling, but by the time the committee made its recommendations I had learned a great deal. I must say that the processes of dealing with waste in New South Wales make me shake my head. It shocked me that New South Wales creates 19 million tonnes of waste a year, which is the second highest per capita rate in the world. That is extraordinary.

The waste management system now is under duress due to recent changes, particularly the problems arising from exporting a whole range of recycled waste to China. In the light of very significant issues associated with waste management, this report is timely as its recommendations set out necessary changes in operation and processes. I am reminded by mentioning the trucks travelling along the Pacific Highway to Queensland that a levy was imposed on waste recycling in New South Wales. I know that the chair of the inquiry, the Hon. Paul Green, felt very passionately about the levy, as the former the Mayor of the Shoalhaven City Council. Is it \$36 million a year or thereabouts that you pay in the levy?

The Hon. Paul Green: Three years.

The Hon. MATTHEW MASON-COX: That is an extraordinary amount of money, but none of it found its way back to the council, except perhaps in some small project grants, and this is the norm throughout New South Wales. It is there as an incentive for people to recycle, which is the kind of circular economy that we want to see in our communities. People should recycle what can be recycled; however, we must acknowledge that there will be some waste that has to go to landfill. The burning question, if members will forgive the pun, is: What do we do with irrecoverable waste? The committee spent a lot of time listening to evidence from experts, including international experts, who briefed the committee on the latest developments in waste management technology. The committee visited the proposed site for a waste energy management facility in Western Sydney. We spoke to many community representatives and residents who are likely to be affected by the presence of a waste management facility in their area. The views obtained by that process were very instructive.

There was a strong political edge to this inquiry. Perhaps I could be forgiven for thinking that the proposed waste management facility became an obsession with some Opposition members. Nonetheless, the proposal to set up that waste management facility was an important focus for the committee, which is reflected in the committee's recommendations. It should be noted that I dissented from the majority report that recommended Eastern Creek waste energy project not be approved, despite the exhaustive evaluation process currently being undertaken by the Department of Planning and Environment. In my view, we should allow that process to come to its conclusion before making a decision. I adopted that position after considering a lot of the evidence. Indeed,

with the greatest respect to my colleagues on the committee and to the chair of the committee, the Hon. Paul Green, I believe there was a lot of evidence that we did not see and a lot of information that we could not weigh up. The evaluation process has been underway for years.

The committee simply did not have access to the same level of information as the authorities who make the key decisions, such as the Department of Planning and Environment, NSW Health and the Environmental Planning Authority [EPA]. The likely impacts of the Eastern Creek waste management facility were brought to the committee's attention in submissions from those government agencies, but at the end of the day the committee does not see much of the information that is provided to government agencies—the decision-makers. I felt it was important to uphold and protect the integrity of the process. I also felt it was important to ensure that the process was not compromised by making recommendations that pre-empt that process. In the end, it is worth noting that the decision was to reject approval, so I suppose the committee has the last hurrah in that respect.

The Hon. Paul Green: The Government does.

The Hon. MATTHEW MASON-COX: I think the community does as well. One of the issues that came up time and again was the concept of social licence. Processes that are governed by very strict criteria, submissions and countersubmissions, public consultation, consultation with a whole range of affected communities and stakeholders, and further submissions and responses from the project's proponents are enormously rigorous. However, an idea that is creeping into government policy, and indeed into policy more generally, in this State and elsewhere in the nation is that over and above all the rigorous processes that have built-in consultation processes, there is another requirement in the ether called a social licence, which means something more than all the processes put by the proponents.

The Hon. Paul Green: It is higher than the hierarchy.

The Hon. MATTHEW MASON-COX: It is higher than the hierarchy. It is intangible, and the reality is that it is in the eye of the beholder. When duly appointed decision-makers are endeavouring to make decisions based on the best possible scientific evidence, such a concept is very dangerous. One of the lessons of this report is that decision-makers should be very wary about the term "social licence" and those who bandy that term about to justify their point of view. A proper and rigorous process, which gives everybody an opportunity to express their view and involves real consultation with the people affected, is at the heart of good decision-making. We as a Government and we as a Parliament should place our faith in that process every single time. I believe that is an important message of this report.

I understand that the trucks screaming down the Pacific Highway en route to Queensland have more or less stopped, although I cannot be sure. But what concerned me particularly is the arbitrage created by Queensland having no levy on waste disposal whereas New South Wales had a significant levy on waste disposal at that time. The committee literally saw evidence from the EPA indicating that the EPA sought advice on the constitutionality of intervening to stop the trucks avoiding payment of the New South Wales levy on the waste they were carrying. The EPA peddled before the committee the idea that to stop the trucks was against the free interstate trade provision in the Commonwealth Constitution Act. It was suggested that sending trucks along the Pacific Highway and across the Queensland border was trade, and to oppose that trade one would be in breach of section 92 of the Commonwealth Constitution Act. Of course, that was total nonsense.

That position adopted by the EPA was an abrogation of its responsibility as a regulator to ensure that the law of this State is not being flouted. A direct consequence of waste not being recycled in New South Wales is the loss of hundreds of millions of dollars in revenue to the State. I believe that the way in which the EPA operated is unforgivable. Some of the comments in the report and recommendations on how the EPA might be restructured over time to address this issue and similar issues should be adopted and implemented by the Government. The report contains valuable lessons. I commend the chair for his excellent leadership and an excellent report. I thank my colleagues on the committee and the secretariat for bringing together the important ideas underpinning this important report. I highly commend the report to all members of this House.

The Hon. ROBERT BROWN (17:58): I will make a brief contribution to the important debate on the report of Portfolio Committee No. 6 entitled "Energy from waste technology". I note that I was otherwise occupied with other committees and did not have time to participate in the committee's proceedings, but I would have liked to have been a participant. In his contribution to the debate the Hon. Matthew Mason-Cox asked: "What should we do with our waste in the future?" My answer is one word: pyrolysis. Do we know that Australia is the leading research nation in the world, on the back of nuclear fusion technology, to develop pyrolysis of waste into hydrocarbons? Aviation fuel—that is really all we need to talk about—pyrolysis. In 1980 I started my career with Lend Lease by trying to find technologies that we could use in New South Wales to burn rice hulls and apricot husks. The technology available in the late 1970s and 1980s was called fluidised bed technology. In New South Wales at the moment we have a power station that runs with a fluidised bed boiler.

The Hon. Dr Peter Phelps: No!

The Hon. ROBERT BROWN: Yes, we do.

The Hon. Dr Peter Phelps: Name it.

The Hon. ROBERT BROWN: Redbank Power Station, a little power station in the Hunter Valley. That company is working with the same University of Newcastle organisation on the catalysation of hydrogen. We should be looking at these things, because they are right in our backyard.

Debate adjourned.

Bills

CRIMINAL PROCEDURE AMENDMENT (PRE-TRIAL DISCLOSURE) BILL 2018

First Reading

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

The Hon. NIALL BLAIR: I move:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Motion agreed to.

The Hon. NIALL BLAIR: I move:

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

Motion agreed to.

Business of the House

NOTICES OF MOTIONS

The Hon. NIALL BLAIR: By leave: Pursuant to Standing Order 71, I give notice of a motion relating to the Community Gaming Bill 2018.

Adjournment Debate

ADJOURNMENT

The Hon. NIALL BLAIR: I move:

That this House do now adjourn.

NATIONAL INDIGENOUS HUMAN RIGHTS AWARDS

The Hon. SHAOQUETT MOSELMANE (18:03): Last year I had the honour of hosting the fourth annual National Indigenous Human Rights Awards [NIHRA], celebrating 25 years since the Mabo decision. Australia's most significant Aboriginal and Torres Strait Islander voices, those of the Mabo family, were heard including the voice of Mrs Bonita Mabo, who honoured us with her presence. We were joined by Northern Territory Senator the Hon. Malarndirri McCarthy, Federal politician the Hon. Linda Burney, New South Wales politician Mr David Harris, Ms Rachel Stephen-Smith, Mr John McKenzie, Dr Helen Watchirs, Ms Gail Mabo, Miss Maris Mabo, Miss Kyrstal West, Miss Maleta Mabo-Cornhill, Miss Hannah Duncan, Mr Tauto Sansbury, Mr Anthony Mundine, Mr Jeff McMullen, AM, Mr Gerry Georgatos and many others from the diplomatic corps, the community, and the health and education sectors all united in one voice, echoing the hopes and aspirations of all Aboriginal and Torres Strait Islander Australians.

Eddie Koiki Mabo was a crusader, a fighter, a man who worked passionately and relentlessly in campaigning for the rights of his people, their right to their traditional lands and the lands of their ancestors. The late Eddie Mabo's persistence broke barriers, giving his people a glimmer of hope. Through his relentless efforts, the High Court of Australia overturned the anachronistic, fraudulent and deceitful notion of terra nullius. While Eddie Mabo did not live to see the legacy of his 10-year battle, passing away a mere five months before the judgement was handed down, it remains imperative that we continue to reflect upon and celebrate his legacy, not only appreciating what he achieved but also recognising the challenges that are ahead for Aboriginal and Torres Strait Islander people. This year, 2018, marks the fifth annual National Indigenous Human Rights Awards. This is a unique event, a signature award ceremony designed to bring people together to celebrate the enduring contributions of our Aboriginal and Torres Strait Islander people to human rights and social justice.

NIHRA remains the only major platform celebrating the efforts of individuals who are working towards the advancement of Aboriginal and Torres Strait Islanders' human rights and social justice across the nation. It is through NIHRA that we honour and recognise their hard work. Having grown from strength to strength since it began in 2014, NIHRA is now a premier event attracting Commonwealth and State interests. There is no greater rights struggle on this continent than that of our First Australians, and I was honoured to stand amongst so many exceptional individuals who have fought tirelessly in the struggle for a more equitable and just Australia.

This year's theme will focus on the role of women in the struggle for human rights and social justice. The topic will be "Truganini: the Tragedy, the Struggle and the Future". Our keynote speaker will be a Noongar woman from the Wagyl Kaip area in the south-west corner of Western Australia. Megan Krakouer is a national Indigenous critical response support advocate in Western Australia. Megan has worked extensively in the private, government and not-for-profit sectors in Western Australia, South Australia and Victoria. She is actively working to improve the lives of Indigenous Australians. I am also delighted to inform the House that Ms Karla Grant, from *Living Black*, will be our master of ceremonies. As presenter and executive producer of *Living Black*, SBS television's prime-time national Indigenous current affairs program, Karla is passionate about giving Indigenous Australians a voice in the media and believes that *Living Black* successfully fosters a better understanding amongst all Australians about the plight of Indigenous people.

Aboriginal people have suffered, and continue to suffer. We must all work together to tackle all forms of poverty, homelessness, deaths in custody and the conditions causing suicide. We should invest in Aboriginal and Torres Strait Islander health, education, housing and welfare reform, and we should recognise and support advocates and those who work hard for the wellbeing of the Aboriginal and Torres Strait Islander people. With excitement, I look forward to the awards night on 17 October. I thank the sponsors, the judges, the nominators, the nominees, the media, the guests and friends and all those people out there and in here who have supported these awards. Particular thanks go to the Minister for Aboriginal Affairs, Ms Sarah Mitchell, and the Opposition's shadow Minister, Mr David Harris, for their support and encouragement.

STATE INFRASTRUCTURE

The Hon. SCOTT FARLOW (18:07): I speak this evening of the Government's continued investment throughout the inner west, particularly in the Strathfield electorate. These investments have been committed to ensuring fantastic local organisations and sporting institutions in the inner west and in Strathfield continue to serve the sports mums and dads, the seniors and the newly settled residents of the inner west—our multicultural communities that make the area a great place in which to live—for years and decades to come. The Minister for Multiculturalism and Disability Services, Ray Williams, and I had the pleasure of awarding numerous multicultural grants to local organisations that have contributed so much to the Strathfield community in recent years. I am speaking of organisations such as the Korean Society of Sydney, the Multicultural Seniors Organisation and Metro Assist Ashfield.

The Korean Society of Sydney Australia received a \$5,500 grant from the New South Wales Government to purchase new equipment for a groundbreaking new computer program aimed at developing technological skills for seniors. I was privileged to be with the president, who has made a contribution of \$10,000 to buy more computers for that program.

The Government presented \$5,000 to Metro Assist in Ashfield. Without Metro Assist's volunteers and teachers, this organisation would not be what it is today. The introduction of new teaching methods for English classes has been effective in helping new members of the community integrate and learn English more easily and faster. It was great to join some of the volunteers there and Minister Ray Williams to hear the stories of conversational English classes and how they have been able to assist many of the new migrants moving into the area, one of the most ethnically diverse in Sydney.

It was a pleasure to join the NSW Multicultural Seniors Association, which has gone from strength to strength, growing from 10 members to more than 1,100 members participating in its programs. It is not often that I find myself lost for words, but when visiting this group in Strathfield to present \$3,000 from Multicultural NSW as part of the multicultural grants initiative, I was taken aback by the sincere friendship and bonds that each member of that group shares as they come together to celebrate traditional and new dancing, particularly from Chinese backgrounds, and to bond as seniors in the community in their new home of Australia.

These three organisations are vastly different in their intended resolution. However, they share one thing in common: their commitment to helping members of the Strathfield and inner west communities grow, contribute, and prosper as one. I am proud to be a part of a government that is committed to ensuring organisations such as these receive the necessary support to continue their efforts in assisting seniors, integrating migrants in the community and ensuring the continued support of our multi-ethnic communities across New South Wales.

Recently I was pleased to announce, with the Minister for Sport the Hon. Stuart Ayres, the mighty Enfield Rovers Football Club and the Canterbury District Football Association, an amount of \$150,000 in funding to upgrade lights at Henley Park as part of the 2015 Asian Football Confederation [AFC] Asian Cup Legacy Fund. That is on top of the announcement I made earlier with Councillor Raj Dixit from Burwood Council, Mayor of Burwood John Faker and Minister for Sport Stuart Ayres of more than \$2.6 million to be awarded to Burwood Council for the upgrade of Henley Park sportsground. The upgrade of Henley Park will provide a number of much-needed additions, including new turf, drainage, amenities, and a new futsal pitch, meaning year-round soccer and greater access for local families. With \$150,000 for upgrading the lights at Henley Park, we will see more night fixtures at Henley Park as well. Having played there as a kid, I know how those fields could become muddy patches after a few downpours of rain. We have not seen so much of that over this winter, but even when there was a bit of rain we could see chopped up turf there.

This Government is committed not only to ensuring the inner west stays in the hands of families and residents, but also to enabling everyone to get around the choked roads and thoroughfares caused by years of neglect from the Labor Government. We are doing that through WestConnex, which is just one component to ensure that cars and trucks get off Parramatta Road and into the new twin M4 tunnels—which I might add are on track to open, as promised by this Government, in the first half of 2019. Having grown up right at the M4 exit on Leicester Avenue, I know what a change this will be for communities in the inner west, particularly in the suburbs of Strathfield, Burwood and Croydon. This missing link to the City West Link has been desperately missed. It is a great achievement from this Government and another great investment in the Strathfield electorate.

TAXI INDUSTRY

The Hon. ROBERT BORSACK (18:13): Tonight I again speak about the New South Wales taxi industry and in particular about the hardworking, law-abiding small business taxi owners who have been left high and dry and in the lurch by this Government, which has basically failed to deliver on its promises. In its haste to re-regulate our transport industry, the Government promised the most generous hardship package in the world would be delivered in New South Wales, yet the situation has become so critical that lives and families are being destroyed. This bureaucratic treachery is causing consequences obviously never thought through by those who initiated point to point transport reforms.

Taxi plate owners who have been encouraged and regulated by the Government to invest their life savings in their own small businesses now face bankruptcies, the loss of their family homes, foreclosures, marriage breakdowns, and severe physical and mental health issues while banks and financial institutions are now refusing to lend against the value of an owner's plates. The Government has allowed the licencing of 75,000 rideshare operators, ever increasing in numbers in New South Wales, yet the Government's new commission has made minimal effort to regulate these new players. The result is totally prejudiced towards overseas big business operators of the likes of Uber and Google at the expense of small business owners, and has resulted in the destruction of small businesses in New South Wales.

The taxi industry in this State is an essential service which operates on a 24/7 basis for every member of our community. It is a vital part of the developing integrated transport system that can support the initiatives of Government to provide safe and secure travel throughout the State, support economic growth and development of our cities and our tourism needs, meet the requirements of an aging population and the disabled, and provide vital entry-level employment to many people in our community. To date, negotiations with the Government regarding compensation have rested with the NSW Taxi Council, whose members have deserted it en masse. Its directors principally represent networks, not the owner-drivers and small business owners of many thousands of taxis who employ drivers and have ultimate responsibility for improved standards within the industry.

The NSW Taxi Council has been unsuccessful in keeping the Government to its promises. It has been lock-in-hand with this Government's unjust and drawn-out process that has so badly affected the taxi owners who have done the right thing. The NSW Taxi Council has lost the confidence of the industry, as reflected in its dwindling membership base. As far as the Shooters, Fishers and Farmers Party is concerned, the only true voice for the entire NSW Taxi Industry is the Taxi Owners Small Business Association [TOSBA]. If the Shooters, Fishers and Farmers Party is fortunate enough to hold the balance of power in either House after the next election, we will work hand in hand with the TOSBA to right these wrongs.

It is an absolute disgrace that those owners who have invested in a taxi as their retirement income are now faced with the real prospect of being forced onto social security payments to survive, let alone losing any prospect of transferring their taxi asset to their next of kin. In May this year I addressed Parliament and appealed for more to be done to address those small taxi owners and operators who have been denied natural justice and are still waiting for the Government to deliver on its promises. The only thing that has happened since then is a complex and short-term additional assistance payment scheme application process which resembles a social security application with no quantification of amount or performance benchmarks.

The promise was that hardship compensation would open in November 2016 and close in July 2017. It is now September 2018 and despite levies being raised this year on all taxi and rideshare trips we are yet to see anything that would offset the pain caused to those who have fulfilled their obligations to Government by investing in their businesses. It is an absolute disgrace for any government to do this to small business, let alone a conservative government. The taxi industry in New South Wales employs more than 15,000 full-time taxpaying workers who are dedicated to lifting standards and service delivery across the board. It is critical that we recognise the importance of these small business people and the safe service they provide to our travelling public and other users, and put a halt to the wrongful hardship that they have to endure. It is time to correct the wrongs that have been inflicted on small business taxidrivers and owners.

THE ENTRANCE ELECTORATE INFRASTRUCTURE

The Hon. TAYLOR MARTIN (18:17): I am happy to report that the New South Wales Liberal-Nationals Government has delivered on its 2015 election commitments in the electorate of The Entrance. One of the most important issues of the 2015 election was the state of The Entrance Beach, where more than a decade of sand loss had taken place. Over time, sand from The Entrance Beach was eroded by water moving with the tide from the channel and would end up out to sea or, even worse, trapped in the channel itself. The severe erosion at The Entrance Beach meant that it was regularly closed and impacted on the ability of surf lifesavers and lifeguards to do their job.

In 2015 the Liberal Party promised \$2 million to build a new 100 metre rock groyne wall at The Entrance Beach, and to dredge 15,000 cubic metres of sand to re-nourish the beach. I am happy to report that the new rock groyne wall at The Entrance has been completed and has already had a positive impact on sand loss at The Entrance. The groyne has already increased the size of The Entrance Beach. The groyne will reduce the need for dredging and the severity of the sand build-up in the channel, and cause any dredging done in future to be even more effective. The Liberal Government has also delivered on its \$147 million commitment to upgrade three major intersections along Wyong Road at Tuggerah, Chittaway and Mingara. These major intersection upgrades have been welcomed by the 55,000 motorists who use these roads each day.

Locals would remember the morning peak and its long queues of motorists trying to get across the railway bridge at Tuggerah. The bridge has been widened and traffic is now flowing through the intersection more freely. The same applies to the Tumbi Road intersection, which on most evenings was at a standstill past Mingara. It was not long ago that the traffic queue along Wyong Road at Enterprise Drive was so long it could sometimes take 10 minutes to get through the single intersection. With the completion of that upgrade, queues are now a thing of the past. The Government is also delivering on its \$70 million election commitment to duplicate the Pacific Highway at Ourimbah. The upgrade is well advanced between Glen Road and Ourimbah Street, with three intersections having had their new traffic lights switched on last week. This year's budget also includes \$23.5 million for the next stage to duplicate the road between Ourimbah Street and Parsons Road at Lisarow, which will vastly improve that 1.6 kilometre stretch of road.

Residents in The Entrance electorate are also benefitting from more than \$500 million in upgrades to the Wyong and Gosford hospitals. The \$348 million upgrade at Gosford Hospital is approaching completion. The developed hospital is an amazing facility that features the latest in technology for the comfort of patients, staff and visitors. Together with the \$200 million Wyong Public Hospital redevelopment, these hospitals are delivering next-generation, first-class health care to the Central Coast. The Liberal Government has also funded significant maintenance and repair works to The Entrance Bridge. The \$400,000 provided to repair and repaint the handrails has ensured that the bridge is not only safe but also looking great.

Earlier this month, I was joined by the Hon. Ray Williams at Tuggerah Lakes Secondary College, Berkeley Vale, to announce that the Secondary Schools Mentoring Program would receive a grant of \$5,000 to continue and to expand its fantastic work. The program provides year 10 students at seven schools on the Central Coast, including Tuggerah Lakes Secondary School campuses at Berkeley Vale and Tumbi, with the opportunity to utilise the life skills of a mentor to access opportunities that their background may otherwise not have provided. The Entrance electorate has benefitted from this Government despite its sitting member not being a member of the Government. If this is what happens when The Entrance does not have a Government member, I invite members to imagine how much The Entrance would benefit if it did have one.

Finally, I will take a brief moment to talk about the marine park proposal that, if implemented in full, would have had an unfair impact on the Central Coast, including on recreational and commercial fishers in the electorate of The Entrance. The Government's NSW Marine Estate Threat and Risk Assessment had fishing impacts as being a less significant priority threat than other issues, especially urban stormwater discharge. I am glad the Minister for Primary Industries, the Hon. Niall Blair, has ruled out the introduction of fishing lockouts. Our position is very clear on this: Lockouts are not the answer to protecting the marine environment. Last week, I attended a Stop The Lockout community meeting on the Central Coast with the member for Terrigal in support

of local fishers. It was interesting to hear the Labor members speak on the issue. We still cannot get a definitive position from them and they appear to have changed the position they had last year.

CHINESE AUSTRALIANS

The Hon. ERNEST WONG (18:22): Speaking in London on a panel discussion on the Five Eyes intelligence arrangement, former Prime Minister John Howard made the pronouncement that "China could use expats in Australia to help grow its influence and power in the region." John Howard's claim, which seems to be shared by some members of the Australian public—that Chinese-Australians are potentially capable of being cultivated by Chinese agents and that they do not have the integrity and intelligence to know what is good for Australia—is essentially without foundation and reflects his lack of a basic understanding of the entire Chinese community.

When the collective terms "Chinese" and "China" are used by the Australian media and the public, it is always a puzzle to establish who or which groups are being referred to specifically. The definitions of Chinese and China cover a very broad spectrum. When we say "Chinese" and "China", are we talking about the Chinese culture or heritage evolved over thousands of years of history that has shaped and cultivated the virtue of the Chinese? That is something Chinese-Australians are all proud of no matter where we come from. Or are we talking about the Chinese Communist Party regime or Chinese-Australians who have been the backbone of Australian history?

Within Australia there are Chinese from many different regions, including Singapore, Vietnam, Indonesia, Hong Kong, Taiwan, China and many more places. Chinese people from Singapore endorse their nation's position on providing logistic support to the United States 7th Fleet. There are many Chinese from Taiwan who support the Chinese Government's position on separation from the mainland. A number of Hong Kong expatriates in Australia tend to be strong supporters of a Hong Kong nativist movement and are not on the same wavelength with the policies or with the political landscape of China. How then can all Singaporeans, Taiwanese and people from Hong Kong and so on who have immigrated here be the subject of such an accusation?

When looking at the entire Chinese community in Australia, we must understand that it is not monolithic. A number of Chinese people view their identity as being defined by events in China after 1949. Many others see themselves as the inheritors of a cultural legacy that extends much further back over thousands of years. There are those amongst the Chinese community who are against the Chinese Government and there are those who endorse its policies. If we are referring specifically to Australian-Chinese, the Chinese have been in Australia since the Gold Rush and have a history here over more than 200 years. Many of their ancestors were born here and raised families, working hard to make a living in Australia and to build Australia into the country that we are prospering in today. On 27 June 2018 an article in the *Sydney Morning Herald* stated:

NSW Labor MP Ernest Wong was cultivated by Chinese government intelligence operatives in Australia and China but ...there is no suggestion that Mr Wong has ever acted inappropriately or wittingly passed any information on ...

This kind of report is tantamount to levelling a charge of treason, without any substantive evidence. This is reminiscent of McCarthyism, which accuses others of infidelity, subversion, treason and other crimes without any supporting evidence. Parliamentarians without a Chinese background from both sides of politics are likely to have more contacts and relationships with Chinese diplomatic officials than I do. Could this be because my skin colour and heritage makes Chinese diplomatic staff more cautious in their contact with me? Being a politician, I well understand that my actions will attract a great deal of scrutiny. However, when Chinese-Australians are portrayed as potential spies, that strays too far from the standards of fairness. I am extremely worried that if this discourse continues it could usher into Australia a return of the anti-Chinese hostility prevalent during the Gold Rush and the worst kind of division amongst the community.

I have always believed that it will take time for some Chinese arrivals to understand the core interests of Australia and to integrate into the Australian cultural system, not to mention those overseas students and Chinese diaspora with temporary residential status who have nothing to do with most local Chinese. I am sure of one thing: Chinese-Australians are always proud to be Australian with our Chinese heritage. It is a heritage that bequeaths to us the excellent virtues of thousands of years of Chinese history and tradition, such as strong family values with filial piety, a belief in community cooperation, high morality, work ethics and loyalty to friends as we, as Australians, strive to build mutual understanding, respect, trust and inclusiveness with each ethnic group in this land in which we choose to live.

AGED CARE FACILITIES

The Hon. ROBERT BROWN (18:27): I call on members to join me in standing up for our most vulnerable people. We must give a voice to the voiceless—the elderly in our State's aged care facilities. We are all aware of the *Four Corners* program broadcast this week. In the face of a royal commission into aged care

quality and safety, I hope the plight of our nearest and dearest will receive the attention it deserves. Members will remember that I introduced the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2016. The purpose of the bill was to reinstate a requirement enshrined in the Public Health Act 2010 from at least 1972 until 2014 that at least one registered nurse be on duty at all times in nursing homes.

Unlike that legislation, which applied the requirement across all nursing homes, my bill applied it only to high-care nursing homes. This protection was inadvertently abolished when the Commonwealth Aged Care Act 1997 was amended to redefine "nursing home" as it applied to section 104 of the New South Wales Public Health Act 2010. Unfortunately, although my bill was passed by this House unopposed, on 4 May last year it was opposed by the Government in the other place.

A division was called, so there is a *Hansard* record of names of those members of Parliament who opposed this bill when my colleague the member for Orange, Philip Donato, attempted to pass it through the Legislative Assembly. Those people blindly ignored the care needs of our State's vulnerable seniors, and I shudder to think of the impact that their actions have had on thousands of people and their families. I note the betrayal of the member for Northern Tablelands—a nice fellow normally—Adam Marshall. He was caught out running a secret campaign to oppose my bill in cahoots with the Chief Executive Officer, Sue Thompson, at McLean Care, a private nursing home operator in his electorate. The member subsequently flipped when the bill was about to be put and supported it.

Obviously, it is up to 50 per cent cheaper to employ an assistant in nursing than a registered nurse, so profit-driven facilities have an interest in not reinstating this vital protection because it would cost them money. Worse still is the fact that Mr Marshall did not vote on this bill. He absented himself in the other place, despite his campaign assurances to Ms Thompson. Despite the good work that many assistants in nursing perform in our health system—and there are many good people caring for our aged—the disparity in clinical expertise and training between them and registered nurses is vast. I suspect that the forthcoming royal commission will so note and I will make sure that it does because I will give evidence before it.

In some cases, regulation is so low that if I were operating a nursing home, I could potentially employ all of those honourable members of this place who are not already registered nurses as assistants in nursing, providing they had a first aid certificate, and that I, as an employer, was willing to train them on-the-job in patient handling techniques. Registered nurses have a vital role in frontline care, and can provide the clinical leadership to advise the assistants in nursing working alongside them. They can provide pain relief stronger than a Panadol, respond to critical incidents instead of defaulting to an ambulance—thus locking up our paramedics' ability to operate—and can perform complex procedures. Without them, routine catheter changes or care of feeding tubes requires a hospital admission.

My party, the Shooters, Fishers and Farmers Party, did not demand an onerous requirement. That bill was not onerous. Our demand is that one registered nurse per high-care aged facility is on shift at all times—not one per ward or not one per bed, but one per facility. The Minister was given the opportunity to have some discretion. This requirement was mandatory and financially viable in New South Wales for almost three decades. For 30 years it was okay to run our aged care facilities like this but all of a sudden it is not.

Make no mistake: Under the shadow of a royal commission, aged care will be a key issue in the upcoming State election in March next year. I assure members on both sides of the House that the Shooters, Fishers and Farmers Party will keep fighting for better standards of care in these aged care facilities. Here and now, I want to make a promise to the registered nurses and the medical professionals who contacted and advised my office during debate on this bill last year and since then, and to the thousands of elderly nursing home residents across this State: I will not forget you. My party will not forget you. We will not stop fighting for you. I hope that other honourable members in this place and the other place can also make that promise.

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

Motion agreed to.

The House adjourned at 16:33 until Wednesday 19 September 2018 at 11:00.