New South Wales

Legislative Council

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Sixth Parliament
First Session

Tuesday, 25 September 2018

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Tuesday, 25 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.

Committees

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

LEGISLATION REVIEW COMMITTEE

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Membership

The PRESIDENT: I report receipt of the following message from the Legislative Assembly relating to the membership of various committees:

MR PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

(1) (a) Pursuant to section 68 of the Health Care Complaints Act 1993, James Henry Griffin be appointed to the Committee on the Health Care Complaints Commission in place of Mark Owen Taylor.

(b) Pursuant to section 66 of the Independent Commission Against Corruption Act 1988, Austin William Evans be appointed to the Committee on the Independent Commission Against Corruption in place of Mark Owen Taylor.

(c) Felicity Lesley Wilson be appointed to the Legislation Review Committee in place of James Henry Griffin, discharged.

(d) Stephanie Anne Cooke be appointed to the Joint Standing Committee on Electoral Matters in place of Mark Owen Taylor, discharged.

(e) A message be sent informing the Legislative Council.

SHELLEY HANCOCK
Speaker

Legislative Assembly
20 September 2018

LEGISLATION REVIEW COMMITTEE

Chair

The PRESIDENT: I inform the House that the Clerk received advice that this day Ms Felicity Wilson, MP, was elected Chair of the Legislation Review Committee in place of Mr James Griffin, MP.

Announcements

LEGISLATIVE COUNCIL PHOTOGRAPH

The PRESIDENT: I inform members that an official photographer will be present in the Legislative Council Chamber to take a photograph of the reading of the centenary statement. I further inform members that photographs of the Presiding Officers are to be included in the soon-to-be-published monograph of the centenary statements.

Commemorations

CENTENARY OF FIRST WORLD WAR

The PRESIDENT (14:33): Constructed in 1917, the Hindenburg Line was a series of trenches designed to allow the Germans to withdraw to a shorter, more heavily fortified and easily defended position. In the summer of 1918, with newly arrived divisions of American infantry bolstering the strength of the Allies, breaking the line became the key to ending the war. Lieutenant General Monash planned an assault on the line at the Bellicourt Tunnel where the canal between the Somme and Scheldt rivers passed underground for nearly six kilometres. Monash directed the numerically superior 27th and 30th United Stations Divisions to attack over the top of the

tunnel and establish a breach. His plan was for the 3rd and 5th Australian Divisions to then pass through and attack the German trenches that lay beyond. The manoeuvre was to be supported by more than 90 tanks.

When the attack was launched a century ago this week, the inexperienced Americans advanced without properly securing the territory they crossed. Soon the Australian troops following behind came under heavy fire. With fog descending on the battlefield, dozens of tanks destroyed by mines and uncertainty about the whereabouts of advanced troops preventing the use of heavy artillery, the battle descended into pockets of fierce combat, often hand to hand. The Americans suffered the worst casualties sustained in any single day during their involvement in the war. One soldier later described "a sort of inferno of smoke and shell bursts". The intense fighting lasted four days and nights, before the Hindenburg Line was finally breached. More than 20,000 thousand Allied troops, including 2,500 Australians, were killed or wounded in the fighting over the canal. Lest we forget.

Motions

CESSNOCK CORRECTIVE COMPLEX ATTESTATION CEREMONY

The Hon. TAYLOR MARTIN (14:35): I move:

(1) That this House notes that:

(a) on 18 July 2018, a Corrective Services NSW attestation ceremony was held at the Cessnock Correction Complex;

(b) the attestation ceremony celebrated the graduation of 27 Corrective Services NSW Trainee Correctional Officers from Class 18-008;

(c) the Commissioner's Commendation for Brave Conduct was presented to Correctional Officer George Chapman for responding to a fire at the Cessnock Correctional Centre on 9 June 2016; and

(d) those who attended as guests included:

(i) the Hon. Taylor Martin, MLC;

(ii) Peter Severin, Commissioner, Corrective Services NSW;

(iii) Clayton Barr, MP, member for Cessnock;

(iv) Councillor Bob Pynsent, Mayor of Cessnock City Council;

(v) Glen Scholes, Director, Custodial Operations (North);

(vi) Sean Fitzgerald, Governor, Cessnock Correctional Centre;

(vii) Richard Heycock, Governor, Hunter Correctional Centre;

(viii) Bill Golledge, Acting Governor, Shortland Correctional Centre;

(ix) Jeremy Leach, Acting Manager of Security, Custodial Training Unit;

(x) Aunty Di Langham, Aboriginal Elder; and

(xi) family and friends of those receiving awards and the graduating classes.

(2) That this House congratulates:

(a) the graduating correctional officers on the successful completion of their training; and

(b) George Chapman on his outstanding service to Corrective Services NSW.

Motion agreed to.

AUSTRALIAN BRAVERY MEDAL RECIPIENTS JAE WATERS AND TOM HARPER

The Hon. BEN FRANKLIN (14:36): I move:

(1) That this House notes that:

(a) Jae Waters from Keith Hall and Tom Harper from Lennox Head were recently recognised with Australian Bravery Medals for courageously saving their friend from a shark attack;

(b) on 26 September 2016, Jae and Tom were surfing at Lighthouse Beach near Ballina when they saw their friend Cooper Allen thrown from his surfboard by a four-metre great white shark;

(c) despite the danger, Jae and Tom went to Cooper's rescue, pulling him from the water and paddling him back to shore with the shark pursuing at close distance; and

(d) Jae and Tom displayed immense bravery, at just 16 years of age, putting their own lives at risk to save their friend.

(2) That this House honours and thanks Jae and Tom for placing themselves in danger and recognises their extraordinary acts of heroism in saving a life.

Motion agreed to.

HAMILTON OLYMPIC FOOTBALL CLUB

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

(1) That this House notes:

(a) that Hamilton Olympic Football Club recently received $72,407 for installation of new floodlighting at Darling Street Oval in Hamilton South as part of the $4.1 million invested back into local football clubs from the 2015 Asian Cup Legacy Fund;

(b) that sports Minister, the Hon. Stuart Ayres, MP, has announced that the second round of the fund will see 19 projects worth more than $2.3 million to go towards improving the quality and quantity of local club facilities across the State;

(c) that Hamilton Olympic Football Club has development approval for a comprehensive redevelopment of Darling Street Oval, including a new grandstand and amenities complex, expansion of training facilities and floodlighting;

(d) the statement by NSW Football CEO Mr David Eland that "the collaborative effort of the NSW Government, Football NSW [FNSW] and Northern NSW Football [NNSWF] has enabled local clubs to benefit, along with supporting participation, we will see flow-on effects such as these upgraded and new facilities creating stronger communities—whilst improving the overall experience for players, coaches and spectators";

(e) the statement by Hamilton Olympic FC Chairman Mr Christo Patsan, "We thank the NSW Government for their continued support of local sport, this grant is an important step forward in our redevelopment of Darling Street Oval into a year-round boutique football stadium";

(f) that there are more than 280,000 registered players now playing football in New South Wales; and

(g) the selfless work of the Hamilton Olympic Football Club Committee which consists of Chairman, Christo Patsan; President, George Sofianos; Vice-President, Jim Pappas; Secretary, Con Gounis; Treasurer, George Saris; Board members Heath Stewart, Kon Tantos, Daphne Patsan, Nick Thodas, Emmanuel Moschous, Frank Tserepas, Anthony Walshe, Tom Tsamouras, Con Theacos, Kosta Patsan and George Fellas.

(2) That this House acknowledges:

(a) the work and service to the community of Hamilton Olympic Football Club, previously Newcastle Olympic Soccer Club, since 1976; and

(b) commends the outstanding work of the Hamilton Olympic Football Club committee.

Motion agreed to.

NEWCASTLE CITY POLICE DISTRICT MEDALS AND AWARDS PRESENTATION

The Hon. TAYLOR MARTIN (14:37): I move:

(1) That this House notes that:

(a) on 3 July 2018, the Newcastle City Police District Police Medals and Awards Presentation Ceremony was held at Newcastle Police Station;

(b) the awards ceremony was an opportunity to recognise serving and former police officers and civilian staff within the police district for their service and dedication to the NSW Police Force and the local community;

(c) the following awards were presented:

(i) National Police Service Medal: Sergeant April Banks, Sergeant Angela Mitchell, Sergeant David Mitchell, Sergeant Michael Muddle, Detective Sergeant Kelvin Wink, Leading Senior Constable Andrew Patterson, Senior Constable Amy Drzyzga, Senior Constable Mark Gallucci, Senior Constable Melissa Hughes, Senior Constable Harni Murphy, Senior Constable Rebecca Wolf, Retired Detective Sergeant Edward Bassingthwaite and Retired Detective Sergeant Peta Bassingthwaite;

(ii) Nation Medal: Sergeant Michael Muddle, Leading Senior Constable Andrew Patterson, Senior Constable Lisa Chesworth, Senior Constable Mark Gallucci, Senior Constable Melissa Hughes, Senior Constable Harni Murphy, Sergeant Wayne Buck (1st clasp) and Sergeant Kellie Peters (1st clasp);

(iii) NSW Police Medal: Leading Senior Constable Craig Burton, Senior Constable Benjamin Dixon, Senior Constable Carissa Hinds, Senior Constable Michael Sheehan, Chief Inspector Wayne Chaffey (3rd clasp), Sergeant Wayne Buck (3rd clasp), Sergeant Kellie Peters (3rd clasp), Sergeant Jason Freney (2nd clasp), Sergeant Michael Muddle (1st clasp), Leading Senior Constable Andrew Patterson (1st clasp), Senior Constable Lisa Chesworth (1st clasp), Senior Constable Mark Gallucci (1st clasp), Senior Constable Melissa Hughes (1st clasp) and Senior Constable Harni Murphy (1st clasp);

(iv) G20 Queensland Citation: Senior Constable Craig Burton;

(v) Commissioner of Police Long Service Award: Wendy Ling (35 years);

(vi) Certificate of Service: Wendy Ling;

(vii) Region Commander's Certificate of Merit: Senior Constable Mark Gallucci; and

(viii) Region Commander's Certificate of Appreciation: Brad Hofmaster.

(d) those who attended as guests included:

(i) the Hon. Taylor Martin, MLC;

(ii) Commissioner of Police, Michael Fuller, APM;

(iii) Acting Assistant Deputy Commissioner, Regional NSW Field Operations, Max Mitchell, APM;

(iv) Northern Region Commander, Acting Assistant Commissioner Daniel Sullivan;

(v) Superintendent Brett Greentree, Commander Newcastle City Police District;

(vi) Detective Superintendent Wayne Humphrey, APM, Operations Manager Northern Region;

(vii) Acting Superintendent Darryn Cox, Commander, Lake Macquarie Police District;

(viii) Superintendent Craig Jackson, Commander, Port Stephens-Hunter Police District;

(ix) Superintendent John Gralton, APM, Commander, Tuggerah Lakes Police District;

(x) Tim Crakanthorp, MP, member for Newcastle;

(xi) Councillor Nuatali Nelmes, Lord Mayor of Newcastle;

(xii) Acting Chief Superintendent Robert Akester, Ambulance Service of NSW;

(xiii) Superintendent Gregory Windeatt, Zone Commander, Fire & Rescue NSW;

(xiv) Sandra Griffin, Elder of the Awabakal people;

(xv) Ian Lovell, Retired Police Association of NSW; and

(xvi) family and friends of those receiving awards.

(2) That this House congratulates all medal and award recipients for their outstanding service to the NSW Police Force.

Motion agreed to.

LENNOX HEAD BUSINESS AWARDS

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

(1) That this House notes that:

(a) the Lennox Head Business Awards were held on 3 September 2018; and

(b) the awards night is the Lennox Head Chamber of Commerce's key event to reflect and celebrate the success of local Lennox Head businesses.

(2) That this House congratulates the following businesses who were recognised with awards:

(a) Visitor Experience: Beef+Beach/Seven Mile Weddings;

(b) Retail Excellence: Anchor Chief;

(c) Professional Service: Beef+Beach/Seven Mile Weddings;

(d) Trade, Construction and Manufacturing: Skilled Roofing;

(e) Personal Service: Bod Squad by Rikki-Lee;

(f) Outstanding Young Entrepreneur: Out of the Blue Adventures Pty Ltd;

(g) Excellence in Sustainability: Seed and Husk;

(h) Excellence in Small Business: Lois Buckett Real Estate; and

(i) Excellence in Business: Beef+Beach/Seven Mile Weddings.

(3) That this House recognises the important role Chambers of Commerce play in supporting local businesses to achieve excellence in their workplace.

Motion agreed to.

AUSTRALIAN SECONDARY SCHOOLS RUGBY LEAGUE TEAM

Mr SCOT MacDONALD (14:37): I move:

(1) That this House notes that:

(a) a number of students from New South Wales schools, and particularly several from the Central Coast and the Hunter regions, have been honoured with selection in the Australian Secondary Schools 18 years and under Rugby League team that will tour England later this year; and

(b) the team consists of: Max Altus, Farrer Memorial Agricultural College Tamworth; Jalal Bazzaz, Illawarra Sports High School Berkeley; Bradman Best, Brisbane Waters Secondary College Woy Woy; Zac Cini, St Dominic's College Penrith; Juwan Compain, Palm Beach Currumbin State High School Gold Coast; Stephen Crichton, Patrician Brothers College Blacktown; Harry Croker, Taree High School Taree; Tom Dearden, Palm Beach Currumbin State High School Gold Coast; Matthew Doorey, Westfields Sports High School Fairfield West; Matthew Dragisic, Marist College Canberra; Ryan Gray, De La Salle College Revesby Heights; Jock Madden, All Saints College Maitland; Luca Moretti, Waverley College Waverley; Ratu Nanovo, Cambridge Park High School Cambridge Park; Tesi Niu, Marsden State High School Logan; Franklin Pele, Endeavour Sports High School Caringbah; Jason Saab, Westfields Sports High School Fairfield West; Tommy Talau, Westfields Sports High School Fairfield West; Jayden Tanner, Patrician Brothers College Blacktown; Beni Teaupa, Holy Cross College Ryde; Star To'a, Newcastle High School Newcastle; Bronson Xerri, Endeavour Sports High School Caringbah; Coach, Tony Adam, Victoria University Secondary College Victoria; Assistant Coach, Damien Quinn, St Joseph's College New South Wales; Manager, Jim Look, Wynnum State High School Queensland; Tour Manager, Andrew Hutchinson, Penrith Christian School New South Wales; and Trainer, Jim Wilson, Mackay North State High School Queensland.

(2) That this House:

(a) congratulates and commends those selected as players and officials in the 2018 Australian Secondary Schools 18 years Rugby League team; and

(b) acknowledges and commends the hardworking Australian Secondary Schools Rugby League Council that consists of President, Anthony Lansky; Secretary, Kort Goodman; Treasurer, Brian Battese; and Events Coordinator, David Gale.

Motion agreed to.

BALLINA FRIENDS OF THE FARMER CAMPAIGN

The Hon. BEN FRANKLIN (14:38): I move:

(1) That this House notes that:

(a) residents of the Ballina Shire have been taking part in the Friends of the Farmer campaign to support New South Wales farmers affected by drought;

(b) Ballina RSL staff coordinated the campaign which called for the community to donate hampers, cash and gifts cards for farmers near Armidale;

(c) Ballina RSL staff donated $2,000 from their own charity fund;

(d) a total of 32 hamper boxes and $15,164 was raised from the campaign; and

(e) the hampers and funding was personally delivered by RSL staff to members of the Armidale Country Women's Association.

(2) That this House recognises:

(a) the challenges and hardships our farmers are facing due to the severity of drought; and

(b) the comradeship of communities all across New South Wales who have stepped up to support farmers through this challenging time.

(3) That this House congratulates and thanks the Ballina RSL staff and the whole Ballina Shire for their efforts in fundraising and for their donations to support farmers near Armidale.

Motion agreed to.

NSW SUSTAINING LANDCARE WEEK

The Hon. RICK COLLESS (14:38): I move:

(1) That this House notes that "NSW Sustaining Landcare Week" took place from 17 August to 2 September 2018, and acknowledges events and activities held throughout this period.

(2) That this House commends the achievements of the Landcare community in regional and metropolitan New South Wales.

(3) That this House shows its support for these hardworking volunteers through the NSW Parliamentary Friends of Landcare.

Motion agreed to.

SCHOOL BASED APPRENTICE/TRAINEE OF THE YEAR LUCY ALLEN

Mr SCOT MacDONALD (14:38): I move:

(1) That this House notes that:

(a) Miss Lucy Allen from Morpeth was named the School Based Apprentice/Trainee [SBAT] of the Year at the 2018 NSW Training Awards held on Wednesday 12 September 2018 at Sydney Town Hall;

(b) Miss Allen completed a nursing traineeship at Maitland Hospital as part of her Higher School Certificate, where she earned praise from hospital staff who observed she was often mistaken for a registered nurse due to her knowledge and maturity;

(c) the Berejiklian Government has committed $2.2 billion to skills development initiatives in the recent budget, including $285 million to make all apprenticeships fee-free over the next four years;

(d) the NSW Training Awards are conducted annually by the NSW Department of Industry in recognition of outstanding achievements in vocational education and training; and

(e) the Vocational Student of the Year Award is sponsored by the NSW Skills Board while the School Based Apprentice/Trainee of the Year is sponsored by the NSW Department of Education.

(2) That this House congratulates and commends Miss Lucy Allen on being conferred the honour of the 2018 School Based Apprentice/Trainee of the Year.

Motion agreed to.

BACK IN TIME FOR DINNER COMPETITION WINNER

The Hon. BEN FRANKLIN (14:39): I move:

(1) That this House notes that:

(a) the Australian Broadcasting Corporation recently held its national Back in Time for Dinner competition for school students;

(b) the competition required students to create a 90-second video which explored the way Australian evening meals have changed over time;

(c) Cove Penfold from Ocean Shores Public School won the competition with an animation about meals in the 1950s; and

(d) Cove's animation was based on his own family going back in time to eat a typical 1950's meal of tripe.

(2) That this House congratulates Cove on winning the Back in Time for Dinner competition.

Motion agreed to.

MAITLAND NETBALL ASSOCIATION

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

(1) That this House notes that:

(a) as part of the Berejiklian Government's Stronger Communities Fund of $1.8 million recently allocated to Maitland City Council, Maitland Netball Association received $827,592 for netball court upgrades in alignment with the Premier's goal of lifting female participation in sport and to assist the association's 2,500 members;

(b) the mayor of Maitland, Councillor Loretta Baker, stated, "Council welcomes this injection of over $1.8 million from the NSW State Government Stronger Country Communities Fund that will contribute to six projects across some of Maitland's sport and recreation facilities, our growing community continues to require facility upgrades and enhancements to ensure we can maintain the enviable lifestyle that is attracting new residents and is contributing to our city and visitor economy"; and

(c) the committee of Maitland Netball Association consists of President, Kim Starkey; Secretary, Leearna Bennett; Treasurer, Linda Gabriel; Registrar, Marette Huckerby; Grading Convenor, Tania Conway; Canteen Convenor, Barbara Bird; Fixtures Convenor, Kim Hooson; and Umpires' Convenor, Sharon McVean.

(2) That this House acknowledges and commends the selfless volunteers on the Maitland Netball Association's committee and wishes it well with the development of new upgraded facilities.

Motion agreed to.

LIONS CLUB CHILDREN OF COURAGE AWARDS

The Hon. BEN FRANKLIN (14:40): I move:

(1) That this House notes that:

(a) the East Ballina Lions Club held its 2018 Lions Club Children of Courage Awards on Monday 27 August;

(b) the awards ceremony was hosted by the Xavier Catholic College Leo Club; and

(c) the awards recognise the courage and bravery shown each and every day by children, particularly those with special needs.

(2) That this House congratulates the following award winners:

(a) special needs:

(i) Talaya Close, Xavier Catholic College;

(ii) Deo Connell, Biala Special School;

(iii) Alex Hagan, Biala Special School;

(iv) Harry Joblin, Xavier Catholic College;

(v) Dylan Lannoy, Biala Special School;

(vi) Dylan Murphy, Biala Special School;

(vii) Kaia Randall, Biala Special School;

(viii) Luke Robinson, Biala Special School;

(ix) Callan Saunders, Xavier Catholic College; and

(x) Jordan Walker, Biala Special School.

(b) courageous act or deed:

(i) Louise Baird, Xavier Catholic College; and

(ii) Jazmin Torres Deoliveira, Lennox Head Public School.

(c) inspiring sporting achievement: Cameron Anderson, Xavier Catholic College.

(3) That this House thanks the Xavier Catholic College Leo Club President, William Rogers; Vice President, Cooper Murphy; Secretary, Olivia Peake; Treasurer, Aaron Watts; Chair, Hannah Crawford; Publicity Officer, Ethan Flannery; and the whole club for organising and hosting this year's award ceremony.

Motion agreed to.

NELSON BAY FOOTBALL CLUB

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

(1) That this House notes:

(a) the success of the Nelson Bay Football Club at the 2018 season grand finals in which it won four premierships and won silver in three other grand finals;

(b) the grand final winning teams were the over-35s, 3-0 victory over Kahibah; the 14/1 boys and girls sides who were both triumphant 1-0 over Lake Macquarie and Kahibah; and the all-age women with a 3-0 win over Kurri Kurri;

(c) that the teams that won silver medals were the 12/2s defeated 5-4 in a penalty shoot-out to Dudley Redhead; the 13/1s defeated 3-1 to Kotara South; and the 15/1s defeated 2-1 to Cooks Hill;

(d) that the teams consisted of:

(i) 12/01: Lucas Bonser, Lucas Caines, Aaron Clayton, James Donovan, Oliver Gollan, Blake Hartas, Alfie Harvey, Jack Hodges, Finn Hurley, Jack Jolly, Eden Litten, Toby McGuiggan, Hayden Rose and Logan Wilks;

(ii) 13/01: Harrison Biscan, Oliver Biscan, Iori Clarkson, Luke Donovan, Daniel Ermer, Lucas Kirin, Jay Leslie, Damon Perry, Baylen Potter, Joshua Price, Sukhvir Saini, Riley Shaw and Harry Webb;

(iii) 14 Boys: Zach Bonser, Ryan Bray, Flynn Chiarelli-Edmond, Jayden Corbett, Billy Diemar, Rohan Donnolley, Ethan Fairhall, Braith Harvey, Seamus Jones, Jack Kane, Cooper Lack, Isaac Lyon, Jarod Northey, Adithyan Rajesh, Troy Voyzey and Edward Williams;

(iv) 14 Girls: Megan Bailey, Hilary Barco, Cheyenne Como, Lexi Daly, Tia Daly, Chloe Debono, Aleah Doran, Charley Fitzgerald, Yasmin Hammond, Tonaya Hyland, Charlotte Lannigan, Emily Marrone, Tahlia Marrone, Adana Physick and Kiera Pizzuto;

(v) 15/01: Callum Blyth, Rhys Brownlie, Myles Brunt, Hayli Clarke, Harry Gibson, Alexander Gray, Jasmine Kirin, Kai Mulcahy, William Norton, William Poley, Campbell Warrington, Jaden Wendell, Jeremiah White, Xander Whyte and Brodie Woods; and

(vi) all-age women: Jenna Affleck, Jade Graham, Emmalee Harris, Natasha Harris; Angela Helly, Tara Helly, Bridie Hyland, Claudia Ivankovic, Anna Klein, Laura Klein, Isabelle Redhead, Lauren Rouse-Upjohn, Letia Shiner, Louise Stott, Aimee Zerbes and Anneka Zerbes.

(e) the club's hardworking committee consists of President, Glen Eder; Vice President, Craig Burnett; Secretary, Naddy Potter; Treasurer, Amberly Keating; Registrar, Peter Zerbes; ZFL Coordinator, Jake Burnett; and Equipment Officer, Ben Robinson.

(2) That this House:

(a) congratulates all players of the Nelson Bay Football Club that won premiership medals and silver medals; and

(b) acknowledges and commends the selfless work of the Nelson Bay Football Club President, Glen Elder, and his hardworking committee.

Motion agreed to.

LOCAL GOVERNMENT WEEK AWARDS

The Hon. BEN FRANKLIN (14:40): I move:

(1) That this House notes that:

(a) the Local Government Week Awards evening was held on 2 August 2018;

(b) the awards evening included the RH Dougherty Awards, Youth Week Awards, Leo Kelly, OAM, Arts and Cultural Awards, and the LGNSW Planning Awards;

(c) Ballina Shire Council was recognised with the RH Dougherty Award for Excellence in Communication for their "Love it or Lose it" campaign;

(d) the "Love it or Lose it" campaign featured three animations that highlight how everyday habits are affecting local waterways; and

(e) the campaign was a collaboration of Ballina Shire Council, Kyogle Council, Lismore City Council, Richmond Valley Council, Rous County Council and North Coast Local Land Services to address local waterway health, particularly for the Richmond River.

(2) That this House congratulates Ballina Shire Council's Environmental Health Officer Kristy Bell, and the whole Ballina Shire Council for the successful campaign and for receiving the award.

Motion agreed to.

COUNTRY PASSENGER TRANSPORT INFRASTRUCTURE GRANTS SCHEME

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

(1) That this House notes:

(a) that $296,500 has been allocated from the Government's 2017-19 Country Passenger Transport Infrastructure Grants Scheme, which will be used by Maitland City Council to improve public transport infrastructure in the Maitland local government area;

(b) that the primary focus of the funding is to improve accessibility, including the installation of guidance tools for customers with vision impairment and wheelchairs;

(c) that this grant will see 24 new accessible bus shelters built, while a further 29 shelters will be upgraded to ensure that they meet disability access standards;

(d) that Maitland is the fastest growing non-metro region in New South Wales;

(e) the statement by Mayor of Maitland Loretta Baker that, "This funding will go a long way toward Council's goal of making all bus stops across Maitland compliant with Disability Standards for Accessible Public Transport"; and

(f) that more than $1.9 million has been made available by the Government for the 2017-19 Country Passenger Transport Infrastructure Grants Scheme, which provides subsidies to support the construction or upgrade of bus stop infrastructure owned and maintained by regional councils across regional New South Wales and will see more than 400 projects supported across more than 40 local government areas, including new and upgraded bus shelters, security lighting, new bus stop seats, timetable information boards and tactile boards.

(2) That this House acknowledges the Government and Maitland City Council's efforts to improve public transport infrastructure in the Maitland local government area.

Motion agreed to.

SUSTAINABLE HOUSE DAY

The Hon. BEN FRANKLIN (14:41): I move:

(1) That this House notes:

(a) that Sustainable House Day was held across Australia on Sunday, 16 September 2018;

(b) Sustainable House Day is Alternative Technology Association's initiative to give the community an opportunity to visit some of Australia's leading sustainable homes which are environmentally friendly, cheaper to run and more comfortable to live in;

(c) hundreds of households opened their doors to communities across Australia to showcase and teach people about their environmentally friendly homes; and

(d) North Coast communities took part in Sustainable House Day, with a number of houses opening their doors to the community.

(2) That this House recognises and thanks the households to who took part in Sustainable House Day and for being leaders in sustainable living, including those on the North Coast:

(a) Fig Tree House, Bangalow;

(b) Possum Magic, Possum Creek;

(c) a repurposed 80-year-old farm shed, Mullumbimby; and

(d) Elwood Farm, Limpinwood.

Motion agreed to.

Committees

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No 61/56

The Hon. NATASHA MACLAREN-JONES: I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 61/56", dated 25 September 2018. I move:

That the report be printed.

Motion agreed to.

SELECTION OF BILLS COMMITTEE

Reports

The Hon. NATASHA MACLAREN-JONES: I table report No. 13 of the Selection of Bills Committee, dated 25 September 2018. I move:

That the report be printed.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: I move according to paragraph 4 (1) of the resolution establishing the Section of Bills Committee:

(1) That the following bills not be referred to a standing committee for inquiry and report this day:

(a) Criminal Legislation Amendment (Consorting and Restricted Premises) Bill 2018;

(b) Impounding Amendment (Shared Bicycles and Other Devices) Bill 2018;

(c) Parliamentary Budget Officer Amendment Bill 2018;

(d) Western City and Aerotropolis Authority Bill 2018;

(e) Community Gaming Bill 2018;

(f) Workers Compensation Legislation Amendment Bill 2018;

(g) Residential Tenancies Amendment (Review) Bill 2018;

(h) Environmental Planning and Assessment Amendment (Short-term Rental Accommodation) Bill 2018;

(i) Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2018; and

(j) Marine Parks Amendment (Moratorium) Bill 2018.

(2) That:

(a) The Water NSW Amendment (Warragamba Dam) Bill 2018 be referred to the Standing Committee on State Development 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 Wednesday 10 October 2018.

Motion agreed to.

STANDING COMMITTEE ON LAW AND JUSTICE

Report: Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018

The Hon. NATALIE WARD: I table report No. 64 of the Standing Committee on Law and Justice entitled "Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018", dated 25 September 2018, together with a transcript of evidence, submissions, tabled documents and correspondence. I move:

That the report be printed.

Motion agreed to.

Business of the House

RESTORATION OF BUSINESS

The Hon. DON HARWIN: I move according to paragraph 6 of the resolution establishing the Selection of Bills Committee:

That the Order of the Day for the resumption of the debate on the second reading of the Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018 be restored to the *Notice Paper* and set down for a later hour of the sitting.

Motion agreed to.

Visitors

VISITORS

The PRESIDENT: I welcome into my gallery the Legislative Council's Indigenous cadet, Mr Ron Perkins, who is working here under the Australian Government's Indigenous Cadetship program. I wish Ron well during his time in the Legislative Council.

Business of the House

POSTPONEMENT OF BUSINESS

Mr JUSTIN FIELD: I move:

That Business of the House Notice of Motion No. 1 be postponed until Tuesday 16 October 2018.

Motion agreed to.

The Hon. DON HARWIN: I move:

That Government Business Orders of the Day Nos 1 and 2 be postponed until a later hour.

Motion agreed to.

Bills

COMMUNITY GAMING BILL 2018

Second Reading Debate

Debate resumed from 19 September 2018.

The Hon. MICK VEITCH (14:54): I lead for the Opposition on the Community Gaming Bill 2018. The Community Gaming Bill 2018 replaces the Lotteries and Art Unions Act 1901, which is starting to show its age. The bill implements the recommendations of the 2017 statutory review. The Lotteries and Art Unions Act has regulated gaming activities that charities and not-for-profit organisations have conducted for charitable purposes for more than 100 years. The bill largely updates terminologies and removes unnecessarily prescriptive clauses of the old Act.

Fundraising is a constant challenge for a range of community groups, and the role of government should be to enable them to raise funds yet also ensure that there are checks and balances. We need to get the balance right, and the Opposition believes that the bill largely does so. The administrative responsibility for the Lotteries and Art Unions Act 1901 was transferred to the Minister for Innovation and Better Regulation on 1 January 2018. Prior to that, it was the responsibility of the Minister for Racing. During 2016-17 Liquor & Gaming NSW undertook a review of the Act. During consultation on the Act, stakeholders raised concerns about the complex and out-of-date requirements that were no longer necessary or relevant. Charities, not-for-profit organisations and businesses sometimes find it difficult to navigate the different requirements for the different types of games and trade promotions. The review found that the Act is overly prescriptive, has several inconsistences and is difficult to navigate. Since then, Fair Trading NSW has undertaken targeted consultation with key industry stakeholders.

I now turn to the mechanics of the bill. Part 1 provides definitions in moving to a new Act. Clause 4 of the bill provides the definitions for the Act, including the definition of permitted gaming activities, prizes and permits issued by Fair Trading NSW. One change is that a permit is now called an "authority". This streamlines terminology used in the Charitable Fundraising Act 1991. The bill also updates legislation to cover games run online and removes the need for an authority if the organisation raises less than $30,000. This is a sensible reform and should ensure that minor fundraising by schools, P&C Federations and hospital auxiliaries does not necessarily get tied up in red tape. Clauses 5 and 6 of the bill define in detail what a gaming activity means, as well as what constitutes a participant in a gaming activity and what it means to conduct a gaming activity. Part 2 provides for the regulation of gaming activities, including general prohibitions and permitted gaming activities.

Clauses 8 and 9 retain the current general prohibitions on gaming activities and advertisements. Clause 10 explains that the regulations may set out permitted gaming activities. The regulatory framework recognises that certain prizes are inappropriate for these types of community and charitable games. Clause 11 provides the secretary with the authority to grant, impose conditions, refuse, suspend and cancel permits for permitted gaming activities. Clause 12 of the bill retains the existing prohibitions on giving certain prizes. This includes tobacco in any form and firearms, as well as other prescribed products or services. Part 3 deals with investigation powers, enforcement powers and enforceable undertaking provisions regarding contravention or alleged contraventions. The bill is an enhanced compliance and enforcement framework, which introduces more flexible remedies for breaches of the Act and regulation.

The Opposition seeks a point of clarification relating to the scope of powers for inspectors. With respect to clause 22, powers of entry, the Opposition is somewhat concerned with the breadth of these powers, that is, being able to enter non-residential premises without consent. This seems excessive and I seek the Parliamentary Secretary's advice as to why such powers are required. The Opposition supports our charities and not-for-profits. We support any effort to make their jobs and their roles easier. Notwithstanding the clarification around the need for the inspector powers as outlined in clause 22 of the bill, Labor supports the bill. I commend the bill to the House.

Reverend the Hon. FRED NILE (14:58): On behalf of the Christian Democratic Party I speak in support of the Community Gaming Bill 2018. The Christian Democratic Party has always been mindful of the damage that so-called games of chance, which some people might call gambling, can have on individuals and the community. This is an area of regulation that provides an opportunity for our party to provide moral leadership on a contentious issue. Gambling, like alcoholism, can be an addictive behaviour that ultimately drains the spiritual and mental vitality of its victim. It also has an often long-lasting or permanent impact on the victim's family and close friends. In its worst forms, the social pathologies that result from excessive gambling constitute a scourge on our social fabric.

However, I acknowledge that gaming—although I prefer the word "gambling"—can, if enjoyed reasonably and responsibly, be a legitimate form of entertainment. For many people it is merely a frivolity and does not develop into a problem. Moreover, I am mindful of the fact that some cultures apparently have games of chance as part of their cultural expression. The balance we need to strike in any regulatory framework that deals with gaming means, therefore, weighing on the one hand the risks associated with the gaming pastime and, on the other hand, the stress our community places on individual choice and responsibility. It is the government's role wherever possible to reflect the public interest by passing legislation that is necessary but also socially acceptable. It is our role to ensure that proposed legislation does not fail the essential test that the Christian Democratic Party has always used to measure law and policy—namely, does this law fit within the framework of responsible legislation that regulates behaviour without unjustly infringing on social liberties? I believe that the bill achieves that delicate balance for the administration of gaming in this State.

Liquor and Gaming NSW undertook a review of the existing legislation in 2016 and 2017. Stakeholder submissions to that review illustrated the major concerns about how the gaming industry was being administered under the current Act. This bill is a direct response to the major concerns that arose in the review. Essentially, the Lotteries and Art Unions Act 1901—certainly an ancient Act—will be replaced by a new statutory instrument. The changes and amendments resulting from this reform will include reconstructing the regulations so that they are clearer to understand and consistent with drafting best practice; introducing a flexible enforcement regime that more accurately reflects the realities of gaming in New South Wales; and reducing the number of activities that a permit would be required for, so that the regulatory regime does not burden very low-risk gaming activities.

The Government has indicated that the relevant stakeholders are broadly supportive of the proposed law and changes. However, I note one issue that I feel should be the subject of some inquiry in the near future: the removal of permits for low-risk gaming activities. While I appreciate the need to reduce the bureaucratic nature of regulation, I believe that sometimes even a low-risk activity can lead to greater problems down the track. I encourage this or any future government to revisit this part of the proposed legislation by investigating the impact this reform has had on gambling rates, particularly in low socio-economic demographics. But that would be an issue for future inquiry and reform.

The bill also makes major amendments to the system, including a power to be exercised by the Fair Trading commissioner that allows the commissioner to issue compliance notices to gaming operators; the ability of the commissioner to enter into enforceable undertakings with gaming operators; provisions that allow a court to compel a gaming operator to pay entitlements and make good on a prize; and other provisions that allow the issuing of penalty notices for breaches under the new law. Members would agree that gambling is a risky business. Regulatory frameworks such as these are designed to protect the public and hold gaming operators to account. In my view, the bill represents a necessary improvement to the system of gambling regulation in New South Wales.

I commend the bill to the House, while re-emphasising the Christian Democratic Party's concerns over any potential growth of low-risk or high-risk gambling in the near future.

Mr JUSTIN FIELD (15:04): I speak on behalf The Greens on the Community Gaming Bill 2018. I am sure that those of us who are in politics or who are active in our local communities understand the important role of local community fundraising. Many a community hall, a footpath, a new toilet block, jerseys for the local sporting team or travel for a talented local athlete to go to a national championship have eventuated because communities have got together to raise money, often supported by local businesses through the donation of prizes. It is a fundamental part of how a lot of communities operate and fill the inevitable gaps that exist within our society between those who have and those who do not. I point out that the odd coal mine or coal seam gas project in New South Wales has been slowed or stopped by community groups who have often had to raise money to run their local campaigns and communications. Fundraising plays a vital role in supporting communities to protect themselves, their interests, and their health and wellbeing.

At the outset I raise real concerns about the choice of name for this bill, the Community Gaming Bill. I think the community understands the difference between fundraising and trade promotion. In joining those up and describing those activities as community gaming, a more cynical person might think that it is the intention of government and the intention of Liquor and Gaming NSW or Fair Trading, or some of the big industry players that have an interest in this bill, to normalise the idea of gaming within our community. I do not believe that communities consider fundraising for local needs to be gaming, and trade promotion is a separate activity—it is driving brand recognition and wealth. We should be talking about those two things separately. If this was really about trying to reduce the regulation on low-risk activities we should have a local community fundraising bill that outlines how that is going to be managed and enforced and, separate to that, we should have a trade promotion bill outlining how that is going to be managed.

People understand that much of fundraising is done at a local level through chook raffles, chocolate wheels and the like. I am not sure that many people consider that, in reality, to be gaming or gambling. In fact, I do not think many community groups realise that such things are regulated. I did not realise that chocolate wheels were a regulated activity, and I suspect not many other people do either, because 81 applications were made in 2015-16. So I believe it is the reality that much of that level of community fundraising works irrespective of legislation or regulation; it works through community goodwill.

The Hon. Dr Peter Phelps: It works without regulation?

Mr JUSTIN FIELD: It does work without regulation.

The Hon. Dr Peter Phelps: Communities can organise themselves without government intervention? Wow, this is a breakthrough.

Mr JUSTIN FIELD: The Greens are huge advocates of community organising, and that is how this operates—through community goodwill—and that should be fostered, not constrained. While we need to ensure the community is protected from unscrupulous people, the sort of people who use these types of activities to steal are likely to do that irrespective of legislation or regulation. In that instance, The Greens recognise the need for and we support the enforcement provisions in the bill.

I understand the rationale of the bill is to try to simplify and make it easier to conduct low-risk activities. The Greens support the notion of reducing the number of activities that require a permit for the reasons I have just mentioned, particularly for low-risk activities. The Greens will not oppose the bill. It makes sense to review the Lotteries and Art Unions Act 1901—although I am sure it has had many, many amendments between its enactment and now.

The role of lotteries and other fundraising activities has changed significantly, so that refresh makes sense. I am concerned at the lack of detail in this bill about trade promotions. You cannot turn on the radio, scroll through Facebook or walk through a train station without being slapped in the ears and the eyes by trade promotions that are using the gaming approach to build their brand and to promote goods or services. So very often what they are promoting is other gambling activities and racing. Last year I raised in the Parliament the situation of The Everest promotion being rolled out through train stations in the CBD. The Byron Bay cookies in a box promoted The Everest. There was a huge contribution—millions of dollars—from the public purse to promote a big horse racing event. There are free handouts and giveaways.

The business is that you are free to enter the prize draw for $100,000 by going to the website and registering your details. If you attend the race day and win there you get even more money. I describe it as an inducement to gamble. We see so often trade promotions used to encourage people to gamble—real gambling as I describe it. Often trade promotions relate to alcohol. They are often promoted in environments where children are exposed. I had to ask questions of the Government because when I read the legislation there was no way to

tell how a trade promotion would be defined or constrained under this bill. It does not exist. "Trade promotion", it turns out, will be defined under the regulations that are yet to be written.

What this bill essentially does is disallow any form of community gaming, including trade promotions, except for what is authorised in the regulations that we have not seen. What are we debating in the Parliament today? I have no idea. The entire detail of what will be allowed or disallowed as a community gaming activity will be written in regulations that are not yet before the House and the community. By all means use regulation for the minutiae. This is another example of a move away from putting relevant basic detail in the bill as to how it will effect what is going on in the community in relation to trade promotion, which is one of the two core planks of this bill.

It is not in the bill. We do not know how it will be defined or what activities will be allowed. It is not acceptable for the Parliament to be asked to make decisions on legislation when we are talking about potential prizes of $100,000 or more and activities that are designed to promote gambling activities that we try to regulate in the public interest—a little better than this will do—with no information before us in the House today. That is not acceptable. I will move amendments in Committee to address some of those issues.

The Hon. Dr Peter Phelps: No, really?

Mr JUSTIN FIELD: I really am. I hope the Government will consider the amendments in good faith, given that it is asking us to take a lot on good faith with this legislation. The Greens will not oppose the bill. We recognise there was a need for review. We are disappointed by the lack of detail. I do accept that will be a disallowable instrument that we may revisit in the future. I look forward to raising some of these issues in the Committee debate.

[*Business interrupted.*]

Visitors

VISITORS

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): I wish to welcome Riverstone Junior Youth Leadership Assembly. Welcome to the New South Wales Legislative Council, the oldest parliamentary Chamber in Australia. The youth leadership assembly are guests of Mr Kevin Conolly, the member for Riverstone.

Bills

COMMUNITY GAMING BILL 2018

Second Reading Debate

[*Business resumed.*]

The Hon. DAVID CLARKE (15:13): On behalf of the Hon. Niall Blair: In reply: I thank honourable members for their contributions to this debate. As honourable members have heard, the purpose of the Community Gaming Bill 2018 is to replace the Lotteries and Art Unions Act 1901 and modernise the framework for the regulation of community gaming activities. The bill strikes the right balance between reducing the regulatory burden on organisations conducting games and ensuring the fairness and integrity of gaming activities that the community rightly expect. The bill will modernise and streamline the regulation of community gaming activities; maintain the current level of consumer protection while making it easier for business and the community to understand and meet their regulatory responsibilities; allow the regulator to maintain oversight of gaming activities to continue to minimise the risk of harm to the community; and provide a new compliance and enforcement framework which introduces more flexible remedies for breaches of the Act and regulation.

This modern framework will include compliance notices, penalty infringement notices, enforceable undertakings and court orders so Fair Trading will not always rely on taking court action for noncompliance. It will provide for regulations that are sufficiently flexible to address growth and innovation in the community gaming sector. The reforms come out of wide public consultation undertaken in 2016 and 2017. Additional targeted stakeholder consultation has also been undertaken to further understand the needs of the community gaming sector. Stakeholder consultation on the proposed reforms has been positive and well received by industry. The reforms implement the key feedback from these consultations and we will continue to listen to our important stakeholders to develop the regulations. The full reform package includes the delivery of new regulations to set out key integrity and other requirements that apply to permitted gaming activities. The regulation is being dealt with separately to this bill.

Information and education tools will be available to guide the community throughout the changes and make them aware of their obligations and rights. This bill is one component of the Government's agenda to regulate

more smartly and make it easier to do business and interact with government regulation. The bill demonstrates this Government's continued commitment to reducing and removing unnecessary red tape by reducing the numbers and types of low-risk community gaming activities that will require a permit. This Government is committed to reducing and removing red tape costs and complexity and making regulatory obligations easier to understand and implement while maintaining appropriate consumer protections.

This bill is one component of that agenda and works together with other initiatives and programs run by Service NSW, such as making New South Wales the easiest State in which to do business, which are already providing significant benefits. This bill and the reform package is about regulating more smartly in order to provide benefits to business, the economy and the community. The Hon. Mick Veitch raised certain issues regarding this bill. I can advise that the powers that exist within section 22 of the Community Gaming Bill 2018 mirror those within section 19 of the Fair Trading Act 1987, section 28 of the Charitable Fundraising Act 1981 and section 86 of the Association Incorporations Act 2009. Further, the powers that exist within the Fair Trading Act can already be exercised for any other Act administered by the Minister for Innovation and Better Regulation. The powers as drafted are a consistent approach for legislation administered by the Minister.

In response to Mr Justin Field's comments on trade promotions or games of chance undertaken for commercial purposes: A trade promotion is a free entry lottery to promote goods or services supplied by a business. It is sometimes called a sweepstake, competition, contest or giveaway. If the element of chance determines the winner the requirements in the bill must be met. Unless qualified or expert judges are used and the winner is decided against set criteria a competition is not based on skill, it is based on chance. Permits can only be issued for business to play an individual trade promotion, that is a single promotion permit, or to play multiple lotteries during a specific period up to 12 months subject to certain prize value restrictions. On multiple promotion permits, one is not required for a free entry lottery played for staff at a Christmas function.

The bill already defines gaming activities as a game of chance. The bill has provided powers to the regulations to define permitted gaming activities. Trade promotions undertaken for commercial purposes rather than charitable purposes are a permitted gaming activity. The definition of trade promotions will be in the regulations to enable the legislation to keep up with modern technological advances and different types of promotions. The way New South Wales businesses promote their products and services is continuously changing. The regulations need to keep up with the fast pace of technological change to enable businesses to be able to continue to promote their products and services. This is a good bill from a good government. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection the Committee will deal with the bill as a whole.

Mr JUSTIN FIELD (15:21): By leave: I move The Greens amendments Nos 1 and 2 on sheet C2018-114 in globo:

No. 1 **Gaming activities associated with trade promotions**

Page 3, proposed section 4 (1). Insert after line 2:

liquor has the same meaning as in the *Liquor Act 2007*.

No. 2 **Gaming activities associated with trade promotions**

Page 6, proposed section 10. Insert after line 14:

(3) The regulations must not permit a gaming activity for trade promotion purposes related to the sale or promotion of liquor or the promotion of gambling.

I reiterate some of my contributions from the second reading debate. These two amendments seek to limit gaming activities, as regulated under the bill, associated with trade promotions related to the sale of or promotion of liquor or the promotion of gambling. It is all well and good to call the bill the Community Gaming Bill and to talk about the extensive community consultation and the fact it is about communities, but let us look at who made submissions to the bill. We have Asahi Beverages, Australian Hotels Association, ClubsNSW, Diageo Australia—promotors of some of the major spirit brands—a number of RSLs, MacDonald's Australia, and the Australian Grand Prix. Those organisations thought they should make a submission to this bill because they are the sorts of organisations that often use these provisions for trade promotion. Other submissions were received from

commercial advertisers such as radio stations, which derive a lot their revenue from the trade promotions that often promote alcohol and gambling.

Whilst I do not take away the rights of those businesses to try to make a profit in this State, we have laws that govern how those businesses advertise, and it is not appropriate that they be allowed to engage in trade promotion—to a degree by default—that promotes their activities. That should be limited to the regulation in the Liquor Act and in various gaming regulations and legislation that we have in this State. This amendment is simple. It would not allow a gaming activity for trade promotion purposes related to the sale or promotion of liquor or the promotion of gambling. By far and away this is not a Community Gaming Bill when it allows that type of activity, especially given that the details of how that will occur are not before us today. They will be determined in regulation, which is yet to be written.

The Hon. DAVID CLARKE (15:24): The Government does not support The Greens amendment No. 1 because the Act contains a regulation-making power. Any definition of liquor will necessarily be defined in the regulations, not the Act. Likewise, the Government does not support the second amendment moved by The Greens. The bill deliberately does not prohibit liquor as a prize for community gaming activities and trade promotions. That is because further consultation is required to determine whether liquor should be prohibited as a prize and whether there should be special circumstances where exemptions are provided. Parliament has recently introduced a number of reforms to gaming machine laws where liquor is prohibited as a prize in hotels and clubs across New South Wales. This prohibition is in place to remove inducements to gamble and minimise gambling harm. As we know, a bottle of wine is regularly offered as a prize for raffles at school fetes and community events. The Government opposes the amendments.

The Hon. MICK VEITCH (15:25): The Opposition has a fair degree of sympathy for the sentiments of Mr Justin Field, particularly the first of The Greens proposed amendments, which draw upon the definition of liquor under the Liquor Act. In his second reading contribution, Mr Field talked at length about the fact that a substantial amount of work must be done which will be contained in the regulations, which we have not seen. The Parliamentary Secretary has detailed in his response to the proposed amendments that a lot of work must be done in developing those regulations. Having heard the Parliamentary Secretary, I suggest that Mr Justin Field's comments are already being considered as part of the development of those regulations. At this point the Opposition does not support the amendments.

Reverend the Hon. FRED NILE (15:26): The Christian Democratic Party strongly supports what Mr Field is seeking to do. We have concerns about the promotion of liquor if liquor is presented as the prize for what may appear to be harmless gaming activities. That is the second amendment. The third amendment relates to the prize consisting of or including liquor. To be consistent with our party in the presentation of our private member's bill prohibiting the advertising of liquor, we support the amendments.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved The Greens amendments Nos 1 and 2 appearing on sheet C2018-114. The question is that the amendments be agreed to.

Amendments negatived.

Mr JUSTIN FIELD (15:28): I move The Greens amendment No. 3 on sheet C2018-114:

No. 3 **Gaming activities associated with trade promotions**

Page 7, proposed section 12. Insert after line 20:

(3) A gaming activity is not a permitted gaming activity if the activity is for trade promotion purposes and the prize consists of or includes liquor.

I suspect some members talked to this amendment in their contribution to The Greens' previous amendments. This amendment is slightly different. The bill lists a range of prohibited prizes. A prohibited gaming activity would not be permitted to run if the prizes for that activity included tobacco, firearms, ammunition, or prohibited weapons as defined in the Weapons Prohibition Act 1998, which I assume includes a range of weapons such as slingshots and the like.

It seems strange to me that it does not also prohibit alcohol. A range of other legislation constrains the giving away of alcohol—to be clear, I am not talking about a donated bottle wine to be raffled off at the local school or RSL. I have received lobbying from members in this Chamber who were concerned that I was going to prevent that but I will not. This amendment specifically prohibits a gaming activity that includes a liquor prize only if it is being used for trade promotion practices, not for low-risk fundraising activities within the local community.

I do not think that is unreasonable because other legislation constrains the giving away of liquor. I do not think it is appropriate that alcohol companies, hotels and RSLs run trade promotions that offer free alcohol. I am

sure the Government will not support this amendment but I ask people in this place who no doubt will be working on the regulation to consider how the practice might be regulated under this Act to ensure that we are not undoing some of the work that has been done already to try to reduce the degree to which alcohol is promoted in our community.

The Hon. DAVID CLARKE (15:30): The Government does not support The Greens amendment No. 3 for the reasons it does not support The Greens amendments Nos 1 and 2.

Reverend the Hon. FRED NILE (15:30): As I said earlier, to be consistent with the policies of the Christian Democratic Party and based on evidence such as the Senate inquiry into alcohol abuse in Australia that found Australia's number one social problem is alcohol—not heroin or other drugs—we will support this amendment. We need to reduce as much as we can the consumption of alcohol in our society.

The Hon. MICK VEITCH (15:31): I put on record that I have won a bottle of wine at some stage in a hospital auxiliary raffle.

The Hon. Paul Green: But did you drink it?

The Hon. MICK VEITCH: Probably not. As to amendment No. 3 moved by Mr Justin Field, my response is much the same as for amendments Nos 1 and 2. I suggest to the Government and whoever is responsible for pulling together the regulations that serious consideration be given to the proposals put forward by Mr Justin Field. They have some merit if contained in a much more comprehensive and well-consulted upon regulation. The Opposition opposes The Greens amendment No. 3.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved The Greens amendment No. 3 on sheet C2018-114. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. DAVID CLARKE: I move:

That the Chair do now leave the chair and report the bill to the House without amendment.

Motion agreed to.

Adoption of Report

The Hon. DAVID CLARKE: On behalf of the Hon. Niall Blair: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. DAVID CLARKE: On behalf of the Hon. Niall Blair: I move:

That this bill be now read a third time.

Motion agreed to.

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2018

Second Reading Debate

Debate resumed from 19 September 2018.

The Hon. ADAM SEARLE (15:34): I lead for the Opposition in debate on the Workers Compensation Legislation Amendment Bill 2018. The Government does not oppose the legislation. The bill seeks to address a number of the problems caused by the Government's 2012 workers compensation reforms. To that degree, the provisions in the bill are welcomed but they only start to address some of the issues created by the Government. Honourable members who were present when the legislation was debated in 2012 will remember that the present Government and Parliament enacted significant changes to the New South Wales Workers Compensation Act, founded upon the premise that the scheme was in significant financial difficulty. But when we looked at the PricewaterhouseCoopers report the Government based this on, we saw that that report contemplated and recommended far less drastic measures. The scheme, it was said, could essentially trade out of trouble over an extended period. There were also less drastic measures of the kind that had been embraced in the past than those taken up by the Parliament. When workers compensation arrangements needed to be addressed in the past,

governments of both persuasions apportioned the pain across all the different stakeholders—injured workers being only one of the groups who had to make adjustments to ensure the financial viability of the scheme.

When we looked at the report we saw that the key cause of the deterioration in the scheme's finances was the global financial crisis and much lower returns on investments. This was not a problem unique to New South Wales workers compensation investments; it was a problem being experienced more generally throughout the developed world. There were far less drastic measures available to the Government than the option it took up. It is a matter of record that, in a financial sense, the reforms enacted by the Parliament yielded financial benefits to the scheme far in excess of what was predicted. It is also a matter of record that this was paid for, essentially, by the blood, sweat and tears of injured workers. We fought tooth and nail against the reforms, which were harsh, unfair and, in our view, unbalanced.

Fast-forward six years and the Government, in the shadow of an election less than six months away and perhaps realising the harsh and unrelenting impact of its reforms, is seeking to address some of them in this package. This legislation seeks to do a number of things, one of which is to expand the capacity of the Workers Compensation Commission to deal with disputes between injured workers and the insurer. The bill also addresses the issue of weekly payments to injured workers. This is achieved through a formula known as pre-injury average weekly earnings, which has led to significant criticism of the scheme since 2012. The main criticism is that the formula is terribly complicated and, despite the Government's claims at the time, many workers are left worse off as a result of this particular change.

The reforms in the bill will make weekly payments more transparent and easy to understand and calculate, and will also allow for the simple inclusion of all earnings in the previous 12 months, including overtime and other additional shifts that are worked regularly. The bill will also allow for indexation of amounts to occur without the need for approval by the Governor and gazettal. This will allow for immediate indexation and increase at the time prescribed simply by notification on the relevant website. The bill also addresses a number of issues arising between the compulsory third party green slip scheme for motor accidents and the workers compensation scheme when the worker is injured while driving for the purposes of work. Currently the injured person may receive damages payment through the compulsory third party scheme and then be required to pay back to the workers compensation scheme all the money that it has provided during the relevant period.

The changes in the bill will clarify and limit those repayments in the future in matters of this kind so that the injured person will only be required to pay back to the scheme the money equivalent to the payments made for lost earnings. The bill also seeks to align the workers compensation scheme with the National Injury Insurance Scheme for the purpose of commutations of medical expenses for persons in the catastrophic injury category—of which, thankfully, there are very few.

We acknowledge that the Government has undertaken significant consultation on the bill and we commend it for doing that. We also understand that a number of stakeholders, including Opposition members and no doubt other persons in this Chamber, are providing a measure of support for the legislation but not because they think the Government is on the right track or has a good record in this area. As I indicated at the outset, they are doing it simply because—given the catastrophic, harsh, unfair and indeed unwarranted reforms made by this Government and Parliament in 2012—this bill is a belated recognition that errors were made and a belated effort to make some correction. A number of stakeholders have lent their support to the measures in the bill because they wind back in some way the catastrophic and unfair changes. The workers compensation scheme is currently around $2.4 billion in surplus. I note—and I think this is taken from the Minister's second reading speech—it makes a sort of trading profit of more than half a billion dollars per year.

Mr David Shoebridge: It has every year since it was amended.

The Hon. ADAM SEARLE: I acknowledge that interjection. It just goes to further establish our proposition that the reforms proposed by the Government and enacted by the Parliament went much further than was reasonably necessary to correct any deterioration in the scheme finances, given that the key driver of that deterioration was in fact the investment slump caused by the global financial crisis. To the extent that the bill presents the Parliament with an opportunity to correct some wrongs, we support the measures it contains. However, we will also be proposing amendments that have been lodged with the Clerks to make additional improvements. We invite honourable members, including Government members, to support them.

Our proposed additional measures would address the five-year cut-off for injured workers in section 39 of the Act. We think that simply has to go. The arbitrary 260-week, or five-year, cut-off for injured employees is working a terrible injustice. There have already been a number of self-harm and suicide events related to that element of the Act. Having such an arbitrary point in time at which an injured worker is cut off does not suddenly make them healthy, well or able to seek alternative employment.

Mr David Shoebridge: It just makes them poor.

The Hon. ADAM SEARLE: I acknowledge that interjection. It not only makes them poor; in many cases it punishes them and pushes them beyond the edge of financial viability and also to the brink, or in some cases over the brink, of mental collapse. It is really driving a terrible injustice. It is within our capacity to address that, and we should do so. We also want to remove the option for an employer to sack an injured worker after they have been off work for more than six months. That measure was originally put in place to protect injured workers so that they could not be sacked for six months after incurring their injury, but it now seems to have become a milestone for employers.

Mr David Shoebridge: It's the point at which they do get sacked.

The Hon. ADAM SEARLE: I acknowledge that interjection. It is the point at which some employers seek to take advantage of the legislation and opt out of their social responsibility to those who have been injured while in their employ by saying that it will not be their problem anymore and they will offload those people like some commodity that is no longer needed. We think that is unfair and cruel, and it should be addressed. We will be proposing an amendment that does that.

Section 32A of the Act defines "suitable employment". It is an Orwellian provision if ever there was one. The legislation proposed by the Government said that suitable employment does not have to be employment that really exists anywhere or that a particular worker or any worker could realistically hope to obtain; it is just employment that might exist somewhere in theory. Injured workers are being held against that benchmark and then turfed off the scheme. We fought that measure tooth and nail when it came before the Parliament in 2012. At every opportunity we have urged the Government and this Parliament to revisit that most unfair provision. We will propose an amendment to the provision so that the job actually has to exist somewhere, the job has to be reasonably situated and within realistic reach of the injured worker, and the job has to be actually available in the market. At present there is no requirement for those conditions to be met, and they should be. The provision should be redefined to have those elements.

Through our amendments we will also seek to restore journey claims that most often affect workers with disabilities because of trips and falls when using public transport but also affect all workers. If you like, it is an ideological thing. When the workers compensation scheme was created the Labor Party took the view that travelling to and from work was part and parcel of going to work.

Mr David Shoebridge: It's hard to do work without it.

The Hon. ADAM SEARLE: It is indeed hard to do work without it. It is also a social justice measure to ensure that workers are covered. Famously, the Greiner Government took that provision out and the Carr Labor Government put it back in. This Government took it out and we are going to put it back in because it is fair and reasonable and necessary to avoid injustice. We will also insert specific words so that the ability of the Workers Compensation Commission to review and determine a work capacity decision that might be different from that of an insurer is an explicit ability conferred upon the commission.

In its bill the Government is asserting that the commission will have the power because it is no longer explicitly denied. We do not think that is good enough. We want to make it positive to avoid further disputes about whether the Workers Compensation Commission in fact has that power. The power should be explicit because we are not dealing with a court that has certain necessary or inherent functions implied. The commission is a statutory body that has only the functions provided by the Parliament. Frankly, injured workers and their claims should not become tied up in knots over whether the commission does or does not have a certain power. The fact is the power should be made clear and explicit.

Finally, as I outlined, the changes to the weekly payments to injured workers in the bill through pre-injury average weekly earnings should not be limited only to new injured workers entering the scheme. Our view is that the changes should be applied to existing injured workers because they create a better and more transparent measure that more genuinely reflects pre-injury earnings. We will seek to visit the new definition on all injured workers who are being provided with support in the scheme. Overall, the Government bill should be supported but it is far short of where it ought to go.

As a responsible Opposition and the alternative government in this State, we will propose constructive measures that will take the scheme further towards the goal we think it should have, but even those measures will not right all of the injustices created by the 2012 reforms. There will have to be more said about those things and more done about them after the election. With those words, I urge all honourable members to give genuine and open consideration to the Opposition amendments that have been put forward constructively and in good faith. We urge all members of the House to support them.

Mr DAVID SHOEBRIDGE (15:48): On behalf of The Greens, I indicate that we support the Workers Compensation Legislation Amendment Bill 2018. The bill is the result of significant consultation between the Government and key stakeholders. It makes a number of important procedural reforms to the way in which workers compensation works in New South Wales. I note at the outset that it does not restore lost benefits. It does not remove the grossly unfair provision that sees injured workers—the vast majority of long-term injured workers—cut off the scheme and thrown into poverty and despair after five years of receiving benefits. It does not reinstate journey claims and it does not deal with some of the appallingly unfair provisions such as the definition of "suitable employment".

Since 2012 The Greens have gone on record about the grossly unfair amendments that savaged workers' benefits. We have noted on record that we will continue to support every measure to reinstate those benefits. To that extent, I note the Opposition's amendments that will be considered in Committee. I say this: If there is a change of government after the March election, The Greens will move those exact amendments to the workers compensation bill in the first session of Parliament. We hope the goodwill that we see from the Labor Party in opposition is reflected in legislative responses when it is in government. In times past that has not been the case.

What does the bill do? First of all, it reforms the dispute resolution processes concerning work capacity decisions and does two key things. The bill abolishes the existing administrative review process, which was appallingly opaque and bureaucratic. It involved internal reviews, merit reviews and procedural reviews, all of which were conducted without proper representation and without any kind of objective fairness. The bill will also restore the jurisdiction of the Workers Compensation Commission for the majority of disputes in the system. That is a good thing. It will consolidate the notice requirements so that notices that are given to injured workers from insurers, such as notices about liability disputes and the discontinuation or reduction of weekly payments, will be combined in a single notice—not work capacity decisions here and liability decisions there and heaven knows what other decisions over there.

Basically, the bill provides for a single jurisdiction and a single notice. There will be no argument about where disputes are resolved. I contemplated bringing to the Chamber copies of the Workers Compensation Act, the Workplace Injury Management and Workers Compensation Act, the regulations and the various guidelines. But I discovered that carrying those various legislative provisions, together with the guidelines, was a breach of the Work Health and Safety Act.

The Hon. Adam Searle: Don't drop them on your foot.

Mr DAVID SHOEBRIDGE: Yes, you would not want to drop them on your foot or lift them without due care. The complexity and size of the current workers compensation legislation is obscene. This set of provisions, which will simplify parts of the legislative regime, should be seen as just the first, modest step towards reforming the entire legislative framework so that it is simple, clear and, above all, fair. At the moment it is none of those things. That being said, the amendments proposed in this bill take it in the right direction, which is a single jurisdiction—so that there is no argument about where to go—and a single-notice provision.

Getting to this point has involved nearly three years of hearings before the Law and Justice Committee and various annual reviews of the workers compensation system. I commend the other members of the committee who, over time, grappled with the complexity of the amendments and the almost unanimous view of stakeholders—whether insurers, employers, unions or injured workers—that the system needs to be simplified. Finally, we are simplifying it. Is a good outcome and I support that part of the bill. The explanatory note states that the object of the bill is:

> …to enable regulations under the 1987 Act and the 1988 Act (***the Workers Compensation Acts***) to provide for circumstances in which medical disputes concerning the degree of permanent impairment resulting from an injury are authorised or required to be determined by the Commission instead of by an approved medical specialist.

That is an example of the Orwellian complexity of the Workers Compensation Act, the guidelines and the regulations. Basically, it means that if an injured worker and an insurer both get assessments about the permanent impairment that an injured worker has suffered as a result of an accident at work, the assessments may be different. The injured worker may have an assessment of 10 per cent and the insurer has it at 8 per cent—

The Hon. Daniel Mookhey: Or 2 per cent.

Mr DAVID SHOEBRIDGE: —or 2 per cent. Until now, there has been no way for them to agree and to compromise on an outcome. There have been cases where the injured worker's assessment for whole person impairment was 18 per cent and the insurer's assessment was 16 per cent. The difference between the assessments is approximately $4,000 or $5,000 and there has been no capacity for the parties to negotiate and say, "Why don't we just split the difference—make it 17 per cent—agree to that and walk away?". Instead the system currently provides that the injured worker must put on a dispute notification, which has to be referred to the commission. The commission must then refer it to an approved medical specialist for assessment and the specialist comes up

with 17 per cent, 18 per cent or 16 per cent. The time, delay, cost and nonsense involved in that process is frustrating to the lawyers, the injured workers and the unions, as well as the insurers. It is remarkable that it has taken six years to find a solution. But we are fixing it today and that is good; it gets a tick.

The bill also makes changes with respect to the calculation of pre-injury average weekly earnings of a worker for the purposes of determining the worker's entitlement to weekly payments of compensation. The worker's compensation scheme is full of complicated and bizarre acronyms. Pre-injury average weekly earnings are referred to by almost all participants in the scheme as "PIAWE". PIAWE is like some sort of evil spectre that lurks around the workers compensation system. It comes out and scares injured workers and insurance clerks because it is obscenely complicated, bizarrely drafted and nobody can understand it. It has produced endless amounts of work for lawyers, arbitrators and insurers, and is mind-bogglingly and pointlessly complex. The spectre of PIAWE will be reduced as a result of changes in this bill so that, instead of being this evil spectre that nobody understands and which haunts people's nightmares, it will be slightly easier to understand.

There is probably only one person in New South Wales who currently understands how PIAWE works. There are 7½ million people in New South Wales and I do not know how many thousands of people in the workers compensation system, but the only person I know who understands PIAWE is Sherri Haywood, Compensation Officer with the Construction, Forestry, Maritime, Mining and Energy Union. I acknowledge her advice on PIAWE and her assistance in working through the complexities to ensure a good outcome. I respect her work and her knowledge, and I give her credit for being one of the stakeholders who is engaged in trying to simplify the scheme. Good work to her. I also note the work of Natasha Flores from Unions NSW, who is another engaged stakeholder who has helped in driving these reforms. Those two women have engaged with the issue in good faith and shared their experience and knowledge generously. I credit them with a number of the changes that have been brought forward in this bill.

The bill also provides for enhanced information collection and sharing, and a variety of other matters. The bill is good to the extent that it resolves the dispute resolution framework. That has been desperately needed for ages, and I commend the Minister and his staff for getting the reforms through. The drafting is hard and the final result is a significant improvement. However, it makes only procedural improvements and there remains a gross and glaring unfairness in the workers compensation scheme—that is, the way benefits were savaged in 2012. Last year the scheme collected approximately $3.2 billion in premiums and it paid out slightly less than $2.7 billion, which means it is $500,000 in surplus. Year after year, the scheme has been in surplus and the accumulated surplus is now well beyond $11 billion.

The Government says continually that there is no money to restore the benefits of injured workers—some of whom we know are self-harming and some of whom may have tragically taken their lives because of the poverty they experienced after being thrown off the scheme. That is the unfinished business in workers compensation. The Greens will support this bill and we will support the amendments to be moved by the Opposition in Committee. But we say also that we will introduce those provisions regardless of who is in government after March next year because this is unfinished business. A wave of unfairness was delivered across New South Wales with those 2012 reforms, and it is time we fixed it.

The Hon. DANIEL MOOKHEY (15:59): At this point my remarks on the Workers Compensation Legislation Amendment Bill 2018 will be brief but I will have more to say when the debate resumes later this evening. The Government has presented this bill as if it were the legislative equivalent of tending to a garden—namely, routine adjustments around the edges and an occasional bout of lawn mowing. In truth, this bill is a quiet admission that the 2012 reforms got it wrong in respect of the design of the dispute resolution system and in how workers—

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

Visitors

VISITORS

The PRESIDENT: I take this opportunity on behalf of all members to welcome to the public gallery Ms Alannah Condon, who is participating as a mentee in the University of New South Wales Arts and Social Sciences Career Ready Mentoring Program in the office of the Hon. Courtney Houssos, and who is here this afternoon to observe question time. I hope you find the time enjoyable and informative.

Questions Without Notice

LIBERAL PARTY PRESELECTION

The Hon. ADAM SEARLE (16:00): My question without notice is directed to the Leader of the Government in his own capacity and as representing the Premier. What is the Minister's response to community

concerns that the dispute and the preselection deal now involving the Treasurer, Minister for Multiculturalism, and Minister for Disability Services, and the current member for Epping is, in the words of the Premier, just another example of "politicians fighting amongst themselves and [being] in it for themselves and not the community"? What steps are being taken to restore harmony in the administration?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:00): The Premier, the Deputy Premier and I are all very focused on getting our jobs done. I have been working for the people of New South Wales to get the job done. I have been in this place in the lead-up to five elections now so very little is new under the sun in my experience in this place. There is always a bit of argy-bargy in the lead-up to an election. One has only to look to the back corner of this Chamber. I note that neither Ms Dawn Walker nor Mr Jeremy Buckingham are presently in the Chamber. We have seen a bit of robustness between them in that corner, but the unctuous behaviour of the Opposition in raising the issue of preselection absolutely astounds me. I cannot recall referring on any occasion—whether in answer to a question, in an adjournment speech or elsewhere—to the Hon. Ernest Wong and what has led to him not being in this Chamber after the next election. What is that all about? After my more than 19 years in this Chamber I could tell a story or two about Opposition members.

The Hon. Adam Searle: Point of order: I know that a wide latitude is given to Ministers as long as they are being generally relevant but in this case the Minister is being more general than relevant. The Minister is well and truly going beyond the ambit of the question.

The Hon. Walt Secord: Factional war lord Don Harwin.

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the first time. The problem in ruling on the point of order is that there were so many loud interjections coming from Opposition and Government members that it was almost impossible for me to hear the Leader of the Government. I note that the interjections from Government members were louder than those from Opposition members. I remind the Minister that he is required to be generally relevant.

The Hon. DON HARWIN: On the issue of preselections, which is what this question is about, I could start with Steve Hutchin's reaction when the Leader of the Opposition and the Deputy Leader of the Opposition were preselected. That was an interesting response. I could tell the story of how Eddie Obeid refused to move from his office before there was a guarantee that the Deputy Leader of the Opposition would be preselected.

The Hon. Adam Searle: Point of order—

The PRESIDENT: I will have a look at the question. The question is very wideranging. It refers to community concerns in relation to preselections and it also refers to "politicians fighting amongst themselves and [being] in it for themselves and not the community". It also asks what steps the Government is taking to restore harmony in the administration. The Minister is being generally relevant.

The Hon. DON HARWIN: I could also tell the House about the conga line of Labor members who have come to my office over the years telling me stories about the two untouchables on the Labor Party benches. They cannot be touched because they have too much power. I have heard constant complaints about the honourable member from the sub-faction dedicated to the megalomania of one family and the honourable member from a union who for years has been ripping off check-out chicks to get 16 per cent of the vote at the State Conference. I have had a conga line of Opposition members—Labor members—who have come to my office over the years telling me stories about their preselections. There would be a lot of community concern if those stories were to see the light of day. But I can assure the House that I will not be doing that because there are a series of rulings by various Presidents that I will happily quote if there are more questions on this issue.

ARTS AND CULTURAL INFRASTRUCTURE

The Hon. SHAYNE MALLARD (16:06): My question is addressed to the Minister for the Arts. Can the Minister update the House on how the New South Wales Government is supporting sustainability in the State's cultural institutions and are there any alternative policies?

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. The Opera House's Environmental Sustainability Plan [ESP] 2017—2019 sets out the organisation's objectives and ambitious targets to extend savings, efficiencies and the environmental legacy of State, national and World Heritage listed buildings. It builds on the solid foundations established since the first ESP was launched in 2010, with targets including the aim to reduce energy use by 20 per cent from baseline; achieve 85 per cent recycling of operational waste; achieve and maintain a five star Green Star performance rating; and achieve and maintain certified carbon neutral status year- on-year for its fiftieth anniversary in 2023. Earlier this week I was delighted to announce that the Sydney

Opera House has met its emission reduction target and has become carbon neutral five years ahead of schedule. I thank chief executive officer Louise Herron for the great work that she and her team have done achieving this goal. To celebrate this significant achievement—

The Hon. Scott Farlow: Point of order: The Hon. Shayne Mallard is intent on hearing the Minister's answer to his question but he is having difficulty because of the level of interjections from those opposite.

The PRESIDENT: I uphold the point of order. This is my second warning. If Opposition members continue to interject they will be called to order. The Minister has the call.

The Hon. DON HARWIN: As I was saying, to celebrate this significant achievement, the sails of our national icon were lit green and broadcast across the world. I was asked about alternative policies and I am disappointed to say that the Leader of the Opposition and the Deputy Leader of the Opposition thought it was worth their time to oppose this, even putting out a press release about the matter. In it the supposed alternative government of the State accused us of wasting energy by lighting up the sails. The Labor Opposition is a case study in wasted energy. This is the hot issue that took the time of both the Leader and Deputy Leader this week—lighting up the sails. Apparently this action was an affront to them. How dare we celebrate sustainability. We were also accused of wasting electricity. Once again the Hon. Walt Second is being loose with the facts; he is simply not across his brief.

Lighting the sails uses no more electricity than normal. I will say that again in case the Opposition did not understand. Lighting the sails of the Opera House uses no more electricity than normal. The sails are lit by applying a coloured gel over the existing floodlights that are used to light the Opera House every night. The shadow Minister for the Arts would know this if he was across his brief but, as usual, he has no idea. He might even remember that he asked for the sails to be lit up last year. That did not seem to concern him back then. It is not just the arts; he is still fighting with the Australian Medical Association for calling him reckless. He is still getting the silent treatment from Gerard Hayes from the Health Services Union. It is also the first press release from the shadow Minister for Energy since July. But we all know that the Hon. Adam Searle has other interests. True to form, Opposition members are not across the facts. They try to play politics but they are simply not ready and not fit to form government.

LIBERAL PARTY PRESELECTION

The Hon. WALT SECORD (16:11): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, as Leader of the Government, representing the Premier. Given that Liberal members of the Legislative Council are competing for winnable spots in the lead-up to the March 2019 State election, what steps will the Minister take to ensure the effective and efficient operation of the Government, especially its legislative program in the Legislative Council, in light of this week's factional deal?

The Hon. Don Harwin: The Hon. Walt Secord tried to dress that up as a question that is to do with the House but, at the end of the day, I take a point of order: It is a question about preselection. President Meredith Burgmann's ruling in November 2000 stated:

> Questions relating to the affairs of a Minister's department or office are in order, however references in a question to the affairs of a political party are not in order.

On that basis, the member's question is out of order.

The Hon. Walt Secord: To the point of order—

The PRESIDENT: I indicate three things that will assist me. First, if a Minister wishes to take a point of order relating to a question being asked or if any other members wish to do so they should seek the call and indicate that they wish to take a point of order. Then it makes it clear to me that the answer is not being commenced. Secondly, if a member has not yet completed what he or she has to say on a point of order, I would be grateful if another member did not seek the call. I will give other members an opportunity to do so when the member taking the point of order has completed the point of order. That would assist me. Thirdly, I ask the Hon. Walt Secord to show me his question while he is addressing me on the point of order.

The Hon. Walt Secord: To the point of order: I contend that this question is within the standing orders. It relates to the public affairs, administration and operation of the legislative program of the Liberal-Nationals Government.

The Hon. Natalie Ward: It is not a policy question.

The Hon. Walt Secord: This is clearly a policy question. Get yourself a committee.

The PRESIDENT: I do not want to take up too much of question time. I have had a close look at the question. My view is that more than 50 per cent of the question refers to the affairs of a political party and, as such, that is not in order. A small part of the question might have been able to go through on its own but the bulk of the question breaches the ruling of President Burgmann in 2000, which was referred to earlier by the Minister. I refer members to another ruling of President Willis in 1997 in which he stated:

> A question not affecting the public affairs of New South Wales is out of order.

The question is out of order. The Hon. Walt Secord may wish to reconsider the question at some future time when he has the call.

The Hon. Walt Secord: I will not canvass the President's ruling.

The PRESIDENT: Does the member wish to take another point of order?

The Hon. Walt Secord: No.

MUSIC FESTIVALS DRUG-RELATED DEATHS

Ms CATE FAEHRMANN (16:16): My question is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council, representing the Premier. In the wake of the drug-related deaths at the Defqon.1 Festival, the Government established an expert panel called Ensuring Safety at Music Festivals, which does not include anybody with expertise from the music industry. Today we learned that the peak music body, MusicNSW, has written to the Premier stating, "Any attempt to address concerns about drug use and public safety at music festivals cannot be effective unless music industry representatives are part of the conversation" and requesting to be on the panel. Minister, what justification did the Premier have to only consult with the music industry instead of including it on the expert panel where it can play a central role in formulating recommendations for consideration? Will the Premier reconsider and issue an invitation to MusicNSW to be on the expert panel?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:17): I thank Ms Cate Faehrmann for her question. This issue is a matter of comment in the media. I am sure the President and other members of the House have seen it. It is a matter that has been raised with the Premier and I am sure it is being given consideration. I will refer the question to the Premier and ask her for a response for the member at her earliest convenience.

FARM INNOVATION FUND

The Hon. NATASHA MACLAREN-JONES (16:17): My question is addressed to the Minister for Primary Industries, Minister for Regional Water and Minister for Trade and Industry. Can the Minister update the House on how the Government's Farm Innovation Fund is ensuring the long-term productivity of our primary producers?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:17): I thank the honourable member for her question. In 2013 the Government announced $250 million to establish the Farm Innovation Fund to assist the State's primary producers to identify and address risks to their farming enterprise; to improve permanent on-farm infrastructure, such as sheds, silos and water storage; as well as to ensure long-term productivity and sustainable land use. The Farm Innovation Fund is at the centre of our drought preparation measures. It ensures farmers and their families can support their businesses, not just now but well into the future. Since it was launched in 2013, more than 1,700 applications have been received and $233 million has been committed. This demonstrates how New South Wales farmers are not only the most resilient farmers across the globe; they are also increasingly interested in finding ways to innovate and evolve their practices.

Last Friday I was fortunate enough to visit Waveleigh, west of Narromine, owned and managed by Alan and Kerry Elder along with their son, Jon, to switch on Australia's largest solar-diesel hybrid irrigation system. This system was installed thanks to funding from the Farm Innovation Fund. Jon Elder told me that the innovative system is expected to deliver him significant savings by cutting his annual diesel use by approximately 45 per cent, saving him almost $140,000. The system will not only save money; it will also prevent 500 tonnes of CO2 from entering the atmosphere each year—that is, the equivalent of about 70 Australian households worth of emissions.

The 500 kilowatt solar pumping system, installed by Australian company REAQUA, comprises 1,500 solar panels arranged over one hectare of land. At the launch, Jon said applying for the Government's fund was a straightforward, no-nonsense process. His application was assessed quickly and the Rural Assistance Authority provided support every step of the way. This is western New South Wales leading the way; it is innovation at its best. It is a fantastic example of how renewable energy can be leveraged in the primary industries

sector with the support of the New South Wales Government. This is a great result for the Elders but it is also a great step forward for New South Wales farmers.

This is a pioneering project and I look forward to seeing how this system can help in the development of larger-scale systems that could be used, for example, by councils for water treatment plants or to reduce emissions and costs in high-volume irrigation. Farmers right across the State are telling us that the Farm Innovation Fund loans are some of the best measures available, which is why we have more than doubled the funding available, taking the fund's total value to $650 million. In order to continue to be productive, farmers are also telling us that they need the certainty of the continuation of the fund. This was a fantastic project and I congratulate the Elder family on their application and the great work of the Rural Assistance Authority in delivering this program.

WATER RECYCLING

Mr JUSTIN FIELD (16:21): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. On 1 July last year the Minister announced an independent review into the barriers to cost-effective recycled water initiatives. On 20 September last year, in answer to a question from me in this House about a decision of the Independent Pricing and Regulatory Tribunal to change wholesale water and sewerage services pricing, and concerns in the industry that it would make water recycling programs unviable, the Minister again pointed to this review. What is the status of the review?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:22): I am very happy to answer that question. A focus of this Government has been fostering private sector water recycling under the Water Industry Competition Act. Under Labor there were four schemes operating with approximately 100 customers. Today, under this Government, there are 16 schemes with approximately 4,000 customers. In 2016-17, these schemes recycled 2,377 megalitres of water. This water would have otherwise come from our dams, but has been recycled and used to water gardens and parks, flush toilets and for non-drinking industrial purposes.

To make sure we have the settings right to continue to support sustainable water practices, I commissioned an independent review into the barriers to cost-effective recycled water initiatives. Infrastructure NSW undertook the independent review and I am advised that it has now completed this review and has provided it to the Government. I had a discussion with the Lord Mayor about this only yesterday afternoon because it is a matter of great interest to her also. My department is examining the report right now for consideration about how we move from here. Although I am not particularly happy with how long it has taken Infrastructure NSW to do the review, I am advised that it has done a good job, and I am looking closely now at how we move forward with specific reforms. But rest assured, this is an absolute priority for me.

I basically set up the review when I became the Minister because I wanted to see more recycled water being used and because the private sector has been an innovator in this area. We are getting more recycled water, as I outlined earlier in my answer, because of what the private sector has been doing. Rest assured, it is not forgotten; it is very important and we are getting on with the job and I am hoping to have something more to say in the not too distant future.

Mr JUSTIN FIELD (16:24): I ask a supplementary question. Could the Minister elucidate his answer by confirming whether public submissions to the review were called for and did the Government make a submission to the review, as the Minister suggested he would in his answer to me in September last year?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:25): I will endeavour to get back to the member about that before the end of question time. I will check all the details and get back to him.

LIBERAL PARTY PRESELECTION

The Hon. LYNDA VOLTZ (16:25): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Leader of the Government. Given media reports that the member for Epping will be parachuted into the New South Wales Legislative Council and community concerns about his suitability following his May 2017 speech to the New South Wales Parliament where the 65-year-old member canvassed the attractiveness of a 15-year-old Filipino exchange student who was participating in a Homestay program with his family, does he have the Government's full confidence?

The Hon. Don Harwin: Point of order: This is quite clearly yet another question that refers to the affairs of a political party. It is not about a matter of public affairs to which I am officially connected.

The Hon. Lynda Voltz: To the point of order—

The PRESIDENT: I ask the Leader of the Government to repeat the point of order. I missed two-thirds of the point of order because the Hon. Walt Secord was continuing to interject. These are very important matters that are being raised and I want to ensure that I give every member the opportunity to be heard.

The Hon. Don Harwin: My point of order is that this is not a question about the affairs of a Minister's department or office; it is a question to do with the affairs of a political party and media reports relating to a preselection. Therefore, based on the line of precedent of several Presidents' rulings that have been made leading right back to Dr Meredith Burgmann in November 2000, it is out of order.

The PRESIDENT: I do not need the rulings repeated to me. I read them at least a dozen times today before I came to the chair. The Hon. Lynda Voltz?

The Hon. Lynda Voltz: My question was to the Minister as Leader of the Government in this House. This is a Government member in the other House who is being parachuted into this Chamber. I am asking this Minister, as the Leader of the Government in this House, whether he has full confidence in this member of the Government, given his comments in the other Chamber regarding a 15-year-old Filipino exchange student staying with him. All the Minister has to do is say whether he, as the Leader of the Government, has confidence in a Government member.

The Hon. Don Harwin: She is now attacking a member.

The PRESIDENT: The Hon. Lynda Voltz is well aware that if imputations are to be made about another member it is to be done by way of substantive motion. I do not believe her question made imputations about another member, although it probably came close, and I note that the Leader of the Government did not raise that in his point of order. But in speaking to the point of order the Hon. Lynda Voltz cannot then make imputations. Has the member completed her point of order?

The Hon. Lynda Voltz: I was not sure whether or not you were ruling on it.

The PRESIDENT: I was bringing it to the member's attention that she is not to make imputations.

The Hon. Lynda Voltz: The reality is that the member for Epping has made statements in the other House that are *in Hansard*—

The Hon. Don Harwin: This is ridiculous, Mr President. This is a speech. It is an attack on a member of the other place. The Hon. Lynda Voltz should be called to order.

The Hon. Walt Secord: You should hear what he says about you, Don. Why would you defend him?

The PRESIDENT: Order! The Hon. Lynda Voltz will resume her seat.

The Hon. Matthew Mason-Cox: Point of order: My point of order is that clearly the Hon. Lynda Voltz was casting aspersions on the character of a member in the other place.

The PRESIDENT: I have dealt with it.

The Hon. Walt Secord: Those are his own words.

The Hon. Lynda Voltz: Point of order—

The PRESIDENT: I will not deal with a new point of order. I thought the Hon. Matthew Mason-Cox wished to speak on the original point of order that was taken. Does any member seek the call on the original point of order that was taken by the Leader of the Government in relation to the question? The question is out of order.

The Hon. Trevor Khan: Point of order: Throughout the interchanges in the Chamber the Hon. Walt Secord directed comments towards the Leader of the Government—

[*Interruption*]

I have not finished.

The Hon. Walt Secord: I am getting ready.

The Hon. Trevor Khan: Those remarks were clearly in the nature of hectoring the Leader of the Government. They are clearly interjections. I ask that you call the Hon. Walt Secord to order.

The Hon. Adam Searle: To the point of order: The Leader of the Government was returning fire every bit as much as the Deputy Leader of the Opposition. The point of order taken by the Hon. Trevor Khan does not encompass all that was taking place. I think the Leader of the Government was more than able to look after himself.

The Hon. Trevor Khan: To the point of order: It started whilst the Minister was taking his original point of order, contrary to what the Leader of the Opposition says. He was not returning fire and it has persisted. It is, in my respectful submission, entirely inappropriate.

The Hon. Adam Searle: The fact is that interjections are always disorderly and both members were engaging in them. It would be unfair to single out the Deputy Leader of the Opposition.

The Hon. Scott Farlow: To the point of order: I was sitting right behind the Leader of the Government and the only thing that he was saying was that the Hon. Walt Secord was casting aspersions on another member in another place.

The Hon. Walt Secord: It is called reconstruction, Scott. You are a lawyer; that is reconstruction.

The PRESIDENT: I remind members of a ruling that I made on 3 May 2018 where I indicated that there is a stark difference between occasional interjections and sledging which seeks to upset the concentration of the speaker by way of a continual barrage of insults. Sledging is disorderly. I observed very carefully the continual barrage that was coming from the Hon. Walt Secord to the Leader of the Government. I had warned him on previous occasions—twice, in fact—that I would call him to order if it continued. It continued. Therefore, I call the Hon. Walt Secord to order for the second time.

DUBBO ELECTORATE EDUCATION SERVICES

The Hon. RICK COLLESS (16:32): I address my question to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on how the New South Wales Government is assisting communities in the Dubbo electorate?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:33): I thank the Parliamentary Secretary for Western New South Wales for his question and his sincere interest in western New South Wales. I commend him for all the great work he does in that part of the State. I recently visited the Dubbo electorate and I will take the opportunity to update the House on a few things I did while visiting that great electorate. I visited Dubbo Christian School's community preschool, Pebbles. Pebbles received a $15,000 Quality Learning Environments grant to create a new shade structure for its playground. It might seem like a small improvement, but better outdoor conditions at Pebbles will make the world of difference for the children who attend that preschool. I met with the educators of the preschool, who are doing an incredible job shaping the generations of children who pass through its gates. I acknowledge the children at the service and the director, Michelle Broadley, as well as the school principal, Warren Melville, for showing me around the service.

While in the electorate I visited Wellington and the Children's Centre, which was another recipient of a Quality Learning Environments grant. Thanks to $11,000 in government funding, the service has been able to update its sandpit area. The director of the service, Amanda Forrest, showed me the new sandpit. I am happy to report to the House that I took my shoes off and road tested the new infrastructure. Anyone with preschool aged children will know the appeal of a good sandpit and that the sand often follows you home and in the front door. I can confirm that the kids in Wellington are enjoying that new sandpit. It was wonderful to meet Amanda, the staff and children, and I wish them all the best going forward.

A highlight of the day was meeting with the Wellington Aboriginal Corporation Health Service, Miimi Girls Group. The Government, through a cultural grant, contributed $6,000 in financial assistance to the group. It was a real pleasure for me to see the fantastic work that is being done under the guidance of the program coordinator, Tanika Davis. Wellington Aboriginal Corporation Health Service is running the program, which is an initiative aimed at helping educate young local Aboriginal women. I was told that "Miimi" is a Wiradjuri word meaning sister and the project's aim is to empower, support and ensure self-pride in all areas of life, whether it be through personal hygiene, mental health, culture or mentoring support.

The program will allow the girls to see that they can make better choices and be better educated on the options available to them and their families. Throughout the program the girls engage in significant aspects of life skills, including social media, presentation and make-up, leadership, sexual health, resume writing, culture, drugs and alcohol. It was great to sit and listen to the girls' stories and hear about the improvements they have made thanks to the support of this program. I wish them all the best and look forward to keeping in contact about future developments within the program.

While in Dubbo I was invited to attend the dinner for the Bangamalanha TAFE conference. The conference focuses on post-school Aboriginal education, training and employment. I commend the organisers of the event, which included catering by Aboriginal chef Mark Olive, familiar to many in the House, I am sure. Mark allowed TAFE students the opportunity to test the skills they have learnt in a real life scenario, which was fantastic.

I was privileged to give a keynote address at the conference alongside such standout speakers as Stan Grant. It was a privilege to have met so many fantastic people involved in Aboriginal education and opportunities. I had a great time visiting these communities in the Dubbo electorate and seeing all the work being done. I look forward to seeing how the electorate continues to thrive under the leadership of the Liberal-Nationals Government.

CHILD SEX OFFENDERS

The Hon. PAUL GREEN (16:37): I direct my question without notice to the Minister for Primary Industries, representing the Minister for Police. During our time serving this State the Christian Democratic Party has worked hard to make New South Wales the safest place for a child to be raised in Australia. Yesterday the *Daily Telegraph* reported that there are currently more than 200 registered child sex offenders whose whereabouts are currently unknown by police. Will the Minister confirm to the House that over 200 registered child sex offenders are missing in the State of New South Wales? If this is the fact, how is it possible that the location of these individuals is unknown and what is the Government doing to rectify this appalling revelation?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:38): I thank the honourable member for his question, a question that he has directed to me representing the Minister for Police in this House. I am aware of the media reports that the member referred to in his question. I am informed that the New South Wales Liberal-Nationals Government has added an extra 1,000 officers to the NSW Police Force since it was elected in 2011, exceeding its target of increasing the authorised police strength to a record 16,795 officers. Our ongoing commitment to keep the community safe is evident in our latest budget, in which this Government committed a record investment of $3.9 billion to the NSW Police Force. This record funding will help boost the strong record police have of fighting crime and keeping communities safe.

The NSW Police Force is committed to ensuring the safety and protection of all children. In particular, officers attached to the Child Abuse and Sex Crimes Squad within the NSW Police Force do amazing work identifying, investigating and initiating legal proceedings against degenerates who commit sickening criminal offences against children. We are working with Police Commissioner Fuller and other key stakeholders to discuss and determine the future needs of the NSW Police Force. The New South Wales Government will continue to provide the NSW Police Force with the funding support it needs to ensure that our police are where they need to be. Under the Child Protection (Offenders Registration) Act 2000, people convicted of registrable offences against children must report their personal details to police while they are living in the community. Depending on the severity of their offences, the time frame for reporting can vary from four years to life for adult repeat offenders.

The NSW Police Force maintains a database of these people, known as the Child Protection Register. Access to the register is limited to officers responsible for monitoring registrable persons. The information held on the register is not public. The details of registrable persons from New South Wales are also recorded on the National Child Offender System. All Australian police forces use the system to monitor offenders across jurisdictions. This integrated system allows police to monitor offenders who pose significant risks to the most vulnerable in our community—our children. I hope that the information I was provided with by the Minister for Police provides the member with the relevant information. If he needs more information I am sure he will ask the Minister further questions. That is the information I have at hand. I hope it provides an answer for the member, who I know is deeply concerned about this area, as I am sure are all members of this House.

LIBERAL PARTY PRESELECTION

The Hon. PENNY SHARPE (16:41): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts as Leader of the Government. Given the Premier pulled out of an official sod turning for the Western Sydney Airport with the Prime Minister due to the Government's internal disputes, what steps are being taken by the Minister, as a key adviser to the Premier and Leader of the Government in the Legislative Council, to ensure that both the Minister and the Premier are not distracted from their core administrative responsibilities?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:42): I am happy to answer that. The member is simply wrong about why the Premier was not at the sod-turning ceremony. She is simply wrong and she should get her facts right.

STATE ECONOMY

The Hon. SCOTT FARLOW (16:42): My question is addressed to the Leader of the Government. Will the Minister update the House on how the Government is working to strengthen the New South Wales economy and are there any alternative policies?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:43): I am very happy to take a question from the Hon. Scott Farlow about—

The PRESIDENT: Order! The Clerk will stop the clock. The Minister will resume his seat. The Minister had not been speaking for five seconds and we have had an interjection from the Hon. Mick Veitch, the Hon. Penny Sharpe and the Hon. Daniel Mookhey. That is three interjections in five seconds. Because of my previous warnings, I call the Hon. Mick Veitch to order for the first time, I call the Hon. Penny Sharpe to order for the first time and I call the Hon. Daniel Mookhey to order for the first time. The Minister has the call.

The Hon. DON HARWIN: As I was saying, when this Government came to office, we promised to make New South Wales number one again, and that is exactly what we have done. This Government's strong economic management has made New South Wales the envy of the nation. We have a budget in surplus, no net debt and just last week ratings agency Moody's reaffirmed the State's triple-A credit rating.

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

The Hon. DON HARWIN: Moody's highlighted this Government's asset recycling scheme, its record investment in key infrastructure projects and its work keeping unemployment low. Under the tutelage of those on the Opposition benches, New South Wales was at risk of losing its triple-A credit rating because their spending was out of control. We ended the stagnation under Labor and we got New South Wales moving again. Reaffirming our triple-A credit rating gives us independent confirmation that this Government has got the settings right. All of this would be undone—

The Hon. Niall Blair: Point of order: My point of order is the constant interjections that are coming from members who should know better and who have been told not to interject. It makes it difficult not only for us all to hear the Minister's answer but also members should think about the poor Hansard reporters who have to deal with the wall of sound coming from those opposite.

The PRESIDENT: Order! I uphold the point of order. The Minister has the call.

The Hon. DON HARWIN: All of this would be undone by the Leader of the Opposition in the other place and the Labor Opposition. They want to scrap countless infrastructure projects such as the northern beaches tunnel, WestConnex and the Sydney to Bankstown metro. They ground this State to a halt with their reckless policies, their out-of-control spending and their wilful disregard for balanced budgets. After 16 years of Labor, New South Wales was closed for business, but we are rebuilding New South Wales with projects all over Sydney and throughout regional New South Wales, and we are still experiencing the jobs boom that comes with those projects. We do not just run a strong economy and deliver good budgets for the sake of it. We do it so we can better the lives of the people of New South Wales.

The PRESIDENT: Order! The Minister will resume his seat. The Clerk will stop the clock. I have not had the chance to call a member to order because as one member interjects, another member interjects and then another member interjects. It is a tag team. I call the Hon. Mick Veitch to order for the second time. I call the Hon. Penny Sharpe to order for the second time. I call the Hon. Daniel Mookhey to order for the second time because I heard at least two interjections. I was waiting to call the Hon. Daniel Mookhey to order, but the Hon. Mick Veitch and the Hon. Penny Sharpe kept interjecting. I do not need to give a reason for my ruling, but I have given one this time. The Minister has the call.

The Hon. DON HARWIN: As I was saying, we do not just run a strong economy and deliver good budgets for the sake of it; we do it so we can better the lives of the people of New South Wales. We build roads and train lines so commuters can get home to their families sooner, spend more time with their kids or improve their work-life balance.

The Hon. Scott Farlow: Point of order: Mr President, you have called members opposite to order and within seconds they continued to interject. I ask that they be called to order again.

The PRESIDENT: Order! The main interjection I heard was from the Leader of the Opposition. I call the Leader of the Opposition to order for the first time. The Minister has the call.

The Hon. DON HARWIN: This is what the Labor Opposition members do not get. Their out-of-control spending and jobs-destroying policies will hurt every family in New South Wales. They will make it harder to get around, harder to buy a home and harder to get a job.

The PRESIDENT: It is becoming clear to me that members want to compel me to remove them from the Chamber. I note that the Hon. Walt Secord is on two calls to order, and I thank him for not further interjecting. The Hon. Mick Veitch and the Hon. Penny Sharpe are on two calls to order, but I cannot thank them at this stage because they continue to interject. The Hon. Daniel Mookhey is on two calls to order. The Hon. Adam Searle and

the Hon. Shaoquett Moselmane are on one call to order. Usually I remove a member from the Chamber if he or she is called to order for the third time. If I call a member to order for the third time now, realistically he or she will leave the Chamber until the end of today's sitting. I give members fair warning that that is exactly what will happen. I do not propose to call anyone to order again, but if I do they will be removed from the Chamber until the end of the sitting. There have been too many interjections. There have hardly been any questions because of the time taken for me to deal with interjections. The Minister's time has expired.

[*Interruption*]

I remind the Hon. Shaoquett Moselmane that the only person in the Chamber able to direct members what to do is the Chair, according to the ruling of former President Burgmann on 17 October 2006.

INTERCITY RAIL SERVICES SAFETY

Reverend the Hon. FRED NILE (16:51): My question is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, representing the Minister for Transport and Infrastructure. Will the Minister confirm reports that passengers who plan to use the new intercity line will not be able to rely on guards for emergency medical assistance due to cuts to the service? What steps will the Government take to ensure that the safety of commuters is not compromised on the State's public transport system?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:52): I thank Reverend the Hon. Fred Nile for his question. I know public transport is a great interest of Reverend the Hon. Fred Nile. When he was a resident of the South Coast I know he frequently used the train service from Gerringong. He has no doubt observed over the course of the past seven years under this Government that public transport has markedly improved. No doubt he will also be very pleased that infrastructure spending on the Sydney train system, undertaken by this Government at the moment, is leading to a 40 per cent increase in capacity under one Government. That lot over there could not even manage, despite having how many—

The Hon. Lynda Voltz: Point of order: I think Reverend the Hon. Fred Nile asked about the intercity trains, cuts in guards and whether medical facilities would be made available. I ask you to bring the Minister back to the question that was asked.

The PRESIDENT: I remind the Minister that he is to be generally relevant.

The Hon. DON HARWIN: That lot promised 12 rail lines, had nine transport master plans and had six transport Ministers, but all they managed to deliver was one-half of one rail line in 16 years.

The Hon. Lynda Voltz: Point or order: I refer to my previous point of order, which was relevance. Reverend the Hon. Fred Nile asked about intercity trains, guards and medical attention. I ask you to bring the Minister back to the question.

The PRESIDENT: The Minister is permitted to be generally relevant at the beginning of his question. I believe that the Minister has reached the stage where he should become generally relevant to the question. The Minister has provided more than sufficient wording in relation to past actions.

The Hon. DON HARWIN: I imagine that Reverend the Hon. Fred Nile would be most interested—

The PRESIDENT: I ask Reverend the Hon. Fred Nile to provide me with a copy of his question. I have asked the Minister to be generally relevant.

The Hon. DON HARWIN: The particular matter that Reverend the Hon. Fred Nile raised is an issue that is obviously of interest to all of the communities that rely on interurban services. It is important, and I will refer his question to my colleague the Minister for Transport and Infrastructure and make sure that he gets an appropriate answer. Reverend the Hon. Fred Nile can be absolutely assured that this Government will keep putting the priority on public transport that it has been. The people of New South Wales, in particular those in the Sydney region where public transport is vital for them to get to work and those who rely on the wider Sydney Trains network in the Illawarra, Central Coast and to the north, are absolutely loud and clear about how much they appreciate the effort that we are putting into public transport.

LIBERAL PARTY BULLYING ALLEGATIONS

The Hon. SHAOQUETT MOSELMANE (16:56): I direct my question to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, as Leader of the Government. Given the high-profile community debate over bullying within his Government, will the Minister advise the House whether there have been any allegations of bullying made from anybody within his office since he became a Minister?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:56): Within my office? Any allegations of bullying in my office? I will take that question on notice and provide the honourable member with a response either at the end of question time today or the beginning of question time tomorrow.

REGIONAL EDUCATION INFRASTRUCTURE

Mr SCOT MacDONALD (16:57): My question is directed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on how the Government is investing in education in regional New South Wales in the 2018-19 budget?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:57): I thank Mr Scot MacDonald for his question and for the opportunity to update the House on how the Liberal-Nationals Government is continuing to make life better for people living in New South Wales, especially as it relates to education. Since 2011 Government members have worked tirelessly to continue to create record investment in school infrastructure and to ensure that students in regional New South Wales have access to the best learning environments possible. We are committed to continuing this run of record spending by investing a further $6 billion over four years to deliver more than 170 new and upgraded schools.

Under the Liberal-Nationals Government we will see work on more than 40 new and upgraded school projects, as well as plans for a further 20 new and upgraded schools. The investment will also see works continuing on 110 ongoing new and upgraded school projects. Through these projects, we will create more than 2,000 new classrooms and more than 42,000 additional student places. One-third of those projects are located in regional areas of New South Wales because we feel strongly that we do not want the kids in the bush to miss out. Regional schools will benefit from this record investment to the tune of more than $1 billion, because members of this side of the House know that New South Wales does not stand for Newcastle, Sydney and Wollongong, and we value the importance of regional New South Wales.

I can inform the House that this year's budget includes funding for planning and design for a new primary school in Murrumbateman to meet growing enrolments in areas to the south of Yass, a new primary school in Warnervale, and a new school for specific purposes in Queanbeyan. A number of schools in regional areas will also receive funding for major upgrades to their facilities. Some of them include Jindabyne Central School, Lake Cathie Public School, Speers Point Public School, Wangi Wangi Public School, Tweed River High School, Tweed Heads South Public School, Monaro High School, Nulkaba Public School, Tamworth Public School and Young High School

Liberal-Nationals members are proud of the work we are doing to deliver quality learning facilities to meet the needs of students and staff working and studying in our public schools. The budget continues to support the Connecting Country Schools program, which is a $70 million project to improve wireless and internet services in 13,000 learning spaces at more than 900 schools. Members will recall that the Hon. Bronnie Taylor, Deputy Premier John Barilaro and I had the pleasure of seeing firsthand how Connecting Country Schools is benefiting our kids in the Monaro. It made us proud to see how substantially our Government is continuing to invest in the future of regional New South Wales and to learn about the opportunities that connectivity will bring to students.

The 2018-19 budget also supports the implementation of ongoing initiatives such as "Rural and Remote Education: A blueprint for action", which has given students in rural and regional communities improved access to a broad range of curriculum opportunities, including access to specialist subjects through the creation of a virtual secondary school, Aurora College. We are also committed to attracting the best teachers to rural and remote locations across the State. The budget is delivering on that commitment by allocating funding to support the three programs of work that are underway as part of Rural and Remote 2.0. In 2018 New South Wales public schools are also each receiving a share of more than $1 billion across the seven loadings comprising the Resource Allocation Model, including a location allocation. On behalf of regional New South Wales I thank the Treasurer and the Minister for Education for the investment in the regions.

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

MEDICAL ENERGY REBATE

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:01): Last Thursday the Hon. Ernest Wong asked me a question about the Medical Energy Rebate and I undertook to come back to him with an answer as quickly as I could. I can advise the House of the following:

While the medical energy rebate is only available to eligible patients with a Pensioner Concession Card, a Department of Human Services Health Care Card or various Department of Veterans' Affairs Gold Cards, there are other rebate options for those patients who do not have an eligible concession or health care card. For example, they may be eligible for the Life Support Rebate, which provides a rebate to people who have to use certain electricity intensive equipment. The value of the rebate depends upon the type of equipment used by the patient and requires verification from the patient's medical practitioner. The New South Wales Government is continually reviewing and making significant reforms to improve the effectiveness of its energy rebates.

WATER RECYCLING

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:02): Earlier in question time I was asked a question by Mr Justin Field about the review of the effectiveness of the regulation of water recycling initiatives, largely by the private sector. I can advise the House that while no formal public submissions were sought as part of the review, Infrastructure NSW did undertake extensive consultation with private and public sector utilities over the course of the review including through workshops and by all sorts of other means. As I understand it, generally people were very happy with the consultative approach that Infrastructure NSW took.

LIBERAL PARTY BULLYING ALLEGATIONS

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:03): I wanted to check with my chief of staff to make sure that I gave an accurate answer to the question that the Hon. Shaoquett Moselmane asked me earlier in question time about bullying in my office. I can advise that I have not had any of my staff or former staff raise with me any allegation that I have bullied them and my chief of staff has advised me that the office has not received any advice from the Department of Premier and Cabinet that one has been made.

Personal Explanation

LIBERAL PARTY PRESELECTION

The Hon. WALT SECORD (17:04): By leave: I wish to make a personal explanation. During question time I was misrepresented by the Deputy President, the Leader of the Government and Parliamentary Secretary the Hon. Scott Farlow. For the record, I was not interjecting or sledging during the question in relation to the member for Epping and his speech about a 15-year-old Filipino. I was merely—

Leave withdrawn.

The Hon. WALT SECORD: I seek leave to continue my personal explanation.

The PRESIDENT: I will reserve my ruling on that and I will look at it, but my understanding at this stage is that members cannot seek leave to resume a personal explanation once leave has been withdrawn. My understanding is that members can seek leave on another occasion.

Committees

PORTFOLIO COMMITTEE NO. 4 - LEGAL AFFAIRS

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

Debate resumed from 18 September 2018.

The Hon. ROBERT BORSAK (17:06): In reply: I thank all members for their contribution. The reality is that Portfolio Committee No. 4 does very important work. I do not think anyone in this place would have thought that the inquiry would still be going on. Even though the inquiry has been very challenging for the Government and the Minister for the Arts, I am truly grateful for the collegiality of all members of the committee, including Government members. We have dug deeply into the whole fiasco. Frankly, in my opinion, it has been a total waste of taxpayers' money to move a world-class, perfectly functioning museum 20 or so kilometres down the road to a flood prone riverbank.

The secrecy around the relocation is not just lost on the good people of New South Wales and on us in this place. I wish I could stand here and tell everyone that we have unearthed the whole and truthful story of why the Powerhouse Museum needed relocating. Unfortunately, I cannot do that at this moment. I suspect the whole fiasco still has a few twists and turns. What I can say is that my colleagues and I on this very important committee will get to the bottom of this blight on the system in New South Wales. Accountability is the cornerstone of our democratic system of government and democracy is not for sale in New South Wales. I commend the report to the House.

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

Motion agreed to.

PORTFOLIO COMMITTEE NO. 6 - PLANNING AND ENVIRONMENT

Report: Energy from Waste Technology

Debate resumed from 18 September 2018.

The Hon. PAUL GREEN (17:08): In reply: I thank the Hon. John Graham, the Hon. Taylor Martin and others who contributed to the debate. The Hon. Robert Brown talked about—what was it?

The Hon. Robert Brown: Who knows?

The Hon. PAUL GREEN: Polarising?

The Hon. Robert Brown: Pyrolysing.

The Hon. PAUL GREEN: His contribution on pyrolysing was just incredible. I learned something there and the Hon. Matthew Mason-Cox also contributed to the debate. I thank the staff. It was a huge inquiry to undertake. It came down to a couple of things but the main recommendation was that Eastern Creek should not get a waste incinerator, given some of the issues that we talked about. I acknowledge the Hon. Penny Sharpe for her contribution, as the shadow Minister for the Environment and Heritage, about the air pollution and local environment. It is nice to say that these incinerators are all over the world but those were the right things in the right place with the right evidence. That was her contribution.

My part of this inquiry was about the section 88 waste levy. It is deplorable for it to go to the ratepayers and taxpayers. It is doubling up. Taxpayers are putting money towards the Government and they are hit again at their local waste recycling centres with a section 88 waste levy. I am passionate on this issue and I will not let it go until the Government does something to change the inequity of this situation. It is particularly evident in the Shoalhaven area where 50 per cent of the costs of going across a weighbridge are going to section 88 levies yet we still do not have regional waste facilities to manage the waste in New South Wales. It is appalling.

It does not just relate to this Government; it relates to former governments which have not been able to ensure we have zero waste despite our network of waste facilities. We should have zero waste burying and the waste diversion should be far better than it is. The fact is that governments have continued to squander billions of dollars from the section 88 waste levy—$2.2 billion will be collected over the next four years and we will still probably be here in four years asking, "Where's the network of infrastructure to divert our waste from landfill?" We need to do better with our recycling and use of those materials.

We should not rule out energy from waste. I think there may be situations across New South Wales where it is appropriate. We visited northern New South Wales while conducting an energy inquiry into an industry which is seasonally burning sugarcane husks for energy. They are able to make good the woodchip from the Pacific Highway progression but there will be a time when that is no longer possible. Situations such as that may be an opportunity for local councils to think where they can come into the hierarchy. We know that waste incineration is low in the hierarchy—it is not the first thing we should turn to for recycling and landfill—but it is part of the hierarchy to enable the generation of energy, which we know has been in short supply on many occasions in New South Wales, but that is a report for another day.

Section 88 should be dealt with and the collection of the levy money put towards a network of waste facilities across New South Wales so that the ratepayers do not have to dig into their pockets to pay for the council's contribution. That is an important matter for me. It was a great inquiry, which was very timely. We noted that the Environment Protection Authority is obviously too big. It needs to be broken down, with the right people in the right jobs, and compliance should not be with the regulation section. There were many good recommendations. We commend the report to the House, but as we go to an election on 23 March 2019 I strongly urge both major parties to look closely at the recommendations and make platforms for energy use and management for the good of New South Wales.

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

Motion agreed to.

PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE

Report: Alcoholic Beverages Advertising Prohibition Bill 2015

Debate resumed from 14 August 2018.

The Hon. PAUL GREEN (17:14): I speak in the debate on report No. 46 entitled "Alcoholic Beverages Advertising Prohibition Bill 2015", which was chaired by my colleague Reverend the Hon. Fred Nile. This is one of his passions and it is a strategic and timely report, given this deals with not only alcohol beverages advertising but also gambling. They both play a big part in television and social media advertising. The Alcoholic Beverages Advertising Prohibition Bill 2015 was proposed to curb the proliferation of alcohol advertising and to remove messages promoting positive associations with alcohol, thereby encouraging a healthier lifestyle for all Australians. More broadly, it was introduced as a means of combating growing problems in alcohol-related harm.

We have heard a lot about alcohol and recently we have seen a lot in the media about medications, including paracetamol, codeine, valium and benzodiazepines. My colleague said earlier—and he is right—the biggest drug of all is alcohol. Alcohol causes far more incidents than any other drug. In a recent inquiry, chaired by the Hon. Greg Donnelly, looking at drug rehabilitation and detoxification beds across New South Wales, we heard that alcohol is still outpacing ice, heroin, cannabis and the other medications I have just mentioned. Alcohol is the leading cause of many difficult community problems such as domestic violence. It is one of the greater problems in communities.

The 2016 New South Wales Government report by the Chief Health Officer, entitled "Trends in Alcohol Use and Health-Related Harms in NSW", found that a quarter of all adults drink at levels that place their long-term health at risk. Although rates have declined over the last 10 years, the overall impact on health is still high. The report also found that just under one quarter of adults drank more than four standard drinks on a single occasion in the preceding four weeks, which placed them at a high immediate risk of harm.

The health impacts from alcohol vary for different age groups. Those impacts include drinking during pregnancy, which may result in congenital abnormalities and disability, and underage drinking, which can affect the normal development of the brain. Young people under the age of 25 are at higher risk of alcohol-related harm, particularly due to the greater risk of accident and injury. Heavy drinking in young people can also adversely affect brain development, which is not complete until 25 years of age. Older people are potentially more vulnerable to the effects of alcohol during physiological changes associated with ageing, especially as a result of the adverse interactions between certain types of medications with alcohol.

During 2014-15, there were 297 publicly funded treatment agencies for alcohol and other drugs in New South Wales and about 36,000 treatment episodes were completed in that year. Alcohol was the most common principal drug of concern, with more than 40 per cent of the 36,000 treatment episodes related to alcohol use. Counselling, at 43.6 per cent, and withdrawal management, at 17.2 per cent, were also the most frequently used methods in those alcohol-related treatment episodes. The committee found that the strict regulation of alcohol advertising has an integral role to play in addressing the significant health and social costs that alcohol-related harm causes in our society, and in supporting the health and wellbeing of Australians. The Alcohol Advertising Review Board stated in its submission to the inquiry that:

> Alcohol is one of the most heavily marketed products in the world. Australian children and adolescents are exposed to unacceptably high levels of alcohol advertising in a wide range of forms, including television, cinema, radio, print (including magazines, newspapers and catalogues), outdoor (including billboards, sporting grounds, bus shelters and on public transport), online (including social media, YouTube, mobile phones and websites), sponsorship of sport and music events, branded merchandise and product placement (including in music videos).

One of the great programs we introduced in the Shoalhaven was the Good Sports program. We found it more helpful to give a book of cinema tickets to those who won, for example, best player of the match rather than a carton of beer. In that way the whole family won, rather than losing when a parent got inebriated and changed into another personality. It is well known that domestic issues can be highlighted when people consume too much alcohol. I highly recommend the Good Sports program to all members.

There is a substantial body of Australian research that indicates the extent to which young people in Australia are exposed to alcohol advertising and promotion. The World Health Organization noted in the Global Strategy to Reduce the Harmful Use of Alcohol that "It is very difficult to target young adult consumers without exposing cohorts of adolescents under the legal age to the same marketing". The Alcohol Advertising Review Board suggested that the New South Wales Government can play an important role in encouraging the Australian Government to introduce strong, independent, legislated controls on all forms of alcohol marketing. If State governments are to take steps towards reducing people's exposure to alcohol marketing, it is vital that the Australian Government also takes action to maximise the impact and act in areas not available to State and Territory governments.

The committee has recommended that NSW Health closely examine the issue of whether there is any safe level of alcohol consumption and, if so, determine what that level is so the community can be properly informed. The committee recommended further that the New South Wales Government consider appropriate restrictions and/or exclusions on alcohol advertising on all government infrastructure and property, in particular

advertising to which children and young people are exposed. As Reverend the Hon. Fred Nile mentioned in his chairman's foreword, ultimately a mix of strategies, including legislation and education, will be necessary to effect any change in this area.

It was Reverend the Hon. Fred Nile who was responsible for bringing an end to tobacco advertising. Back then that was a very courageous step to take; in 2018 this is another brave and courageous step to take. I agree with Reverend Hon. Fred Nile that our children will be the casualties if we do not do something to minimise alcohol advertising. Alcohol advertising is so widespread that it is very hard for children to turn away from advertising gimmicks that encourage them to try a product. Some eventually get hooked and that is just unacceptable. I commend the report to the House.

The Hon. SCOTT FARLOW (17:24): I contribute to debate on Portfolio Committee No. 1—Premier and Finance, report No. 46 entitled "Alcoholic Beverages Advertising Prohibition Bill 2015". I start by thanking Reverend the Hon. Fred Nile for his work in bringing this inquiry about. This is an important issue for him but I note that some committee members held differing views. I also thank Reverend the Hon. Fred Nile for his role as chair in shepherding this inquiry. He ensured that this was a very respectful inquiry and that all parties received a fair hearing.

Reverend the Hon. Fred Nile: Including the alcohol industry.

The Hon. SCOTT FARLOW: I commend Reverend the Hon. Fred Nile for that. It is well known that Reverend the Hon. Fred Nile holds very strong views on this subject but the way in which he allowed all voices to be heard in this inquiry is a testament not only to him and his service to this Chamber but also to the people of New South Wales. That has resulted in a good report that aired many issues of concern to the community. The Alcoholic Beverages Advertising Prohibition Bill 2015 was proposed to curb the proliferation of alcohol advertising and to remove messages promoting positive associations with alcohol, thereby encouraging a healthier lifestyle for all Australians. More broadly, the bill was introduced as one means of combating the growing problem of alcohol-related harm.

The bill is admirable. The need to reduce the effects and harm caused by excessive drinking is immeasurable but domestic violence, physical health and family-related violence are only some of the issues caused by excessive alcohol consumption. However, it is important to note—and the report fails to highlights this—that a number of organisations that often advertise in public arenas and local institution sites such as stadiums, transport hubs and various television and radio stations are held to the highest industry standards. Indeed, that was one of the things that came out during the inquiry in relation to the codes. The report found that the strict regulation of alcohol advertising has an integral role to play in addressing the significant health and social costs that alcohol-related harm causes in our society and in encouraging a healthier lifestyle among all Australians. A number of recommendations outlined in the report relate to the nature of alcohol advertising especially on adolescents and children.

The report outlines a number of industry standards that have been extended and adapted to enhance and protect the most vulnerable in our communities from the effects of alcohol-related harm. The Alcohol Beverages Advertising Code [ABAC], the Responsible Alcohol Marketing Code and the associated pre-vetting and complaints management systems form the quasi regulatory ABAC Scheme. The ABAC Scheme was developed in 1998 by agreement with all major Australian alcohol beverage manufacturing and marketing industry associations, and key advertising, media and consumer bodies. The Federal Government is also a key stakeholder and has a significant role to play.

Under the ABAC Scheme guidelines for advertising and packaging have been negotiated with government and consumer complaints are handled independently, but all costs are borne by the industry. Membership of and compliance with the scheme is voluntary. However, the individual members of the Brewers Association of Australia, Distilled Spirits Industry Council of Australia and the Winemakers' Federation of Australia have agreed to be bound by the scheme. This means that the majority of alcohol advertising in Australia is regulated by the scheme. I draw to the attention of members that alcohol sponsorship and advertising expenditure contributes significantly to local sports clubs and local institutions, which promote mateship, harmony and community action. Last year alone Venues NSW received revenues from food and beverage sales and naming rights, advertising, sponsorship, recoveries and others in the amount of $12.6 million and $6.3 million respectively.

As a father I would never want my children to be influenced by underage or excessive drinking habits at any time in their life. However, I see the positive impacts that advertising of beverages such as alcohol can have in the community not only through the funding it generates for organisations but also through freedom of information, in particular around price information. The bill as presented does not address the need to educate and further address the issues and root causes associated with domestic violence on children and families. I support the need for reform in the area of alcohol-related harm and the issues its presents to the community on an annual basis. However, this report and the bill as presented failed to achieve this. I again commend the work of Reverend the Hon. Fred Nile in chairing the committee. I look forward to him continuing his hard work to reform and combat the rise in alcohol abuse among

adolescents and families, as well as the resulting issues that arise from it. It is important to note that the figures for alcohol consumption in Australia are decreasing in certain categories. For example, the committee heard a lot of evidence about reduction in the consumption of alcohol in the community.

A lot of the marketing is aimed not at the lower end but at higher-end products, which is where there is growth in the market. Overall, the market is not growing but diminishing. It is important to note that sometimes the solution to problems is a natural curbing of behaviour within our community that should be reflected in our reports. We have seen that during a number of inquiries. For instance, during the inquiry into childhood overweight and obesity there was talk of imposing a sugar tax. But the most significant item named was soft drink, and that consumption of soft drink in our community is declining significantly. However, the consumption of water and carbonated water is increasing. Similarly, when we talk about alcohol, the consumption of lower-strength alcohol may be increasing. People may be changing their behaviours and consuming less alcohol by choosing lighter or lower-carb options with less alcohol content, or people are moving away from the typical spirits. They may be supplementing with wine and other beverages with a lower alcohol content.

It is important to look at the facts when we consider these issues. That is not to say we do not need to do more to combat the social issues that flow from the misuse and excessive use of alcohol. I commend Reverend the Hon. Fred Nile for his work in introducing the bill to the House and for his stewardship of the inquiry. The Hon. Taylor Martin and the Hon. Ben Franklin from the Government side, the Hon. Adam Searle, the Hon. Peter Primrose and Mr Justin Field participated in the inquiry. Along with Reverend the Hon. Fred Nile, the members approached the inquiry with the right perspective and sought to test the strength of the arguments presented to them. The committee report is a good outcome, even if all members do not agree with every part of it. Members can contemplate the report and the Government can consider its options. I look forward to the Government's response to this report.

The Hon. TAYLOR MARTIN (17:31): I speak to the Portfolio Committee No. 1 report on the Alcoholic Beverages Advertising Prohibition Bill 2015. Ultimately, the committee was unpersuaded that the bill is necessary in an effort to reduce problems associated with alcohol. Nonetheless, I thank Reverend the Hon. Fred Nile for his advocacy and his work in this area. The committee spent significant time listening to stakeholders about the purpose of alcohol advertising. On the one hand, we heard from industry representatives who argued that the purpose of alcohol advertising is primarily to secure market share and customer loyalty. These groups argued that consumption levels in Australia have plateaued and may even be falling. A shrinking market means that alcohol beverage advertising is targeted at encouraging consumers to switch between different brands and perhaps choose a premium product in the future.

The fact that advertising seeks to gain market share, as opposed to growing the market, was supported by the Winemakers' Federation of Australia. It argued that a prohibition on alcohol advertising could damage Hunter Valley small businesses. The federation was asked, "How do you differentiate between small wineries in different regions?" It replied, "Forty per cent of the Hunter Valley's production is sold at the cellar door. Advertising gets people to the cellar door but there is a lot of competition out there." Tony Battaglene, Chief Executive of the Winemakers' Federation of Australia, described potential impacts of the bill for wine regions such as the Hunter Valley as, "one of the unintended consequences"—and I agree.

On the other hand, the committee heard from the health and advocacy sector that claimed the purpose of alcohol advertising is not only to secure market share, but also to increase total consumption by targeting new consumers, including those who are under-age, and encouraging greater consumption among existing drinkers. Whatever the truth of the matter, if alcoholic brands are attempting to increase total consumption they are doing a lousy job of it. The committee heard extremely compelling evidence that total consumption in Australia is falling dramatically and that good drinking behaviours are increasing. The respected standard for measuring alcohol consumption is the National Drug Strategy Household Survey undertaken by the Commonwealth Government's Australian Institute of Health and Welfare. The National Drug Strategy Household Survey is a large population survey conducted every three years to determine the use of and attitudes towards alcohol and other drugs.

The most recent survey was conducted in 2016 and collected information from almost 24,000 people across Australia. A number of statistics were presented to the committee including that 83 per cent of Australians are either drinking in moderation or abstaining from alcohol altogether. The proportion of Australians exceeding the lifetime risk guidelines released by the National Health and Medical Research Council declined from 18.2 per cent in 2013 to 17.1 per cent in 2016. The proportion of Australians consuming alcohol daily has steadily declined over a 15-year period from 8.3 per cent in 2001 to 5.9 per cent in 2016. Fewer young people aged between 12 and17 years are drinking, with the proportion of people abstaining from alcohol increasing from 72 per cent in 2013 to 82 per cent in 2016. The proportion of young adults between 18 and 24 years of age who abstained from alcohol in New South Wales has increased from 15.6 per cent to 20 per cent since 2007. The statistics go on to show that levels of alcohol consumption are decreasing in the whole of Australia.

What these statistics show is that, far from requiring further government intervention, current policy settings are resulting in lower consumption and fewer instances of risky alcohol consumption than has occurred historically in New South Wales and Australia as a whole. I acknowledge that some health and advocacy groups presented evidence that certain demographics still have high levels of consumption—surprisingly, older Australians—but the consensus was that there has been a long-term fall in the consumption of alcohol and a trend towards safer habits. The committee heard evidence that a ban on alcohol advertising would have a significant direct impact on major sporting codes' revenue. It would devalue their broadcast rights and have flow-on impacts at the grassroots levels of sport. Those flow-on grassroots impacts are particularly concerning.

The Coalition of Major Professional and Participation Sports represents the Australian Football League, Australian Rugby Union, Cricket Australia, Football Federation of Australia, National Rugby League, Netball Australia and Tennis Australia. Each of those organisations is the governing body for its individual sport, and those sports between them have more than 16,000 grassroots clubs and nine million participants. They described the threat of a ban on alcohol brands sponsoring sporting codes as detrimental to grassroots sport. When revenue is reduced, one of the first things to go is grassroots-level funding.

Based on the evidence presented regarding decreased alcohol consumption, improved drinking behaviours and the likely detrimental effects on grassroots participation, the committee came to the conclusion that now is not the time for the Alcoholic Beverages Advertising Prohibition Bill 2015. This was a conclusion that I supported. Finally, this was the first inquiry that I was a part of from start to finish in my time in the upper House, and I thank Reverend the Hon. Fred Nile for his stewardship and chairmanship of this inquiry. I know this is a cause that he is passionate about, and rightfully so. I commend the report to the House.

Debate adjourned.

PORTFOLIO COMMITTEE NO. 5 - INDUSTRY AND TRANSPORT

Report: Augmentation of water supply for rural and regional New South Wales

Debate resumed from 15 May 2018.

The Hon. ROBERT BROWN (17:38): There are 15 minutes remaining in this debate. I would not mind catching a fish that weighs as much as this report, which is the result of a two-year inquiry. The report, entitled "Augmentation of Water Supply for Rural and Regional New South Wales", contains 51 recommendations and 15 minutes is not enough time to discuss them in detail. I am sure that the members of Portfolio Committee No. 5 – Industry and Transport, who were numerous and varied—

The Hon. Matthew Mason-Cox: And very talented.

The Hon. ROBERT BROWN: Yes. Because the inquiry was so long lots of members wished to participate and we had many substitutions. The Hon. Mick Veitch is deputy chair of the committee and I thank him for taking the chair when I could not attend one of the case studies in Griffith because of illness. The committee also comprised Mr Jeremy Buckingham from The Greens, the Hon. Rick Colless from The Nationals, Mr Scot MacDonald, the Hon. Matthew Mason-Cox, the Hon. Daniel Mookhey, the Hon. Penny Sharpe and the Hon. Paul Green, my very dear friend and colleague. I will hit on a few highlights tonight. I am going to say things that the Government and some Government members may not like, and I make no apologies for that. In my chair's foreword I got a bit literary—I do not usually do that; it might be because I am getting older. With the indulgence of the House, I will read the first part of the foreword. I begin with a quote:

> Those who cannot remember the past, are condemned to repeat it.

Despite various guesses as to who said that first, it was in fact George Santayana in *The Life of Reason: The Phases of Human Progress*, 1905 to 1906. I begin the foreword with a statement that is perhaps a little strange for a water inquiry:

> The Commonwealth, and certainly some States are all currently contributing to a "crisis" in the reliable and affordable supply of energy …
>
> Will our collective Governments repeat this policy failure with a similar failure on water policy? Are we doomed to repeat the mistakes of short-sighted policy "inertia"?

Power is very much like water in its impact on society. It is the most vulnerable and those who are least able to compete for services who suffer when we have power shortages, high power prices and water shortages. No water means no life—finished, gone. The foreword continues:

> Within this period, out to 2036, the Australian population is forecast to increase by around 28 per cent.
>
> By 2050, the World population is estimated to increase by 29 per cent, to 9.8 billion.

That is an awful lot of human beings. The foreword goes on to say:

> The word "augmentation" is used in the inquiry title, and is included at the head of the terms of reference.

The word "augmentation" is used on purpose because by inspection almost—certainly anecdotally—it is an absolute certainty that we will struggle to feed 9.8 billion people. We have the land and we have the water, but we do not have the latter where it is needed. The crux of this report is to encourage the Government to think about planning on a 50-year scale—not on a 20-year scale and certainly not on a four-year electoral cycle. We could never build the Snowy scheme in today's political climate; it just would not happen.

Reverend the Hon. Fred Nile: Or the Sydney Harbour Bridge.

The Hon. ROBERT BROWN: Or the Sydney Harbour Bridge. But we may need to build that scale of infrastructure projects in the future. In fact, we will have to do them—I will probably be under the grass by then. Our grandchildren will have to do them. So we had better find a way to plan and then implement infrastructure projects in a non-partisan manner, because partisanship will kill them.

The Hon. Dr Peter Phelps: It's a nice dream.

The Hon. ROBERT BROWN: I acknowledge the interjection. It is not a dream; it is going to be a necessity.

The Hon. Dr Peter Phelps: You'll get agitators continually saying it should not be done—not it can't be done but it shouldn't be done.

The Hon. ROBERT BROWN: I have only 15 minutes and I do not want to waste time. As I said, the inquiry took more than two years. I will get off my chest what irritated me about it. I approached the Premier's office for some extra funding to send members of the committee to Israel. I would not have cared if it had been Government members, such as the Hon. Rick Colless, but the Premier said no. The embarrassing part was that the Premier also denied the committee funding to bring some Israeli experts to Australia. The Jewish Board of Deputies intervened—it miraculously had a couple of water experts in Australia talking to a world conference and they agreed to address our committee. A whole chapter of the report is on what Israel does about water. I said before that one cannot live without power and one cannot live without water. In Israel water is a strategic thing—like its nuclear power and its arsenal; no water, no Israel.

I pay my respects to and thank the Israeli engineers and managers who addressed the committee, Mr Zaide and Mr Moti Shiri from the Israeli water management company—a government company—Mekorot. I apologise to the people of New South Wales for having been so embarrassed on their behalf. It was disgraceful. The committee made 50-odd recommendations and in two years a lot of water—excuse the pun—has gone through the pipeline or under the bridge or down the channel or across the flood plains. At one stage we had to ask the Commissioner of the Independent Commission Against Corruption [ICAC] whether we should extend the committee's terms of reference because in the middle of the inquiry we ended up hearing allegations of water theft. Documentation in the report shows that the ICAC commissioner asked us not to extend the terms of reference because it would interfere with his own investigation. So we did not go there. At that time the Broken Hill pipeline was about to be started; it is now just about finished and is almost ready to be commissioned. The first recommendation in the report states:

> That the NSW Government immediately make a commitment to not increase the water bills for residents of the Broken Hill area in order to pay for the construction and ongoing maintenance of the Broken Hill pipeline.

Recommendation 2 states:

> That the Independent Pricing and Regulatory Tribunal take into account its 2017 pricing determination for Peel Valley water users when determining water pricing for residents of the Broken Hill area …

During the inquiry we spoke to the Peel Valley irrigators, who were being hit with enormous charges—five, six, 10 times what everybody else was—to pay for the infrastructure of Chaffey Dam. We then interrogated representatives of the Independent Pricing and Regulatory Tribunal [IPART]. Miraculously, they went away and made a determination that postage stamp pricing—which my colleague Mr Scot MacDonald does not approve of—should be applied to the Peel Valley irrigators. There is no reason they cannot do that in relation to Broken Hill. There is no point putting in a pipeline if people cannot afford the water that comes out the end of it. Recommendation 3 states:

> That the NSW Government make a commitment to maintaining and improving the operation of the Menindee Lakes following the construction of the Broken Hill pipeline.

Those recommendations were put at the start of the report because, as I said, the pipeline is almost complete and very soon people will be getting water—which is good—but they are frightened they will not be able to afford it. As I said at the outset, it always affects the most vulnerable in our society, such as people living in an area with no bloody water—and there is no water out there.

The Darling River is going to stop running this Christmas. I suppose it is fortuitous that the pipeline has been built and will supply water. But we cannot have people in a community frightened about whether they will be able to afford a basic necessity such as water or power. Another recommendation is that the New South Wales Government should implement a water balance—that is, inquire into the likely needs for water out to 2050, the middle of the century. That calculation will probably be based on our food production needs and our water availability. As I said, in talking to any water expert they will say that there is going to be a deficit of supply or a surfeit of demand. That is not an issue members can leave for another 20 years while sitting on their backsides polishing the seats in this place and thinking they are doing a great job. We will get to 2050 and have no damned water. Excuse the "damn".

The Hon. Paul Green: Dammed.

The Hon. ROBERT BROWN: No dammed water. This is not a lightweight report in terms of the amount of time, effort and money spent to produce it. The input from people across New South Wales telling their stories about water helped the committee to form sensible recommendations. I doubt whether there is one ounce of political opportunism in this whole report; it is all good, solid policy. Portfolio Committee No. 5, like all the other parliamentary committees, tries very hard to get answers to questions and make recommendations to government that are sensible and can be achieved. I will be interested to hear what Mr Scot MacDonald has to say, as the only member to make a dissenting report—aside from Mr Jeremy Buckingham, which is expected.

Mr Scot MacDonald does not seem to understand why a water balance would be necessary. Around the time the report was tabled the New South Wales Government Office of Water completed a 20-year plan. That is commendable. But 20 years is not 50 years—it is only halfway there. As my Kiwi friends would say, "It's a half-pie job". It is half done—go and do the rest. I will be interested to hear Mr Scot MacDonald explain why he thinks you can plan without first doing the maths. Perhaps he misunderstood the recommendation. We did have some success. The committee can claim as a success a fair shakedown for the Peel and Cockburn valleys from IPART. We did achieve that.

I hope the Government responds quickly to the report. In the case of Broken Hill, something must be done quickly to reassure the population that they will have their water at a reasonable price. If Broken Hill does not have water to put on the ground, to water the grass, the lead dust cannot be suppressed. The children of Broken Hill have a high incidence of lead absorption; they are the victims. I commend the report to the House and I urge the Government to give serious consideration to its recommendations.

The Hon. MICK VEITCH (17:53): It is always hard to follow the Hon. Robert Brown when he is in full flight. But I will have a swing myself. The report is pretty weighty and a fair bit of work is contained in it. There were 118 submissions and nine supplementary submissions. There were 11 public hearings, with four held at Parliament House and the balance at Broken Hill, Deniliquin, Griffith, Moree, Tamworth, Orange and Lismore. About 125 witnesses gave sworn testimony to the inquiry. There were four site visits and, as the Hon. Robert Brown said, 51 recommendations are contained in this comprehensive report.

We encountered several issues along the way. It is inevitable that an inquiry spanning such a long period will experience issues that may put a spanner in the works. And we had a few issues. It would be remiss of me not to reflect upon the Independent Commission Against Corruption [ICAC] referral and the fact that the committee deliberated for quite some time on how that impacted its terms of reference and its work and how the matter should be addressed. Sensibly, we sought advice from the ICAC and Peter Hall, QC, responded to the committee on 3 October 2017 indicating that there was potential for a prejudicial overlap if the committee expanded its terms of reference. On that basis, we refined the committee's activity. Long-running inquiries have changes in committee membership. This committee certainly engaged a number of the members in this place—and not just committee members. There were participating members who, like the Hon. Paul Green, rode shotgun at times.

It is difficult in the time remaining to reflect upon the 51 recommendations and do them justice, so I will not try to do so. I will talk instead about the things that engaged me and my thought processes. The first is the Independent Pricing and Regulatory Tribunal [IPART]. I have been a member of this House for about 12 years but I had not previously had the opportunity to hear IPART officers give sworn testimony before a Legislative Council committee. I was excited by that prospect, as members can imagine. It was good to have them appear. I am not sure that we got a lot from the exercise, but they did take away some views of the committee and they made some changes. The people of the Cockburn and Peel rivers were beneficiaries of that process. It gave committee members an interesting insight into the operations of IPART and how its officers go about their work.

The other thing that intrigued me was the concept of aquifer recharge. The first thing is that in New South Wales we do not know where all our aquifers are located or whether they are primary or secondary aquifers. At some stage a fair bit of work must be undertaken by governments to map our aquifers. I think that would be

valuable work way into the future. We heard evidence from people who had been engaged in aquifer recharge in New Zealand. There are substantial benefits from using an aquifer—in its simplest form—by diverting floodwaters to a holding pond, or turkey's nest, filling up and recharging the aquifer and at some later stage drawing from that aquifer. It is like an underground storage or pondage. We subsequently explored this concept with a number of other witnesses. There was interesting testimony concerning the aquifers at Lake George and various views about whether they would be able to operate in the same manner as those in New Zealand. There was similar testimony about the aquifers around Menindee and whether they could be used. To be fair to all witnesses who gave evidence, it is a vexed issue as to whether it is viable to recharge aquifers.

Cold-water pollution and bank slumping at Deniliquin and Griffith are big problems. They are also key issues in my part of the world. Those who live on the Tumut River raised this during the 2013 inquiry chaired by the Hon. Rick Colless. Bank slumping on the Tumut River is a very serious issue. Some people in Tumut will say that the Tumut River has now become nothing more than an irrigation channel. When there is a need to pump water to the irrigators in the Murrumbidgee Irrigation Area, the way water is run down the river causes bank slumping. Some say landholders are losing substantial land. Others say they are losing some land, but it is undeniable that bank slumping is an issue, particularly along the Tumut River.

The Hon. Robert Brown would be conversant with cold water pollution on fish stocks because the recreational fishers raised it a lot. We took some evidence about a trial that has been put in place to rectify cold water pollution. The concept of a trial has merit. I would like to see the results and have the concept rolled out across New South Wales. Other issues were raised as we travelled around the State on the journey of this inquiry. One was the Broken Hill pipeline. We had a public hearing at Broken Hill and a site visit to Menindee Lakes. I say to those members who have not been to Menindee Lakes that they should have a look—when they are dry and full. It is an amazing part of New South Wales. Some of the witnesses who gave evidence at Broken Hill matched the temperature outside—they were quite heated about the impact of what was then the proposed Broken Hill pipeline. I was particularly taken by the sworn evidence of people from around Pooncarie and the lower Darling irrigators, who had some genuine concerns, of which every member in this Chamber should be cognisant.

We also had an opportunity to carry out a site visit at the proposed Cranky Rock Dam. Cranky Rock phase two was the version that we looked at on the Belubula River. We saw the caves and how they work. We spoke to people downstream who would be the potential beneficiaries of that construction. They had the same concerns as irrigators from Peel River and Cockburn River. They told us that if the dam is built and they are made to pay the opportunity costs, it would make the cost of water exorbitant and they would not use it. That also becomes an issue. It was good to hear testimony about what people would pay for and their capacity to pay. It is really important that that be taken into consideration. Time for my speech has gone much quicker than the journey. I thank the secretariat. This was a substantial body of work.

The Hon. Robert Brown: Highly technical, too.

The Hon. MICK VEITCH: It was very technical. Some of the testimony we took was dry economics. Irrigation is a substantial economic area to understand and the issue of water is also complex. I thank the secretariat. The report is outstanding. They understood all of the technical information. I thank Hansard. They travelled with us across the State to a number of places. Some of the rooms we sit in are not conducive to taking down good testimony. However, they do an outstanding job which enables us to prepare our reports. I thank also all the Committee members for tolerating my chairing.

The Hon. PAUL GREEN (18:03): I speak briefly in debate on the report of Portfolio Committee No. 5 on water augmentation and acknowledge the work of the chair, the Hon. Robert Brown, who did an awesome job. He is passionate about water storage and the adequacy of water needs across New South Wales. Like me, he is passionate about making sure that we have water for the future that is affordable, reliable and accessible. Water is an essential resource that is vital for the livelihood of our citizens and the good management of water use is paramount to everyone in New South Wales. I recently joined the Portfolio Committee No. 5 inquiry into water augmentation. The committee sought to produce a report that ensures there is appropriate long-term strategic planning with an outlook of 50-plus years as well as development of necessary infrastructure to guarantee an adequate supply of water for both current and future generations.

This inquiry focused on many different issues affecting water including the Murray-Darling Basin plan, the Broken Hill pipeline and concern around the need to consider a water equation and a long-term strategic plan for water management. I recently visited Broken Hill. I had the opportunity to speak with many of the local residents who had a great concern about the pipeline. Their major concern was the impact of water pricing, which some of my colleagues have talked about. It is nice to have accessible water, but if it is unaffordable it means diddly squat to the people in Broken Hill. The metal to be used to build the pipeline will come from the Illawarra region, which will guarantee jobs for people in the steel industry. I remember we had a fight in this Chamber about using Australian steel. We won that battle. This is a great example. The New South Wales Government

made sure that the massive pipeline will be built with steel from the Illawarra, which guarantees that all those people will have long-term employment. That is important, given that decision was shaky in the beginning and it looked like we would lose that opportunity.

I strongly urge the Independent Pricing and Regulatory Tribunal [IPART] to take cost of living into account when considering pricing, not only at Broken Hill but also at Tamworth and Peel Valley, as we mentioned earlier. We cannot have an equation that divides the number by the cost of infrastructure and expect people in those areas to cover the cost. It does not work that way. It is not a one-size-fits-all. It was explained that if we were to compare the cost to buying a loaf of bread, in Griffith one would pay $1.02 but in Tamworth one would pay $52. That demonstrated the inequality of the price of water. IPART has a big part to play to ensure that water is affordable, otherwise our industries will suffer. The Hon. Robert Brown said earlier that without water we will have no plants, which means no life. That is the bottom line. In the city we have housing affordability issues. In regional New South Wales the concern is water affordability. Water is an essential service and it may become unaffordable to many families and pensioners.

I turn my attention to the report and the summary of key issues. The report outlines the Murray-Darling Basin Plan and notes the negative views of stakeholders about the plan. I will reflect on the recommendation in a moment. We talked about the situation in Broken Hill. Another major issue is the decommissioning of the Menindee Lakes. People are concerned that the water will be used for fibre industries and that somehow that may impact on their water supply. The concern was: What would happen with the Menindee Lakes in the long term? We talked about the Peel Valley water users and the inequality of water pricing. The major issue to come out of the whole inquiry is that the evidence received by the committee focused on the need for longer term strategic water planning in New South Wales. We are talking about how to build the economy and how to get the Federal budget into surplus. One way to do that is through the food, fibre and agricultural sector, which is our biggest opportunity for growth in the future. But it is worth diddly squat if we do not have any water. We need water in the south, north, east and over the mountains. The long-term strategic use of water means we need new dams. Our party position is that we need more dams. We have not built dams since the 1900s.

When those dams were built 100 per cent of the water was used in the food and fibre industries and by farmers. Twenty per cent of the water was used for environmental purposes but that water has not been replaced. We need dams. Earlier the Hon. Robert Brown referred to population statistics and said that by 2050 we will have a population of 9.8 billion people and a 70 per cent increase in food requirements. If we do not build more dams and increase our water capacity we will no longer be the food bowl of the world. On this Government's infrastructure agenda is the building of roads, light rail, NorthConnex, WestConnex, the harbour tunnel and the Spit Bridge but nothing is being done to harvest more water. Millions of gigalitres of water are going into the ocean. It is a missed opportunity if we do not store that water. We need not only the Cranky Rock Dam at Canowindra but also a dam further north on the Clarence River.

As chair of the Legislative Council Select Committee on Electricity Supply, Demand and Prices in New South Wales I know that we need more affordable, reliable and accessible energy. If we build a dam in the north we could generate much-needed power for our grids. That committee conducted a great inquiry. If in another 40 years or so the environmentalists win and our water is used for environmental purposes, we would have done a disservice to our State and our nation. We need to store more water and we need to do that now. We need new dams and we need to build them now. We cannot rely on bipartisanship because it does not exist in this political climate. We have to lead as we did with our budget surplus—over the past 7½ years $110 billion has been added to our economy. We need new dams. It is time to get on with the job and to provide accessible and affordable water to residents and small businesses across New South Wales. I commend this good report to the House. I acknowledge in the President's gallery my good friends from my bible college days—Mark Longworth and Pastor Chris Smith. I welcome them to the Parliament; it is great to see them here.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): I welcome Mark Longworth and Pastor Chris Smith, guests of the Hon. Paul Green. I hope they enjoy their time in the Legislative Council.

The Hon. MATTHEW MASON-COX (18:12): It is a pleasure to join my colleagues in speaking in debate on the report of Portfolio Committee No. 5 entitled "Augmentation of water supply for rural and regional New South Wales"—one of the most important reports that has been tabled in this place. I congratulate the Hon. Robert Brown as Chair, the Hon. Mick Veitch as Deputy Chair, committee members and the secretariat on their work in producing this report. As the Hon. Robert Brown said, this report, which is a seminal work, contains an enormous amount of detail and a wealth of knowledge. It is important to understand and appreciate the strategies behind this report. The Hon. Robert Brown summed it up well when he said we are talking about a 50-year horizon. To put that into context, we have not built a dam in more than 30 years in this State.

When we are talking about augmentation we can only do certain things on one of the driest continents. We can hope and pray that there is more rain. When it does rain we can try to catch that rain be it by way of a

dam or an aquifer. We can try to transport that water using existing infrastructure. We can build new pipelines, as has been done in Broken Hill. We can also look at how to more efficiently use existing water in the system. The committee spent a lot of time looking at the Murray-Darling Basin Plan. Those are our limitations with a finite resource. The committee wrestled with that when traversing this State and sought expert advice from overseas to understand how best to do that in the next 50 years.

I am sure the Government will give consideration to this important work. There is a lot to grasp and to which it should respond. Other members referred to a number of recommendations in the report. I want to refer in particular to the Murray-Darling Basin Plan, how this committee wrestled with the efficacy of that plan and how to address limitations in the future. Concerns have been raised by a number of stakeholders relating to environmental flows, how to deal with water conveyance, how to deal with transparent and translucent flows, how to deal more sensitively with water users after rain has fallen, and how to manage environmental flows that the Commonwealth Environmental Water Holder wants to send through the system which will impact on users and can cause flooding in some areas. We saw firsthand, particularly around Deniliquin, some of the limitations in the system with the Barmah Choke and other geographical issues that sometimes are not fully appreciated when someone makes a decision to release water.

We considered a lot of issues relating to the Murray-Darling Basin Plan—the political issues between States and how to manage those issues in the future. The Commonwealth Government, under the leadership of John Howard and, dare I say, Malcolm Turnbull as the water Minister at the time, tried to grapple with that issue at a Commonwealth level to bring the States together. We are still trying to work how to do this better. We will continue to do so despite some of the problems between the States, in particular, South Australia, with sustainable diversion limits and how we manage some of the water projects. We must use that water more efficiently across this great State. I want to focus also on the building of dams. We heard about Cranky Rock Dam on the Belubula River and some other options but I want to focus on the potential for expanding the Burrinjuck Dam catchment.

I was keen to see this Government address that matter as part of the Snowy 2.0 feasibility study. Some time ago I put it to Ministers in this Government and to the Premier that as part of the involvement of New South Wales in Snowy 2.0 the feasibility study should address downstream issues and the importance of Burrinjuck Dam. There is real scope through a feasibility study to assess whether the current wall can be used, expanded and its height increased or whether a new wall needs to be built. The latter option seems to be the most likely but a study must be done to assess that. The water that would flow in one of the richest agriculture areas in this country—the Murrumbidgee Irrigation Area and environs—is critical to the future of this country as a food bowl for Asia and other parts of the world. We have an enormous opportunity. If we get the infrastructure right and we invest in such a massive reservoir which would double the existing reservoir—I understand it would give Rupert Murdoch at Wee Jasper water views, so there are benefits for the State and there are benefits for Rupert Murdoch. If we have long-term water security we will have an opportunity to double or triple our agricultural output in that area. I hope the Government will give that due consideration as quickly as possible.

Another issue of concern was the Broken Hill pipeline, which was contentious during the inquiry and I think will continue to be contentious up until the election in 2019. The $500 million is a sunk cost. The question for the people of Broken Hill now is what it will cost them to use that water. It must be appropriately priced to reflect their ability to pay and I am sure the Government will do that in due course. Another matter that was particularly difficult for the committee—besides trying to work out where we might build new reservoirs—was the strategic planning that needs to be done. Time and again we had feedback from stakeholders about the difficulty of dealing with government agencies and the short-termism of some of the approaches taken. This is screaming out for a longer term strategic analysis and framework that is beyond the term of each government. It is an ongoing issue that I trust governments of all persuasions will continue to revisit because we must ensure that we become much more strategic and much more focused on long-term impacts.

An aspect that came out of our visit to Griffith was consideration of the timeliness of water flows. The committee made some recommendations for ensuring that the allocation of water at the start of the season to both high security and general security users is sensitively maximised environmentally and gives more certainty to water users. They should be able to make their plans early in the season rather than having limited allocations until later in the piece, which leads to less crop plantings and has significant impacts on the community and the businesses that rely on the spend in agricultural areas. We need to be more sensitive about that. An idea that I know is close to the Chair's heart is a water equation to inform those decisions earlier in the process. Obviously, how that framework interacts with the Murray-Darling Basin Plan will be a work in progress.

As I said, there is a lot of detail in the report. It is a credit to the Chair, to the committee and to the secretariat who put it together with input from a range of stakeholders, affected parties and scientific experts both here and overseas. It is a report that is worthy of detailed study. I recommend every member have a look at it as part of their late-night background reading. I commend the report to the House and to the Government

The Hon. RICK COLLESS (18:22): I wonder how many people who sit in this Chamber have built a dam themselves. I suspect not very many, but when I worked for the Soil Conservation Service in my former life I literally built hundreds of dams across the wheat belt of New South Wales.

[*Interruption*]

I wasn't too bad, although I was not nearly as good as some of the expert operators in the Soil Conversation Service in those days.

The Hon. Robert Brown: They used to call him D8.

The Hon. RICK COLLESS: We never had anything as big as a D8. The point is that even though the dams I built were generally small farm dams of less than 20,000 megalitres it gave me a great understanding of how water works in a system. I learnt how water storage operates, how water is used, how water yields are planned and all those sorts of things. I soon learnt that the size of the flood one plans for does not matter. Whether it is for a small farm dam, for Warragamba, Burrendong or other major dams, there are a couple of certainties in life. One is that there will always be a bigger flood than the flood one designs and plans for, and there will always be a bigger flood than the biggest flood on the historical record. On the other side, the same philosophy can be applied to drought. There will always be a more severe drought than the worst drought we have ever had. When it comes to water the two certainties in life are that there will always be a drought that is worse than the worst drought on record and there will always be a flood that is bigger than we have ever seen before.

With those few things in mind, I will make a few comments on the committee report on water augmentation. First, I congratulate the Hon. Robert Brown on his chairmanship of the inquiry. He did a remarkably good job. He did not involve himself in partisan politics but tried to maintain a balanced view all the way through. The Broken Hill pipeline has been discussed tonight. When I first heard about the proposal I thought the Broken Hill people were getting a gift. That a city of 20,000-odd people that had been battling to get enough water ever since the day that Charles Rasp first dug a piece of silver from the mountain was going to get a new pipeline seemed like an absolute gift. The current pipeline from Menindee provides a solution that is a lot better than what the people had had before, which was to bring trainloads of water to town by rail when it was dry.

All the talk about the Menindee Lakes and where the water comes from now is a debate that had to be had, but at the end of the day the Darling River is an ephemeral stream. It runs occasionally but most of the time it is dry. It is difficult to base a reliable water supply on a river that has been ephemeral for as long as Europeans have been in Australia and probably for as long as the first peoples have been here. The option was to bring water from the Murray system, which is a snow-fed, reliable system with much more water in it generally. There are more storages upstream and it is better regulated. Broken Hill now has a 100 per cent reliable water supply, but the concern is that the Independent Pricing and Regulatory Tribunal will recommend it be managed on a full cost recovery basis. We will see how that develops. I certainly do not support that point of view but, even if it comes to pass, in a place like Broken Hill water is going to be expensive. A fully reliable supply of water going forward is absolutely the best thing that businesses and residents in Broken Hill could ever have hoped to achieve.

The Hon. Robert Brown: It is fresh, clean water.

The Hon. RICK COLLESS: It is clean water, as opposed to the water that comes down the Darling system. The next point I make relates generally to the Murray-Darling Basin management and, in particular, the management of the lower lakes of the Murray-Darling system, Lake Alexandrina and Lake Albert. Lake Alexandrina and Lake Albert were, of course, an estuarine system that was flushed twice daily by the tides before they put in the barrages in the early 1900s. That changed the ecology of the system dramatically—making it freshwater lakes rather than saline estuarine lakes. It was changed to enable the dairy farms around the lakes in those days to have water for irrigation. That water can still be provided to farmers and water users around the lakes if they better manage it. The other issue concerning the lower lakes is the management of the Coorong. In a natural system, before interference by European peoples—

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): Order! According to sessional order, debate on the motion to take note of the report is interrupted.

Debate adjourned.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): I will now leave the Chair and cause the bells to be rung at 8.00 p.m.

Bills

PARLIAMENTARY BUDGET OFFICER AMENDMENT BILL 2018

First Reading

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by Mr Scot MacDonald, on behalf of the Hon. Donald Harwin.

Mr SCOT MacDONALD: 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.

Mr SCOT MacDONALD: I move:

That the second reading of the bill stand an order of the day for a later hour.

Motion agreed to.

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2018

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. DANIEL MOOKHEY (20:01): As I was saying earlier, this bill ought to be interpreted as an admission of just how wrong various features of the Government's 2012 reforms to the workers compensation system were—The Government was wrong in respect of the dispute resolution system, in respect of the amount of power that insurers have within that system and in respect of how a worker's weekly compensation is calculated prior to injury. This bill seeks to correct those anomalies. In my contribution to this debate I pose the question: why has it taken so long for this action? It is not that these problems were unknown.

In 2012 every one of those problems was flagged by the Labor Opposition, the Law Society, the Bar Association and Unions NSW. There was a panoply of trade unions flagging these very concerns. Earlier in the term of this Parliament the Law and Justice Committee of this House undertook at least two inquiries into the workers compensation system in which the evidence of the direct impact on workers became apparent, and Labor sought to have these issues corrected through another workers compensation bill. The Parliament ought to support the arrival of this bill and its relatively small amendments that follow six years during which the Government knew these mistakes existed.

For the past six years thousands of workers have been subject to the consequences of these mistakes. For example, this is the only State that has this complicated method of calculation of a worker's pre-injury average weekly earnings [PIAWE]. The thousands of disputes in the system have stemmed from the fact that the methodology contained in the existing bill is so opaque and difficult to calculate that workers have had to battle with their insurers on their own in order to get a proper assessment of just how much money they were earning. This was a known problem for the Government. In 2016 the State Insurance Regulatory Authority [SIRA] reviewed the system and reported to the Government, yet there was no action for such a long period of time. The Government's own expert, an esteemed professor, told the Government that there is a relatively simple fix for this: Either revert back to the old definition or adopt the Australian Capital Territory's model—either of those two.

While it is the case that neither of those suggestions has been pursued in respect to this bill, the point remains the same: The Government knew that this was a problem, that it could have been solved, and that it could have been adjusted well and truly before today. As it is, all the people who have been wishing to undertake disputes in respect of the regulation of PIAWE have been subjected to the second massive problem that the bill seeks to correct—the almost pointless form of internal review and merit review, which is insurer dominated and which has prevailed until this point.

For six years the Government has said that it is fine in the dispute resolution system for an insurer to review its own assessments in the first place and only then for the Workers Compensation Independent Review Office [WIRO] to examine whether there is any merit in the assessment or whether there have been any procedural deviations from the usual procedures. Anyone who understands the power insurers have in this system knows why that is so concerning. In case this Parliament requires any further evidence of the type of culture that prevails in the workers compensation system, I point to the culture that has been laid bare by the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry. The royal commission has taken evidence that the same procedures that apply in workers compensation have in other respects, particularly life

insurance, been shown to be applied in an aggressive and intimidatory manner. That is the type of culture that has prevailed in the workers compensation system.

The parallels between what the royal commission heard about banks and what the Standing Committee on Law and Justice heard about insurers and their use of power should have prompted the Government to act well and truly before today. While it is the case that the two amendments to the system that are being pursued by the Government correct all known problems, they are not the only problems that have been brought to the surface in respect of workers compensation. My colleague the Hon. Adam Searle, in his substantive contribution on behalf of the Labor Opposition, set them out in full. If the Government wishes to correct its own system, it will need to go much further than what is in this bill. If the Government wants to correct its own system, it needs to look at section 39 of the Workplace Injury Management and Workers Compensation Act 1998, which is an arbitrary cut-off from benefits of workers who have been assessed to be injured—substantially and permanently impaired—to the point where they are entitled to benefit.

The point remains that with this bill the Government does not wish to open up the debate about section 39, but there are compelling reasons why it should. In the first year of operation of section 39, the first cohort of workers who lost benefits numbered 5,000 in the first year, with an additional 4,000 forecast. From memory, the forecast from then on is approximately 2,000 every year. Already that means that by the end of this year we are looking at close to 10,000 workers who previously had benefits cut off. The Labor Opposition has been pursuing through the Standing Committee on Law and Justice and the budget estimates processes information from SIRA about precisely what has been happening to those workers. Less than a month ago the Opposition heard that in the first year of operation SIRA received 13 reports of workers among that cohort being at risk of self-harm. Six of the workers in that cohort are now deceased, with the Coroner now inquiring into those deaths.

What other policy have we ever implemented that we know leads to the risk of self-harm and we in this Parliament have refused to do anything about it? The other odious aspect of section 39 is that the Government knows that the overwhelming majority of the people who lose benefits under section 39 are destined for Centrelink benefits. That is what is happening, and the Government knows that because the SIRA website provides advice to workers about how to go about getting Centrelink benefits. What other policy has any government ever applied to deliberately transfer people onto welfare payments? That is what the effect of this policy has been. Right now the Government is saying that the taxpayers ought to pick up the slack for the terminated benefits through the welfare system as opposed to employers, where the injury was sustained, through the premiums that were collected. That is what is happening with section 39 and that is not by accident. That is the deliberate policy of the Government to facilitate that transfer.

My colleague the Hon. Adam Searle made the point that there is no financial necessity for that transfer to take place. The workers compensation scheme is in surplus. Depending on which authority one considers, it is at 118 per cent or 127 per cent, with a decision made by icare to retain the additional benefits in order to comply with a standard that no-one else has told them to comply with. That is the reason we are told that we have to collect more than $500 million more in premiums than is paid out. The Government can afford to solve it for thousands of workers. The fact is it is not willing to. I am not going to open up debate about the finances of the scheme. The point is that the scheme is financially capable of addressing the issues with section 39. The scheme is also well and truly capable of dealing with journey claims. Tightening eligibility under the workers compensation system has simply seen the same claims resurface in the compulsory third party system. The problem is that it is another example of how employers of injured workers are transferring their liability to another scheme. In this case, the motorists of New South Wales have to pick up the cost. That can be fixed tonight, and I look forward to consideration of the amendments.

The final issue that we could easily solve tonight is fictional jobs. The Government has stated that it is possible for persons to lose benefits because theoretically a job exists, notwithstanding the fact that no such job exists proximate to where they live. Those who are injured in regional New South Wales will lose more under this rule than anyone else. Under the current rule as interpreted and applied, people are deemed to be members of an employment market that could be up to 200 kilometres away. Insurers say that if a job is within a 200-kilometre vicinity of a person's home, they are capable of working even if they are injured. They say they ought to take the job because if they do not, they will lose their benefits. We can solve that system tonight if we adopt the sensible amendments. I look forward to the Committee stage.

The Hon. NATALIE WARD (20:11): It is a privilege to speak in debate on the Workers Compensation Legislation Amendment Bill 2018. I thank the Hon. Daniel Mookhey for his comments. Having been a member of this Chamber since 6 May 2015—well after the initial workers compensation reforms—he can be forgiven for not understanding the background and for having the luxury of entering this Chamber after the initial reforms were implemented. He has the luxury of standing here and being pious—

The Hon. Adam Searle: And some of us were here, Natalie.

The Hon. NATALIE WARD: I acknowledge the interjection by the Hon. Adam Searle. Some of us were here in 2011 and there was a $4 billion deficit in this space, which this Government cleaned up. It is no surprise that I speak in full support of the bill. This Government is committed to improving workers compensation in New South Wales and has been so committed since it came to office in 2011. We are committed to ensuring that the system is sustainable, which was not done under Labor. We are committed to ensuring that the system assists injured workers to recover at work, which was not done under Labor. We are committed to ensuring that the system provides support to those who need it most, because we have a system that is in place and is not bankrupt, as it was under Labor. We are committed to ensuring that the system is as efficient and easy to access as can be achieved, which was not done under Labor. The amendments implemented by this Government over the past five years have focused on ensuring that the system is sustainable. The reforms addressed an inherited scheme that was fundamentally broken with a $4 billion deficit. I know because I was here and the Hon. Daniel Mookhey was not.

The Hon. Daniel Mookhey: You were elected, like, a year ago.

The Hon. NATALIE WARD: Not in 2011. For the first time in a long time, the system is in surplus—which is something Labor does not know much about. It is a new concept for Labor and for those members sitting opposite. Those members saw this system slide into deficit. This Government has fixed it. For the first time in a long time the system is in surplus so we can provide support to injured workers and those who need it. We are the party of the workers. We are the party that fixes the problems, which puts us into surplus so those who are injured can be supported. The amendments implemented by this Government in 2015 provided a raft of progressive changes to benefits for injured workers, including additional support for injured workers with the highest needs and assisting those with injuries to return to work—something they want to do. Most importantly, they apply the benefits equitably for all injured workers.

Further, the 2015 reforms saw structural changes moving from the former WorkCover Authority—I will not even go there—into three separate bodies with specific functions: icare NSW—god forbid, a customer-focused entity—the insurance service provider for statutory insurance in New South Wales; secondly, SafeWork NSW, the work health and safety regulator for New South Wales; and, thirdly, the State Insurance Regulatory Authority as the regulator with oversight of the New South Wales workers compensation system. The bill continues this Government's commitment to improving the workers compensation system. Fundamental to this bill and the package of reforms announced by the member for Ryde—the fabulous Victor Dominello, who has worked so hard on this bill and the entire WorkCover scheme—is the establishment of the Workers Compensation Commission as a one-stop shop for the resolution of all workers compensation disputes. It is a one-stop shop to fix the problems.

The amendments address recommendation 14 of the Legislative Council Standing Committee on Law and Justice, which I am proud to chair, in its 2017 report entitled, "First review of the workers compensation scheme". Recommendation 14 calls on the New South Wales Government to establish a one-stop shop forum for resolution of all workers compensation disputes, which allows disputes to be triaged by appropriately trained personnel; which allows claimants to access legal advice as currently regulated; which encourages early conciliation or mediation—let us get it fixed early and get them back to work—which uses properly qualified judicial officers where appropriate; which stops us lawyers from going to court and dragging these matters out, and focuses on resolution; which facilitates the prompt exchange of relevant information and documentation; which makes use of technology—something that is new to the Labor Party—to support the settlement of small claims; and which promotes procedural fairness.

The Workers Compensation Legislation Amendment Bill 2018 addresses this recommendation by providing the Workers Compensation Commission with jurisdiction to review a work capacity decision of an insurer with the option for the worker to seek internal review by the insurer—instead of bashing the insurers, why do we not work with them and get the resolution for the worker?—by allowing the Workers Compensation Commission to triage disputes and utilise the expedited assessment pathway already established under the Workplace Injury Management and Workers Compensation Act 1998 and also by allowing the Workers Compensation Commission to establish processes and procedures regarding work capacity decision reviews. This, along with other functional reforms regarding inquiries and complaints, addresses the concerns of overlapping functions and establishes the Workers Compensation Commission as the sole dispute resolution body in the workers compensation system. We understood that this was a concern. So we listened and did something about it. The bill confirms the role of the Workers Compensation Independent Review Office [WIRO], lauded by every member who attended the law and justice inquiry as the one entity that was the honest broker in all of this. It would sort it out.

The Hon. Adam Searle: While you are at it, have you reappointed Kim Garling yet?

The Hon. NATALIE WARD: Do you want to say that outside the Chamber? Say it outside this Chamber.

The Hon. Adam Searle: I just asked have you reappointed Kim Garling. I am happy to ask you in here or out there, Natalie.

The Hon. Trevor Khan: Point of order: Apart from the interjections, references across the Chamber to the member were phrased inappropriately. If the Hon. Adam Searle wishes to refer to the member, he should do so by her appropriate title. I am sure he is not attempting to be anything other than civil, but I suggest that it is entirely inappropriate.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): Order! The Hon. Natalie Ward will be heard in silence.

The Hon. NATALIE WARD: It may well be that I deserved it.

The Hon. Trevor Khan: No, don't do that. I have taken the point of order.

The Hon. NATALIE WARD: I am happy to take on the Hon. Adam Searle on any of those issues and I am happy to stand by the WIRO—as we all do across this Chamber—and the excellent work that it has done. The WIRO has been lauded as a key stakeholder in providing support to injured workers—which is, after all, what we are here about. The WIRO will continue to administer the Independent Legal Advice and Resolution Service [ILARS], which approves funding for legally represented disputes before the Workers Compensation Commission. Further, the bill gives discretion to the Workers Compensation Commission to, in appropriate circumstances, determine disputes about permanent impairment without referral to an approved medical specialist. We heard the feedback on that process, we listened and it has been implemented.

This amendment recognises that, in some circumstances, the existing system unduly delays proceedings and adds to the costs of disputes. This bill establishes a new framework for workers compensation dispute resolution, as it should. This framework and the complementary functional reforms covering inquiries and complaints will encourage prevention and early resolution of potential disputes, as it should. The reforms will generate efficiencies in the current dispute process for workers seeking to resolve disputes and, most importantly, simplify the dispute process for all participants in the system. I commend the bill to the House.

Mr SCOT MacDONALD (20:19): On behalf of the Hon. Don Harwin: In reply: I thank the Hon. Adam Searle, Mr David Shoebridge, the Hon. Daniel Mookhey and the Hon. Natalie Ward for their contributions to the second reading debate. I thank the Hon. Natalie Ward for reminding us about the unsustainability of the fund when we came to government. I am pleased to deliver a reply on the Workers Compensation Legislation Amendment Bill 2018. As all honourable members have heard, the bill will support the Government's commitment to improve the workers compensation scheme.

This bill responds to the findings and recommendations of the Standing Committee on Law and Justice's first review of the workers compensation scheme and will simplify the workers compensation dispute resolution process and establish the Workers Compensation Commission as the central dispute resolution body in the scheme. It will improve and clarify key legislative provisions to reduce and prevent disputes. It will introduce measures to modernise the operation of the workers compensation legislation and allow the State Insurance Regulatory Authority, as the scheme regulator, to more effectively undertake its regulatory and oversight functions.

Primarily this bill will simplify the processes for injured workers who have a dispute with their insurer. The amendments provide the Workers Compensation Commission with full jurisdiction to hear all matters of dispute in the workers compensation system. This includes work capacity decisions which were previously excluded from its jurisdiction. Once again I emphasise the importance of this bill, which address concerns and complexity in the workers compensation dispute resolution system. It should be noted that 95 per cent of claims are processed without dispute. Nevertheless, the Liberal-Nationals Government always stands ready to support injured workers through legislative amendments.

This bill establishes a new framework for workers compensation dispute resolution. This framework and the complementary functional reforms covering inquiries and complaints will reduce the number of formal disputes, provide efficiencies in the current dispute process and simplify the dispute process for all participants in the system. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. There is one set of amendments: Opposition amendments appearing on sheet 2018-112B.

The Hon. ADAM SEARLE (20:23): I move Opposition amendment No. 1 on sheet 2018-112B:

No. 1 **Jurisdiction of Workers Compensation Commission**

Page 7, Schedule 1.2 [8], line 9. Omit all words on that line. Insert instead:

Omit the note to section 105 (1). Insert instead: **Note.** For example, the Commission has the jurisdiction to determine disputes about work capacity decisions of insurers. This amendment deals with the jurisdiction of the Workers Compensation Commission. We think that the Government legislation does not make it explicitly clear, as it should be, that the commission does have the power to determine work capacity decisions made by insurers. We do not think it is good enough to simply remove those parts of the legislation that prevent the commission from having that function; we think it should be done explicitly. This is a key part of the workers compensation system and one that we say at present works a real injustice to injured workers. We think it should be clarified so it does no injury to the policy of the bill—in fact, it reinforces what the Government says it is trying to achieve anyway. I urge all honourable members to support Opposition amendment No. 1.

Mr SCOT MacDONALD (20:24): The Government does not support Opposition amendment No. 1 to section 105 (1) to make specific reference of the jurisdiction of the commission to determine disputes about work capacity decisions of insurers. Such an amendment is not necessary. By removing the provision that expressly prohibits the jurisdiction of the commission for work capacity decisions, this bill ensures the commission's exclusive jurisdiction to resolve all disputes. Section 105 of the 1998 Act provides that the commission has the exclusive jurisdiction to examine, hear and determine all matters arising under the workers compensation legislation, subject to another provision in the legislation.

Right now there is such a provision, section 43 (3) of the 1987 Act, which specifically excludes the jurisdiction of the commission to resolve work capacity decisions. This bill removes section 43 (3) of the 1987 Act and restores the full effect of section 105, in that the commission has the jurisdiction to determine all matters arising under the workers compensation legislation. To make this absolutely clear, the bill removes the note under section 105 (1), which limits the jurisdiction of the commission with respect to work capacity decisions. Any other amendment is not necessary. The proposal is not supported by the Government.

Mr DAVID SHOEBRIDGE (20:26): On behalf of The Greens I support Opposition amendment No. 1. Irrespective of the amendment, the debate has been useful because it has fundamentally clarified the fact that the commission has the jurisdiction for a work capacity decision. I appreciate the amendment being moved. It makes sense to include the note, as proposed by the Opposition, but either way we have got what we wanted.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendment No. 1 on sheet C2018-112B. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. ADAM SEARLE (20:26): I move Opposition Amendment No. 2 on sheet C2018-112B:

No. 2 **Suitable employment**

Page 12, Schedule 3.1. Insert after line 8:

[2] Section 32A, definition of "suitable employment"

Omit the definition. Insert instead:

suitable employment, in relation to a worker, means employment in work for which the worker is currently suited having regard to the following:

(a) the nature of the worker's incapacity and the details provided in medical information including, but not limited to, any certificate of capacity supplied by the worker under section 44B,

(b) the worker's age, education, skills and work experience,

(c) any plan or document prepared as part of the return to work planning process, including an injury management plan under Chapter 3 of the 1998 Act,

(d) any occupational rehabilitation services that are being, or have been, provided to or for the worker,

(e) whether the work or the employment is available,

(f) whether the work or the employment is of a type or nature that is generally available in the employment market,

(g) the nature of the worker's pre-injury employment,

(h) the worker's place of residence,

(i) such other matters as the Workers Compensation Guidelines may specify.

This deals with that part of my contribution to the second reading debate which we identified as perhaps one of the most unjust features of the current legislative arrangement for workers compensation, in that the definition of suitable employment in the legislation is really an abstract. It does not have to be real employment of a kind that a person in the position of the injured worker could realistically get, or even which exists in the local labour market.

The fictional and unreal nature sets up injured workers to fail because the key feature, if you like, of the work capacity test is that a person's capacity for work is measured against the existence of this fictional employment. It is a test which almost all injured workers would fail. We think the definition of suitable employment can do real and important work in the workers compensation system, but the definition has to have a real world meaning. That definition is set out in our amendment No. 2. We have urged this Parliament and this Government to embrace this policy change for some time. This is another opportunity for the Government and the House to do the right thing in this area and lift the standard in the current workers compensation arrangements. I urge the Government and other honourable members to support us in this endeavour.

Mr DAVID SHOEBRIDGE (20:28): The Greens support Opposition amendment No. 2. The primary benefit to this amendment is getting rid of some appalling provisions in the current definition of "suitable employment" in section 32A of the Act. Effectively, the definition of "suitable employment" means a worker is entitled to workers compensation to, as it were, meet the statutory gap between what they could get in suitable employment, given their injury, and what they were earning before they were injured. How much they can earn in the mythical suitable employment is important because it is the starting point.

Under the current definition of "suitable employment", one takes into account the worker's age, education, skills and work experience and their injury, the extent of their incapacity and the rehabilitation they are doing in order to decide what type of job they could do. That is a kind of rational approach and we can understand how that goes. But then the definition says that employment is considered suitable, first, regardless of whether the work or the employment is available. How obscene is it to assume someone can get a job that is not available? Secondly, it is considered suitable employment if the work or the employment is of a type or nature that is generally available in the employment market. That means it is enough for there to be one mythical rumoured job. To add insult to injury, employment is considered suitable regardless of the nature of the worker's pre-injury employment. The fact that someone may have been a scaffolder before their injury but the mythical job is in information technology [IT] maintenance work is irrelevant. The final insult in the current definition is that employment is considered suitable regardless of the worker's place of residence. So an injured scaffolder on the North Coast could be found notional suitable employment in a cooked-up IT job in Bega. That is as bizarre as the Act gets.

Members may think that is a fanciful suggestion. I have had contact with hundreds of injured workers who have found their benefits slashed because of that definition, so I know that kind of thing is happening all the time. Injured workers in regional and rural New South Wales, who the Government claims to be concerned about, are constantly being told that the suitable employment they could get is a job in the city. Any job anywhere in the city is identified as something they could potentially do regardless of whether they did anything like it before they were injured and whether there is more than one of those jobs and notwithstanding the fact that they would have to move to the city from wherever they are living with their family and connections. That is what they are constantly being whacked with. This amendment is important because it gets rid of the nonsense in the suitable employment definition and that is why we support it.

Mr SCOT MacDONALD (20:31): The Government does not support Opposition amendment No. 2 which changes the definition of "suitable employment". The definition of "suitable employment" as per section 32A requires the insurer to consider the worker's injury and related medical evidence. Insurers are to consider the worker's age, education and experience along with any return to work or rehabilitation services that have been provided to the worker. Those are all fair considerations for a workers compensation scheme. The definition excludes some considerations from the application of "suitable employment". They relate to the wider economy and are outside the control of an employer or insurer and include whether the work is available, what work the injured worker was doing prior to their injury and the injured worker's place of residence.

Changing the definition of "suitable employment" seeks to change workers compensation from providing weekly benefits to support an injured worker to return to work to just providing weekly benefits like unemployment benefits. New South Wales employers should not be required to fund the cost of an unemployment benefits scheme. The Government does not support that. The Government, however, is serious about helping

injured workers return to work, not just changing a definition. The Government has put in a place a system that achieves a balance between helping an injured worker to return to work, providing ongoing support to workers with high needs and ensuring that the system is financially sustainable, allowing New South Wales employers to receive competitively priced premiums. What is required is stable management of benefit and policy settings to ensure that the workers compensation system can continue to deliver affordable premiums for employers and fair, effective and sustainable support for workers. The Government does not support the amendment.

The Hon. DANIEL MOOKHEY (20:33): I will ignore the provocation by the Parliamentary Secretary likening this amendment to us arguing for the establishment of an unemployment benefits system, notwithstanding that is the Government's policy with respect to another amendment that we will debate soon. I am vividly reminded of why this amendment is necessary by the evidence that was given to the Standing Committee on Law and Justice by a boilermaker from Newcastle in the first review of the workers compensation scheme. As a result of attending to a fire and helping his workmates, he lost his lung capacity and therefore his ability to work in such a premises. He undertook every other aspect of the system, which in itself is not insignificant, then found himself in a circumstance where, having demonstrated that he was entitled to support as he undertook rehabilitation with a view to returning to the workplace, he was told that he could not get his pre-injury benefits under the definitions of this section. The insurer unilaterally, without informing him, decided that suitable employment exists; therefore, as a result, it can adjust his benefit.

If this amendment does not pass, that insurer power and centrality in the system, which is unaccountable in respect of these decisions, will continue. All we are saying is at least provide a proper legislative definition of what suitable employment is. Namely, let us get rid of this nonsense idea that if an insurer decides that a fictional job exists anywhere in the State at which a worker is capable of working, it has the right to reduce benefits and it is up to the worker to go about proving the opposite. That is what we are trying to adjust. Let us make sure that the job is real and that a person can reasonably access it. It is not an unreasonable reform. Incidentally, other States already have such provisions. We in New South Wales are the outliers here. It is not as though this is a particularly novel concept. This principle existed in New South Wales for a very long time and none of the harms referred to by the Parliamentary Secretary were present.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendment No. 2 on sheet C2018-112B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 16
Noes 19
Majority.....3

AYES

Buckingham, Mr J	Donnelly, Mr G (teller)	Faehrmann, Ms C
Field, Mr J	Graham, Mr J	Houssos, Mrs C
Mookhey, Mr D	Moselmane, Mr S (teller)	Pearson, Mr M
Searle, Mr A	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Veitch, Mr M	Voltz, Ms L
Walker, Ms D		

NOES

Ajaka, Mr	Amato, Mr L	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Fang, Mr W (teller)
Farlow, Mr S	Franklin, Mr B	Green, Mr P
MacDonald, Mr S	Maclaren-Jones, Mrs (teller)	Mallard, Mr S
Martin, Mr T	Mason-Cox, Mr M	Mitchell, Mrs
Nile, Revd Mr	Phelps, Dr P	Taylor, Mrs
Ward, Mrs N		

PAIRS

Primrose, Mr P	Blair, Mr
Wong, Mr E	Harwin, Mr D

Amendment negatived.

The Hon. ADAM SEARLE (20:43): I move Opposition No. 3 on sheet C2108-112B:

No. 3 **Journey claims**

Page 25, Schedule 7.2. Insert after line 5:

[1] Section 10 Journey claims

Omit section 10 (3A).

I addressed the need for this amendment in my contribution to the second reading debate, so I will not labour the point. It is simply time to remove the restriction on journey claims because it works an injustice. Journey claims are an essential feature of a properly functioning workers compensation scheme. All workers should be covered as they travel to and from their place of work rather than there being the unduly restrictive requirement of a substantial connection between any accident and injury and work. That works an injustice and creates needless complexity in the interaction with the compulsory third party insurance scheme. Let us simplify things and make them fairer; let us reinstate journey claims.

Mr DAVID SHOEBRIDGE (20:44): The Greens support the Opposition's amendment to reinstate journey claims. An amendment was moved in the 2012 debate that purported to restore journey claims, but it failed utterly. I think that was modelled on a deeply dysfunctional provision taken from the South Australian Workers Compensation Act. It has proven to have been a complete failure in terms of covering any workers for journey claims. Given that history and given that this Chamber purported to want to protect journey claims, I urge those members who thought the amendment was a solution—they were members of the crossbench—to support the Opposition's amendment to reinstate journey claims. Why do The Greens believe that journey claims should be covered by workers compensation?

The Hon. Adam Searle: Because it is fairer.

Mr DAVID SHOEBRIDGE: That is one very good reason; it is fairer. Indeed, that is the core issue. Getting to and from work is an essential part of work. The Treasurer certainly might share that view, and I would like to see the poor dear covered by workers compensation if he had an accident at some point on that 40-minute journey. All workers should be covered. That is particularly true when we think about the increase in casual employment and people doing short shifts, working late hours and working extended and irregular hours. They can often be exhausted and exhausted workers are at greater risk of injury, particularly if they are driving. I urge those members who represent the interests of rural and regional New South Wales—hopefully we all do—to consider the long journeys that are often required at the end of long shifts done by people working in country areas. I ask them to consider nurses who have done a long shift in a regional hospital and who must travel long distances home.

Mr Scot MacDonald: What about miners?

Mr DAVID SHOEBRIDGE: I note the Parliamentary Secretary's interjection about miners who have done a long shift.

The Hon. Dr Peter Phelps: What about forestry workers?

The CHAIR (The Hon. Trevor Khan): We have had interjections from members on both sides of the Chamber.

The Hon. Walt Secord: No!

The CHAIR (The Hon. Trevor Khan): The member has interjected and he will not interrupt. I will not have this debate descend. I warn all members that interjections are not only disorderly but also will lead to members being placed on calls to order. I remind the Hon. Walt Secord that when referring to another member he will do so using their correct title.

The Hon. Walt Secord: I acknowledge that.

Mr DAVID SHOEBRIDGE: The coverage or not of journey claims is almost a litmus test of members' politics in respect of industrial rights and rights at work. The parties that support journey claims tend to have a more progressive approach to the provision of decent workers compensation coverage and a package of other essential benefits and entitlements for working people. I will not repeat it, but I recall the second reading contribution by the Hon. Adam Searle, who painted the patchy history of journey claims in New South Wales. But for the great majority of the past 92 years, where we had workers compensation rights in New South Wales, journey claims have been covered by the Workers Compensation Act. It will not bankrupt the system; it will have

a very marginal impact on additional premiums. We are talking about a scheme that in the past financial year took $500 million more in premiums than it paid out. It is affordable, fair and essential. If we do not get it now, we will get it soon.

Mr SCOT MacDONALD (20:49): The Government does not support Opposition amendment No. 3. Some people are of the understanding or belief that workers compensation coverage for journey claims is not available in New South Wales. That is simply not the case. The current provisions regarding journey claims provide coverage for all workers in journeys to and from their home and place of work where there is a real and substantial connection between their employment and the accident. This amendment proposes to remove section 10 (3A) of the Workers Compensation Act 1987.

This will add more than $100 million per year to the workers compensation premium bill of employers in New South Wales—that is, $100 million in increased premiums to provide coverage for accidents and injuries that do not have a real and substantial connection to employment, and $100 million in extra costs for businesses in New South Wales to provide coverage for activities of their employees that employers have no control over, cannot prevent and should not be liable for. Stable management of benefit and policy settings is required to ensure that the workers compensation system can continue to deliver affordable premiums for employers and fair, effective and sustainable support for workers. The Government is committed to a sustainable workers compensation system that provides support to injured workers who need it.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendment No. 3 on sheet C2018-112B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 16
Noes 19
Majority.....3

AYES

Buckingham, Mr J	Donnelly, Mr G (teller)	Faehrmann, Ms C
Field, Mr J	Graham, Mr J	Houssos, Mrs C
Mookhey, Mr D	Moselmane, Mr S (teller)	Pearson, Mr M
Searle, Mr A	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Veitch, Mr M	Voltz, Ms L
Walker, Ms D		

NOES

Ajaka, Mr	Amato, Mr L	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Fang, Mr W (teller)
Farlow, Mr S	Franklin, Mr B	Green, Mr P
MacDonald, Mr S	Maclaren-Jones, Mrs (teller)	Mallard, Mr S
Martin, Mr T	Mason-Cox, Mr M	Mitchell, Mrs
Nile, Revd Mr	Phelps, Dr P	Taylor, Mrs
Ward, Mrs N		

PAIRS

Primrose, Mr P	Blair, Mr
Wong, Mr E	Harwin, Mr D

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): I anticipate that debate on the next amendment will be short. There will then be, I am told, a further division. If everyone remains in place it might expedite matters somewhat.

The Hon. DANIEL MOOKHEY (20:58): I move Opposition No. 4 on sheet C2018-112B:

No. 4 **5-year limit on weekly payments**

Page 25, Schedule 7.2. Insert before line 6:

[2] Section 39 Cessation of weekly payments after 5 years

Omit the section. This gets to the heart of the question of whether or not workers ought to be arbitrarily removed from the workers compensation system after five years. That is, workers who are still in receipt of benefits after five years, having passed every single hurdle until that point, and still obtaining benefits, ought to be arbitrarily terminated. In my contribution to the second reading debate I advanced many of the reasons why this amendment should be favoured. The first is that, as a basic matter of justice, people who are injured and are unable to return to work ought not be condemned to a life lived in poverty as a result of a deliberate decision of the Parliament to maintain a provision such as this. The second reason is that, in the absence of this amendment passing, we see the forced transfer of injured workers from the workers compensation system to the Disability Support Pension or the Newstart Allowance. The forced transfer of workers away from a compensation system to a welfare system, which we are told no party supports, will continue.

The final reason this amendment ought to be preferred is because it is affordable. Regardless of whether or not you want to quibble with the state of the scheme before these reforms were introduced, this scheme can be afforded today. The financial impact can be absorbed by the scheme. It is possible to restore this measure of justice for those workers. In closing I remind the House of what we know has happened to the first cohort that has been affected by this reform. Close to 10,000 workers have already lost their benefits in the first 12 months. We are advised that a minimum of 2,000 more workers will lose their benefits every year for as long as this provision exists.

In the first year the State Insurance Regulatory Authority received 13 reports of workers being at risk of self-harm, of which six are now deceased. There are coronial investigations looking into this. This is a known policy that is having this effect. This is a risk known to the Government. No other State has a provision identical to this. Every other State has been able to deal with this issue of returning workers to work after five years, finding alternative employment, and ensuring that they are meaningfully engaged and are not simply living off benefits for the rest of their lives. It is possible for New South Wales to do it. Those 10,000 workers, the 13 people at risk and the fact there have already been six deaths are all reasons this amendment is urgent and why we should pass it tonight.

Mr DAVID SHOEBRIDGE (21:01): The Greens support this amendment. Section 39 of the Workers Compensation Act, which was inserted in its current form in 2012, has caused a wave of despair across New South Wales to people who are already struggling. People who have been out of work and surviving on workers compensation benefits for five years, often already facing substantial financial hardship and emotional hardship because they have lost their capacity to work, are suffering from a serious debilitating injury that has seen them on workers compensation for five years. Then, under the Government's legislative scheme, they are cut off and thrown on the scrap heap. How many people has this happened to? The Government's figures are that at least 3,448 of those injured workers have lost their benefits.

One of the obscene provisions of the bill was that it kicked in at Christmas. Thousands of families across New South Wales got a letter in the mail saying, "Come Christmas, the Christmas present to you from the New South Wales Government is that we are going to chop your workers compensation benefits. You are not going to receive any more payment of weekly benefits. Your medical expenses are going to be terminated. You are on your own." The majority of those 3,448 individual workers were men. The majority of them were older men aged in their late fifties to early sixties, often men who had physical jobs, who after a long period of compensation are not going to find another job. They have had their workers compensation benefits cut off and they have nothing. Of those almost 3,500 workers, the State Insurance Regulatory Authority [SIRA], which handles the claims, identified some 375 of them—just slightly over 10 per cent—as particularly vulnerable because of their case histories.

I would have thought that pretty much every one of those workers was vulnerable, given what is happening to them, but SIRA found that 375 of them were vulnerable. SIRA tracked those workers and what happened to them after their benefits were cut. Of the group of 375, six have potentially taken own their lives—they have died, and they have potentially taken their own lives. The deaths of the six who have been tracked are going to be the subject of coronial investigation. Those six deaths are in addition to 13 workers who have been identified as having engaged in self-harm. These workers are a small subset of workers who were tracked following the cessation of their benefits.

This scheme, even on the Government's extraordinarily and unnecessarily high valuation and sustainability models that most fair-minded observers say grossly underestimates the surplus, is about $2 billion in surplus. Last year the scheme took $500 million more in premiums than it paid out. This scheme can afford to pay injured workers decent benefits while allowing them to retain their medical benefits. If this amendment is successful, we would see this wave of despair recede, decency restored, injured workers lifted out of poverty and families able to afford to pay for their kids to go on school excursions. This amendment is essential. If it is not

passed now, we must restore fair workers compensation after the State election. It should be front and centre for people who care about fairness in this State.

Mr SCOT MacDONALD (21:05): The Government does not support Opposition amendment No. 4 to make specific provision for the repeal of section 39 of the Workers Compensation Act 1987. This amendment would immediately return the system to the financial difficulties it was in prior to this Government's reform in 2012. The simple fact is that in 2012 New South Wales workers compensation was $4.1 billion in debt. The system was broken. It did not provide support for those injured workers who needed support the most and it was financially unsustainable.

Removing a provision that limits an injured worker's entitlement to 260 weeks of weekly payment unless the worker is assessed with a permanent impairment of more than 20 per cent will immediately impact the scheme in the order of $5 billion in addition to a future cost of about $700 million per year in additional employer premiums. This Government has put in place a system that achieves a balance between helping an injured worker return to work, providing ongoing support to workers with high needs and ensuring that the system is financially sustainable, while allowing New South Wales employers to receive competitively priced premiums. The Government does not support this amendment.

The Hon. DANIEL MOOKHEY (21:07): I would like to respond to the Government's response to this amendment. The $5 billion figure that the Parliamentary Secretary cited is best described as total nonsense as it is not supported by any evidence. It is not supported in a single model that the Government has tabled. I know this because we took this matter up with the chief executive officer of Insurance and Care NSW during a hearing of the Law and Justice Committee. The chief executive officer did not estimate that liability to be anywhere near as high as $5 billion. It is disappointing that the Government has hidden behind such nonsense figures to disguise the fact that it has made a malicious choice not to restore benefits to injured workers.

The CHAIR (The Hon. Trevor Khan): The Hon. Daniel Mookhey has moved Opposition amendment No. 4 on sheet C2018-112B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 16
Noes 19
Majority.....3

AYES

Buckingham, Mr J	Donnelly, Mr G (teller)	Faehrmann, Ms C
Field, Mr J	Graham, Mr J	Houssos, Mrs C
Mookhey, Mr D	Moselmane, Mr S (teller)	Pearson, Mr M
Searle, Mr A	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Veitch, Mr M	Voltz, Ms L
Walker, Ms D		

NOES

Ajaka, Mr	Amato, Mr L	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Fang, Mr W (teller)
Farlow, Mr S	Franklin, Mr B	Green, Mr P
MacDonald, Mr S	Maclaren-Jones, Mrs (teller)	Mallard, Mr S
Martin, Mr T	Mason-Cox, Mr M	Mitchell, Mrs
Nile, Revd Mr	Phelps, Dr P	Taylor, Mrs
Ward, Mrs N		

PAIRS

Primrose, Mr P	Blair, Mr
Wong, Mr E	Harwin, Mr D

Amendment negatived.

The Hon. ADAM SEARLE (21:15): I move Opposition amendment No. 5 on sheet C2018-112B:

No. 5 **Dismissal after injury**

Page 25, Schedule 7.2. Insert after line 17:

[4] Section 248 Dismissal after injury an offence

Omit section 248 (1) and (2). Insert instead:

(1) An employer of an injured worker who dismisses the worker is guilty of an offence if the worker is dismissed because the worker is not fit for employment as a result of the injury.

Maximum penalty: 100 penalty units.

The amendment deals with dismissal after injury. It omits the current provision that says it is okay to terminate the employment of an injured worker after six months and inserts instead a more generalised provision that makes it an offence to terminate the employment of a worker because they are not fit for employment as a result of an injury. The Opposition thinks it is important to lay down a clear public policy in favour of protecting injured workers. The statistics show that once an injured worker is separated from their employment—for all practical purposes—it is all but impossible to get the worker back into the world of paid employment.

It is not the case that most injured workers are able to rejoin the general community of employed workers once they have been separated in this way because, understandably, if a potential new employer becomes aware that a person has had a previous workplace injury and workplace injury claim they can be disinclined to employ them. The Government's record on measuring return to work—which measures only how many people are exited from the workers compensation scheme and does not actually bear any relationship to people rejoining the world of paid employment—is simply not good enough. The problem is that the current system is throwing thousands of people on the scrap heap as they exit the workers compensation scheme and the supports it currently provides.

This amendment is a necessary part of building a fairer scheme—one that provides meaningful protections to people's employment to keep them connected to the world of paid work so they can continue to support themselves and their families. I remember that when the current Government put forward its reform proposals former Minister Greg Pearce made an important appeal in favour of his package on the basis that the Government would subsequently do more on employer obligations. He accepted the need for more obligations on employers to do their part and to take injured workers back into the workplace, rather than paying them out. To date, the Government has not followed through on those commitments. That is inadequate. This is an opportunity to step along that path and to put in that additional protection to support the employment of injured workers.

Mr SCOT MacDONALD (21:18): The Government does not support Opposition amendment No. 5, dismissal after injury, which makes it an offence to dismiss a worker at any time if they are not fit for employment because of an injury. Such an amendment is not necessary. The current provisions in the workers compensation legislation provide protections for injured workers, including a provision that makes it an offence for a worker to be dismissed within six months of a work injury because the worker is not fit for employment as a result of the injury.

This period is greater if subject to a suitable industrial agreement. After that time an employee has a right to apply to their employer for reinstatement, and the Industrial Relations Commission may order reinstatement up to two years after the worker is dismissed and, in special circumstances, after that time. Depending on their circumstances a worker may also be protected from dismissal by State and Federal law as well as under any enterprise agreement or contract that may apply to them. These provisions have been in the Workers Compensation Act since 2006. Prior to this similar provisions existed in the Industrial Relations Act under part 7, protection of injured employees.

Any amendment to section 248 is not necessary. Making it an offence to dismiss an injured worker at any point in time adds a layer of bureaucracy and restriction on New South Wales businesses. Stable management of benefit and policy settings is required to ensure the workers compensation system can continue to deliver affordable premiums for employers and fair and effective sustainable support for workers. The amendment is not supported.

Mr DAVID SHOEBRIDGE (21:20): The Greens support this amendment, which will actually put in place some protections for injured workers. This is only a partial protection for injured workers. There is a greater discrimination that injured workers face, which is that, when they apply for another job, those putative employers are able to request their workers compensation history—and anybody with a workers compensation history is often ruled out immediately for future employment. We know injured workers face systemic discrimination when they lose their job. That is one of the reasons The Greens support this additional protection for injured workers with the job they had at the time they are injured. Nobody chooses to be injured at work.

All this amendment does is to prevent the worker being sacked because of their injury. It prevents an employer sacking a worker because of their injury and their incapacity following their injury. It does not curtail other employment rights. It simply says that, if someone has been injured at work, you cannot sack them for that reason. That is a core protection. For The Greens it is a core protection for injured workers. It is only part of the protections. We require a broader statutory protection to stop discrimination against workers who have had a workplace injury. This amendment goes some way to providing the protections, and for that reason we support it.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendment No. 5 appearing on sheet C2018-112B. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. ADAM SEARLE (21:22): I move Opposition amendment No. 6 appearing on sheet C2018-112B:

No. 6 **Pre-injury average weekly earnings**

Page 29, Schedule 8.2 , lines 32-42. Omit all words on those lines.

This amendment seeks to simplify the Byzantine way in which pre-injury average weekly earnings are at present calculated. I made the case for that in my contribution to the second reading debate, and I will not labour the point.

Mr SCOT MacDONALD (21:22): The Government does not support Opposition amendment No. 6 to pre-injury average weekly earnings [PIAWE], which omits all lines from 32 to 42 on page 29. The proposed amendment seeks to apply the PIAWE amendments to all claims which have a PIAWE calculator. The bill proposes amendments to the PIAWE that simplify the methodology for determining the PIAWE to ease the administrative burden currently imposed on insurers, employers and workers required to work out how much a worker is entitled to receive in weekly payments. It is not expected that the bill will significantly change the amount of weekly payments a worker is entitled to.

The proposed amendment to apply the PIAWE changes retrospectively will mean the PIAWE, which has already been laboriously calculated, will need to be recalculated. Some of the PIAWEs will have already been through the review process and would need to be recalculated yet again under this proposed amendment. The proposed amendment would require insurers to go back and recalculate the PIAWE that has already been applied for every claim since 1 October 2012, almost six years of claims. In this time more than 270,000 workers have received weekly benefits. This amendment would impact on the focus of insurers and the system, which should be returning injured workers to work and health.

Insurers will be required to open every closed claim and contact every injured worker, even if they have returned to work or even to obtain the required information and recalculate their PIAWE. Any recalculation of PIAWE would require an insurer to make a work capacity decision and potentially adjust an employer's premiums. It is estimated that that would take more than 10 hours per claim at an estimated $50 per hour. The amendment will require the system to spend more than $100 million on an administrative nightmare—$100 million for no real benefit to the injured workers.

The benefit to workers and employers from the PIAWE amendments in the bill comes early in the claim when weekly payments are first being determined. It has been calculated that to make insurers, employers and workers revisit PIAWE once—often years later—will not benefit anyone. For the vast majority of workers, there would be very little benefit in having their PIAWE recalculated years after their date of injury and it is likely they have recovered and returned to work. The Government does not support the amendment.

Mr DAVID SHOEBRIDGE (21:25): The Greens support the amendment, but we acknowledge that it will create an administrative burden in the way in which it is presented. But there are many ways of resolving that. One would be that, whenever a claim is reactivated and there is a further claim or an alteration of the claim in relation to weekly benefits, we use the simpler provision. Another way could be at the request of an injured worker, who could request a recalculation—this is for claims before the commencement of the Act. I can tell the Committee now that, having gone through the miserable process, there will not be a whole raft of injured workers who want to pull the scab off the abrasiveness they experienced with previous pre-injury average weekly earnings [PIAWE] calculations.

There are many ways that that can be resolved so that the point is arrived at as soon as possible and so that you do not have, as we now do, claims between July 2012 and October 2012 and claims between October 2012 and September 2018 being calculated on this basis, but after September 2018 claims that will be calculated on a different basis. With goodwill, we could get to a position whereby whenever a claim is being revisited, reviewed or determined from this point forward, we use the simpler and fairer calculation model, which is contained in the Government's own bill. That is where we should get to. I think there are regulation-making powers

that would allow that to happen going forward with the bill in its current form. I would hope that with goodwill the Minister and the various agencies can work to get into that position. What we do not want is a situation whereby two years from now insurance clerks are using the broken PIAWE model rather than the clearer one that has been adopted in this bill. Having made those observations, I reiterate that The Greens support the Opposition's amendment.

The Hon. ADAM SEARLE (21:27): At the risk of prolonging the debate unduly, I wish to make the Opposition's position very clear. The Opposition's amendments apply not only to clarified pre-injury average weekly earnings [PIAWE] calculation to new claims coming into the system but apply that simplified definition to all the ones that are currently active in the system. But if a claim has been closed and finalised before this legislation is brought into force and effect, this amendment does not retroactively upload closed or determined claims.

The scenario outlined by the Parliamentary Secretary is fanciful and not properly grounded. I do not believe it will have that legal effect. Yes, it would have that effect on all the current live claims in the scheme and, yes, there would be a degree of administrative action to calculate for all of those existing claims or beneficiaries the new PIAWE, but it would not revive claims that have been brought to a legal end. Those matters that have been legally determined remain so and will not be revived retrospectively by this amendment, were it to be carried. I urge members to support the Opposition's amendment.

The CHAIR (The Hon. Trevor Khan): The Opposition has moved amendment No. 6 on sheet C2018-112B. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as read be agreed to.

Motion agreed to.

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

That the Chair do now leave the chair and report the bill to the House without amendment.

Motion agreed to.

Adoption of Report

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

That the report be now adopted.

Motion agreed to.

Third Reading

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

That this bill be now read a third time.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The question is that this bill be now read a third time.

Motion agreed to.

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

Second Reading Debate

Debate resumed from 15 September 2018.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The question is that this bill be now read a second time.

The House divided.

Ayes 31
Noes 5
Majority.....26

AYES

Amato, Mr L	Clarke, Mr D	Colless, Mr R

AYES

Cusack, Ms C	Donnelly, Mr G	Fang, Mr W (teller)
Farlow, Mr S	Franklin, Mr B	Graham, Mr J
Green, Mr P	Harwin, Mr D	Houssos, Mrs C
Khan, Mr T	MacDonald, Mr S	Maclaren-Jones, Mrs (teller)
Mallard, Mr S	Martin, Mr T	Mason-Cox, Mr M
Mitchell, Mrs	Mookhey, Mr D	Moselmane, Mr S
Nile, Revd Mr	Pearson, Mr M	Phelps, Dr P
Searle, Mr A	Secord, Mr W	Sharpe, Ms P
Taylor, Mrs	Veitch, Mr M	Voltz, Ms L
Ward, Mrs N		

NOES

Buckingham, Mr J	Faehrmann, Ms C	Field, Mr J (teller)
Shoebridge, Mr D (teller)	Walker, Ms D	

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. I have four sets of amendments: Opposition amendments on sheet C2018-094E; The Greens amendments on sheet C2018-097C; Animal Justice Party amendments on sheet C2018-117; and a Christian Democratic Party amendment appearing on sheet C2018-115A. We will deal with the Opposition amendments.

The Hon. PENNY SHARPE (21:43): By leave: I move Opposition amendments Nos 1 to 7 on sheet C2018-094E in globo:

No. 1 **Alcohol and other drug related driving offences not to be dealt with by penalty notice**

Page 3, Schedule 1 [1], lines 2–8. Omit all words on those lines.

No. 2 **Alcohol and other drug related driving offences not to be dealt with by penalty notice**

Pages 3 and 4, Schedule 1 [3]–[7], line 15 on page 3 to line 8 on page 4. Omit all words on those lines.

No. 3 **Alcohol and other drug related driving offences not to be dealt with by penalty notice**

Page 4, Schedule 1 [9], lines 12–14. Omit all words on those lines.

No. 4 **Alcohol and other drug related driving offences not to be dealt with by penalty notice**

Page 4, Schedule 1 [11], lines 19–23. Omit all words on those lines.

No. 5 **Alcohol and other drug related driving offences not to be dealt with by penalty notice**

Page 5, Schedule 1 [14] (proposed section 215C (1)), lines 6–10. Omit all words on those lines. Insert instead:

(1) The Authority may, by notice in writing, require a person to undertake an alcohol or other drug education program specified in the notice if the person has been found guilty of an offence against section 110, 111 or 112.

No. 6 **Alcohol and other drug related driving offences not to be dealt with by penalty notice**

Pages 5 and 6, Schedule 1 [15]–[17], line 26 on page 5 to line 16 on page 6. Omit all words on those lines. Insert instead:

[15] Section 224 When immediate licence suspension notice may be issued by police officer

Omit "110 (4) or (5)" from section 224 (1) (b). Insert instead "110".

No. 7 **Alcohol and other drug related driving offences not to be dealt with by penalty notice**

Pages 7 and 8, Schedule 2, line 1 on page 7 to line 7 on Page 8. Omit all words on those lines. Insert instead:

Schedule 2 Amendment of Roads Act 1993 No 33

I move amendments Nos 1 to 7 on behalf of the Opposition in order to obtain the right of a court to determine the penalty for novice-range, special-range and low-range prescribed concentration of alcohol [PCA] and other drug offences. In doing so, Labor maintains support for the immediate suspension of a driver licence for the prescribed concentration of alcohol offences but only until the matter is heard in court. Amendments Nos 1 to 5 omit sections of the bill that would allow for novice-range, special-range and low-range prescribed concentration of alcohol and

other drug offences to be dealt with by penalty notice as well as consequential provisions that flow from this, such as the provision for calculating whether such offences constitute a first or second offence.

As I outlined in my contribution to the second reading debate, Labor is concerned that the proposal to deal with these serious crimes by penalty notice will impact negatively on the general and specific deterrence of sentencing for these crimes in court. As the Law Society of New South Wales outlined, it is possible that these reforms will not only decrease deterrence but also increase offending and recidivism rates and have a significant impact on people's livelihoods, particularly on those living in regional and remote areas. There are also valid concerns that they may increase the burden on the Local Court system and negate any expected reductions in court time and resources.

Amendment No. 6 maintains the new power of the bill to suspend a driver licence upon committing a novice-range, special-range or low-range PCA offence but provides for the licence suspension to be in place only until the matter is heard in court, thereby replacing the new automatic three-month suspension proposed by the Government. Currently, section 224 of the Act states that a police officer may give a driver a suspension notice, an immediate licence suspension notice, in a number of circumstances including where the driver is charged by the police officer or another police officer with an offence under section 110 (4), which is middle-range prescribed concentration of alcohol, or under section 110 (5), which is high-range prescribed concentration of alcohol. This amendment omits the current reference to section 110 (4) and 110 (5) and instead references all of section 110. That means that the immediate licence suspension would now apply to a driver charged under any prescribed concentration of alcohol offence in the same way but only until the matter is heard before the court.

The Opposition amendment therefore removes the proposed automatic three-month licence suspension and reverts to the current wording, which means any driver licence held by the driver is suspended from the date specified in that notice or, if the notice so specifies, immediately on receipt of the notice until the charge is heard and determined by a court or until the charge is withdrawn. Currently the time between arrest and court determination for low-range PCA is around 44 days or for other drug offences around 54 days. This provides for a significant immediate punishment for drivers charged with these crimes by resorting to a simple penalty offence or bluntly dealing out the same sentence to all offenders regardless of the mitigating factors in their sentencing.

Amendment No. 7 removes the consequential changes to other legislation that also provide those same offences to be dealt with by penalty notice. With these amendments Labor maintains a tough approach on those who commit alcohol- and drug-related driving offences but also maintains the important deterrent effect of requiring offenders to attend court and deal with the range of impacts derived from that experience. These amendments uphold the discretionary powers of the courts in sentencing people who present with a wide array of circumstances so that the most just sentencing outcomes may be reached. I commend the amendments to the House.

The CHAIR (The Hon. Trevor Khan): It would seem appropriate that Mr David Shoebridge move The Greens amendments Nos 3 and 4 on sheet C2018-097C and then the Hon. Mark Pearson move the Animal Justice Party amendment No. 1 on sheet C2018-117. I will put the question on the amendments separately but they all traverse at least part of the same area as the amendments moved by the Opposition.

Mr DAVID SHOEBRIDGE (21:47): By leave: I move The Greens amendments Nos 3 and 4 on sheet C2018-097C in globo:

No. 3 **Immediate licence suspension notice**

Pages 5 and 6, Schedule 1 [17] (proposed section 224 (4) (b1) (ii)), line 44 on page 5 to line 2 on page 6. Omit all words on those lines. Insert instead:

(ii) the driver elects to have the matter determined by a court in accordance with Part 3 of the *Fines Act 1996*,

No. 4 **Immediate licence suspension notice**

Page 6, Schedule 1 [17] (proposed section 224 (4) (b2) (ii)), lines 12–15. Omit all words on those lines. Insert instead:

(ii) the driver elects to have the matter determined by a court in accordance with Part 3 of the *Fines Act 1996*,

The Greens support the Opposition amendments, which basically retain the status quo for low- and mid-range prescribed concentration of alcohol [PCA] and drug-driving offences. I appreciate that all parties combined last week to have a quick but, I think, very useful inquiry into these parts of the bill in particular. I commend the work of the chair of that inquiry. I thank all members of the Chamber who cooperated so that we could do our job and properly scrutinise the legislation. We were helped by some very informed submissions from the Law Society of New South Wales, Armstrong Legal, Legal Aid NSW, the Aboriginal Legal Service and the New South Wales Bar Association. To a person, those stakeholders said that the proposal to replace a court appearance with

a standardised penalty notice for low-range PCA and drug-driving offences was problematic and going in the wrong direction.

There was significant and, I think, useful debate about the differences in recidivism rates in Victoria and New South Wales. The Victorian statistics taken over a 10-year period show a 29 per cent recidivism rate from a first offence of drink-driving in Victoria. A penalty notice regime has been operating for the great majority of that period and that State has a high recidivism rate of 29 per cent for drink-driving offences. Some data taken over a one-year period in New South Wales shows a recidivism rate of 8.1 per cent. But there is more useful data in a Bureau of Crime Statistics and Research review from 2009, which I accept was a few years ago, showing a recidivism rate of about 15 per cent over a five-year period. All of the figures we have floating around show consistently lower recidivism rates in New South Wales than in Victoria, but I accept that the statistics are imperfect. They are not comparing apples with oranges, but they are comparing Granny Smiths with royal galas and fujis. I accept that, but there is very real concern about the high recidivism rates in Victoria.

One reason given to explain the high recidivism rates in Victoria is the fact that a person in New South Wales who has been found to be drink-driving or driving with an identified drug in their system is dragged before a magistrate and has the riot act read to them. I have seen the way magistrates do that very effectively, as I am sure other members have. They look the offender in the eye and say, "I have personally seen the effect of drink-driving. I have seen the trauma and injury caused. Your behaviour puts people at risk and that is why you are in this court. It is why you had to get a lawyer and it is why you have to plead guilty. This is a serious matter. If I see you again you will have the book thrown at you."

That has a salutary effect on people and shows that society takes drink-driving seriously. It has proven to work and we have low recidivism rates in New South Wales. The panel of lawyers said that replacing our system with a simple penalty notice similar to those issued for a speeding or parking offence does not identify the serious nature of the offence and will not have the same salutary effect. The individual deterrence factor is a very real matter and one of the principal reasons that The Greens oppose the Government's amendments contained in the bill and support the Opposition's proposal to strip them out.

The Greens oppose the expansion of the penalty notice regime for other substantial reasons. In particular, I will note the helpful submission from Aboriginal Legal Service Principal Legal Officer Nadine Miles and will read from the report. I am grateful to the secretariat for the speed with which they produced a really comprehensive and intelligent report. They almost always do extraordinarily good work; this was remarkably fast, extraordinarily good work. I commend them for it. Paragraph 2.13 of the report states:

> Ms Nadine Miles, Principal Legal Officer of the Aboriginal Legal Service, also contended that these reforms will disproportionately impact on Aboriginal people, as the top offence for Aboriginal women and third top offence for Aboriginal men relates to traffic and regulation offences respectively, and recommended that the offence remain one that goes to court ...

That was referring to the Aboriginal women and men who are incarcerated in our jails now. Ms Miles said: There are ways in which this legislation, and the regime in which it is addressing, will ultimately, I say, have an impact on driving up those figures and will do nothing to reduce them. There are complex ways in which that will be achieved but clearly taking away the ability of the court to engage with an offender and to set an appropriate penalty, based on a person's subjective features and the reasons as to why they have offended, is a significant matter and one which I would urge the Parliament to reconsider.

Ms Miles also gave us some data about the rates at which Aboriginal people respond to penalty notices. The average response across the population is 50 per cent. People get a penalty notice and they respond in a timely fashion before the State Debt Recovery Office [SDRO] commences enforcement action. Half of the general population respond, but for Aboriginal people the rate is about 9 per cent. They just do not engage with penalty notices. By not engaging with the penalty notice—for people on a modest income the payment is very high, more than $500—the debt goes to the SDRO and it escalates. Drivers have their licence cancelled, they can have other enforcement proceedings taken and, as we have seen time and again with other traffic offences, what starts as a low-range prescribed concentration of alcohol [PCA] escalates into a person being found guilty of driving while unlicensed.

It is a very serious penalty that can result in jail time being served and that is already the case in New South Wales with jails filling up with Aboriginal men and Aboriginal women. The advice we received in that committee was that these amendments will aggravate that situation. I commend the Government for its brave work. It was the work of the Attorney General and I do not often speak highly of the Government's actions in the criminal justice area, but last year there was brave work from the Attorney General in trying to reverse the escalating trends of driving unlicensed, particularly amongst Aboriginal drivers. At that time we put in place reforms to give people a viable second chance to get their licence back and those reforms have worked. We have not seen an increase in driving unlicensed. We have seen a significant increase in the number of people getting their licence back, particularly with Aboriginal drivers.

The Hon. Catherine Cusack: Often in country areas.

Mr DAVID SHOEBRIDGE: I note the interjection "often in country areas", where having your licence is essential. The changes have worked—our roads are no less safe and people have got their licence back. Then 12 months later, the Government does this, which goes in exactly the wrong direction. It is putting in place standardised penalty notices that we know will not be responded to by the great majority of Aboriginal drivers who are found to offend. We know that will escalate into driver disqualification and we know that driver disqualification will see more and more Aboriginal people caught up in the criminal justice system. We will see more women in jail and more men in jail, which is working against the reforms we put in place last year. That was the clear advice we received from the key stakeholders. Many of the concerns raised in that inquiry were responded to with intelligent responses from the Government. But on this point, we just got "a computer says no." There was acknowledgement of the problem with Aboriginal drivers losing their licence and getting disqualified but we had no engagement with the fact that this bill will make it worse.

The Greens support the Opposition's amendments to strip those matters out. If the Opposition's amendments do not succeed—and we hope they do—The Greens' fallback position is that if somebody has been issued with a penalty notice, which comes with an automatic licence suspension for a low-range PCA or a drug-driving offence, if that person elects to challenge that matter or to review the matter in court, as that person is entitled to do, that will automatically reinstate that licence for the duration of the appeal. Why is that essential? Again, I refer to the advice we received from stakeholders in the inquiry and to the observation of all members of Parliament on this issue over the past few years as these matters have come to our attention.

Losing your licence, particularly if one is living in regional or rural New South Wales, is deeply isolating. We know people will lose their jobs, will not be able to get to the doctor, will not be able to engage socially and will become isolated for a first offence low-range PCA in hundreds, if not thousands, of cases. The situation occurs not only in regional New South Wales or Aboriginal communities, but also in parts of Sydney and our biggest cities as well—people lose their licence, become socially isolated, lose their jobs and lose their chance to engage in education. There should be a capacity to have a person's licence reinstated when the matter is challenged before the court and a magistrate is to review the matter. That is our fallback position and that is why we move The Green's amendments.

The Hon. TREVOR KHAN (21:58): I am taking the unusual step of leaving the Chair to speak briefly for a number of reasons. One of them would be, as many members would know, I am known as a traffic court lawyer.

The Hon. Walt Secord: Only in traffic court?

The Hon. TREVOR KHAN: This was the area of law that I practised in. As a few members would know, I hold the distinction of being one of the very few lawyers who have had what turned out to be a special-range PCA matter go to the Court of Appeal and successfully defended it on behalf of my client. This was my bread and butter and I say that on the basis that—

The Hon. Dr Peter Phelps: The Atticus Finch of the automobile world.

The Hon. TREVOR KHAN: It was a bizarre matter and I will not go into all the details. I raise this because I listened to the lawyers who spoke the other day. In fact, some of the faces were familiar. I understand when they say that anecdotally there was no evidence to support it. Anecdotally people experience a significant impact having appeared in court. After my clients left court I would say, "You're not going to come back, are you, son?" The response would be, "No, Trev. I'm never coming back." However, I had a big return client base.

The Hon. Daniel Mookhey: Your practice was based on recidivism.

The Hon. TREVOR KHAN: There was a high recidivism rate among some. The answer was that they left with the best of intentions. In fact, I might not have seen them for 12 months or two years, but many I saw again. The simple reality was that we as lawyers think we know best and that we have the answers. Frankly, that is part of our self-justification for what we do a lot of the time.

The Hon. Daniel Mookhey: Not as legislators, though.

The Hon. TREVOR KHAN: Indeed, as legislators I think we have the capacity to step back. With the greatest respect to my profession—which I hold proudly—sometimes we are the most conservative of practitioners. We believe that what we have been doing for 20 years, 50 years or 100 years is right, but it is not all the time. The fact that convinced me that this was a worthwhile punt was that 72 per cent of alcohol-related road deaths occur in country areas. We are one-third of the population and our strike rate in terms of deaths is twice what it should be.

Unfortunately, too often I have had clients who are young men who have gone before the District Court because they have killed their passengers. The trauma affects all the families involved. The family of the deceased person is sitting in the court hating the young man, and the young man's parents are watching their son, who had done nothing wrong until that point, who is about to go to jail. The trauma affects a vast array of people in our rural and regional areas, and it happens there at a disproportionate rate.

It happens because alcohol is part of our communities, perhaps more than in the city. It happens because it is not as easy to jump into a taxi with a gut full of grog. It happens because we think we can get away with it by whipping down a back road. It is all of those factors. The reality is that young men are killing each other and their girlfriends. Some of them are white and some are Aboriginal, but too many of them are dead. Before we go into all the arts and sciences of these things, we must acknowledge that this is not only about someone being inconvenienced in their employment or not being able to take granny to the hospital. It is also about the young men and women who are killed. We must do better. In my view, this is a noble and honest attempt to do that.

I know there is a variety of views, but, by God, we are killing too many of these kids and allowing too many of them to die. We must do better. That is what convinces me we are trying to do the right thing. Let us face it, politicians on both sides of this House introduced mandatory sentencing for these offences. I think it was during Labor's time in government that the minimum three-month penalty for a low-range prescribed content of alcohol offence was introduced. I was practising when that occurred and we all thought it was a terrible idea. However, both sides embraced it because too many people were dying. Notwithstanding the lawyers saying it was a terrible idea, we drove down the death toll by doing it. This is another stage along the way and we must give it a chance because we must stop killing our youth.

The Hon. MARK PEARSON (22:04): I move Animal Justice Party amendment No. 1 on sheet **C2018-117**:

No. 1 **Immediate licence suspension notices**

Pages 5 and 6, Schedule 1 [17], line 44 on page 5 to line 2 on page 6. Omit all words on those lines. Insert instead:

(ii) if the driver elects to have the matter determined by a court in accordance with Part 3 of the *Fines Act 1996*:

(A) in relation to a penalty notice issued for an offence under section 110 (3)—the driver makes the election to have the matter determined by a court, or

(B) in relation to a penalty notice issued for an offence under section 110 (1) or (2)—the matter is heard and determined by a court or a decision is made not to take or continue proceedings against the person,

I state at the outset that the Animal Justice Party supports the issuing of a penalty notice for a low-range prescribed concentration of alcohol [PCA] first offence. This amendment deals with one aspect of the bill that should be freed up for a person who receives a penalty notice for a low-range PCA for the first time.

The CHAIR (The Hon. Trevor Khan): According to sessional orders, proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

The Committee continued to sit.

The Hon. MARK PEARSON: This amendment will give a person the opportunity to lodge an application to have a court hear the charge and for a magistrate to decide the penalty. Once an application is lodged for a court to hear it, the person's licence will be immediately returned to them if they chose to go in that direction. This basically offers an avenue of appeal. It is fairer and far more reasonable than having to wait for the matter to be heard in court, which could take from six weeks to three months, whilst the person does not have a driver licence. I commend the amendment.

The Hon. CATHERINE CUSACK (22:06): I will speak in turn to the various amendments that have been moved, and if I should traverse amendments yet to be moved then I seek the indulgence of the House to make those remarks. The Government opposes Opposition amendments Nos 1 to 7 on sheet C2018- 94E. These amendments relate to one element of this overall reform package—that is, the introduction of penalty notices combined with licence suspension in lieu of court attendance for low-range prescribed concentration of alcohol and drug presence first time offences. The intent of these proposed amendments is that alcohol and other drug-related driving offences are not to be dealt with by way of penalty notice.

These amendments would remove all aspects of the bill that enable the issuing and support of the operation of penalty notices for alcohol or other drug-related driving offences within the penalty framework. These amendments would also remove the power for Roads and Maritime Services [RMS] to apply licence suspensions or cancellations for alcohol or other drug-related driving offences and remove supporting regulatory provisions. It has been clearly outlined in debate, both in this Chamber and in the other place, that the purpose of the inclusion

of penalty notices coupled with licence suspension in the bill is to provide for more certain, consistent and, where feasible, swift application of licence sanctions and fines. These are well-researched and proven measures.

This is consistent with the New South Wales Government's overall approach to drink-driving and drug-driving, which is to deter all drivers from taking risks through effective and certain penalties and enforcement, thereby reducing trauma. Opposition amendment No. 2 proposes to remove the power of the RMS to apply a licence suspension on payment or enforcement of a penalty notice for driving with the presence of an illicit drug. This means an opportunity would be lost to improve the certainty and consistency of a licence sanction for first offenders who drive with illicit drugs in their system.

The Opposition has outlined that the amendments are based on concerns that the issue of penalty notices detracts from the important role of the courts in reviewing the circumstances of an offender in sentencing, and from the perceived seriousness of lower-range drink-driving and drug-presence offences. The Minister for Roads, Maritime and Freight outlined very clearly in the other place the rationale and benefits of this reform. The amendments proposed by the Opposition are not consistent with maximising the certainty of penalty outcomes for all offenders.

Over the three-year period ending June 2017, 56 per cent of low-range drink-driving first offenders received a non-conviction order in court—typically a section 10. That is more than 9,200 offenders over that period. Similarly, 36 per cent of offenders—more than 5,360 people—who were proven to be driving with the presence of an illicit drug received a non-conviction. From a road safety perspective, the key effect of non-conviction in court is that licence sanctions—which is a proven strategy to address impaired driving—do not apply. 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.

In contrast to uncertainty, the bill proposed by the Government sends a very clear message consistent with the research supporting effective measures to improve road safety. The message to all lower-range drink-driving and drug-presence first-time offenders, and to everyone in the community is very clear: If you take the risk, you will be caught and you will lose your licence. I stress that, under these reforms, if offenders feel there are extenuating circumstances in their case they will have the option to take their matter to court by electing to do so when they receive a penalty notice. Courts will continue to play a pivotal role in administering justice but the Government's bill is focused on certainty of proven penalties, not certainty of a day in court.

I note that amendment No. 6, while removing the option for penalty notices, would retain the option for police to issue an immediate suspension for all lower-range drink-driving offences when police charge a driver with lower-range drink-driving to be determined in court. While amendment No. 6 is not supported, I conclude that the Opposition acknowledges that there is value in swift and certain action for all drink-drivers, as well as in treating all drink-driving offences seriously by ensuring that drivers cannot drive between the time of the alleged offence and their court date.

The New South Wales Government is committed to monitoring and evaluating the reforms. As outlined in debate, an independent review will be undertaken once the reforms have been in place for 12 months. This will identify initial court outcomes, operational delivery and any unintended consequences. The review will include input from Transport for NSW, the NSW Police Force, Justice, the Bureau of Crime Statistics and Research and relevant stakeholders. The Government understands the importance of monitoring the impact of the initiatives in this bill during the first year of their implementation, and the road safety outcomes in the longer term. The Government opposes the Opposition amendments.

In response to the amendments proposed by The Greens, the Government opposes amendments Nos 2, 3, 4 and 5. The Government will, however, support amendment No. 1. I will first address the amendments that the Government does not support. I turn to amendment No. 2, which relates to the expansion of the Mandatory Alcohol Interlock Program, and circumstances in which the court may exempt an offender from the requirement. Currently the circumstances in the Act where the court may exempt an offender from the interlock are very limited. This is appropriate considering alcohol interlocks currently apply only to high-range and repeat offenders. Exemptions in these cases can only be made if the offender has a medical condition that prevents use of an interlock device or lacks access to a vehicle. If an offender is exempted from the interlock program, the effect is that the current disqualification periods in section 205 of the Act apply. Roads and Maritime Services may also require the offender to complete a drink-driving education program.

It is important to limit exemptions to ensure that the road safety benefits of interlocks are applied to as many offenders as possible. Interlock devices are proven to change behaviour and make our roads safer. Recent analysis of the Victorian interlock program for repeat offenders, which has been in place longer than the New South Wales program, was published in late 2016. It found that during the alcohol interlock period there was an

81 per cent reduction in drink-driving offences in the group of offenders with an interlock compared with a 10 per cent reduction in a comparison group without an interlock. For the community, interlocks provide surety that offenders are back on the road only if they have an interlock and act responsibly. This is fair.

The Greens amendment No. 2 would introduce a broad discretion for the court to exempt an offender convicted of a middle-range drink-driving first offence from the interlock program if the court is satisfied that making an order would cause "undue hardship". Undue hardship is not further defined or qualified. It could be interpreted to encompass a broad range of circumstances. While the New South Wales Government acknowledges that hardship concerns were raised by witnesses to the standing committee inquiry into the bill, and were noted by the committee, such a broad exemption provision is not supported.

In relation to amendments Nos 3 and 4, it has been clearly outlined in debate, both here and in the other place, that the purpose of the bill is to provide for tough and proven penalties for low-range drink-driving and drug-driving first offenders. These tough penalties are about saving people's lives and reducing the lifelong impact on families and communities. Last year 55 people lost their lives to drink-driving, and 81 died in crashes involving a driver with an illicit drug in their system. The New South Wales Government makes no apologies for taking tough action to deter dangerous behaviour that costs too many lives. Amendments Nos 3 and 4 relate to the immediate licence suspension that may be applied by police for a lower-range drink-driving offence. These amendments by The Greens would have the effect of immediately removing the immediate licence suspension if the driver who was issued a penalty notice for lower-range drink-driving elects to take the matter to court. In effect, this means the offences would be treated differently from other serious offences. In contrast, the approach proposed in the Government's bill sends a clear message to the community: Drink and drive—at a low-, medium- or high-range level—and you will receive a licence suspension. You will be off the road.

Currently, immediate licence suspensions can be applied in New South Wales road transport law for serious traffic offences to quickly remove from the roads offenders who do the wrong thing, including middle-range and high-range drink-drivers. The reforms put forward by the New South Wales Government in the bill would treat lower-range drink-driving offences, in principle and in process, in the same way. Under our reforms, an alleged offender who is issued an immediate licence suspension for lower-range drink-driving can appeal the police decision. Processes to support court election and appeals are already in place, and courts and the legal community are familiar with the current process. If an appeal is lodged against an immediate suspension, or the primary offence itself is court elected, the suspension remains in place until the appeal is determined or decision stayed by the local court, or the primary offence that was court elected is determined. While offenders will be off the road while awaiting an appeal or court determination of the offence, the New South Wales Government has made a commitment to drive down alcohol-related trauma on New South Wales roads. The message is clear: Do not drink and drive; do not take illegal drugs and drive.

If an offender appeals, it is consistent with other serious offences for the licence suspension to remain in place until a court, through an appeal or determination of the offence, makes a determination otherwise. In 2017 the median time it took from lodging an appeal against this type of police decision to finalisation was 14 days. The average time was 23 days. While this is not an insignificant period to be unable to drive while awaiting an appeal, the Government's position is that drink- and drug driving itself is not insignificant. We are taking this approach to save lives. This is a matter of having a consistent approach and treating all drink-driving offences as serious. It is a matter of consistency in principle and consistency in practice. It does not make sense to say, as The Greens amendments suggest, that, on the one hand, these offences are serious enough to warrant an immediate suspension but not serious enough for that suspension to stay in place, as it does for other serious offences.

I note also that, from a practical perspective, lifting the roadside suspension when a person court elects the penalty notice presents practical issues. A person may court elect a penalty notice with Revenue NSW and, if such action was to immediately end the police suspension, information would need to go to Roads and Maritime Services to adjust the record. A facility is not currently in place to support this, as it is not a feature of current law. Any delays in updating a person's traffic record to lift a suspension could result in a person being inadvertently charged with driving whilst suspended. To be clear, the best outcome for all road users is for drivers to separate their drinking from their driving.

Drivers have had almost 38 years to get used to the 0.05 limit on New South Wales roads. It is simple: If you drink, have a plan B. Having a New South Wales driver licence is a privilege, not a right. It comes with responsibility, and drivers who wish to needlessly put innocent lives at risk must face the consequences of their behaviour. The message to all drivers—especially those on country roads, where around 75 per cent of alcohol-related fatalities occur—is do not take the risk. Tragically, drivers are four times more likely to die on a country road than in a metropolitan area. Immediate licence sanctions are a well-researched and proven measure to change people's behaviour and deter risky behaviour on our roads. In contrast, there appears to be no evidence

of or research into the deterrent effect of appearing in court. This was made clear in the Standing Committee on Law and Justice hearing yesterday.

Further, the Government opposes The Greens amendment No. 5. I stress that the New South Wales Government is committed to monitoring and evaluating reforms, including the impacts on disadvantaged and vulnerable groups. However, it is the view of the Government that providing for an additional Ombudsman review is not necessary in addition to the review and evaluation proposed by the Government. It should be noted that the Audit Office of NSW is also responsible for developing an ongoing program of audits of New South Wales government agencies' programs and delivery of legislation. As outlined in debate, an independent review will be undertaken once the reforms have been in place for 12 months. This will identify initial court outcomes, operational delivery and any unintended consequences. This review will include input from Transport for NSW, the NSW Police Force, Justice and the Bureau of Crime Statistics and Research, and relevant stakeholders.

The Government understands the importance of monitoring the impact of the initiatives in this bill during the first year of their implementation and the road safety outcomes in the longer term. The New South Wales Government submission on the bill, provided to the Standing Committee on Law and Justice, clearly outlines a plan to deliver ongoing and transparent evaluation of the outcomes of the reform.

Finally, I note The Greens amendment No. 1, which would amend the drafting of the new element of the definition of "drug" proposed by the Government in the bill. The Government acknowledges that the proposed definition of "drug" in the bill was discussed by legal and road safety stakeholders in the law and justice committee hearings, the report of which was tabled in the House today. The amendment would clarify the drafting of the new provision so that a substance will be considered a "drug" if, when taken by an ordinary person, it is reasonably likely to, rather than may, deprive the person of or impair his or her normal mental or physical faculties. This minor drafting amendment is consistent with the Government's policy intent, which is to support effective prosecution of driving under the influence offences where the offender is under the influence of a new type of substance. On balance, the Government considers that amendment No. 1 is fair and should be supported.

The Government opposes amendment No. 1 moved by the Animal Justice Party. The amendment relates to the immediate licence suspension that may be applied by police for a lower range drink-driving offence including special, novice and low-range offences. Under our reforms, an alleged offender who is issued an immediate licence suspension for lower range drink-driving can appeal and court elect. If an appeal is lodged against an immediate suspension, or the primary offence itself is court elected, the suspension remains in place until the appeal is determined or decision stayed by the Local Court, or the primary offence that was court elected is determined. Amendment No. 1 proposed by the Animal Justice Party would have the effect of immediately removing the immediate licence suspension if the driver who was issued a penalty notice for a low-range drink-driving offence elects to take the matter to court under section 110 (3). [*Time expired.*]

Mr DAVID SHOEBRIDGE (22:22): I note the Parliamentary Secretary's contribution and I would be interested in hearing it to the end.

The CHAIR (The Hon. Trevor Khan): The Hon. Catherine Cusack has the call.

The Hon. CATHERINE CUSACK (22:22): In this respect this amendment is similar to amendments proposed by The Greens, to which the Government has already outlined our opposition. To reiterate, if an offender elects to have an offence heard in court, it is consistent with other serious offences for the licence suspension to remain in place until a court, through an appeal or determination of the offence, makes a determination otherwise. The Government has made this position clear. I note, however, that the Animal Justice Party amendment differs from The Greens amendments in that the immediate suspension would remain in place if the offence for which the suspension was issued is a section 110 (1) novice-range offence, or a section 110 (2) special-range offence.

A driver can be charged with a special- or novice-range offence if a special blood alcohol limit applies, such as for a provisional licence holder. However, if an offender with a zero blood alcohol limit is caught offending with a blood alcohol limit of over 0.05, they are charged with a section 110 (3) offence. Therefore, this amendment would have the perverse effect of allowing special and novice category drivers to have their suspension lifted if they court elect an offence committed in the range of 0.05 to 0.079, which is an offence under section 110 (3). However, if they offend with a lower blood alcohol content that is an offence under section 110 (1) or section 110 (2) they would not have the suspension lifted if they court elect. The Government is strongly of the opinion that all lower range offences should be treated consistently and this amendment would not add consistency in messaging for the community or in effect. The Government therefore opposes the Animal Justice Party amendment.

The Hon. DANIEL MOOKHEY (22:23:5): I will limit my comments. I speak in favour of the Opposition's amendments. I find it stunning that the Government is advancing a proposition that an appearance in

court has no deterrent effect. If we were to accept that principle, one questions the point of the criminal law, because our criminal law is basically the same principle. A huge part of the general philosophy of both sides of politics in respect to both criminal and road law is that the deterrent effect of a court appearance is highly effective at reducing recidivism. But I note, Mr Chair, that you said that no such evidence was led in respect of the Law and Justice Committee inquiry that was held yesterday and that perhaps we should not accept anecdotal evidence. If we apply that standard to that contention we should apply it to this one as well, because we asked the Government directly what it anticipated to be the forecast impact on crash and injury rates as a result of this law. It has not been modelled.

The Government is relying on the same general-evidence proposition that we are. No specific modelling has been undertaken by this Government that is able to explain what impact this law change—the shift to automatic penalties—will have on the crash rate. Instead, we are asked to trust the Government that it is likely to have an effect because the Government thinks it will. That is essentially the proposition that was advanced yesterday in the committee inquiry and it is now the proposition being advanced here as the Government goes about rejecting our proposition.

Mr Chair, like you, I spent a large part of my professional career before I came to this place dealing with the aftermath of road trauma. Whereas you made reference to your experience in relation to regional road trauma, I make reference to the same experience with the overlay of heavy vehicle accidents as well. I understand just how complicated it can be when someone's licence is removed. I understand that it may cause people to continue driving and in a far more underground way than otherwise. That is a known issue in respect to road law enforcement that pre-existed this road law. It will remain with this Parliament and with this State for a long time to come. That is why when we create laws we ask for sophisticated approaches and we use the courts as well in order to account for the new laws because we understand that if you simply take away a person's licence you are not necessarily stopping them from driving but you are simply asking them to drive illegally, which is a worse outcome. That is acknowledged by the police as much as anyone else.

We are saying that if the Government is serious about providing a deterrent, it should keep the court appearance and the social shame. Drink-driving is a crime that is committed against the community. The community should have the opportunity to say directly to the person who has committed it what they think of them, and that is what a court appearance does. The President of the Law Society of New South Wales said yesterday that if this proposal passes into law we are replacing a criminal offence with a regulatory offence. It is almost like it is routine—something you can factor into no shame whatsoever involved in receiving and paying a penalty notice. That shame, that deterrent, works. There is a reason that for a long time we have relied on the court system to perform that function in both road law and criminal law, and it should continue. The Opposition amendments should be supported.

Mr DAVID SHOEBRIDGE (22:27): I note the contributions by you, Mr Chair, and by the Parliamentary Secretary. I do not suggest that the Government is putting this forward for anything other than reasons related to its view on how it will impact upon the road toll in New South Wales—I accept that. But The Greens consistently oppose mandatory sentencing. This would be the largest amount of mandatory sentencing applied across New South Wales—one-size-fits-all justice that applies regardless of a person's capacity, personal circumstances or history. We know that mandatory sentencing produces significant injustice. But who does it primarily visit the injustice upon? Mandatory sentencing, whether it is in Australia, the United States or any jurisdiction that has it, almost invariably visits the injustice unevenly across society.

Those people who face the brunt of the unfairness are the people who have the least capacity to withstand it, and we know who they will be in New South Wales—Aboriginal drivers, people who are poorer than average, and people who live in regional and rural New South Wales. They will be the people who we know will bear the greatest brunt of a mandatory sentencing regime, and that is exactly what this is—mandatory sentencing, one size-fits-all justice. One only has to realise that a $500-odd fine is going to have a substantially greater impact on somebody who is surviving on social security benefits than somebody who is on a parliamentary salary or is a lawyer or has a high-paying job in the city.

That of itself will result in substantial unfairness—one-size-fits-all justice. In fact, some of the evidence we had before us stated that if a person is surviving on the Newstart Allowance the $500-odd fine they will get from the penalty notice will wipe out all of their discretionary income, to the extent that they have any, will wipe out all of their reserves and will put them so far behind the eight ball that they will not be able to recover from that one penalty notice. On the other hand, someone who has a high paying job will not even notice the $500-odd fine. That is unfair. Mandatory sentencing is unfair. Every jurisdiction has found those unfair benefits.

This matter has not been addressed by the Government. I accept it has its overall views about how it will impact the road toll and I accept what the Hon. Trevor Khan said about the figures in regional and rural New South Wales, but when we look at the figures in regional and rural New South Wales we should acknowledge that

there will almost certainly continue to be a discrepancy regardless of what we do between the road toll in regional and rural New South Wales and the road toll in our metropolitan areas for a number of reasons. As the Hon. Trevor Khan noted, one reason may be that there is a slightly different approach to alcohol—that may be part of it. I would not suggest that it is not. I do not know whether the evidence is in, but it may be part of it. But there is another fundamental reason and that is that the distances being driven are substantially longer and the condition of the roads is substantially worse in much of regional and rural New South Wales. Poorer roads, longer distances and longer travel times will result in more road trauma. It is tragic but true and this bill will not change that.

The Hon. PENNY SHARPE (22:30): I will briefly address The Greens and Animal Justice Party amendments. I indicate that Labor members have made clear through the Opposition amendments the way in which we think we should deal with this. While we understand the intention of The Greens and Animal Justice Party amendments, we will not support them. I listened carefully to the contribution of the Hon. Trevor Khan on this matter. I do not think that anyone in this Chamber is suggesting that we do not have experience, be it personal or professional, in road trauma—I do not think anyone escapes this. What we are trying to do is draw up laws that give us the best chance of reducing the number of deaths happening on those roads. We are also seeking to send a strong message.

No-one in the Chamber is suggesting that drink-driving or drug-driving is reasonable. When people do that they offend against the community and they risk the community's safety. But there is an important need for court and understanding certain experiences. The idea that the inconvenience of losing a licence is the only price to pay is untrue. We are deluding ourselves if we do not think that the loss of a licence for some people in our community is catastrophic. It can mean that a person is not able to work and not able to feed his or her family, and may lose his or her housing. That is not only an inconvenience; that is something that needs to be understood in the context of what we are trying to do here.

The CHAIR (The Hon. Trevor Khan): The Hon. Penny Sharpe has moved Opposition amendments Nos 1 to 7 on sheet C2018-094E. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendment No. 3 on sheet C2018-097C. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Pearson has moved Animal Justice Party amendment No. 1 on sheet C2018-117. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendment No. 4 on sheet C2018-097C. The question is that the amendment be agreed to.

Amendment negatived.

Mr DAVID SHOEBRIDGE (22:34): I move The Greens amendment No. 1 on sheet C2018-097C:

No. 1 **Definition of "drug"**

Page 3, Schedule 1, line 12. Omit "may". Insert instead "is reasonably likely to".

This has largely been addressed in the debate to date and I note the Parliamentary Secretary's contribution to the debate. The amendment proposes to delete the word "may" from the proposed new broad definition of "drug" and replace it with the words "is reasonably likely to". In that regard we did have the benefit of considered submissions from stakeholders in the course of the inquiry. I note in particular that the submissions from Armstrong Legal and the Law Society of New South Wales stated that the new definition of "drug" that is proposed in the bill is too broad. The Law Society called for it to be deleted entirely from the bill as it was broad, vague and imprecise. Lawyers like to do things in threes, but I think that is a good summary. It does not require any evidentiary connection between the drug test and any negative impact on the ability to drive. The committee report at paragraph 2.42 states:

> **2.42** Armstrong Legal raised concerns that the definition in laws that provide criminal sanctions should be clear. Armstrong Legal argued that:
>
> > s.4(1) definition of "drug" is too broad. The word "may" means the conduct captured is so broad as to be meaningless and subject to abuse. A person attending a dentist who has tingling lips, a person who takes Codral, both may be impaired but not such that their driving is affected.
> >
> > The problem is that any drug may deprive a person of normal mental faculties - indeed that is often the point. Is there a defence? Are physical faculties described?

The Greens amendment proposes that a drug does not fall within the ambit of these laws if there is a theoretical potential or a modest potential that it may impact upon somebody's faculties. What is required is that it is likely to impact upon someone's faculties. Prescription medication that says "Do not operate any machinery or drive when you take drugs" would fit that test. What would fit the broad definition but would be an unfair application would be someone on long-term epilepsy medication which overwhelmingly, taken in accordance with the directions, will not impair somebody's driving; he or she is a capable driver and does not have impaired faculties. But on the odd occasion, in one in 100 people, it may impair driving in particular circumstances. I do not think we should expose people taking that kind of medication to the risk of criminal prosecution if it has the unlikely effect of impairing their driving when they have been trying to do the right thing all along. There are many other examples that we could raise. I think I am pushing against an open door, so I commend the amendment to the Committee.

The Hon. CATHERINE CUSACK (22:38): I refer to my earlier comments and restate the Government's support for this amendment.

The Hon. DANIEL MOOKHEY (22:38): Labor will be supporting this amendment. I have a close family member who is epileptic. It is the case that her level of impairment changes over time. It can be affected by many things, including diet. Any incidental exposure to grapefruit will alter her levels of impairment. I am sure the Government's intention was not to pick up people in those scenarios. It is a sensible change to technical language in the bill. It will make for a better bill. The Opposition supports the amendment.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendment No. 1 on sheet C2018-097C. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Trevor Khan): The Committee now will consider The Greens amendment No. 2 on sheet C2018-097C and will be calling on the Christian Democratic Party to move its amendment. We will begin with Mr David Shoebridge and then move on to the Hon. Paul Green.

Mr DAVID SHOEBRIDGE (22:39): I move The Greens amendment No. 2 on sheet C2018-097C:

No. 2 **Mandatory interlock orders**

Page 5, Schedule 1. Insert before line 1:

[14] Section 212 Interlock exemption orders

Insert after section 212 (3):

(3A) Despite subsections (3) and (5), a court may make an interlock exemption order in relation to an offender for an offence against section 110 (4) (a), (b) or (c) that is a first offence if the court is satisfied that, making a mandatory interlock order for the offence would cause undue hardship to the offender.

The Government's proposal in the bill is to allow for interlock orders to be made for a first offence for a mid-range prescribed concentration of alcohol [PCA]. It is a bit late, but I think I have that right. I think that is what the arrangement is.

The CHAIR (The Hon. Trevor Khan): Yes, it is.

Mr DAVID SHOEBRIDGE: In those circumstances, the bill has some modest exemptions that apply if somebody can establish significant hardship. During the inquiry I was being educated about the way the interlock works. I am grateful for all the time of the participants in the inquiry. The Standing Committee on Law and Justice heard that an interlock device costs approximately $2,200 to have installed and operated for a year. The committee also heard that many people who are subject to an order for an interlock device end up not getting an interlock device installed. In a given year I think the figure was 8,000, but that may have been over a period of offending. I am relying on my memory from yesterday, which one would think would be better than it is, but approximately 8,000 people end up not having an interlock device, with the result that they get a five-year disqualification.

The Government said that if at any point in that five-year period they get an interlock device fitted that ends the disqualification. That may be true. We do not have any figures on how many that was. But what happened is that of the people who initially were facing just a three-month disqualification and an order to have their interlock device fitted, half of them ended up facing a five-year disqualification period because they did not get an interlock device fitted. That is a very real unintended consequence. That information came to us very clearly during the inquiry. As I said earlier, I was grateful for the information provided by the stakeholders. The

Government really has not made a response to that fact or a considered response to those numbers other than that people can get their suspension lifted if they fit an interlock.

The committee also heard that people on the lower socio-economic scale and people with lesser financial means particularly—and again I mention people in Aboriginal communities—it is next to impossible for them to find the funds that would enable them to put on an interlock device. I acknowledge the hardship process whereby people can approach the Salvation Army and, in certain circumstances following extremely tight criteria, they may have the interlock device funded through the Salvation Army. What we know is that, particularly with Aboriginal communities, people from low socio-economic backgrounds find it almost impossible to navigate those processes and find it very hard to engage in that type of process, even if they had been aware of it in the first place. That is the fundamental truth.

If we broadly expand interlock devices to all first offenders on mid-range PCA, we are likely to see thousands more drivers get a five-year disqualification period. That would be a very real unintended consequence. We are also likely to see additional substantial numbers of people from the Aboriginal community getting not only a five-year disqualification but then driving during that disqualification period and facing very serious criminal penalties. Then the whole cycle starts again. That is why The Greens have moved amendments that propose, "Despite subsections (3) and (5), a court may make an interlock exemption order in relation to an offender for an offence against section 110 (4) (a), (b) or (c) that is a first offence"—again we are talking about mid-range PCA—"if the court is satisfied that, making a mandatory interlock order for the offence would cause undue hardship to the offender." The court can make an exemption order if it is satisfied that the interlock device would cause undue hardship. I know that is a kind of double negative. Again, I will cut through the mess. If a court is satisfied that if it makes an interlock order there will be undue hardship, then it will not make the interlock order. We thought that that was an appropriate check and balance. I note the Christian Democratic Party's amendment—through the good offices of the Government. I might be suspicious but I see its hand in this.

The Hon. Scott Farlow: Reflecting on the member.

Mr DAVID SHOEBRIDGE: I could be wrong.

Reverend the Hon. Fred Nile: It's your imagination.

Mr DAVID SHOEBRIDGE: I note the interjection. Perhaps it is; it is late.

The Hon. Catherine Cusack: Do you want to speak on the Christian Democratic Party amendment again?

Mr DAVID SHOEBRIDGE: No, I want to speak on it now. The Christian Democratic Party amendment is that the interlock exemption order will be made if it is a first offence, in the same category of offences as is proposed in The Greens amendment. However, it states that if the court is satisfied "that the making of a mandatory interlock order would cause severe hardship to the offender"—instead of "undue hardship", which is the test that The Greens were proposing—and "that the making of an interlock exemption order is more appropriate in all the circumstances than the making of a mandatory interlock order". I am not quite sure what the second element adds. I understand that the court would only make an order if it thought it was appropriate. Both of the amendments are going in the same direction. The Greens amendment is clearer and simpler and I commend it to the House. The test of "undue hardship" is a better test than "severe hardship" because it allows the magistrate to consider it more clearly. Either way, they are an improvement on the bill.

The CHAIR (The Hon. Trevor Khan): I will call on the Hon. Paul Green to move his amendment. Then we will have all the cards on the table.

The Hon. PAUL GREEN (22:45): I move Christian Democratic Party amendment No. 1 on sheet C2018-115A:

No. 1 **Interlock exemption orders**

Page 5, Schedule 1. Insert before line 1:

[14] Section 212 Interlock exemption orders

Insert at the end of section 212 (3) (b):

, or

(c) if the offender is convicted of an offence against section 110 (4) (a), (b) or (c) that is a first offence:

(i) that the making of a mandatory interlock order would cause severe hardship to the offender, and

(ii) that the making of an interlock exemption order is more appropriate in all the circumstances than the making of a mandatory interlock order.

[15] Section 212 (5)

Insert "(except in relation to a conviction for an offence against section 110 (4) (a), (b) or (c) that is a first offence)" after "must not be made".

This amendment proposes the introduction of mandatory alcohol interlock orders for offenders convicted of driving with a middle-range prescribed concentration of alcohol as a first offence. While we appreciate the road safety benefits of the initiative the Government has outlined, as have other members in their speeches, it is important that disadvantaged and vulnerable groups in the community are considered fully. That was acknowledged by Mr David Shoebridge earlier.

The expansion of the interlock requirement would mean that far more offenders, including some in very difficult circumstances, may face a mandatory penalty, which they will struggle to comply with. Our amendment is proposing to provide an additional circumstance in which the court could issue an interlock exemption order instead of an interlock order under section 212 of the Road Transport Act 2013. If an offender is convicted of middle-range drink-driving as a first offence and can establish two things to satisfy the court, an exemption for the interlock will be an option. First, the court must be satisfied that the interlock order would result in severe hardship to the offender. Secondly, the court must be satisfied that an interlock exemption order is more appropriate in all the circumstances than making an interlock order.

In contrast, The Greens amendment that was moved earlier provides for establishing only undue hardship, which is broad and not as focused as the people in more difficult circumstances. The exemption proposed in this amendment would be available in cases of middle-range prescribed concentration of alcohol first offences only and would not be an option for high-range and repeat offences. This is a fair change that provides an option for the court when there is severe hardship as a result. The court, on balance, can consider that an interlock device would not be required.

Courts play an important role in our community and we can be assured that they will apply this rule appropriately in a way that provides relief for those in very hard circumstances while ensuring measures are in place to keep everyone safe when driving. The Hon. Trevor Khan put it eloquently earlier. This is not a one-size-fits-all. People and situations are complex and complicated and this discretion by the court must ensure that sometimes people have to be treated differently. I commend the amendment to the House.

The Hon. CATHERINE CUSACK (22:56): The Government will support the amendment to the Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018 proposed by the Christian Democratic Party on sheet C2018-115. The amendment will introduce into the Act an additional circumstance in which the court could issue an interlock exemption order instead of an interlock order. This would be available in the case of middle-range prescribed concentration of alcohol first offences only. Currently the circumstances in the Act where the court may exempt an offender from the interlock are very limited. Exemptions in the case of high-range and repeat offenders can be made only if the offender has a medical condition that prevents the use of an interlock device or lacks access to a vehicle. The evidence that interlocks change drink-driving behaviour and improve safety outcomes is very clear. It is, therefore, important that any exemption from the requirement is limited and fair.

The New South Wales Government acknowledges that witnesses raised hardship concerns to the inquiry into the bill, particularly as interlocks are applied to all offenders including those who may be severely disadvantaged and Aboriginal offenders. In introducing the change, measures that seek to reduce unintended consequences for the most disadvantaged are worth close review and reconsideration. In comparison to The Greens' earlier amendment, Christian Democratic Party amendment No. 1 would enable the court to make an interlock exemption order only if satisfied of two factors. The first is that the making of a mandatory interlock order would cause severe hardship to the offender. In determining whether severe hardship would result, the court can consider the ability of the offender to meet the cost of interlock services and the effect the order may have on driving a vehicle in the course of employment.

The second requirement that the court must be satisfied of is that the interlock exemption order is more appropriate in all the circumstances than the making of a mandatory interlock order. The second element is important. If an interlock exemption order is made, a disqualification period consistent with section 205 of the Act applies. For a middle-range first offence, the automatic disqualification is 12 months with a six-month minimum. Roads and Maritime Services may also require the offender to complete a drink-driving education program. In many circumstances, exempting an offender who has responsibilities may be more disadvantageous than the making of an interlock order, as a mid-range offender who receives an interlock order serves a shorter

upfront period off the road than under current disqualification periods. The Government supports this change on the basis that it provides an option to the court only where these two clear requirements are satisfied.

This aspect of the reform will continue to be closely monitored to ensure that it is being applied appropriately and consistently with the intention of providing an exemption in limited cases only. The measure will complement existing mechanisms in place to assist offenders to complete their court-ordered interlock rather than to provide a broad discretion to exclude offenders from the requirement. 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. Additionally, a Severe Financial Hardship scheme is established to provide short-term financial assistance of up to 100 per cent of standard program fees to participants who apply for assistance and meet severe financial hardship criteria. There have been 351 financial hardship applications since the current mandatory interlock program became operational in March 2015, with funding granted to 349 applicants. The Government, therefore, supports the amendment.

The Hon. DANIEL MOOKHEY (22:53): I feel like we should indicate the Opposition's position in respect of these provisions. We support both amendments because both of them make the bill better.

The CHAIR (The Hon. Trevor Khan): We will see how we go. I will put Mr David Shoebridge's amendment first. If that is defeated, I will put the Christian Democratic Party amendment. Mr David Shoebridge has moved The Greens amendment No. 2 on sheet C2018-097C. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The Hon. Paul Green has moved Christian Democratic Party amendment No. 1 on sheet C2018-115A. The question is that the amendment be agreed to.

Amendment agreed to.

Mr DAVID SHOEBRIDGE (22:54): I move The Greens amendment No. 5 on sheet 2018-097C:

No. 5 **Statutory review**

Page 6, Schedule 1. Insert after line 27:

[20] Section 281

Insert after section 280:

281 Review of amendments by Road Transport Legislation Amendment (Penalties and Other Sanctions) Act 2018

(1) The Ombudsman is to review the operation of the amendments made by the *Road Transport Legislation Amendment (Penalties and Other Sanctions) Act 2018* (the ***2018 amending Act***) having particular regard to the impact of those amendments on:

(a) Aboriginal persons, and

(b) young people.

(2) The review is to be undertaken as soon as possible after the period of 2 years after the commencement of Schedule 1 [3] to the 2018 amending Act.

(3) The Ombudsman is to cause a report on the outcome of the review to be tabled in Both houses of Parliament as soon as practicable after the completion of the report and not more than 12 months after the review is undertaken.

This amendment inserts a statutory requirement for a review to be undertaken of these amendments by the Ombudsman within a period of two years after the commencement of the legislation. It is not a review at large. The proposal is that the Ombudsman review the operation of these amendments, having particular regard to the impact of the amendments on Aboriginal persons and young people—the people who are most likely to really face the brunt of these changes. The amendment also requires the Ombudsman to report on the outcome of the review and for that report to be tabled in both Houses of Parliament as soon as practicable after the completion of the report and not more than 12 after the review is undertaken.

In other words, the Ombudsman does the review and the Ombudsman is independent. We have seen some quite compelling reviews undertaken by the Ombudsman of the consorting laws, for example. Indeed, probably tomorrow we will see some statutory amendments to the consorting laws as a result of a review undertaken by the Ombudsman. There is a good rationale to have an independent review rather than have a body that is entirely within the department, such as the Centre for Road Safety, or the department itself undertake the

review. Someone with a bit of distance and a capacity to conduct an independent review, we say, should do the review. We also like the fact that we legislate for the review. I know the Government has made a promise. Promises are sweet, they are very nice but legislative requirements are better. I commend the amendment to the Committee.

The Hon. CATHERINE CUSACK (22:56): For the reasons outlined earlier, the Government opposes The Greens amendment No. 5.

The Hon. PENNY SHARPE (22:56): The Opposition supports The Greens amendment No. 5. We have had a very good discussion in the Committee stage about what we are trying to achieve through this bill. There are some genuine concerns about the impact on some groups. This review is an appropriate way to have a good look at that to see that we are doing what we hoped to achieve, which is to stop people from drink-driving and drug-driving.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendment No. 5 on sheet C2018-097C. The question is that amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as amended be agreed to.

Bill as amended agreed to.

The Hon. CATHERINE CUSACK: I move:

I move that the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.

Adoption of Report

The Hon. CATHERINE CUSACK: On behalf of the Hon. Niall Blair: I move:

That the report be now adopted.

Motion agreed to.

Third Reading

The Hon. CATHERINE CUSACK: On behalf of the Hon. Niall Blair: I move:

That this bill be now read a third time.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

TWEED ELECTORATE CRIME

The Hon. WALT SECORD (22:58): As the shadow Minister for the North Coast I speak on an incident which occurred yesterday involving the Country Labor candidate for Tweed, Craig Elliot, and the Federal member for Richmond, Justine Elliot, and their heroic roles assisting to end a two-day cross-border crime spree. I have known the Elliots and their children, Alexandra and Joe, since 2005. It is well known that both Craig and Justine are former serving frontline police officers. In fact, they met in the police service. Born in Newcastle, Craig holds the 10-year police service medal for his diligent and ethical service during his time in the Queensland Police Service. But it is often said that the rigorous training that our nation's police officers receive remains with them forever. This is true with both Craig and Justine, and it came to the fore this week.

Late yesterday afternoon New South Wales police arrested three males after a pursuit from Queensland ended in a foot chase through busy Tweed Heads South in northern New South Wales. Later that night a fourth wanted male was subsequently arrested at Varsity Lakes on the Gold Coast in Queensland. Craig and Justine are known as always being out and about in their local community. It was no different on Monday. That afternoon they were at South Tweed when the police were pursuing four male offenders on foot. What they did not know was that shortly before 4.00 p.m. New South Wales police were advised by Queensland POLAIR that a stolen Skoda was approaching the New South Wales border.

After a lengthy pursuit in New South Wales, officers successfully deployed road spikes at Stotts Creek to puncture the stolen car's passenger side tyres. The vehicle continued driving at high speed on wheel rims. At Tweed Heads South the car careered through the intersection of Minjungbal Drive and Machinery Drive and collided with a Nissan Patrol. After this, the four males abandoned the crashed vehicle and fled on foot towards the Tweed City Shopping Centre. Craig Elliot said he heard police sirens and saw the vehicle crash through the intersection. Moments later, the four males ran towards the shopping centre, desperately trying to evade police.

Craig immediately moved in to confront the four males at the top of a set of stairs as they tried to enter the shopping centre. In doing so, he crash-tackled one of the four males who were racing towards him. Justine also helped Craig restrain the offender until police arrived to take the individual into custody. Three of the four offenders were caught at the Tweed City location and the fourth was caught on Queensland's Gold Coast later that evening. Two police officers were injured during the foot pursuit and taken to hospital for treatment. All in all, these four 15-year-old and 16-year-old males have now been charged with stabbing a man on the Gold Coast, stealing three cars and committing numerous serious high-level offences in both Queensland and New South Wales. Shortly after the incident Justine Elliot tweeted:

> So proud of my husband Craig who assisted Police in stopping one of the offenders in his tracks.

But Craig is reluctant to take credit for his involvement, telling ABC Radio and commercial television on the Gold Coast that the real heroes were the State's police officers who put themselves in dangerous situations every day. But Craig added, "Being a former police officer I suppose the police training kicks in and I'm happy to step up and help our police wherever I can." Craig Elliot exemplifies the strong sense of what is right and wrong and the willingness to step up in the interests of the broader community. The incident in the Tweed demonstrates that the North Coast needs more police, not fewer. More police means safer communities and it allows our police to proactively patrol our streets and suburbs.

Unfortunately the current member for Tweed, the Nationals' Geoff Provest, is failing to provide the necessary level of police to respond to growing crime in the region and the increasing number of outlaw motorcycle gangs moving into New South Wales to escape Queensland's tough anti-bikie consorting laws. Sadly, the community cannot rely on the luck of having Craig and Justine Elliot at hand. The North Coast needs more police. On a final note, I extend my condolences to Craig and his family after his father Les Elliot passed away on Wednesday 19 September after a courageous battle with cancer. Even though they are grieving, the Elliots continue to put the community ahead of themselves. I thank the House for its consideration.

CHILD-ANIMAL INTERACTION

The Hon. MARK PEARSON (23:02): As adults we cannot fail to observe a child's innocent delight in interactions with animals. On a more prosaic note, science tells us that a child's amygdala, the most ancient part of the human brain, is hardwired to respond to other animals. When measuring brain activity, scientists found that neurons in the amygdala became extremely active when the subject was shown pictures of animals. The right hemisphere of the amygdala is the storage space where young brains respond to emotional stimuli, creating categories of animals such as prey, play or predator. E. O. Wilson, a biologist, coined the term "biophilia" to describe the biologically determined affinity of humans with the natural world, including the inherent empathy humans have for other living beings. It explains the emotional desire to protect creatures that are small and vulnerable. Very young children are drawn to animals, especially baby animals. Babies are more likely to smile at, talk to and touch live animals rather than mechanical animal toys. Studies of the dreams of preschool children reveal that as many of 90 per cent of them are about animals. There is also considerable evidence that children derive emotional sustenance from their companion animals, often talking to their pets when lonely, afraid or sad.

Early childhood educators have recognised that children thrive when they spend time in natural settings that include opportunities for interaction with animals. Unlike adults, who have been socialised into transactional views of animals—what they can provide in the way of food, clothing and entertainment—children recognise the intrinsic value of animals; that simply because they are living creatures they are important. Children innately understand that they are part of and not separate from nature. As social media videos show, children have the openness and capacity to bond with any kind of animal. A chance encounter with an orphaned magpie can trigger a lifelong passion for native birds. When children are introduced to wild animals a whole new world opens up for them. Even endemic wild creatures such as ducks, possums and lizards can absorb a child's full attention.

The fictional wall that human society has built to delineate between human and animal is invisible to children. Children are curious to know about all the different ways of being an animal. As any storyteller knows, a child is endlessly fascinated by how animals live. They love to hear the sounds that animals make, see the homes they build and learn what and how they eat. Children are amazed by the ability of animals to fly, swim through the water and climb high in the trees or to seem to disappear through camouflage.

Introducing children to the natural environment and wild animals can help them to develop empathy for animals. Research also reveals that when children are encouraged to care for companion animals they tend to be more sensitive and caring towards other people as well. A growing body of evidence shows that children who are supported in their care for animals tend to generalise that love to other living things. Developing caring relationships with an animal can lead to deeper feelings of empathy in young children, more positive peer relationships and social-emotional development.

As children have experiences with animals they learn about differences and similarities, and needs such as for food, shelter, water and space, and their compassion and empathy can grow and deepen. Conversely, if children are not exposed to the natural world in a positive way their developing amygdala may only learn the fear response to animals and the natural world. Their innate sense of connection to nature can be overridden by adult role modelling. At worst, children may develop biophobia—an aversion to nature. Children may learn to become fearful of insects and animals not found in highly urbanised environments. Those children are at risk of growing up to undervalue the environment and have little regard for animals as sentient beings.

ENERGY PRICES

Reverend the Hon. FRED NILE (23:07): Refocusing the nation's energy needs on reliable sources is a sign of responsible government. Our new Prime Minister, Scott Morrison, has already demonstrated an open mind by putting to an end to the risky policies of his predecessor Malcolm Turnbull. I applaud the Prime Minister's policy change because it will likely result in mitigating the upward pressure on energy prices in New South Wales. For far too long the politics of energy have been manipulated by the green agenda. That has occurred to the great detriment of society at large, as has been pointed out by facts concerning emissions. There is a panic about emissions, but Australia's emissions are at 3 per cent and are decreasing through measures that have been taken. Other nations such as the United States have emissions at 16 per cent. They have the problem; Australia does not have a problem. If they were truly concerned with the environment, people would not be averse to considering the use of clean coal or nuclear power as alternative power sources. I addressed this issue in an adjournment speech on 18 October 2017 and called for a serious debate about the nuclear alternative.

Presently we export uranium to electricity utilities under long-term contracts in the United States, Japan, China, South Korea, Canada as well as the European Union. New markets are also opening up, such as Poland, which recently indicated that it may also diversify its energy market. Of course, Australia is a source of the uranium that is being used in these nuclear power stations but not in Australia. This presents an opportunity for us to take advantage of potentially lucrative contracts in those countries that are pursuing the nuclear energy option. As I mentioned in an earlier press release:

> There is nothing fundamentally wrong with inquiring about possible sources of renewable energy but excluding a possible source based on purely ideological concerns is not constructive to the debate.

I take this opportunity to reiterate those sentiments here. Obviously something must be said and done about safety, as we remember the Chernobyl disaster and others. I am amazed, however, that people assume that the technology in the nuclear power industry has not progressed since the days when Chernobyl was built. The World Nuclear Association reports that in the 17,000 cumulative reactor years of commercial nuclear power operation there have been only three major reactor incidents: Three Mile Island in the United States of America, Chernobyl and the Japanese situation.

Modern nuclear power plants use what is known as a "defence in depth" approach to safety. This addresses control and containment of reactive material and the cooling of fuel. Safety aspects include design and construction of the plant and its infrastructure, equipment that is designed to prevent or avoid operational disturbances, comprehensive and constant monitoring of equipment and systems, backup systems and redundancies to deal with issues as they arise, and systems to confine crisis situations to the plant itself. Those are just some of the safety measures. There have been major advances in the technology and methodology used in modern nuclear power plant designs in recent decades. Computer modelling, known as "Reactor Consequence Analysis", has been used to test crisis situations in the kinds of reactors that are currently in operation worldwide.

Various reports further indicate the next-generational status of modern nuclear power reactors. For example, the AP-1000—which is a pressurised water nuclear reactor that has been under construction in Georgia in the United States of America—has so-called "passive safety features", including the ability to keep the fuel core cool for up to three days without any human intervention. I point out that the original environmentalists did not shy away from the nuclear option in energy supply. The near obsessive anti-nuclear pathology we encounter today comes mostly from militant elements of The Greens. We should not let that control the future of our power.

MEN'S SHED WEEK

The Hon. BEN FRANKLIN (23:13): This is a special week because it is Men's Shed Week. It is an appropriate time for each of us to acknowledge the extraordinary commitment and achievements of our men's sheds in communities across the State. Men's sheds first started to gain prominence in the late 1990s and have now become an integral part of our communities. They are a space where men can gather and work on meaningful projects for both personal and community benefits. They promote the health and wellbeing of their members and aim to reduce the number of men who are at risk of a range of health issues due to social isolation. Men's sheds are special and important places. They are a space where men do not have to worry about issues they are facing in their daily lives—whether it be unemployment, the transition from full-time work to retirement, sickness, injury, redundancy or discrimination. They are a space where men are acknowledged as valued and needed members of the community. Becoming a member of a men's shed provides a safe and productive environment and, most importantly, a place of good, old-fashioned mateship.

The North Coast is home to some incredible men's sheds. I pay tribute to these sheds, and particularly to some of the wonderful and humble men who are at the heart of these groups. The Mullumbimby Men's Shed has been an important part of the Mullumbimby community for more than eight years. Led by the very passionate Ken Bright, members of the shed are always willing to lend a hand to those in need. The men have been completing community projects and have been building and making items from donated timber for many years. Mullumbimby is a great town. When we see community groups like the men's shed stepping up and helping others where they can, we know community spirit lives strong. I thank Ken and the other members of Mullumbimby Men's Shed for all the work they do for the people of our region.

While I am not retired—yet—it has been a real privilege to be welcomed with open arms by a number of men's sheds. I particularly acknowledge the Bangalow Men's Shed. I have been delighted to join the members on a number of occasions, and I was recently made an honorary member of the shed. These men have carried out many great projects over the years, most notably their nesting box project. Members built bird nesting boxes so that local birds would have more places to nest in younger trees. Brian Mackney, the president of the shed, has championed this group and ensured that men in the Bangalow community can reap the rewards of the shed and its ever-expanding facilities, which seem to get more impressive, with new additions on each visit I make. Brian is not only a phenomenal team leader but also an outstanding baker. His scones rival any Country Women's Association scones. I know that is controversial, but if anyone would like to challenge my judgement they will first have to pay a visit to Bangalow Men's Shed. I thank Brian and the rest of the Bangalow Men's Shed team for the outstanding difference they are making for the Bangalow community.

I must also acknowledge the Ballina Men's Shed. Established in 2010, the shed has made an incredibly positive difference in the lives of men and the wider Ballina community. The shed is looking to establish a permanent home near the racecourse, and I am doing all I can to ensure that the vision becomes a reality. The list of projects completed by the men's shed is extensive, from cubbyhouses to letterboxes to breadboards. As an aside, I have a number of those breadboards that I am happy to sell to raise a few more dollars for the group, in case any member is interested. I pay tribute to Graham Eggins, the shed's wonderful team leader. The success of a men's shed is often attributed to its local team leader. I know that the Ballina Men's Shed would not be the great organisation it is today without Graham at the helm. I thank Graham for his tireless work and his dedicated passion for and commitment to the Ballina Men's Shed. I thank him for helping the men in our community and for being a true champion of our region.

I thank each and every men's shed across New South Wales. The value and purpose they provide to so many men throughout the State as well as the service they selflessly give to the community is valued by everyone. Tonight I am proud to honour and thank them on behalf of everyone in this Chamber. May they continue to thrive.

COST OF LIVING

The Hon. MICK VEITCH (23:17): Last Thursday I had the opportunity to attend the launch of the NSW Council of Social Service [NCOSS] Cost of Living Report "Access to Healthy Food" in the New South Wales Parliament. The event was hosted by the Hon. Courtney Houssos and comes on the back of the current inquiry into fresh food pricing being undertaken by Portfolio Committee No. 1. There is much in the media these days about the need for healthy food, the way in which healthy food affects a healthy weight and the need for us all to live a healthy lifestyle. Indeed, as any of us travels across New South Wales we hear about issues that could, for all intents and purposes, be bundled into the cost-of-living category. The cost of fresh fruit and vegetables is one of those cost-of-living issues.

In preparing this report, NCOSS conducted more in-depth research into the impact of healthy eating and the affordability of healthy food. It is valuable work. NCOSS surveyed more than 400 people on low incomes and produced some sobering statistics. It found that 39 per cent of respondents had been food insecure in the past

12 months—that is, they had run out of food and could not afford to buy more. According to NCOSS, the State average is just 6.9 per cent. The survey of low-income earners also discovered that only 2 per cent of respondents consumed the recommended daily intake of vegetables and 12 per cent of respondents consumed the recommended daily intake of fruit. People also spoke to NCOSS about the inadequacy of the range and quality of food where they currently reside. People also spoke about the price they pay for healthy food in supermarkets. One of the fascinating findings in the report centred upon cooking—namely, 59 per cent of respondents with children highlighted a lack of time to cook healthy meals.

Food insecurity is an issue that is having an impact on most low socio-economic households. It is not just a cost-of-living issue; it is also a nutritional issue. Indeed, when one considers that children are being raised in households that no longer cook fresh food, it is also a generational issue. We cannot allow people to be priced out of accessing a nutritional diet. It is important to note that not only are people encountering a difficulty in paying for their fresh food, but also they are struggling to get to a food outlet or supermarket to purchase fresh fruit and vegetables. The report also highlighted that fruit and vegetables outlets were less available in some areas than takeaway food or alcohol outlets. A staggering 85 per cent of survey respondents reported that their local shop or shopping centre had a takeaway store and 83 per cent sold alcohol.

One of the real issues is the cost of fresh food, and we heard this during the Portfolio Committee No. 1— Premier and Finance inquiry into fresh food pricing. The NCOSS survey found that cost was the main reason 58 per cent of survey respondents did not consume fruit and vegetables every day, and 74 per cent of survey respondents said they would eat more fresh fruit and vegetables if they were cheaper. I am concerned that for a number of families healthy food has become a discretionary expense. There is a stress in making ends meet and to achieve that something must give—and, unfortunately, healthy and fresh food is the expense item that is cut each week. I am also very concerned at the lack of cooking skills being put on display for children. Indeed, a generation will be coming through that does not know how to read a recipe, how to purchase the required fresh food items to complete a recipe or how to cook a meal according to a recipe. This is a problem.

I can only imagine the stress it must cause parents who are struggling to find sufficient money to purchase fresh food for their families on a daily basis. The angst caused by running out of food and not being able to purchase more for your family must be indescribable. It is not acceptable that for many low socio-economic households a healthy diet is out of reach. I do not want to pre-empt the good work of Portfolio Committee No. 1 – Premier and Cabinet, but I am looking forward to its report on fresh food pricing in New South Wales. It will be an important report, and hopefully it will assist government in putting in place policy measures to reduce food insecurity, increase access to fresh food and ensure that our residents have access to a healthy diet. Food insecurity is a growing issue in this State. I congratulate NCOSS on its good work in this area. I encourage members to read "Access to Healthy Food: NCOSS Cost of Living Report 2018".

GRANVILLE ELECTORATE COMMUNITY GROUPS

The Hon. NATASHA MACLAREN-JONES (23:22): The New South Wales Liberal-Nationals Government recognises the important role that community groups play in local communities. Indeed, they often help some of the most vulnerable in their communities. Thanks to this Government's hard work in rebuilding our State's economy, we are able to support community groups through community grants. The Berejiklian-Barilaro Government is proud to support grassroots programs across New South Wales. Tonight I will touch on some of those programs, including some of the work being done in the Granville electorate by organisations such as Youth Off The Streets. This community organisation assists in creating more opportunities for young people in New South Wales to participate in and contribute to their local communities.

Youth Off The Streets supports disadvantaged youth who may be homeless, drug dependent or recovering from abuse. It supplies services to support young people as they work to turn their lives around. I recently joined Ray Williams, the Minister for Multiculturalism, and Minister for Disability Services, in presenting a $9,100 grant to Youth Off The Streets at Merrylands to assist with its research and training for the Your Life, Your Say program, which aims to empower young leaders to share their powerful stories with local communities. The Government realises how integral organisations like Youth Off the Streets are to breaking the cycle of disadvantage.

Another fantastic organisation in the local area is Holroyd Community Aid Inc. This is another community organisation that goes to great lengths to help the vulnerable people of our State. As the longest established community aid service in New South Wales, Holroyd Community Aid supports the members of the Holroyd community by providing emergency relief to those who are experiencing crisis or hardship. The organisation donates essential items such as food vouchers, nappies and blankets to vulnerable people within the community and provides necessary referral services for local residents within the Holroyd city. The New South Wales Government has provided Holroyd Community Aid with a $5,000 grant to help the organisation attract more volunteers and continue its valuable work. The Liberal-Nationals Government understands how the hard

work of the volunteers at Holroyd Community Aid helps the members of the local community, ensuring that those who are struggling have access to necessary goods and services.

The Granville electorate has seen its community groups going above and beyond for those who need assistance in the area, with the New South Wales Government helping these groups continue to assist the most vulnerable. The Granville electorate is also one of many electorates in New South Wales that will see new social housing being built in the area as well as upgrades to existing social housing. In total, $5.3 million has been invested in social housing major works in the Granville electorate. The New South Wales Government aims for social housing to contribute to the Government's plan to break the cycle of disadvantage in our State. We want to encourage residents in social housing to be aspirational, not generational. Our reforms will see us working in partnership with all levels of government, not-for-profit housing providers, the private sector and social housing tenants to deliver more housing with better support services.

The Government's large-scale building program will deliver more than 23,500 new and replacement social and affordable housing dwellings across New South Wales. This will bring with it significant economic activity estimated at $22 billion in housing construction to the State. According to the Australian Productivity Commission and the Australian Institute of Health and Welfare, under the New South Wales Liberal-Nationals Government the total number of social housing homes has increased by 11,480. The Labor Government reduced the total number of social housing dwellings by more than 600 a year in its last term in office. However, Labor says the social housing waitlist has blown out since we came into office. That is untrue. There is a waiting list for social housing at the moment. However, while Labor was in power it reduced social housing, contributing to this waiting list instead of addressing it. The Liberal-Nationals Government is fixing yet another Labor mistake.

Since 2011 the Liberal-Nationals Government has addressed these needs by providing more social housing dwellings and, instead of reducing the number of homes, this Government is embarking on the biggest social housing construction program in Australia. We are looking after the people of New South Wales and doing what is needed for the most vulnerable people in our State. The Labor Government sold off social housing without a comprehensive strategy to reinvest the funds into new, fit-for-purpose housing. Our Future Directions social housing program will continue to increase the number of homes, build better communities and improve the quality of social housing in New South Wales. The Berejiklian-Barilaro Government is committed to ensuring that the most vulnerable people in our community feel supported by their community groups, have a place to live and are encouraged to break the cycle of disadvantage.

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

Motion agreed to.

The House adjourned at 23:28 until Wednesday 26 September 2018 at 11:00.