



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Tuesday, 16 October 2018

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Tuesday, 16 October 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.

Visitors

VISITORS

The PRESIDENT: I welcome to the President's Gallery Miss Tu Le, a new staffer for the Hon. Shaoquett Moselmane.

Bills

CHILDREN (EDUCATION AND CARE SERVICES) SUPPLEMENTARY PROVISIONS AMENDMENT BILL 2018

CRIMINAL PROCEDURE AMENDMENT (PRE-TRIAL DISCLOSURE) BILL 2018

RSL NSW BILL 2018

STRATA SCHEMES MANAGEMENT AMENDMENT (BUILDING DEFECTS SCHEME) BILL 2018

CRIMINAL LEGISLATION AMENDMENT (CONSORTING AND RESTRICTED PREMISES) BILL 2018

IMPOUNDING AMENDMENT (SHARED BICYCLES AND OTHER DEVICES) BILL 2018

PARLIAMENTARY BUDGET OFFICER AMENDMENT BILL 2018

WESTERN CITY AND AEROTROPOLIS AUTHORITY BILL 2018

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

Assent

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

Documents

OMBUDSMAN

Reports

The PRESIDENT: According to the Ombudsman Act 1974, I table a special report of the New South Wales Ombudsman entitled "The JIRT Partnership – 20 years on", dated 5 October 2018, received out of session and authorised to be made public on 5 October 2018.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

The PRESIDENT: According to the Independent Commission Against Corruption Act 1988, I table the annual report of the Independent Commission Against Corruption for the year ended 30 June 2018, received out of session and authorised to be made public on 5 October 2018.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.**INSPECTOR OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION****Reports**

The PRESIDENT: According to the Independent Commission Against Corruption Act 1988, I table the annual report of the Inspector of the Independent Commission Against Corruption for the year ended 30 June 2018, received out of session and authorised to be made public on 15 October 2018.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.**REGISTER OF DISCLOSURES**

The PRESIDENT: According to clause 21 of the Constitution (Disclosure by Members) Regulation 1983, I table the Register of Disclosures by Members of the Legislative Council for the period 1 July 2017 to 30 June 2018 furnished to me by the Clerk.

The Hon. DON HARWIN: I move:

That the document be printed.

Motion agreed to.**PARLIAMENTARY BUDGET OFFICE****Reports**

The PRESIDENT: According to the Parliamentary Budget Officer Act 2010, I table an updated, amended "Parliamentary Budget Office Operational Plan 2018", dated October 2018.

*Commemorations***CENTENARY OF FIRST WORLD WAR**

The PRESIDENT (14:34): Having finally breached the Hindenburg Line with an assault over the Bellicourt tunnel, it became imperative for the Allies to consolidate the breakthrough by securing towns and elevated positions overlooking the rear German trenches. While British forces advanced on the town of Beaufort, the 6th Brigade of the Australian Imperial Force launched an attack on the village of Montbrehain just after 6.00 a.m. on 5 October 1918. German resistance was fierce and inflicted heavy casualties. While many strategic objectives had been taken by midmorning, the Anzacs were subjected to heavy shelling and counterattacks from both flanks. At one stage, the Germans succeeded in forcing the brigade several hundred metres back through the streets. By midafternoon, however, the ruined village had been secured.

The Australians had suffered close to 400 casualties, representing nearly one in three men. Over 600 Germans were taken prisoner. After six months of continuous service on the front line, the remaining Australian troops were withdrawn from the front following the victory at Montbrehain for rest and reorganisation. With the Armistice declared less than a month later, none returned to the fighting. The battle for the small village of Montbrehain on 5 October 1918 was the last action involving Australian infantry on the Western Front. For the Australian troops, at least, there would be no more fighting in the muddy fields of France. Lest we forget.

*Motions***MRS ADELE SAUNDERS, OAM, AND MRS ELLEN MONAGHAN SERVICES TO THE HUNTER REGION**

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

- (1) That this House notes that:
 - (a) at the Hunter Region's New South Wales Volunteer of the Year award ceremony on 14 September 2018 at Wests City, Mrs Adele Saunders, OAM, and Mrs Ellen Monaghan were recognised for their decades of service to the Hunter region;
 - (b) Mrs Adele Saunders, OAM, has had an enormous impact on the City of Newcastle and netball at the local, regional, State and national levels, and has been the life blood of the Newcastle community and the go to person when things need to be done, and has served in the following capacities:
 - (i) executive member of Newcastle Netball Association since 1955 and over this period served as secretary, junior Vice President, senior Vice President, publicity officer, and since 1980 to the present, President;

- (ii) chair of the City of Newcastle Festival 1985-2010;
 - (iii) member of the City of Newcastle's Sports Council 1977-2010;
 - (iv) served on Park/Tourism and Sports Advisory Committees for the City of Newcastle 1977-2010;
 - (v) foundation member of the steering committee for the Hunter Sports Academy;
 - (vi) foundation President of the Hunter United Netball Region;
 - (vii) organising committee member for the 8th Australian Masters Games in Newcastle;
 - (viii) organising committee member for Trans-Tasman Masters Games in Newcastle;
 - (ix) organising committee member for the Hunter Festival of Sport Committee;
 - (x) All Australian Umpires' Badge recipient and represented New South Wales as both a player and umpire;
 - (xi) officiated at the State and State Age Championships, State League, Interdistrict, National Championships and other elite level competitions for many decades;
 - (xii) formerly a member of the All Australia Netball Association's Rules Grading, Appointments and AA Badging Panels; and
 - (xiii) recipient of the NSW Anne Clark, BEM, Outstanding Service Award; Life membership of Newcastle Netball Association; and the Medal of the Order of Australia in recognition of her decades of service to the community.
- (c) Mrs Ellen Monaghan has been significantly involved with the Newcastle Netball Association since 1968 and has spearheaded the inclusion of People with a Disability in netball and served in a variety of capacities including:
- (i) founding member of South Leagues Netball Club in 1969 and executive member from 1969-1992, 1997-2006 over which period held positions of club President, registrar, umpires' convenor, and team manager and umpire;
 - (ii) executive committee member of Newcastle Netball Association 1983 to present over which time served in positions of judiciary convenor, umpires' convenor as well as serving as a representative team umpire and on the Grading, Selections, Coaching Umpires Selection, Constitution and By Laws, Representative and Canteen Committees;
 - (iii) "A" Badged Umpire and has been the NSW People With a Disability team umpire 1988-1996; umpired at PSSA and CHS Knock Out and Championships; CHS Hunter Region Umpire 1985-1994; CHS State Open team umpire 1986-1995; Australian U16s Schools team umpire 1983; umpired at State PSSA 1997; umpired NSW Police Games 1985; umpired for the Australian Police Team in Fiji 1986; umpire at the South Pacific Police Challenge 1986; umpire at NSW State Age Championships 1979-1994; umpire at NSW State Championships 1981-1995; umpired NSW State League and Interdistrict for over 16 year; coached and mentored numerous umpires; conducted umpiring clinics and seminars;
 - (iv) foundation member of New South Wales' Netball Association's People With a Disability committee 1988 and served on the committee to 2003, served as manager of the New South Wales People With a Disability representative team from 1997 and assisted with training sessions and accompanied the team across the nation;
 - (v) recipient of the NSW Anne Clarke, BEM, Outstanding Service Award; Life membership of Newcastle Netball Association; and Souths Leagues Netball Club and Australian Sports Medal.
- (2) That this House acknowledges and commends the outstanding work of Mrs Adele Saunders, OAM, and Mrs Ellen Monaghan in the Hunter region.

Motion agreed to.

NATIONAL ART SCHOOL "MEASURED RESPONSE" EXHIBITION

The Hon. NATALIE WARD (14:37): I move:

- (1) That this House notes that:
- (a) on Wednesday 30 May 2018, the National Art School launched the "Measured Response" exhibition, attended by over 250 guests, bringing together contemporary Aboriginal perspectives that engage with bodily and spiritual practices of art-making and often using themselves as a point of reference for measurement and creation;
 - (b) the exhibition had a broad pool of contributors, and featured works of artists such as Tamara Baillie, Lorraine Connelly-Northey, Penny Evans, Julie Freeman and Lucy Simpson, Yhonnie Scarce, Dr Thancoupie Gloria Fletcher (Thanakupi), AO, Delissa Walker, Euraba Artists and Papermakers, and Hands On Wagga Weavers;
 - (c) curated by Emily McDaniel, a hallmark of "Measured Response" is that it is an exhibition of predominantly female Aboriginal artists, and demonstrates how a person's relationship to the world is calibrated through their bodily dimensions; and

- (d) the host, the National Art School, is the leading visual art school in New South Wales, has previously been guaranteed support by the Government until at least 2020, and both the Minister for the Arts, the Hon. Don Harwin, MLC, and the Minister for Education, the Hon. Dr Rob Stokes, MP, are its shareholding members.
- (2) That this House acknowledges the invaluable work of the National Art School and the contribution of:
 - (a) Steven Alderton, National Art School Director and CEO;
 - (b) Emily McDaniel, curator of the "Measured Response" exhibition; and
 - (c) the Hon. Don Harwin, MLC, for his tireless support and advocacy for the Arts.

Motion agreed to.

NEW ENGLAND NORTH WEST NSW BUSINESS CHAMBER BUSINESS AWARDS

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

- (1) That this House notes that:
 - (a) on Friday 21 September 2018, Mr Scot MacDonald, MLC, attended the New England North West NSW Business Chamber 2018 Business Awards at Peterson's Winery in Armidale;
 - (b) the Hon. Adam Marshall, MP, Minister for Tourism and Major Events, and Assistant Minister for Skills was in attendance;
 - (c) covering Guyra, Gunnedah, Inverell, Armidale, Tamworth, Glen Innes and Tenterfield, the New England North West NSW Business Awards celebrate business excellence across a diverse region of the State; and
 - (d) winners of awards included:
 - (i) Outstanding Young Employee, Sam Uphill, Laser Electrical Armidale;
 - (ii) Outstanding Young Entrepreneur, Brooke Patriquin, Li'l Achievers Early Learning Centre;
 - (iii) Outstanding Business Leader, Bronwyn Pearson, Pinnacle People Solutions;
 - (iv) Excellence in Small Business, U Goose;
 - (v) Excellence in Business, Mannion Drilling;
 - (vi) Excellence in Innovation, Birth Beat;
 - (vii) Excellence in Export, Lively Linseed;
 - (viii) Excellence in Sustainability, Raw Fibre;
 - (ix) Excellence in Social Enterprise, Backtrack Youth Works;
 - (x) Excellence in StartUp Superstar, Portable Horse Stables;
 - (xi) Excellence in Workplace Inclusion, HealthWISE New England North West;
 - (xii) Outstanding Employer of Choice, Invest Blue;
 - (xiii) Local Chamber of Commerce, Gunnedah and District Chamber of Commerce and Industry; and
 - (xiv) Regional Business of the Year, Invest Blue.
- (2) That this House acknowledges the outstanding work of the New England North West NSW Business Chamber and Regional Manager, Joe Townsend, and congratulates all winners of the chamber's 2018 business awards.

Motion agreed to.

Documents

TABLING OF PAPERS

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

- (1) Surveillance Devices Act 2007—Report of Department of Justice entitled "Report of the Statutory Review of the Surveillance Devices Act 2007", dated October 2018.
- (2) Report of Aboriginal Affairs NSW entitled "Unfinished Business: Progress Report to Parliament", dated July 2018.

I move:

That the reports be printed.

Motion agreed to.

TABLED PAPERS NOT ORDERED TO BE PRINTED

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

*Committees***LEGISLATION REVIEW COMMITTEE****Report: Legislation Review Digest No. 62/56**

The Hon. NATASHA MACLAREN-JONES: I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 62/56", dated 16 October 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. 14 of the Selection of Bills Committee, dated 16 October 2018. I move:

That the report be printed.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: I move:

That the following bills not be referred to a standing committee for inquiry and report:

- (a) Civil Liability Amendment (Organisational Child Abuse Liability) Bill 2018;
- (b) National Park Estate (Reservations) Bill 2018;
- (c) Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2018; and
- (d) Workers Compensation (Firefighters' Presumptive Rights to Compensation) Bill 2018.

Motion agreed to.

STANDING COMMITTEE ON STATE DEVELOPMENT**Report: Water NSW Amendment (Warragamba Dam) Bill 2018**

The CLERK: According to standing order, I announce receipt of report No. 45 of the Standing Committee on State Development entitled "Water NSW Amendment (Warragamba Dam) Bill 2018", dated October 2018, together with transcripts of evidence, submissions and correspondence, received out of session and authorised to be made public on 10 October 2018.

*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 Water NSW Amendment (Warragamba Dam) Bill 2018 be restored to the *Notice Paper* and set down for a later hour of the sitting.

Motion agreed to.

CONDUCT OF BUSINESS

The Hon. DON HARWIN: I move:

That, notwithstanding anything to the contrary in the standing orders, on the second reading debate of the Water NSW Amendment (Warragamba Dam) Bill 2018, Mr Veitch may speak a second time and Mr Blair may speak a second time in reply, for no longer than 20 minutes each.

Motion agreed to.

*Committees***PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE****Government Response: Alcoholic Beverages Advertising Prohibition Bill 2015**

The CLERK: According to standing order, I announce receipt of the Government response to report No. 46 of Portfolio Committee No.1—Premier and Finance entitled "Alcoholic Beverages Advertising Prohibition Bill 2015", tabled on 29 March 2018, received out of session and authorised to be printed on 2 October 2018.

*Petitions***PETITIONS RECEIVED****Tweed Byron Policing**

Petition noting the reduction in police staffing levels in the Tweed and calling on the Government to restore police numbers in the region, received from the **Hon. Walt Secord**.

Tweed Valley Hospital

Petition opposing the rezoning and development of prime agricultural farmland on the Cudgen Plateau for the proposed new Tweed Valley hospital and requesting that the Government locate the hospital on a more accessible site, received from **Ms Dawn Walker**.

Police Drug Dogs

Petition calling on the Government to end the NSW Police Force drug dogs program and stop the police practice of denying entry to patrons on the basis of a false positive indication from a drug dog, and requesting that cannabis be legalised, received from **Mr David Shoebridge**.

Makarrata Commission and Treaty

Petition stating that sovereignty over the land that forms Australia was never ceded and that dispossession of the land has had many negative impacts on Aboriginal and Torres Strait Islander people, and calling on the Government to commit to establishing a Makarrata Commission and a treaty with Aboriginal people, received from **Mr David Shoebridge**.

*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 23 October 2018.

Motion agreed to.

*Committees***PRIVILEGES COMMITTEE****Chair and Membership**

The PRESIDENT: I inform the House that on Friday 12 October 2018 the Clerk received advice from the Leader of the Government nominating Mr Mason-Cox as a member of the Privileges Committee in the place of Mr Mallard. I further inform the House that on the same date the Leader of the Government nominated Mr Mason-Cox as Chair.

PUBLIC ACCOUNTABILITY COMMITTEE**Extension of Reporting Date**

Reverend the Hon. FRED NILE: As Chair, in accordance with paragraph 10 of the resolution establishing the Public Accountability Committee, I inform the House that on 15 October 2018 the committee resolved to extend the reporting date for its inquiry into the impact of the WestConnex project to 17 December 2018.

*Bills***WATER NSW AMENDMENT (WARRAGAMBA DAM) BILL 2018****Second Reading Debate**

Debate resumed from 26 September 2018.

The Hon. MICK VEITCH (15:04): Unusually, I will speak for a second time in debate on the Water NSW Amendment (Warragamba Dam) Bill 2018, predominantly because of the committee process that the House has been trialling. The bill was referred by the House to the Standing Committee on State Development for a short and sharp inquiry. That has taken place and the report has been tabled in the Chamber. In essence, what has occurred is a refinement of the process that needs to take place. The Minister is about to reply to the second reading debate. The committee has reported but there is no provision for members—or the Government, in

particular—to respond to that report. So there is no Government response. That is how we have reached this point today.

The Opposition welcomed the opportunity to have additional scrutiny of the bill. The Hon. John Graham, the Hon. Penny Sharpe and I were present at the inquiry when a number of questions were put and submissions were made. I state at the outset that the committee's report contains a dissenting statement from the Hon. John Graham and me. Importantly, I will detail why. First, we oppose the urgency with which the bill has proceeded. We do not support the recommendation to proceed to debate at this time. We do so following evidence given to the committee from New South Wales Government agencies that the legislation is not required for the environmental impact statement process to proceed.

Secondly, we believe the information upon which the Government's strategy is based should be made public. We questioned the bureaucrats in attendance at the inquiry about what is referred to as the Resilient Valley, Resilient Communities strategy and the cost-benefit analysis of the alternative measures. We feel documentation that has been cited has not been made publicly available. On that basis, and without that information before us, we are unable to carry out due diligence and make a decision on the bill. Thirdly, we received strong evidence of community concerns about overdevelopment on the flood plain. We remain concerned that the Government's 2017 flood risk management strategy leaves unchallenged the assumption that the population living and working on the flood plain will double. We believe it is crucial that outcome three of the strategy—strategic and integrated land use and road planning—is directed, as a priority, to reducing overdevelopment.

We are also concerned about the impact of this proposal on Aboriginal culture, Indigenous artworks and the environment within the temporary inundation zone for the increased wall at Warragamba Dam. Again, this was explored during the committee. I do not think that would have been possible without the additional scrutiny the process has provided. I believe it is important that we have had an opportunity to take testimony from people about that matter. The process provided an opportunity for bureaucrats essentially to provide, under oath, responses to issues raised. The process involved four panels and people fitted into the panels and gave their testimony within that structure.

Dr Margaret Moussa, who is a lecturer in economics at the School of Business at Western Sydney University, participated in an expert panel. After Dr Moussa provided her testimony, she took a seat in the public gallery to observe the remaining witnesses give their evidence. Subsequent to that day and to the report being made public, Dr Moussa got in touch with me. She was quite concerned at some of the evidence provided by the bureaucrats, in particular Dr Jim Betts and Ms Maree Abood. Dr Moussa wrote to me outlining her concerns. I have consulted with the Minister for Primary Industries, who is at the table, and I seek leave to have the correspondence provided to me by Dr Moussa incorporated in *Hansard*.

Leave granted.

October 14th, 2018

To the Hon. Mick Veitch MLC,

Dear Mr Veitch,

You may recall that I presented evidence regarding the Water NSW Amendment (Warragamba Dam) Bill at the October 4th meeting of the Standing Committee on State Development. After our panel was dismissed I listened to and (a few days later) read the evidence offered by NSW government employees, in particular Mr Jim Betts and Ms Maree Abood. I have several concerns regarding their evidence, outlined below. I ask that this letter be tabled as part of the NSW Parliament's debate on this Bill.

- 1) *Indications that significant NSW Government/Sydney Water Corporation commissioned survey material regarding Aboriginal heritage sites has been patently excluded from Infrastructure NSW's 2016 CBA and a concomitant concern that important content from proposed future surveys may also be disregarded and withheld from public scrutiny.*

Infrastructure NSW (2012, p. i) has noted that its investigation of various Hawkesbury-Nepean Valley flood mitigation infrastructure projects is basically an update of an earlier document, the *1995 Proposed Warragamba Dam Flood Mitigation Dam EIS* prepared by Mitchell M'Cotter on behalf of Sydney Water. Mr Betts's and Ms Abood's October 4th evidence also drew heavily on this 1995 document.

Having read the 1995 Mitchell M'Cotter EIS, I am concerned that key conclusions in this document were not mentioned either in derivative Infrastructure NSW documents or in the October 4th evidence of Mr Betts and Ms Abood. Specifically, in documenting the survey of aboriginal heritage sites upstream of the Warragamba Dam Wall, the 1995 EIS notes of the Aboriginal rock shelters found in the area likely to be affected by raising the dam wall, *"Suitable rock formations for shelter tend to be uncommon, therefore those found are significant because of their rarity."* (p.9:52). The authors go on to conclude; *"Flooding of the valley bottom by Warragamba Dam has probably severely depleted the archaeological resource, thus greatly enhancing the significance of the remaining sites."* (p.9:52).

Given the extent to which derivative Infrastructure NSW documents and NSW government employees (Mr Betts and Ms Abood) have drawn on this 1995 EIS, omission of the (quoted) conclusions regarding Aboriginal heritage sites upstream of the dam appear to amount to patent disregard. While recognising that evidence of patent disregard depends

upon release of the relevant CBA documents, I am nonetheless now concerned about treatment of the content of proposed future surveys of the region in question. What confidence should we have that there will be full disclosure of future investigations of aboriginal heritage sites in the affected area upstream of Warragamba Dam? Can the relevant government bodies give assurances in this regard, given that contractors are now routinely required to sign non-disclosure agreements and that individuals giving expert evidence at the October 4th meeting were also warned (via email) that they could not disclose details of their submissions without the Committee's permission?

- 2) *The 1995 EIS and October 4th evidence of Ms Abood before the Committee indicates that plausible evaluation of proposals to lower the full supply level of Warragamba Dam (as a flood mitigation infrastructure option) should include a thorough, updated investigation of desalination processes. There is no indication that Infrastructure NSW has undertaken such detailed investigation as part of its Cost Benefit Analysis of the five Hawkesbury-Nepean Valley flood mitigation options. This suggests either a need to release evidence of such a detailed investigation or a need to thoroughly re-evaluate the option of lowering the full supply level and making available the results available to the public.*

As noted in *Resilient Valley, Resilient Communities* (2017), Infrastructure NSW rejects the proposal to lower the full supply level of Warragamba Dam as a flood mitigation option. The document explains that this strategy would deliver the required flood mitigation effects only at the cost of depleting Sydney's water supply during droughts.

This conclusion implies that Infrastructure NSW did not consider lowering the full supply level *in conjunction* with activating the Sydney Desalination Plant and altering the triggers for construction of more desalination plants. However, in answering questions from the Committee on October 4th, Ms Abood effectively acknowledged that options to lower the full supply level should properly be considered in conjunction with investigating the costs of implanting desalination options. The 1995 Mitchell M'Cotter EIS also acknowledges this. (Note that this document was published over ten years before the construction of the Sydney Desalination Plant and its brief consideration of the likely construction is obviously outdated).

Of more concern, the sources of Ms Abood's October 4th desalination cost estimates are not clear, given that *Resilient Valley, Resilient Communities* does not address this issue. Ms Abood's sources need to be made publicly available and systematically considered since;

- 1) It is not clear that Ms Abood considered the current expense of maintaining an *inactive* desalination plant. This notably includes the costs of unused capital capacity-in part, a payment of \$500,000 a day from the NSW government to the private owners of the plant. These excess capital costs are detailed in Turner et al (2016).
- 2) It is not clear that Ms Abood's desalination cost estimates adhere to CBA discounting procedures. As Professor Stuart Khan noted in his evidence before the Committee and as Turner et al (2016) explain, lowering the full supply level of Warragamba Dam would deliver flood mitigation benefits at a considerably earlier date than the benefits accruing from raising the dam wall. The time difference means that the benefits of raising the dam wall should be discounted relative to the benefits of lowering the full supply level/activating the Sydney desalination plant. Further, As Professor Khan and Turner et al (2016) note, the costs of building additional desalination capacity are encountered only if and when dam level triggers are reached. This means the costs of building additional plant may well be decades away and thus these costs must be discounted in a current CBA. Thirdly, it is not clear that Ms Abood's estimation of the time required to build an additional desalination plant has fully factored in the infrastructure shared between existing and future plant (Turner et al, 2016).

These issues leave open the question of whether each of the five shortlisted Hawkesbury-Nepean Valley flood infrastructure proposals has been adequately investigated using CBA methodology. Release to the public of the relevant documents may shed light on this problem. However if, in fact, there is no evidence that the discounted costs and benefits of desalination options has been considered in Infrastructure NSW's CBA, then this research should be undertaken before any one flood mitigation infrastructure proposal is selected. This may mean going back a step-however an adequate investigation of the options demands this.

I hope that these concerns regarding the investigation of Aboriginal heritage and the costs of desalination can be raised (and this letter tabled) as part of the Parliamentary debate of the Water Supply Amendment (Warragamba Dam) Bill, 2018.

Yours sincerely,
Dr Margaret Moussa
Lecturer in Economics
School of Business, Western Sydney University.

The Hon. MICK VEITCH: I thank members for granting leave. I think it is important that Dr Moussa has the opportunity to respond. Normally other avenues are available, but because of the truncated process people will not get a chance to respond if they feel information is not quite accurate. I appreciate consideration of Dr Moussa's request by the Minister and the House. This has been an important process. The environmental considerations are quite substantial, as is the impact of temporary inundation on Indigenous heritage and culture. The committee took testimony from public servants who said, in essence, that this bill is not required for them to continue with the environmental impact statement. We also heard testimony that the consultation processes were a concern.

During the committee inquiry we were able to amend the report. Mr Justin Field sought for the Opposition to move an amendment regarding the 45-day public exhibition period, and we were successful in assisting him in that. Again, I think it is important for the House to work in that manner in respect of a trial process for scrutinising bills. I underline that there was considerable concern about the consultation time frames that would

be followed. Therefore, it is important to have 45 days for public exhibition. The process is good although refinement is required. The Opposition will oppose the legislation.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:12): In reply: I acknowledge that the process the House is considering is a trial, and I thank the Opposition for its cooperation in enabling the provision of extra contributions off the back of the report of the Standing Committee on State Development. I thank the committee members for their work on the bill. The committee made seven recommendations, five of which apply directly to the bill before the House. The first was that the Legislative Council proceed with debate on the bill—which we are doing today. The second was that the New South Wales Government address the committee's comments and recommendations contained in the report.

Regarding the recommendation that the New South Wales Government review the consultation process incorporated in any planning approvals and for the remainder of the environmental impact statement [EIS] process, all the infrastructure options considered in developing the flood strategy were informed by a preliminary environmental, socioeconomic and cultural heritage assessment. A full environmental, socioeconomic and cultural heritage assessment is being carried out as part of the EIS for the Warragamba Dam raising proposal. We are undertaking a thorough process, with robust public consultation. Surveys and assessments for the EIS are currently ongoing. The EIS will be exhibited mid next year.

We have committed to taking the time and assessments required to understand the environmental and Aboriginal cultural heritage impacts. The benefits and impacts, any possible mitigation and offsets for the proposal will be presented to the public for full consultation. WaterNSW, as owner and operator of Warragamba Dam, is leading the dam-raising proposal over the three years, 2017 to 2019, and is preparing detailed concept designs and a comprehensive environmental impact statement to obtain environment and planning approvals. Community and stakeholder consultation is an important part of the EIS process. Both State Government and Australian Government planning approvals will need to be obtained under the New South Wales Environment Planning and Assessment Act 1979 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. As this is State significant infrastructure, the State approvals will be made by the Minister for Planning.

The EIS will address the assessment requirements of both governments. While this proposal will have very significant community benefits, it is important that decision-makers fully understand the potential environmental and social impacts and how they are to be managed, mitigated or offset as part of the project design and operation. These assessments are being done properly with detailed investigations and public consultation, and that takes time. There will be many opportunities for stakeholder groups and the community to find out more and provide feedback. These are early steps in the process in the lead-up to the public release of a formal environmental impact statement for comment in 2019. The environmental impact assessment process is not being accelerated; it will be executed robustly and will consider all known possible impacts.

The committee also requested adequate time to conduct survey mapping for Aboriginal heritage in the impacted areas. The bill requires the environmental management plan to continue to protect conservation values and to monitor and manage the area. The plan will be approved by the Minister administering the National Parks and Wildlife Act 1974 in concurrence with the Minister administering the Water NSW Act 2014. The bill specifies that the environmental management plan will need to address all matters specified by the Minister administering the National Parks and Wildlife Act 1974. The matters will need to be consistent with the proposal's planning approval. Compliance with the approval will be the responsibility of WaterNSW. This is why the bill specifies that WaterNSW will be responsible for preparing the plan in consultation with the Office of Environment and Heritage.

The matters addressed in the environmental management plan may also include requirements relating to the following: monitoring and addressing the risks associated with the environmental and conservation values of the land that may be affected by the operation of flood mitigation before and after any flood events. This would include biodiversity values, Aboriginal cultural heritage values, European heritage values and any values declared on the World Heritage List. The final recommendation of the report was for the draft environmental management plan to be put on public exhibition for 45 days. This bill includes built-in environmental safeguards through the requirement for an environmental management plan. The environmental management plan must be consistent with any planning approval for the proposal under the Environmental Planning and Assessment Act 1979.

Complying with the planning approval will be the responsibility of WaterNSW. The environmental management plan will need to balance the management of the upstream environmental impacts with the operation and management of a raised Warragamba Dam and its upstream special areas. This must be achieved in a way that is consistent with the proposal's planning approval. To achieve this balance, the bill specifies that the environmental management plan will need to be approved or amended by both the Minister administering the Water NSW Act 2014 and the Minister administering the National Parks and Wildlife Act 1974. Given the strong

and rigorous consultation process around both the EIS and the environmental management plan, publicly exhibiting for a further 45 days is not considered necessary by the Government and is potentially a dangerous delay to putting effective flood management tools in place.

Turning to the bill at hand, it is important to repeat that this is not an approval for the Warragamba Dam raising proposal. The proposal will be subject to an EIS, including public exhibition, State Government and Australian Government planning approvals, and a final government investment decision in 2020. The bill is being brought to Parliament ahead of the exhibition of the EIS—due mid next year—to ensure that, if successful, there are no delays to the investment decision, the delivery of the project and hence the flood mitigation benefit. It will also allow for consultation undertaken during the EIS exhibition to focus on the merits of the proposal. The land will continue to be national parks land and its environmental and conservation values will continue to be protected, monitored and managed in accordance with the environmental management plan contemplated in the bill.

The plan will need to include all matters specified by the Minister for the Environment, who is responsible for the National Parks and Wildlife Act 1974. The plan must be consistent with any statutory planning approval. The approval will be informed by public consultation on the EIS. Compliance with the approval will be the responsibility of WaterNSW. This is why the bill specifies that, while the scope of the plan is determined by the Minister for the Environment, WaterNSW will be responsible for preparing the plan in consultation with the Office of Environment and Heritage. 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, to which Mr Justin Field has moved an amendment to omit "be now read a second time" and to insert instead "be referred to Portfolio Committee No. 6 - Planning and Environment for inquiry and report". I will put the amendment as moved by Mr Justin Field. The question is that the amendment be agreed to.

The House divided.

Ayes17
Noes21
Majority.....4

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)	Primrose, Mr P
Searle, Mr A	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Veitch, Mr M	Voltz, Ms L
Walker, Ms D	Wong, Mr E	

NOES

Amato, Mr L	Blair, Mr	Brown, Mr R
Clarke, Mr D	Colless, Mr R	Cusack, Ms C
Fang, Mr W (teller)	Farlow, Mr S	Franklin, Mr B
Harwin, Mr D	Khan, Mr T	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

Amendment negatived.

The PRESIDENT: The question is that this bill be now read a second time. Is leave granted to ring the bells for one minute?

Leave granted.

The House divided.

Ayes20
Noes17
Majority.....3

AYES

Amato, Mr L
Colless, Mr R
Farlow, Mr S
Khan, Mr T

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

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

Mallard, Mr S
Mitchell, Mrs
Taylor, Mrs

Martin, Mr T
Nile, Revd Mr
Ward, Mrs N

NOES

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

Donnelly, Mr G (teller)
Graham, Mr J
Moselmane, Mr S
(teller)
Secord, Mr W
Veitch, Mr M
Wong, Mr E

Faehrmann, Ms C
Houssos, Mrs C
Primrose, Mr P
Sharpe, Ms P
Voltz, Ms L

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

Motion agreed to.**In Committee**

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the Water NSW Amendment (Warragamba Dam) Bill 2018 as a whole.

Mr JUSTIN FIELD (15:31): I move The Greens amendment No. 1 on sheet C2018-124A:

No. 1 **Limit on height of dam wall raising**

Page 3, Schedule 1 (proposed section 64A), line 17. Insert "by no more than 14 metres" after "Dam".

The Greens amendment No. 1 seeks to limit any future proposal to raise the Warragamba Dam wall to a maximum of 14 metres. The environmental impact statement that is currently being drafted for the project, as I understand it, is based on a 14-metre rise. This amendment will ensure that if a future modification to the project is made to raise the dam wall by more than 14 metres further parliamentary approval will be required. I raised this directly with the Minister during budget estimates hearings. I have heard that there have been considerations to raise the dam wall by more than 14 metres. I was disappointed that I did not speak in the second reading debate but I was able to participate in the inquiry. The evidence that we heard in the inquiry was that the consequences for plants and animals in the World Heritage listed Blue Mountains National Park of raising the dam wall at all are significant. The more the water is allowed to rise and the more frequent the temporary inundation the more significant will be those environmental consequences. The detriment to the World Heritage area is extreme.

Therefore, The Greens think it is appropriate that if there are plans down the track to modify the proposal and increase the height that the proposal be brought back for consideration by the Parliament. Although the intention of this amendment is to limit the Government's proposal to raise the dam wall by no more than 14 metres, I want to assure the House and others that The Greens do not support at all the proposal to raise the Warragamba Dam wall. During the inquiry we heard compelling evidence from water experts that there are clear alternatives to raising the dam wall, which I will speak to when I move further amendments. This is a sensible amendment. It will hold the Government to its word. I believe that the Minister in the other House intended to make it clear in his reply that the Government was only seeking to raise the dam wall by 14 metres and that there was no intention to modify that. I have not checked *Hansard*; I hope it was the case. Minister Blair may like to make that statement clearly here. I commend the amendment to the House.

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:33): The Greens amendment No. 1 proposes to specify the exact height of the dam raising. The intention of the Government under the flood strategy is to design a dam that will provide the flood mitigation benefits of a 14-metre rise, which is what will be presented in the environmental impact statement [EIS] for the proposal. The raising design is currently being optimised to inform the completion of a detailed concept to support the EIS. The design will be subject to consultation as part of the EIS. The design will also need to be reviewed in light of climate change impacts, reviewed by the dam safety committee, and given

final State and Australian government planning approval. As a result, it is inappropriate to legislate the raising design while this work is still in progress. As a matter of clarification, the Minister in the other place has not addressed this bill as it was initiated in this Chamber. Mr Justin Field can look all he wants for those comments in *Hansard* but the Minister has not spoken to the bill. The Minister may address the issue when he makes his contribution to the bill.

The Hon. MICK VEITCH (15:35): The Opposition will be supporting The Greens amendment No. 1. This amendment needs to be slotted into the bill. Proposed section 64A, Definitions, states:

Warragamba Dam project means development that is approved to be carried out under the Planning Act:

- (a) to raise the wall of Warragamba Dam, and
- (b) to operate the dam,

After the words "Warragamba Dam" this amendment proposes to insert "by no more than 14 metres". I am not sure why the Government would not want to support this amendment because it has been telling everyone, all and sundry, both during the second reading debate and in Committee that the wall will not be raised by more than 14 metres. If that is not the case, the Government should tell us.

Mr JUSTIN FIELD (15:36): I thank Minister Blair for clarifying my earlier comments. I clearly misspoke; it was an undertaking given by the Minister during budget estimates. I hope that the Minister in the lower House will address the issue when he speaks to the bill. To be clear, this amendment is not seeking to legislate a certain limit. It uses the words "by no more". The bill enables the Government at any time down the track to come back and modify the proposal. The bill opens the door to the Government to do anything it likes: whatever is approved by the planning Minister would hold and the Government could increase the height by substantially more without coming back to the Parliament. The consequences would never be looked at by the Parliament again.

As the Hon. Mick Veitch said, the Government has spoken at length in debate about "14 metres", but I have heard that consideration has been given to making it higher. Let us make it clear that the Government does not intend to go higher. That is what will be considered in an environmental impact statement, as I understand it. The Parliament is already on the back foot in terms of understanding the essential consequences for the environment, flood mitigation and alternatives to water supply because it does not have the EIS and the business case before debating these matters in this place. I implore the Government to make very clear on the record in the Parliament that the wall will not be raised by more than 14 metres and to support this amendment.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved The Greens amendment No. 1 on sheet C2018-124A. The question is that the amendment be agreed to.

The Committee divided.

Ayes17
Noes20
Majority.....3

AYES

Buckingham, Mr J
(teller)
Field, Mr J
Mookhey, Mr D
Searle, Mr A
Shoebridge, Mr D
Walker, Ms D

Donnelly, Mr G
Graham, Mr J
Moselmane, Mr S
Secord, Mr W
Veitch, Mr M
Wong, Mr E

Faehrmann, Ms C
(teller)
Houssos, Mrs C
Primrose, Mr P
Sharpe, Ms P
Voltz, Ms L

NOES

Ajaka, Mr
Clarke, Mr D
Fang, Mr W (teller)
Harwin, Mr D

Amato, Mr L
Colless, Mr R
Farlow, Mr S
MacDonald, Mr S

Mallard, Mr S
Mitchell, Mrs

Martin, Mr T
Nile, Revd Mr

Blair, Mr
Cusack, Ms C
Franklin, Mr B
Maclaren-Jones, Mrs
(teller)
Mason-Cox, Mr M
Phelps, Dr P

NOES

Taylor, Mrs

Ward, Mrs N

Amendment negatived.

Mr JUSTIN FIELD (15:45): By leave: I move The Greens amendments Nos 2, 3, 5 and 6 on sheet C2018-124A in globo:

No. 2 Extent of temporary inundation of national park land

Page 3, Schedule 1 (proposed section 64B). Insert after line 32:

- (4) This section applies in relation to the temporary inundation of national park land only to the extent determined by, or as referred to in, an approved EMP.

No. 3 Preparation of environmental management plan

Page 3, Schedule 1 (proposed section 64C), lines 40 to 43. Omit all words on those lines. Insert instead:

- (2) A draft EMP is to be prepared before any development is carried out to raise the wall of Warragamba Dam.
- (3) The NPW Minister is to determine the matters that are to be addressed by a draft EMP.
- (4) Those matters are to include at least the same matters as are referred to in section 72AA (1) of the NPW Act.

No. 5 Advisory committee to provide advice on environmental management plan

Page 4, Schedule 1 (proposed section 64C). Insert after line 5:

- (5) In determining the matters to be addressed by a draft EMP or in approving a draft EMP submitted by Water NSW, the NPW Minister is to obtain the advice of the advisory committee for the region in which the national park land concerned is located.

No. 6 Review of environmental management plan

Page 4, Schedule (1) Insert after line 30:

64F Review of approved EMP

The Minister for the Environment may conduct a review of an approved EMP at any time and report to Parliament on the outcome of the review.

All of these amendments relate to the preparation of an environmental management plan that is allowed or required under the bill. In this environmental management planning process, after an approval is given an environmental management plan is required to be produced. Its intention is to ensure that any consequences on the environment as a result of temporary inundation can be mitigated, managed, remediated or minimised. The bill creates a framework through which environmental impacts are attempted to be managed, but here in this Chamber at this point in time we do not understand the exact consequences of those environmental impacts.

During the inquiry, we received clear evidence from environmental experts of the types of consequences that could arise, whether it is vegetation dying as a direct impact of the flooding, vegetation not doing well from having wet feet or invasive weeds being moved into areas. This is a World Heritage listed national park. There are issues with siltation and slumping of the banks, the consequences of which can be significant. We know that the regent honeyeater, a critically endangered species, relies on areas that could be temporarily inundated. We also know that we do not know how often these areas will be temporarily inundated.

Mr Jeremy Buckingham: Known unknowns.

Mr JUSTIN FIELD: We do not know what we do not know. The Government in the inquiry hearings acknowledged that there is significant uncertainty about how often temporary inundation would occur. How often would it be? Would temporary inundation occur during one-in-100-year events? I was able to extract information from the Government that temporary inundation could occur as often as during one-in-five-year events. An entirely different environmental management plan is required if temporary inundation occurs far more often. We do not have that information before us now but we are being asked to pass legislation governing the environmental management planning process.

It is also the case under our current national parks laws that plans of management are created by the environment Minister. The legislation in that respect is incredibly detailed as to what needs to be in a plan of management for our national parks. But the environmental management planning process being put forward in this bill for those areas that will be temporarily inundated contains none of that detail. These amendments seek to tighten up the environmental management planning process and detail who has rights, responsibilities and

authority in the drafting and determination of the matters considered under the environmental management planning process.

Amendment No. 2 requires that the environmental management plan [EMP] defines the parameters around "temporary inundation". It is not clear; it is not defined. We do not know what specific areas are going to be subject to environmental management planning processes. Amendment No. 3 amends proposed section 64C of the bill to add three new subsections that ensure that no development is carried out as part of a project before the EMP is prepared. The reality is that before we see a planning approval work could be started and potentially even finished. We could even have an initial temporary inundation but the EMP might still be in the process of being drafted. The amendment will also remove the requirement for the EMP to be consistent with the planning approval and replaces it with a requirement for the Minister for the Environment to determine the matters to be addressed in the EMP.

Currently the bill gives veto powers to the water Minister with regard to all of the elements of the environmental management plan. While the water Minister might like to have that responsibility, let us be real, it is a concurrence but a veto as well. When it comes to matters of environmental significance and matters that are going to be determined with regard to New South Wales and Federal environmental law, we think the environment Minister should ultimately be able to determine those things. We also think that those matters should be considered under the plan of management requirements in the National Parks and Wildlife Act. The requirements are very detailed, and they are very detailed for a reason. These areas are some of the most critically important environmental assets in the State, none more so than the world heritage area of the Blue Mountains National Park.

Amendment No. 5 requires the Minister for the Environment to consult with the Blue Mountains Regional Advisory Committee when determining matters to be addressed by the EMP and when approving the EMP. This will utilise the expert knowledge of the regional advisory committee, which is essential to reduce the inevitable environmental damage that will be caused if this project goes ahead. Finally, amendment No. 6 deals with the review of environmental management plans. The amendment will allow the Minister for the Environment to conduct a review of the EMP at any time and report to the Parliament on the outcomes. That is critically important because there is so much uncertainty about the consequences of temporary inundation. Why hide from allowing the Minister for the Environment to conduct that review? Such a review would recognise the environmental impacts and it would come back to the Parliament to allow us to resolve any issues that are seen as a consequence of the temporary inundation of these areas of national parks.

These amendments go to the heart of this bill, the environmental management planning process, which is what the Government says is the component that will ensure that the impacts on our World Heritage listed Blue Mountains National Park are minimised. It is inconceivable that we are going to have all of the information before us in this Parliament because the environmental impact statement and the business case have not been produced. I say again that The Greens do not support the bill or the project. However, these amendments will ensure that there is a framework for the environmental management planning process that is consistent with the plan of management processes existing for national parks. That will go some way to ensuring that one of our most special environmental assets is protected as far as possible, despite this project. I commend the amendments to the House.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:53): The Government opposes The Greens amendments. The Greens amendment No. 2 proposes to specify the extent of the temporary inundation in the environmental management plan [EMP]. Proposed sections 64B (1) and 64A of the bill have the effect that the extent of the temporary inundation is limited to that which results from the Warragamba Dam raising project and the operation of the raised dam for flood mitigation purposes. That is, the temporary inundation is limited to the extent that would result from the operation of the dam for the purposes of flood mitigation downstream of the dam. This means that this amendment is not necessary to achieve the desired purpose.

The Greens amendment No. 3 replaces the existing proposed section 64C (2). The Greens proposed amended sections 64C (2) and 64C (3) are not necessary because they replicate the content of the existing proposed section 64C (2). However, the amendment No. 3 omits the requirement that the environmental management plan must not be inconsistent with the planning approval. Consistency is required to ensure that the matters specified in the planning approval, which will be based on the environmental impact statement [EIS] consultation, are addressed in the environmental management plan.

The Greens proposed amendment No 3 also includes a new section 64C (4), which requires the environmental management plan to include all matters listed in section 72AA (1) of the National Parks and Wildlife Act. This section of the National Parks and Wildlife Act lists matters that are to be "taken into consideration" in the preparation of a plan of management. The matters to be included in the EMP will need to be consistent with the planning approval, which will be informed by the outcomes of the EIS exhibition and consultation. The Minister for the Environment is responsible for administering the National Parks and Wildlife

Act and for determining the matters to be included in the EMP. While the EMP is not proposed to be exhibited, it will be subject to consultation as it is finalised, consistent with the Department of Planning and Environment guidelines for the preparation of environment management plans. This amendment is not supported.

The proposed Greens amendment No. 5 seeks to duplicate consultation requirements for an advisory committee. This is not necessary as the advisory committee and all stakeholders would be involved in the public consultation on the EIS. The matters to be included as well as any issues that need to be addressed by the environmental management plan will be based on this public consultation. As a result, this proposed amendment is not required as public consultation will already inform the EMP. The Greens amendment No. 6 proposes to insert a section to duplicate the ability of the Minister for the Environment to review an approved EMP and report on the outcome. This is already provided under proposed section 64E (1) (c). As a result, this amendment is not required. The Government opposes The Greens amendments.

The Hon. PENNY SHARPE (15:56): I indicate my and Labor's support for The Greens amendments. This is where the rubber hits the road in relation to our concerns with the bill. Putting aside all the flood mitigation issues around whether the solution is to raise the dam wall and whether that is going to somehow save us, rather than having overdevelopment on the flood plain this is the key. In my contribution to the second reading debate, I spoke about the importance of world heritage and the highest level of protection that is given to national parks and that basically this bill throws that away. I listened very carefully to the Minister's response to Mr Justin Field's contribution to debate on these amendments and I make this point: it does not cut it.

For the Parliament to be considering flooding a World Heritage listed national park that contains not only important threatened species but also, as the inquiry found, the only intact songline sites of the Gandagara people without looking at all of the options does us all a great disservice. These amendments require that those sites have to be given greater consideration. Having sat through the inquiry, it was distressing to hear the stories from Aunty Sharon and others. Through the stroke of a pen, we simply dismiss the community's concerns for their scared sites in this area. It does us all a great disservice. It was astounding to hear that an Aboriginal and Indigenous land use agreement had been signed with this group of traditional owners in 2014, to great fanfare, when since 2012 the Government has been planning to raise the wall, destroying sacred sites and the songlines that describe and tell the stories of where these people come from.

We have to be serious when we speak in this place, with the message stick on the wall, and say that we are listening to Aboriginal and First Nations people and that we will take their concerns into account. The outcome of this is a writ large example of how we dismiss the values, concerns and the reasonable actions asked of us by First Nations people. We have an opportunity, even in a small way, through these amendments and the environmental management plan to try to address this issue. If we said that this was required in the National Parks and Wildlife Act it would be required long term. That is my first point.

My second point is that the Government should support this. It is not good enough to say, "Don't worry, we are just going to set up a whole new system to try to get this project through", rather than work through the system that we have in place which looks after protected lands, world heritage sites and national parks. Through legislation that should not be before us given how underdone it is and how the Government has admitted that it does not need it and it is choosing to do this, it yet again sets a very bad precedent about the way we deal with national parks. The National Parks and Wildlife Act should have been at the top of the hierarchy, but yet again this legislation is being undermined.

The Hon. NIALL BLAIR: I move:

That the Chair do now leave the chair, report progress and seek leave to sit again at a later hour of the sitting.

Motion agreed to.

Adoption of Report

The Hon. NIALL BLAIR: I move:

That the report be adopted.

Motion agreed to.

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 honourable members to welcome into the public gallery a delegation from the Western Cape Provincial Parliament, who are here at the New South Wales

Parliament on a three-day program. The members are here this afternoon to observe question time. You are most welcome. I hope that it is an informative time for you to see how well behaved members are at question time.

Questions Without Notice

OYSTER INDUSTRY INVESTMENT

The Hon. ADAM SEARLE (16:00): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry in his own capacity and in representing the Deputy Premier. Given documents obtained under the freedom of information law revealed that the decision to invest \$3.3 million in Australia's Oyster Coast was not made at arms-length but was in fact made by the Deputy Premier, will the Minister now correct his answer to the House on 19 September where he advised:

... the decision to invest in the particular business ... was done at arm's length of government.

Did the Minister mislead the House?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:01): I thank the honourable member for his question. Absolutely not—I stand by my role in relation to this investment, which was very limited, as Minister for Primary Industries. I will highlight to the member the steps regarding this investment: Step one, the proposed investment was identified by Roc Partners; step two, the proposed investment was circulated to the Jobs for NSW investment committee; step three, the investment committee met and agreed to undertake due diligence; step four, Roc undertook that due diligence; step five, Jobs for NSW chief executive officer and board approved the investment; step six, a memo was sent to the Deputy Premier, which was released as part of a Government Information (Public Access) Act request by the Hon. Mick Veitch—and this is the thing that has the Opposition excited during question time in the other place and also here today; step seven, the investment committee met again and agreed to execute the investment; and step eight, Roc—

The Hon. Mick Veitch: Did he tell you he signed off on it?

The Hon. Trevor Khan: Point of order: My point of order is not directed to the Deputy Leader of the Opposition, my point of order relates to the constant low-grade interjections that the Hon. Mick Veitch seems to be engaged in.

The PRESIDENT: There are too many interjections and the continuous interjections by one member, the Hon. Mick Veitch, without taking a breath, makes it extremely difficult. I remind members of my earlier ruling regarding sledging. Members should not distract the Minister from answering a question by a barrage of interjections. I will call members to order if it continues. The Minister has the call.

The Hon. NIALL BLAIR: I think I was up to step seven, the investment committee met again and agreed to—

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

The Hon. NIALL BLAIR: Step seven, the investment committee met again and agreed to execute the investment; step eight, Roc—

The PRESIDENT: Order! I call the Hon. Mick Veitch to order for the first time.

The Hon. NIALL BLAIR: Step seven, the investment committee met again and agreed to execute the investment; step eight, Roc executed the investment. I invite—

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

The Hon. NIALL BLAIR: I invite any member who can identify irregularities—

The PRESIDENT: I call the Hon. Mick Veitch to order for the second time. We are only in the first five minutes of question time.

The Hon. NIALL BLAIR: —in that timeline to bring them forward.

The PRESIDENT: I call the Hon. John Graham to order for the second time. It would appear to me that members of the Opposition are keen to have an early mark and I am happy to oblige them.

The Hon. NIALL BLAIR: The member asked whether I stand by my comments. I have reviewed my comments in *Hansard* regarding my role in this matter and I stand by them absolutely. I understand the exact details of the process—which I have run through—and the role regarding the Deputy Premier were examined in the other place during question time today. I encourage all members to review his answers in *Hansard* tomorrow.

The Hon. ADAM SEARLE (16:05): I ask a supplementary question. Will the Minister elucidate on that part of his answer where he said he stood by his comments made in this place on 19 September? In doing so, will the Minister inform the House that when he said on that occasion, "I am advised that the investment was made at arm's length from Government", who advised him? Was it the Deputy Premier?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:06): The Leader of the Opposition has asked whether I stand by my comments and I make that quite clear—I stand by my comments. He accused me of misleading Parliament. The member should stand up and tell me where I misled Parliament. I stand by my comments. Regarding further matters, these have been investigated not just during budget estimates but also during question time in the other place today. I encourage all those members opposite to look at *Hansard* tomorrow and see the answer from the Deputy Premier. If members want to come in here and accuse me of misleading Parliament, they better have a better shot at it than that. I stand by my role. I stand by my comments. If members want to have another go, bring some more evidence.

STATE LIBRARY OF NEW SOUTH WALES

The Hon. CATHERINE CUSACK (16:07): My question is addressed to the Minister for the Arts. Will the Minister update the House on how the Government is supporting the State Library of New South Wales?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:07): I thank the Hon. Catherine Cusack for her question and her undoubted and longstanding interest in libraries. I recently had the pleasure of speaking at the launch of the Michael Crouch Family Galleries at the State Library of New South Wales along with the Premier. The six exhibitions in the Michael Crouch Family Galleries explore the history, development and culture of Australia, and particularly New South Wales, through more than 3,000 objects from the State Library's collections. Many of these objects are on display to the public for the first time and the galleries have opened up areas of the first floor of the historic Mitchell building which were previously closed to the public.

This stunning project has been made possible through the extraordinary generosity of the late Michael Crouch, AC, and his family. The opening exhibitions include: more than 300 landscape and portrait oil paintings; six UNESCO Memory of the World collections, displayed together for the first time, including First Fleet journals, personal diaries of Australian soldiers on the Western Front, and the world's largest glass plate negatives of the Sydney Harbour taken in 1875; a collaboration with Wiradjuri/Kamilaroi artist Jonathan Jones and four Sydney elders that tell personal stories of Aboriginal Sydney and how the elders have continued the legacy of their ancestors; and extraordinary images of Sydney captured by the Macpherson family of enthusiastic amateur photographers at the turn of the twentieth century.

The Michael Crouch family galleries are part of a once-in-a-generation transformation of the State Library which includes a state of the art children's learning centre and a new collectors' gallery on the ground floor. The collectors' gallery has been supported by the Nelson Meers Foundation, Samantha Meers, AO, Kim Williams, AM, Rob Thomas, AM, and an estate of the late Ruby Faris. I was delighted to see the new galleries open and to share the moment with more than 600 guests in the Mitchell Library Reading Room, which is one of Sydney's most iconic spaces.

Galleries are a great demonstration that libraries today are more than just repositories for books. They are community hubs, centres of lifelong learning and places where everyone is welcome. That is why the Government announced an extra \$60 million in funding over four years to support New South Wales public libraries across the State. Every one of New South Wales' more than 370 public libraries will benefit from the new investment, ensuring that they remain at the heart of every community. This historic funding reaffirms the New South Wales Government's commitment to literacy, lifelong learning, connectivity and community wellbeing through public libraries. All councils will receive an increase in annual library funding of between 40 per cent and 50 per cent by 2022-23. A new \$24 million infrastructure grants program over four years will be rolled out for public libraries from July 2019.

This Government's investment will ensure that every community gets their fair share, unlike Labor's policy, which will see regional libraries disadvantaged. As usual, we see Labor with a simplistic, half-baked policy that would line the pockets of the wealthier and privileged areas of Sydney instead of going to where it is truly needed—in isolated and disadvantaged communities in regional New South Wales. Labor has turned its back again. [*Time expired.*]

THE NATIONALS ADVISERS

The Hon. WALT SECORD (16:11): 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, representing

the Premier. Given the recent ABC Radio National *Background Briefing* documentary on the weekend about neo-Nazis infiltrating the New South Wales Young Nationals, will he guarantee that all the necessary administrative arrangements are in place to ensure that there are currently no ministerial or electorate office staff employed within the Berejiklian Government with links to the so-called alt-Right and the extreme Right?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:12): I am absolutely confident that every member of staff working for us is doing a great job, putting the interests of the Government first, and believing in what this Government is doing to make a stronger and better New South Wales. I am confident that that is their focus and that it will continue to be their focus. But since the Hon. Walt Secord has drawn the longest of longbows possible to ask a question that is within the standing orders—a superhuman effort—I am feeling particularly generous today, despite my hayfever, and I will take the question on notice and see what appropriate answer the Premier has for him.

REGIONAL BIOSECURITY

Reverend the Hon. FRED NILE (16:13): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Is he aware of a report in the current issue of the *Farmer* by Nicola Bell concerning the threat of invasive species and their impact on regional biosecurity? What strategies has the Government employed to mitigate this threat, in particular in relation to our farming primary industries and the regional communities that are built around them?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:13): I thank Reverend the Hon. Fred Nile for his question. I am aware. I have been interviewed a number of times in relation to a number of articles for the *Farmer*.

The Hon. Mick Veitch: Good journal.

The Hon. NIALL BLAIR: I acknowledge that my shadow colleague, the Hon. Mick Veitch, regards it as a good journal. I think it is an outstanding journal. It is a very good legacy that has been left to the NSW Farmers Association from its outgoing chief executive officer [CEO] Matt Brand and the outgoing president, Derek Schoen. That initiative happened on their watch. It is a quality publication that provides interesting reading to many members, not just of NSW farmers, but anyone interested in the primary industries sector. I commend those gentlemen for the publication.

Reverend the Hon. Fred Nile mentions invasive species in the context of biosecurity. We all have a shared responsibility when it comes to biosecurity, not just at a Federal level as the Federal Government is largely responsible for control of a lot of the invasive species that may come into this country or may have a hold and are having an impact not just on the environment but also our productive primary industries sector. Here in New South Wales we have done a number of things. As Reverend the Hon. Fred Nile is aware, he was one of the supporters of changes to the biosecurity legislation that was passed by this House in 2015.

The Hon. Mick Veitch: As were we.

The Hon. NIALL BLAIR: As were the Opposition. The new Act came into effect on 1 July 2017 and reformed the way biosecurity risks are managed in New South Wales. The Act replaced all or part of 14 Acts on the statute books, which resulted in a more contemporary and streamlined approach to regulation. The Government has supported industry in the rolling out of new legislation and the regulation in New South Wales by providing a range of education programs and workshops right across all the sectors in the State to ensure that everyone understands their responsibility and that they fulfil their responsibilities. The Government also has ensured that Local Land Services has trained more than 120 authorised officers who undertake regulatory action under the Biosecurity Act 2015.

Compliance is a big part of ensuring that the Act really hits the mark. In relation to the presence and management of invasive species, in two separate reviews the Natural Resources Commission [NRC] recommended the development of 11 regional pest animal committees, 11 regional weeds committees, 11 regional strategic animal management plans, and 11 regional strategic weed management plans. Those plans enable stakeholders to prioritise and use appropriate control mechanisms to effectively minimise and eradicate both pests and weeds where necessary. The regional strategic pest animal management plans were launched on Friday 29 June 2018 following a six-week consultation period that resulted in the receipt of more than 400 submissions. The regional strategic weed management plans were launched 12 months ago on 1 July 2017 in line with the launch of the New South Wales Biosecurity Act 2015.

As Reverend the Hon. Fred Nile also knows, the Government put through changes to the pest insect destruction levy or the locust levy that formerly operated in New South Wales to allow that to be a broader levy, which has resulted in \$6 million being announced as part of the launch of the regional strategic pest animal

management plans. So the answer is yes, I was aware; and, yes, the Government has done a lot to fulfil its responsibilities. I thank Reverend the Hon. Fred Nile for his question. [*Time expired.*]

BROKEN HILL PIPELINE

The Hon. WES FANG (16:18): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on the progress of the Wentworth to Broken Hill pipeline?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:18): I thank the Hon. Wes Fang for his question. I was very pleased to be in Broken Hill last week to watch the laying of the last of 22,000 Australian-milled steel pipe segments completing the construction of the Wentworth to Broken Hill pipeline. The project remains on track for water flowing from the pipeline by April 2019—just ahead of when the old Broken Hill water supply is projected to run out. Last Friday I stood with The Nationals candidate for Barwon, Andrew Schier, and made a commitment that water bills would not go up because of this transformational pipeline.

The PRESIDENT: I remind the Hon. Daniel Mookhey that he is on one call to order.

The Hon. NIALL BLAIR: In 2016 we told the Broken Hill community we would pay for the capital costs of the pipeline and would let the Independent Pricing and Regulatory Tribunal [IPART] determine the capacity of the community to pay for the running costs. Today I am proud to say that the Liberal-Nationals announced last week that we will fund the full construction and operational costs of the pipeline for the four years to the next price determination. That means that when IPART has finished its process to determine the full and efficient cost of the pipeline, the New South Wales Government will be covering that cost. This Liberal-Nationals Government is supporting the people of the New South Wales Far West. We are building a pipeline that guarantees Broken Hill's future, that unlocks growth in the region, and protects the hard-earned dollars of people living in this community.

All that those opposite have done is oppose this project and create needless uncertainty. On this side of the House we are securing the future of the Broken Hill community. If those opposite had been in government, today the people of Broken Hill would face a stark choice: cart water huge distances to a town of almost 18,000 people, or abandon western New South Wales because Labor refused to provide this fundamental need. Under Labor, local businesses would be laying off their workers, the mining industry would be mothballed, its operations put to the side, and mums and dads would be washing dishes out of a jerry can. You cannot trust Labor to look after regional New South Wales. We are giving certainty to the community that water bills will not go up for the next four years because of the pipeline, to align with IPART's next pricing determination. We understand that every dollar counts and that is why we can guarantee that water bills will not rise over the next four years because of the pipeline. We are the only government which has seen a need and delivered for this community.

We have put in the hard work to turn around the State's economy, to secure the future of regional New South Wales, and this pipeline is a key part of that. We are covering the full cost of the pipeline. Labor ran a scare campaign. We are building the pipeline. Labor opposed it. The choice is simple—we are the only ones who are delivering for the communities in Barwon, and as a result the Broken Hill community should be very comforted by the fact that we said we would do it, and we have done it. It has been a mammoth effort to ensure that the 270 kilometres of this pipeline has been completed in the right time. In one day the pipeline-laying crews laid more than 7.5 kilometres of pipe. Their record was laying one section of pipe in 1.2 minutes. This has been a professional operation and has injected \$35 million into local communities. Many new apprenticeships and traineeships have come out of this project. We stood by them, we have delivered it, we have secured their future. Labor opposed it.

REGIONAL AGED CARE STAFFING

The Hon. MARK PEARSON (16:22): My question is directed to the Hon. Sarah Mitchell, Minister for Ageing. What safeguards are in place to ensure proper and sufficient care and safety for residents, in both public and private aged-care facilities, given there are concerns of ongoing and systemic understaffing of both registered nurses and assistants in nursing in regional areas? In particular, what is required for the Minister to intervene in these circumstances, including closing beds or the facility itself?

The PRESIDENT: Before the Minister commences her answer, I clarify that the Minister represents the Minister for Ageing in the other place.

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:23): I have made the assumption that the member has asked me the question as the Minister representing the Minister for Ageing in this place. I am very happy to take the

question on notice. It is an important question on important issues raised about the care of elderly residents in the State. I will pass that question on to the Minister and come back to the member with an answer.

SHENHUA WATERMARK COALMINE EXPLORATION LICENCE

The Hon. ADAM SEARLE (16:23): My question is directed to the Leader of the Government, the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given that a letter from Shenhua to the Premier dated 9 July 2018 indicates the company was always under the impression that the proportion of EL 7223 which it did not surrender would ultimately be renewed by the Government, will the Minister inform the House exactly what undertakings were given to Shenhua in connection with the Watermark project, given also that Shenhua informed the Hong Kong stock exchange last year that it had secured the agreement of the Government to renew the exploration licence [EL], a matter which the Minister and his government denied at the time?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:24): The reality is that no mining lease has been issued for Shenhua. Regardless of what the honourable member is trying to insinuate with the question he is asking, that is the reality. I have made no promises at all about the granting of a mining lease.

The Hon. Adam Searle: It is about the renewal of the EL.

The Hon. DON HARWIN: I might have misunderstood the question. I apologise to the honourable member. My understanding was that the question was about mining leases. If it is in fact exploration licences, I will look at the question during the remainder of question time and try to provide an answer by the end of question time.

EARLY CHILDHOOD EDUCATION

The Hon. SCOTT FARLOW (16:25): My question is addressed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on how the Government is working to improve the quality of New South Wales early childhood education and care services?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:25): I thank the Parliamentary Secretary for his question. The Government is committed to providing the highest quality early childhood education right across the State. As I have said many times in the House before, we know how important a quality early childhood education is in setting up a bright future for our children. New South Wales is the largest provider of early childhood education and care services in the country, regulating approximately 540 services. We are committed to seeing the quality of services continue to improve, and we are on track.

As the House would be aware, we have a range of programs and grants to further promote the importance of increasing quality in early childhood education. Earlier this year our Government introduced the \$10 million Quality Learning Environments grants, an initiative which is helping to improve the quality of facilities in early childhood education services at community preschools across the State. In this round of funding, grants of up to \$15,000 were awarded to more than 400 community preschools across the State to enhance their learning environment. This could help with things such as minor construction, equipment, or other resources to help provide inclusive, safe and supportive services that contribute to positive experiences and outcomes for children.

Following the overwhelming positive feedback after the first round of the Quality Learning Environments grant, I am pleased to update the House that the Government is committing a further \$10 million for a second round of funding. I am also pleased to inform the House that we have listened to feedback from the sector and broadened the scope of the program so that funding can now also cover specialised educational programs as well as the enhancement of the service's physical environment. As I said, the first round of Quality Learning Environments grants was available solely for services to upgrade the physical space of the preschool. The grants went towards things such as upgrades to playgrounds, new carpets, or learning gardens. I had the pleasure of visiting many preschools who have received this grant—a couple with the Hon. Ben Franklin. They were very excited by the assistance that they had received from the Government.

The criteria has been broadened this round to include support for educational programs, such as music and dance classes or art lessons. This is based on direct feedback from the sector. Yesterday when we visited Tandara Children's Centre it was my pleasure to stand alongside the member for Penrith, Stuart Ayres, and announce the opening of the second round of this funding. This is a fantastic service that benefited from the last round of quality learning. That service received \$15,000 to add a new ModWood deck as part of the playground upgrade. We got to see the deck, sit on it with the kids and have a bit of a chat. They were very happy to have that

improvement to their playground. We also met with Janet Keegan, who gave us a tour. It was great firsthand to see the outcome of the previous grant and also to talk to the children about how much they enjoyed having it in their playground. When I visited services around the State I often received feedback that there was a gap in the funding for smaller ticket items that often preschools and parent committees were forced to dip into the savings budget or fundraise for. The Quality Learning Environments grant aims to fill that gap. That is why I am pleased the Government is continuing with this investment by conducting a second round of the program.

Other government initiatives aimed at improving the quality of services include the Quality Support Program, which is a \$2.5 million investment focusing on quality improvement in long day care and family day care services rated as working towards the National Quality Framework standard. An Aboriginal Quality Support Program is also underway. It promotes quality improvement in New South Wales early childhood education services to improve outcomes for Aboriginal children. Services will gain a deeper understanding of the National Quality Framework through forums around the State and the delivery of culturally specific training and resources. Members on this side of the House understand the importance of quality early childhood education. Thanks to this continued funding and support from this Government, I look forward to the standard and quality of day care in New South Wales continuing to rise.

ABORIGINAL FISHING RIGHTS

Mr DAVID SHOEBRIDGE (16:32): I direct my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. In July 2018, Department of Primary Industries [DPI] Fisheries withdrew a prosecution against Mr Kevin Mason, an Aboriginal man and traditional owner from the South Coast, for exercising his traditional fishing rights consistent with local law and custom and agreed to pay his costs. However, less than three months later, on 9 September 2018, he was again approached by Department of Primary Industries staff, who seized the 13 abalone he held and then issued him with a further show-cause notice threatening further prosecution. Will the Minister intervene in this case and explain what is going wrong in DPI that sees these repeated, unmeritorious prosecutions of First Nations peoples exercising their traditional fishing rights?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:33): I thank Mr David Shoebridge for his question. I am happy to take on notice the specific example that he outlined because I do not think it is wise to provide a running commentary on individual cases. I am not aware of the circumstances in the case and I will not intervene in the natural justice process. As I said, I will take that part of the question on notice.

The member's question deals with an extremely complex area. Anyone who has considered the issues we are facing in our abalone sector would acknowledge that there are challenging complexities; there are undoubted challenges in this area. New South Wales has a viable and profitable commercial abalone fishing industry. However, in the past year, the industry has seen a reduction in its total allowable commercial catch [TACC] from 130 tonnes to 100 tonnes. That occurred following the advice of Total Allowable Catch Setting and Review Committee, which found that the stocks of abalone had declined and were likely to suffer further decline unless the TACC was lowered. Those in the industry who are doing the right thing and paying their licence fees, who have invested and who are employing people are facing a reduction in their total allowable commercial catch.

The industry itself is concerned about illegal poaching, as is the Government. Five people have been jailed for abalone poaching since 2016. The longest sentence handed down was two years imprisonment following the seizure of 3,309 abalone in a joint operation with the NSW Police Force. A Sydney restaurateur was also fined \$32,000.

Mr David Shoebridge: We are talking about First Nations fishers.

The Hon. NIALL BLAIR: I will explain. I am sympathetic to cultural fishing in New South Wales and I have been trying to find a way through this. Unfortunately, in some cases people are acting under the guise of cultural fishing and selling their illegal catch, which is putting a strain on those doing the right thing. I understand the member's concern because we do not want to target those who should not be targeted. We acknowledge the genuine role of cultural fishing in New South Wales. That is why we are working with local communities to come up with customised local management plans that suit their cultural needs. The Aboriginal representatives we have been working with are also concerned that people are doing the wrong thing under the guise of cultural fishing.

We want to have a viable commercial sector and we want to support those who are doing the right thing. We also respect and acknowledge the rights of the Aboriginal community in regard to abalone stock. I could provide a lot of information, but I will take the specifics of the case on notice. Mr David Shoebridge said that DPI Fisheries officers seized the abalone. As far as I am aware, they did not pursue a prosecution because they must show cause. As I said, I will take the question on notice and come back to the member with more details.

Mr DAVID SHOEBRIDGE (16:34): I ask a supplementary question. I acknowledge the complexity to which the Minister referred. However, within that complexity, what rules are being applied to traditional owners on the South Coast, and do they acknowledge traditional First Nations rights?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:35): I thank the member for the supplementary question. I will take it on notice because there may be an update since my last briefing on this subject. I commend the role some of our agencies have played in working with Aboriginal people to address this situation. In many cases there are higher bag limits for some species that may be applied to communities. We hope we can put issues to bed as they arise, but in the nearly four years that I have been the Minister for Primary Industries we have not come up with a resolution to this issue.

This is a very complex and sensitive matter. I have an Aboriginal Ministerial Fisheries Advisory Council that has looked at a number of these issues. We cannot force this situation and I cannot overemphasise its sensitivity to some of our communities. We do not want to pitch sections of the community against others. We must get everyone to work together to identify and to recognise the cultural significance and rights of our first Australians as well as those who have invested and who are operating under the rules in this viable commercial fishing sector. We can all agree that anyone who steps outside the rules should be targeted. [*Time expired.*]

Mr David Shoebridge: Nobody knows what they are.

The Hon. NIALL BLAIR: We should be ensuring that they face the full force of the law.

RACISM

The Hon. ERNEST WONG (16:37): I direct my question to the Minister for Early Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Given community concerns about the support offered by the Minister's Federal colleagues for Nazi slogans such as "It's okay to be white", what action has been taken to reassure Indigenous people in New South Wales that that is not the position of the New South Wales Government?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:37): I thank the honourable member for his question. Like other members, I am aware of what happened in the Senate yesterday. In answer to his question, what I do to reassure people—

Mr David Shoebridge: It was shameful and wrong, Sarah.

The Hon. Scott Farlow: Point of order: The Minister is attempting to answer the question but is unable to do so because of the interjections from Mr David Shoebridge.

The PRESIDENT: I remind Mr David Shoebridge that members must be referred to by their appropriate title. This is not an opportunity for a member to throw questions at a Minister while he or she is answering another member's question. I call Mr David Shoebridge to order for the first time. The Minister has the call.

The Hon. SARAH MITCHELL: As I was saying, as Minister for Aboriginal Affairs I try as hard as I can every day to work with Aboriginal communities and Aboriginal people to achieve better outcomes for them. I completely condemn any form of racism and discrimination directed at Aboriginal people, particularly given my role as the Minister responsible for Aboriginal Affairs in New South Wales. I am very proud of the work that this Government is doing to support Aboriginal communities. I take very seriously the privilege it is to be the Minister responsible for Aboriginal Affairs. As I said, I work every day with communities to address the issues they bring to me, to make their lives better and to ensure they have a positive relationship with government. That is extremely important to me and I will continue to do so.

The Hon. ERNEST WONG (16:39): I ask a supplementary question. Will the Minister elucidate her answer by telling the House exactly what she has done to reassure people that this is not the position of the New South Wales Government?

The Hon. Scott Farlow: Point of order: That is not a supplementary question. It is restating the original question.

The Hon. Penny Sharpe: To the point of order: The member was asking for an elucidation. The Minister talked about how she sees her role in relation to Aboriginal people in this State, and raising their concerns. I believe the question was in order.

The PRESIDENT: The supplementary question clearly repeated part of the original question, which was, "What action has she taken to reassure Indigenous people in New South Wales ..." It was asking the Minister

in that original question what action the Minister had taken. It was simply restating that part. The supplementary question is out of order.

The Hon. Lynda Voltz: It is okay to be right.

The PRESIDENT: I take it the Hon. Lynda Voltz was not questioning my ruling.

The Hon. Lynda Voltz: No, I was talking to the Hon. Scott Farlow.

HEALTH SERVICES AND INFRASTRUCTURE

The Hon. NATASHA MACLAREN-JONES (16:40): My question is addressed to the Leader of the Government. Will the Minister update the House on how the Government is delivering health services and infrastructure across New South Wales? Are there any alternative policies?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:40): I thank the honourable member for her question. Our Government is committed to delivering a world-class health system across New South Wales. Since coming to Government in 2011, we have provided more than 10,000 doctors, nurses and midwives. In the last budget we allocated funding for 950 additional nurses and midwives, 300 doctors and 120 allied health staff, to deliver the health services that the people of New South Wales expect. But to support these critical services we need to have the right infrastructure in place.

In the Government's seven years in office, we have invested more into health infrastructure than Labor did in its 16 years of neglect and mismanagement. The Government has delivered 78 major upgrades to our hospitals and health facilities. It has also announced an \$8 billion capital works project over the next few years. In just the coming year, the Government has allocated funding to progress works on four new hospitals, 21 hospital upgrades or redevelopments and six car parks. This is what a good government does to build a stronger, better New South Wales.

This Government has balanced the books and cleaned up Labor's mess, and now our State is thriving. Even the Secretary of the Health Services Union Gerard Hayes has backed our policies. He stood side by side with the Health Minister when we announced our record investment into paramedic services across New South Wales. Our \$1 billion boost for ambulance services was described by Mr Hayes as "an extremely good outcome and good for New South Wales".

The Hon. Walt Secord: I saw him yesterday. We had a drink. We had a slumber party. We had a sleep-over.

The PRESIDENT: Order! The Minister will resume his seat. Stop the clock.

The Hon. Walt Secord: We had a slumber party. What is wrong with that? Two blokes having a good time.

The Hon. Trevor Khan: Point of order: My point is that the interjections coming from the Hon. Walt Secord are appallingly disruptive for the operation of the Chamber.

The PRESIDENT: I may not have called the Hon. Walt Secord to order but he continued to interject before I had the opportunity to hear the point of order. I call the Hon. Walt Secord to order for the first time. I also indicate to members on both sides of the Chamber that I am having difficulty hearing the Minister between the very loud "hear, hears" and the very loud interjections occurring at the same time. I do not think it is fair to the Minister that he has to scream his answer so that I can hear him.

The Hon. DON HARWIN: I remind the Chamber that the Government's \$1 billion boost for ambulance services was described by Mr Hayes as "an extremely good outcome and good for New South Wales". That is in stark contrast to what he says about the Labor Party's health spokesperson the Hon. Walt Secord, to whom he refers in rather colourful terms. Of course that is only when he talks about the Hon. Walt Secord, because the honourable Mr Gerard Hayes still will not—

The Hon. Mick Veitch: "Honourable"? Do you know something that we do not know?

The Hon. DON HARWIN: I do not know; perhaps. We know that Gerard Hayes is no longer on speaking terms with the Hon. Walt Secord. In fact, there are reports that they have not spoken for 18 months.

The Hon. Walt Secord: Untrue!

The Hon. DON HARWIN: Those are the reports. Mr Hayes said that Labor needed someone who understood the Health portfolio and had a vision for the best outcomes, and his concern is that that person does not exist. He is right. The Hon. Walt Secord has shown time and again that he is just not up to being the health

Minister, let alone the arts Minister. He was a key adviser to the disgraced former Labor Government—the Labor Government that closed more than 2,000 hospital beds at a time when our population had grown by more than one million people. It is just not good enough.

The PRESIDENT: Order! I call Ms Dawn Walker. She has the right to be heard in silence.

MASKED OWL HABITAT IN CORUNNA STATE FOREST

Ms DAWN WALKER (16:46): My question is directed to the Minister representing the Minister for Lands and Forestry. The threatened masked owl was found in the Corunna State Forest on 29 September 2018, where logging operations are currently occurring. This is some of the only masked owl habitat in their range. How is the Minister ensuring that this critical habitat is retained with the current logging operations?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:47): I thank the honourable member for her question. Her question has been directed to me in my role of representing the Minister for Lands and Forestry, the Hon. Paul Toole. As the question asks for some very specific details about a current operation it is very much in the "operational" basket. I do not have the details with me at the moment so I am happy to take the question on notice and refer it to Minister Toole to come back to the member with a detailed response.

HUON AQUACULTURE SEA PENS

The Hon. MICK VEITCH (16:47): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given revelations that the failure of Huon Aquaculture to properly maintain its fish farm located near the Port Stephens Marine Park has resulted in four bronze whaler sharks getting trapped in the sea cage, with two of the sharks needing to be killed, will the Minister explain to the House why this information was kept secret from the public by his department.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:48): I thank the honourable member for his question in relation to the Huon Aquaculture operations near Port Stephens. The member is quite right in identifying some issues—I have spoken about this in the House—in relation to two of the pens that were holding these fish. We know that some sharks became trapped in a sea pen after the storm event in January 2018. Two of them exited without harm and two smaller whaler sharks became trapped. These interactions were recorded and are publicly available on the Department of Primary Industries' website. All attempts to remove the two small sharks using non-lethal means were unsuccessful. The sharks were euthanised humanely and their carcasses were donated to a local organisation. This was reported to NSW Planning and Environment. This species is commonly caught by commercial and recreational fishers in New South Wales. It is not a threatened or endangered species in New South Wales.

The approvals for these leases and the oversight and regulation for the research lease occur at a State level with consent and conditions of approval granted by the NSW Department of Planning and Environment. At a Commonwealth level there are also consent and conditions of approval granted by the Department of Environment and Energy. The project was approved after an original environmental impact statement [EIS] and State significant infrastructure application and then another EIS and modification application. In both instances there was stakeholder consultation, with public exhibition of the application, numerous stakeholder meetings and community drop-in information days.

This is something that we are doing in New South Wales and for which we have gone through the necessary approvals. In relation to the sharks, as I have said, that information was reported to the Department of Planning and Environment, which is overseeing the approvals for this. In relation to the ongoing future of these activities, we need to keep looking at the ways that we can increase food production in this State. We obviously have a demand for increased protein production. I believe aquaculture has a large role to play for this increased protein production right here in New South Wales. This is something that is regulated.

The incidents were reported to the Department of Planning and Environment and, as I have indicated, information was put up on the website. Hopefully we will not see a repeat of the failure of some of these pens in future. As I said, as Minister responsible for Primary Industries I make no apology for the fact that we are looking at ways to increase food production, increase jobs and also provide high quality nutritional food to people not just domestically but also internationally. I thank the member for his question. I know we will continue to look at further ways in which we can increase food production under the necessary regulations at a State and Federal level in New South Wales.

COMPLEMENTARY MEDICINE

The Hon. BEN FRANKLIN (16:52): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on the importance of the complementary medicines industry in New South Wales and any risks it currently faces?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:52): I thank the member for his question. On this side of the House we know that beyond the walls of this place our economy needs people who are willing to put their money where their mouth is, people who will back up vision and a good idea with hard work and commitment. Our future prosperity depends on people who are prepared to invest in their businesses. That is how we carve out a prosperous future. That is how jobs are created—jobs that are rewarding and fulfilling, jobs that mean families can have a better, more secure future—and it is how we grow the New South Wales economy. There is no better example of a sector that provides this prosperity than the complementary medicines industry. It is now one of the fastest growing manufacturing sectors in Australia. More than 80 manufacturers directly employ 2,500 people and the broader industry employs more than 29,000 people and pays \$170 million in wages.

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the first time, not for that last interjection but for the four or five before that.

The Hon. NIALL BLAIR: New South Wales is home to about 75 per cent of the industry, with much of it based in Western Sydney. It is an industry that is shaping our society for the better. Last November I had the privilege of opening Vitex's new \$100 million pharmaceuticals facility, owned and operated by the Chami family. This investment, and the dedication and sacrifice of the Chami family, will see employment for up to 420 people in Western Sydney. The industry is in a boom time, going hammer and tongs to keep up with demand from Asia's middle class for our clean, safe complementary medicines. But unfortunately it is not all plain sailing. It faces an enormous risk from our own Federal red tape that means products manufactured in Australia can no longer use the "Made in Australia" label.

The industry is staring down the barrel of a bureaucratic own goal that removes its biggest marketing advantage when selling into hotly contested overseas markets. Unfortunately, the complementary medicines industry has become an unintended victim of changes to our country of origin laws. The new Australian Competition and Consumer Commission [ACCC] guidance on the 2017 country of origin labelling changes has effectively made it impossible for complementary medicines that were previously labelled as "Made in Australia" to make that claim in the future. The green and gold kangaroo is being strangled by bureaucratic red tape.

One can bake an imported frozen raw pie and it becomes "Made in Australia". One can mix imported ingredients together to bake a cake and it becomes "Made in Australia". However, under the current rules one cannot mix imported complementary medicine ingredients carefully and scientifically test, process, mix and package these ingredients according to strict Therapeutic Goods Administration guidelines in a state-of-the-art facility and call it "Made in Australia". This is madness. Anyone who walks into a complementary medicines factory, as I have, will see that these products absolutely deserve to be called "Made in Australia".

I have written to the Federal Government and Federal agencies, including Rod Sims at the ACCC. The new Commonwealth Government has an opportunity to restore some common sense to the equation before red tape steals the next generation of jobs from Western Sydney. This is something that we cannot underestimate. This is a highly regulated industry that is doing a fantastic job to keep manufacturing here in Australia. They have fallen through the gaps with the interpretation of this definition. I know that this was not the intent and I hope that anyone who is responsible for this in Canberra can see it to make sure that we get this industry back where it needs to be.

CLIMATE CHANGE AND MEAT PRODUCTION

The Hon. MARK PEARSON (16:56): My question is directed to the Minister for Primary Industries, the Hon. Niall Blair. The latest Intergovernmental Panel on Climate Change report confirms that reducing meat production is an important strategy in addressing anthropogenic climate change. Despite this, the most recent Australian Bureau of Agricultural and Resource Economics and Sciences data notes that emissions from animal agriculture have increased by 2.1 per cent, driven in part by methane production from increasing beef cattle production. Can the Minister explain what his department is doing to assist farmers to reduce their reliance on animal agriculture in order to prevent catastrophic global warming?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:57): If eating meat is wrong, I do not want to be right. I want to support our farmers and so does the Department of Primary Industries. The member continually wants us to try to prosecute a case that livestock production is something that we should be moving away from, but that is one of

our strengths in this State. There is plenty of research going on around the world looking at, for example, how to reduce the production of methane by our livestock, particularly our cattle. Some people are looking at a whole range of things such as kale and other types of feed products that will reduce the emissions coming out of our cattle. That is the type of research that we would be interested in, not the research that is trying to transition our farmers—the best farmers in the world, right here in New South Wales—away from areas that they do well and that they do in accordance with consumer expectations and any government regulations. We want to support those industries.

We want to make sure that our farmers continue to have some of the competitive advantages that they have now, particularly as we go through the trying times of drought. The Government is ensuring that we stand by our farmers, particularly our cattle producers, our sheep meat producers and any other producers who are in the business of ensuring that we continue to provide high-quality protein not only to our domestic customers but also to customers around the world. I am not aware of any specific research within the Department of Primary Industries to try to steer farmers in this State away from beef production as the member suggested; I know that we have a lot of research happening across the State into how we can do more with less when it comes to our impact on natural resources, emissions and the environment more broadly.

That is what we should be doing. We should be saying, "We can do this better as we go forward." We can do more with less but we are going to continue doing it. We are going to continue producing beef and sheep meat. We are going to continue to ensure that while our customers, domestically and internationally, want to consume these products, we will be there to supply them. The view that the member is prosecuting is a minority view. While we have customers who want the meat and farmers who are willing to farm it, we will continue to support them and ensure that they can do so.

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

SHENHUA WATERMARK MINING EXPLORATION LICENCE

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:01): Earlier in question time the Hon. Adam Searle asked me a question about the Shenhua Watermark mining exploration licence. I can advise him that the letter from Shenhua to the Premier refers to the deed of settlement signed by the Department of Industry and Shenhua. The deed related to the Government's acquisition of 51 per cent of EL7223 to protect the black soil Liverpool Plains. I assure the House that the deed did not afford Shenhua any special rights or privileges with regard to the consideration of its exploration licence renewal application. All applications for mining titles are subject to a rigorous process by the Division of Resources and Geoscience, and this title was no different.

Documents

TABLING OF PAPERS

The Hon. DON HARWIN: I table the following paper:

Electricity Supply Act 1995—Report of the Independent Pricing and Regulatory Tribunal entitled "NSW Energy Savings Scheme Compliance and Operation in 2017: Annual Report to the Minister", dated July 2018.

I move:

That the report be printed.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE

Report: Alcoholic Beverages Advertising Prohibition Bill 2015

Debate called on and adjourned.

PORTFOLIO COMMITTEE NO. 5 - INDUSTRY AND TRANSPORT

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

Debate resumed from 25 September 2018.

The Hon. RICK COLLESS (17:04): I recall that I was part way through my speech; I cannot recall exactly where I was up to—

The Hon. Greg Donnelly: Start again.

The Hon. RICK COLLESS: —but I will not start again. I made some comments with regard to the Broken Hill Pipeline and the issues surrounding the management of the Murray-Darling Basin. Evaporation from the lower lakes— Lake Alexandrina and Lake Albert at the bottom of the Murray-Darling Basin—creates a huge evaporation pond. Another issue I make mention of is the south-east drainage works. People say continually that Coorong has no water coming into it through the Murray-Darling Basin. The water that traditionally went into the Coorong came from the east. The south-east drainage works were put in in the early 1900s and the wetlands diverted thousands of megalitres of water into the ocean that would normally have gone into the Coorong. That has had a big impact on what happens in the Coorong.

I will make a couple of comments about the managed aquifer recharge, which was a very interesting part of this inquiry. I believe managed aquifer recharge has the potential for future research and there is a possibility to identify areas where aquifer recharge can occur on a managed basis, rather than a natural basis. In terms of some of the dams that have been proposed over the years, the Cranky Rock proposal on the Belubula River was supported by many during the inquiry but we did hear some opposition to it as well. [*Time expired.*]

Mr SCOT MacDONALD (17:07): It was a pleasure to serve on Portfolio Committee No. 5 - Industry and Transport under the stewardship of the Hon. Robert Brown and alongside my colleagues. We went to a lot of interesting places, including—and not least—the Menindee Lakes and the Central West. I stress that I put in a dissenting statement to the report. The thrust of my dissenting report is that we need to stick with the Murray-Darling Basin Plan. When the report was coming down there were actors who were grossly misleading the community and causing uncertainty—I am talking about the Labor Party and The Greens—with their motions to overturn the plan and take more water out of consumptive uses. The thrust of my dissenting statement is that we need to stick with the plan. It was a long time in the making—some people would say a couple of decades—and was a very difficult process in 2007, 2008, 2009 and 2010.

When the first plan was handed down we landed on 2,750 gigalitres sustainable diversion limits [SDLs]—another 2,750 litres taken out of the consumptive industry, the irrigation industry, and put back into the environment. Now we are seeing the stresses that has caused in the community. The Northern Basin—and it is acknowledged Goondiwindi, Dirranbandi, Moree and other places in that area—has felt the pain of the withdrawal of consumptive water whether through efficiency gains or buybacks.

Further water in the southern system is problematic and what Labor was then contemplating in the Senate through its disallowance motion would have turned agriculture, and particularly irrigated agriculture, on its head. The Southern Basin is the primary productive region, with permanent plantings of citrus, almonds and various other crops that make it such a rich and efficient area. The goal of 2,750 gigalitres will continue to be difficult to achieve and, as the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry noted in a recent release, New South Wales is doing a lot of the heavy lifting in this area. From memory, his figure was a little over 1,000 gigalitres that New South Wales is contributing to the SDL.

Our communities and our irrigators in the basin are feeling the effects of the plan. My dissenting statement was a word of warning: We need to stick to that process—as imperfect and difficult as it is for communities—and not consider what the report calls for, which is yet another stab at "water budgeting". I think that was the term. We have done the plan, and we know where we think we can land with the new SDL. To reset the clock and go back through a further water budgeting process will cause enormous uncertainty and heartache to those communities. My dissenting report focused on that point and pushed back against the disallowance motion. Part of the inquiry I enjoyed was examining some of the stormwater issues in places such as the Northern Rivers.

Mr Jeremy Buckingham: Orange.

Mr SCOT MacDONALD: Yes, we saw Orange; I acknowledge the interjection. Mr Jeremy Buckingham had a role in developing that. It was good for that community—capturing stormwater, putting it through environmental services with reeds and other things, and then going into the water catchment. Some good work was done there. We looked at other good—and challenging—flood mitigation work around the Northern Rivers. At about the time we delivered the report heavy storms and floods went through places such as Murwillumbah and the Tweed. About a fortnight or three weeks after those floods I visited Murwillumbah with Councillor James Owen, who showed me the damage done—including the council works yard, which lost approximately half its vehicles.

Murwillumbah was particularly hard hit. The debate continues there about acquiring land. James Owen and others made the point to me that every flood is different. Not every flood is predictable, and those storms and floods were strange events in some ways. There was a surge of water and then another surge that carried away not only houses but also parcels of land, which were pushed into other houses and destroyed them. The last flood in the Northern Rivers was an expensive flood, and I commend the local members, Thomas George and

Geoff Provest, for their continuing work with the State Government to address flood mitigation in the area. The Tweed Shire Council has a plan and is continuing to work with the State Government.

One confronting issue is the impact of the environmental flow on parts of the Riverina. There were questions about allowing environmental flows, in an already pretty wet environment, through private property and adjoining river areas, which caused a lot of asset damage. We were shown examples of wildlife damage—hundreds of kangaroos were stranded, and starved and died of shock and cold. We need to get the environmental flows right. I think environmental flows are important if done well. They need to mimic natural flows to ensure that breeding events happen at the right time and in the right place. However, it should not be at the expense of private property and result in the serious damage that was encountered in the Riverina.

I do not have a strong opinion about the Belubula and whether there should be dams in that region. In many ways dams are looked at simplistically. They do not change the amount of water that falls in a catchment so one might ask: Is there merit in terms of flood mitigation or building an irrigation industry? But everything has externalities and one of the things I learned about water from my time in Griffith is that wherever there is a winner, there is generally a loser. We must hasten carefully when it comes to dams and dam development. Australia has some of the most variable rainfall in the world—I think only Antarctica is more variable—and we should develop our communities, livelihoods and industries to adapt to that variability.

The inquiry was worthwhile. It was a learning process and the proposals should be considered on their merits. Water storage and water allocation is challenging, and water distribution among users and stakeholders will always be contested. I would not like to see further SDLs come out of our very important irrigation industry. It is the lifeblood of agriculture and produces an estimated 60 per cent of value in this country. We must tread carefully. I commend the report to the House.

Mr JEREMY BUCKINGHAM (17:16): The Portfolio Committee No. 5 report entitled "Augmentation of water supply for rural and regional New South Wales" is excellent. It is an example of what the Legislative Council does best through its committee system and secretariat. It was an excellent inquiry that looked at an incredible range of issues across a very diverse State. I commend the Chair, the participants, the participating members and also the secretariat for the enormous amount of work they did in compiling 51 recommendations—and I hope the Government takes heed of the vast majority of them.

I have built my political career upon, and been passionate about, regional issues on the basis of how we manage water. I came into politics in New South Wales during a crisis in water management in Orange in the Central West in the early 2000s, when we saw our community torn apart because the Suma Park Dam—the main water storage—ran dry. It was enormously distressing to see the community faced with running out of what is the most basic necessity after oxygen—and probably the first service that the community demands and a government should provide. Noting the importance of water, on the very first page of the report paragraph 1.2 states: With approximately 7.7 million people, New South Wales is Australia's most densely populated State. This is projected to increase to between 10.8 million people to 12.6 million people by 2061. For most of us, that is probably a bit beyond our lifetimes—or we will be old and grey—but it is not eons away. At that time another five or six million people will have to be serviced with water on a daily basis. We are struggling now. The next point made by the report is:

New South Wales encompasses vast farming regions that require intensive irrigation, placing pressure on water supply. In addition to the increasing demand for water use caused by a growing population and drying climate.

That quote was taken from the Government's own submission referenced in the report by endnote 19, "Submission 48, NSW Government". That is an acknowledgement by the Government that our climate is drying. I acknowledge that this State has incredibly diverse climatic and weather systems. Just yesterday I was on the Mid North Coast in the Bellingen Valley when 300 millimetres of rain fell in 48 hours. The area went from absolute famine to feast, so to speak. I hope that the remainder of the State receives similarly significant rainfall over the next few months, especially before the season heats up and we enter the bushfire season and before it is too hot for pastures to grow. I hope that we will get some feed in those paddocks in areas that are currently drying out. The Government's statement recognises that New South Wales has an incredibly diverse and variable climate and that the State is drying. As identified by the Bureau of Meteorology and various scientific papers ad nauseam, the south-east part of Australia in particular is at risk of becoming a drying climate.

Some of the regions that already are vulnerable to or at risk of losing agricultural production as well as a sustainable water supply may well be unviable by 2061. The risk increases when we take into account an increased population, more infrequent rainfall and less available run-off. Today's *Sydney Morning Herald* has advertisements saying, "Take a shorter shower". Over the summer period, millions of people in Sydney will be asked to do their bit to conserve water by taking shorter showers. Water restrictions will be imposed and people will be forced into doing more with less, which is very tricky. It places a great deal of pressure on communities.

The report refers to many people being concerned about over allocation of water, potential misuse of water and the impacts of those actions on other water users. I agree with Mr Scot MacDonald that when there is a winner, there is always a loser when it comes to water.

The committee heard evidence about the misuse of water, as revealed by *Four Corners* and the Matthews inquiry, and changes this year to the Government's administration of water allocations. Tensions are emerging between advocates for the environment, which often plays second fiddle to water supplied for agriculture, and community need. During question time today the Minister referred to the Broken Hill Pipeline being finalised despite opposition from The Greens, Labor and others. I note that the Shooters, Fishers and Farmers Party has said that the cost of providing the pipeline should be absorbed by the Government ad infinitum, and I endorse that view. The community should not bear the brunt of the cost of that pipeline. I believe the pipeline was built because the Government panicked. The report's recommendations begin with that pipeline. I seriously doubt that it will solve the long-term problems, and in my dissenting statement I make the point that the pipeline locks in the death of the Lower Darling.

During the lunch break I—and probably other members—listen to Michael Condon on *NSW Country Hour*. Today I heard Rob McBride talking about the situation in the Lower Darling, which he described as absolute devastation. He went on to say that the pipeline was the brainchild of Cotton Australia and it will deliver for Cotton Australia. Why would this Government put the interests of graziers in the Lower Darling ahead of the interests of Cotton Australia when it has not done so in the past? Now the pipeline locks in the death of the Lower Darling. In my dissenting statement, I recommended:

1. *That the NSW Government remains in the Murray Darling Basin Plan and commits to increasing the amount of water that is returned to the environment in line with scientific assessments of what is needed to restore the health of the system, with buybacks of water restored to at least the original 2750 gigalitres specified in the 2012 Murray Darling Basin Plan*
2. *Combines the Water portfolio with the Environment portfolio and ensures it is no longer combined with Primary Industries*

The conflict between environment and water will only worsen. We must make sure the baseline is that we sustain our living systems, that the Darling River is restored to health, that our river systems are free from conflict between the remits of the Minister for Regional Water and the Minister for the Environment, and that we boost funding and staff numbers for compliance and enforcement through a levy on irrigators and other large water users. Water allocation should be a user-pays system.

The Hon. Niall Blair: They do pay.

Mr JEREMY BUCKINGHAM: They should pay for it all.

The Hon. Niall Blair: They do—through water prices.

Mr JEREMY BUCKINGHAM: Good. Let us continue with that. The Government should amend water-sharing plans to support progressive reductions in water availability for extraction, which reflect climate change impacts, and introduce an immediate "no meter, no pump" rule for irrigators and other large water users in New South Wales.

The Hon. Niall Blair: You voted against it.

Mr JEREMY BUCKINGHAM: No. What we voted against was that it will take until 2021 or 2022—approximately five, six or seven years away—before every single house and unit can be metered for every millilitre of water used in households in Sydney, Wollongong and Newcastle whereas large irrigators in western New South Wales can pump billions of litres of water and the Government cannot put a meter on that.

The Hon. Niall Blair: You voted against it.

Mr JEREMY BUCKINGHAM: What we voted against was a continuation of the farcical scheme.

The DEPUTY PRESIDENT (The Hon. Ernest Wong): Order! The Minister will refrain from interjecting.

Mr JEREMY BUCKINGHAM: There are major changes that are needed to be made in water augmentation. I commend the report to the House.

The Hon. ROBERT BROWN (17:27): In reply: I said pretty much all that I needed to say in my take-note speech. I will not say that I am disappointed, but I would have thought more members would have participated in the debate on an issue like this. I know that members of Portfolio Committee No. 5 - Industry and Transport—the Hon. Rick Colless, Mr Scot MacDonald, the Hon. Mick Veitch and Mr Jeremy Buckingham—contributed to the debate, and in fact the report does not need much else said about it. It is self-contained. There

is sound logic behind the report's 51 recommendations. I hope that by 28 February next year the Government will have responded, and we will see what that response is.

I will make some brief comments on the contributions made to the debate. I thank the Hon. Rick Colless for adding his valuable insight. I acknowledge that the Hon. Rick Colless was a member of the State Development Committee that produced an earlier report on water resources and dams. I feel that Mr Scot MacDonald might be suffering from a little confusion about what the recommendation for a water balance means. I did not see the word "budget" anywhere in the report.

Mr Scot MacDonald: Water balance.

The Hon. ROBERT BROWN: Water balance, but I did not see the word "budget", and I did not see any inference in that recommendation that had anything to do with stunts by Labor and The Greens in the Federal Parliament. But I will say this: Before a person decides a household budget or before the State brings down a budget, two things must be known—how much money is available and what you need to spend. On the expenditure side, that is how much water we are going to use.

Very recently we have seen just how wrong our bureaucrats and planners can be when we look at the population growth that was projected in Bob Carr's day or Neville Wran's day, what it has been recently and where we are now. As Mr Buckingham said in relation to world population projections, he probably will not be around. I know I will not be around in 2061, but my grandchildren will. This country is a very wealthy country in terms of land area and it also has quite a bit of rainfall but only in certain parts of the country. Sooner or later government, whether it is a Labor government or a conservative government, will have to bite the bullet and work out how many gigalitres we are going to need in 2050 or 2060 because to augment water supplies and bring about large-scale preservation of water takes enormous amounts of money and humungous amounts of political will.

Mr Jeremy Buckingham raised the point about feeding 40 million people. He referred to the population growth and not enough water to grow crops, for drinking water or to bathe and keep children healthy. He referred to a real-life experience in Orange when the town ran out of water. During the inquiry we heard of innovative programs undertaken in Orange in relation to the storage of stormwater. The stormwater was allowed to run down the stream as an environmental flow but when there was high rainfall it was pumped back up into storage and reused. That is the sort of project that this Government and future governments should be looking at as a pilot study.

For the past 15 years, every new house built in New South Wales is required to comply with the Building Sustainability Index standard. All houses must have water detention tanks in their front yards in order to slow stormwater flow. I predict that the day will come when councils will change their view and allow those detention tanks to be used as retention tanks. The House has been debating an emergency flood measure for the Warragamba Dam and the river flood areas. We should also be thinking about how to ensure we have enough water for Sydney when our population reaches 12 million people. It will get there one day. We have two choices: find more water and save it, or stop the population increase. This country, this State, cannot continue populating at the current rate without somebody taking responsibility for planning for the middle of this century. After the conclusion of this report, WaterNSW prepared its own 20-year plan. That is fine but 20 years is not long enough. Twenty years will go very quickly; it will come and be gone.

I have used up enough of my time lecturing members about water. I add to the comments made by Mr Scot MacDonald, Mr Jeremy Buckingham, the Hon. Mick Veitch, and the Hon. Rick Colless about the difficulty faced by the secretariat putting together this report. All members who have seen the report would know that it is one of the biggest reports this House has ever undertaken. It contains 52 recommendations. The report is highly technical and a lot of it is contentious, yet the secretariat and the committee were able to put it together.

Although there are two dissenting reports, the committee was pretty much universal in the view that it was a thorough report well carried out. To that extent, the committee dragged Hansard all over New South Wales. They can keep up; in fact, as we all know, they get ahead of us. They do not get too far ahead of the Hon. Dr Peter Phelps because he is so erudite and does not make many mistakes, but bumlbers such as I, need to be on the ball. I thank everyone for their contributions to the inquiry. I will say no more except that I commend the report to the House and I beg the Government to provide us with a response by 28 February.

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

Motion agreed to.

STAYSAFE (JOINT STANDING COMMITTEE ON ROAD SAFETY)**Report: Heavy Vehicle Safety and Use of Technology to Improve Road Safety****Debate resumed from 24 May 2018.**

The Hon. SCOTT FARLOW (17:35): I speak to the Staysafe Committee report on road safety titled "Heavy Vehicle Safety and Use of Technology to Improve Road Safety" and tabled in this place on 24 May 2018. The committee examined the subject of heavy vehicle safety technology following a referral from the Minister for Roads, Maritime and Freight. I thank the Minister for her referral and ongoing interest in the Staysafe committee. The committee invited a number of submissions to be made on the technologies being employed to manage driver fatigue and other safety risks with a view to understanding their reliability and cost and how quickly they were being taken up by the industry.

We are all concerned that our outstanding performance in reducing the road toll has been interrupted since 2014. It is important to note that that year was our lowest road toll. When we look at the increase in the road toll since, we should be cognisant that that was the lowest on record. Since then we have experienced a recent spike in fatalities and members will recall that the 2017-18 holiday period was marked by several notable and disturbing heavy vehicle crashes. The committee's terms of reference were expanded to look at that holiday road toll in particular. The committee was fortunate to enjoy excellent briefings from road safety agencies, including the NSW Police Force, which conducted Operation Rolling Thunder over the holiday period. As a member of the committee, I took the opportunity to visit the Toll Group depot at Eastern Creek. I declare my conflict of interest in that my father works for Toll at that facility.

The Hon. Dr Peter Phelps: A great man.

The Hon. SCOTT FARLOW: And a fan of the Hon. Dr Peter Phelps as well. The committee also visited the Roads and Maritime Services [RMS] inspection station at Wetherill Park. We saw much of the current telematics employed by operators such as Toll. At Wetherill Park we saw the inspections that take place on heavy vehicles and we looked at the pits and the technology that is able to match up with the logs out of the vehicles. Interestingly, there are two types of logs: those in European vehicles and those in American vehicles. We were able to see the complexities in matching up those systems with the inspections. In addition to a comprehensive submission from the New South Wales Government, the committee received submissions from 43 other stakeholders and invited 14 witnesses to appear at our public hearing on 6 April 2018 representing transport operators, regulators and researchers.

The committee's final report has highlighted eight recommendations and 10 findings. Of particular interest is a focus on simple and available technologies, not just looking at cutting-edge technologies that one may think of regarding vehicle telematics. There are many simple non-electronic technologies that can be installed to make trucks safer. Items as simple as convex mirrors can be fitted to improve visibility around and beside trucks. Other proven technologies are available but need to be more widely installed. The committee saw convex mirrors that were fitted on trucks at Toll. We are seeing more of those mirrors installed, which enable drivers to see objects in their blind spots. People fail to recognise that a driver seated in a high position in a truck cannot see them when they walk in front of a truck. Simple measures can be taken, such as occurs at the Toll site, where people as they pass in front of trucks wave their hands to ensure that the driver can see them. Recently I have noticed more and more trucks raising awareness of visibility issues on the road.

These simple technologies require more research and development before they can be certified as accurate and reliable. Similarly, driverless truck technologies are under development but their safety benefits are still only emerging at the trial stage. The report found there was a lack of consensus in the industry about the best forms of regulation and the most reliable vehicle technologies. More consultation is needed between road safety agencies and the industry to clarify the purpose of different technologies and how they will be used.

The report also highlighted the consensus around the need for a national approach to heavy vehicle safety. New South Wales is a thorough State when it comes to vehicle safety but it is a through State when it comes to transport, particularly on the Brisbane to Melbourne route. This State is often a stop on that route, so it is important to ensure that it does not act alone in this context. It should work with other States, particularly Queensland, South Australia and Victoria, in developing road safety standards. The report's recommendation that the New South Wales Government pursue a national harmonisation of heavy vehicle safety regulation program is admirable. All drivers need to understand the importance of road sharing, of being truck aware and of showing respect and consideration to all road users.

The committee heard concerns about driver and road-user distraction, and the poor safety record on country roads unfortunately continues. The report recommends that road safety agencies redouble their efforts in campaigning for safe driving in these areas in particular. The 2017 road toll is still the fifth lowest figure on record.

We should remember that, but we are working towards zero. Any increase in the road toll is of significant concern to the Government and to the community and we need to address it. Safe driving around trucks is a particular problem in that regard. The spike in the road death toll is significant. If the number of fatalities does not return to trend in 2018 a re-examination of our strategy is vital. I look forward to the Government's response to the report and the recommendations and to continuing road safety improvements in New South Wales.

I thank my fellow committee members, especially the Chair, Mr Greg Aplin, the member for Albury, my Legislative Council colleague the Hon. Daniel Mookhey, and our former colleague and now Senator Mehreen Faruqi. I also thank my colleagues in the other place: the member for Terrigal, Mr Adam Crouch; the member for Lismore, Mr Thomas George; the member for Cabramatta, Mr Nick Lalich; and the member for Miranda, Ms Eleni Petinos. I pay tribute to David Hale and the Staysafe committee staff, who do a fantastic job in preparing reports, and particularly this report. 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.

STANDING COMMITTEE ON STATE DEVELOPMENT

Report: Regional development and a global Sydney

Debate resumed from 7 June 2018.

The Hon. TAYLOR MARTIN (17:42): I speak on the Standing Committee on State Development's report entitled "Regional development and a global Sydney". The terms of reference for the inquiry were referred to the committee by the Minister for Planning, Minister for Housing, and Special Minister of State, the Hon. Anthony Roberts. The inquiry held six hearings in Sydney, Nowra, Orange, Tweed Heads, Armidale and Queanbeyan that informed a discussion paper released at the end of last year. I acknowledge the former chair of the committee, the Hon. Greg Pearce, and his chairmanship of the committee in the first stage of the inquiry, after which I took on the role of chair. Following the release of the discussion papers, the inquiry called for further submissions and held a further hearing earlier this year.

Sydney has a thriving economy, an enviable lifestyle and critical links with other major economic regions and is a world-class centre for knowledge-based service industries such as financial services and banking, information and communications technology, legal and management services, accounting and education. Sydney's gross domestic product is expected to grow from \$400.9 billion in 2015-16 to \$565 billion a year in 2031. This inquiry was established to identify how Sydney's growing prominence as a global city can benefit regional New South Wales through the expansion of mechanisms such as international trade, infrastructure, tourism and innovation and research, better collaboration across levels of government, or more targeted investment of resources in particular regions or industry sectors. Regional New South Wales is the largest and most diverse regional economy in Australia and is home to 2.9 million people. That number is expected to grow to 3.3 million in 2036 and 3.6 million in 2056. Regional New South Wales comprises regions that each have different strengths that support local economies. It is these strengths that need to be leveraged to ensure that regional New South Wales can benefit from Sydney as a global city.

I am pleased to report that one of the committee's recommendations has already been acted on by the Government. The committee recommended that the Government review the applicability of all taxes it levies on businesses located in regional areas. As part of this year's budget, the Treasurer, the Hon. Dominic Perrottet, announced that the Government would significantly increase the payroll tax threshold from \$750,000 to \$1 million by 2021-22. The threshold—the point at which companies start paying payroll tax—will increase to \$850,000 this year, \$900,000 in 2019-20, \$950,000 in 2020-21, and \$1 million in 2021-22. Nearly 40,000 businesses will save up to \$5,450 each in 2018-19 and up to \$13,625 each in 2021-22. This is in addition to the increase in the threshold announced by the Coalition Government from \$658,000 since coming to office in 2011.

During the inquiry, the committee heard from a number of organisations that highlighted the burden of payroll tax. There are two levers available to the Government when it comes to reducing the payroll tax liability on business: the threshold and the rate. Tasmania, the Australian Capital Territory, Queensland and the Northern Territory have higher tax-free thresholds than has New South Wales, which has a rate of 5.45 per cent. That is higher than the rate in Victoria, which has a rate of 4.85 per cent for metropolitan employers and 3.65 per cent for regional employers. In Queensland the rate is 4.75 per cent.

Even South Australia has a lower rate than New South Wales with a tiered rate between 2.5 per cent and 4.95 per cent. Earlier this year, the Tasmanian Government committed to reducing payroll tax to 4 per cent for businesses with payrolls of less than \$2 million. The committee also heard how the tax-free threshold for payroll

tax impacts on regional businesses. The higher the threshold the less likely it is to impact on smaller enterprises. In New South Wales, the threshold is \$750,000. Tasmania, the Australian Capital Territory, Queensland, the Northern Territory and Western Australia all have lower tax-free thresholds.

In February and March 2017, the NSW Business Chamber conducted a survey of its members. The survey found that the typical payroll tax respondent incurred \$10,700 in administration and compliance costs over and above their payroll tax liability. What sticks out to me is that even for businesses that were just over the payroll tax threshold, compliance costs alone were \$10,200. The NSW Business Chamber estimates that increasing the threshold to \$1 million, which the Government is now doing, would unburden the State's businesses by up to \$40 million a year in red tape. The survey also found that, unsurprisingly, for 85 per cent of businesses payroll tax has an impact on staffing decisions.

That means businesses are less likely to hire additional staff, to offer extra hours to existing staff, or even to offer pay rises to their staff. For businesses operating just below the tax-free threshold, 80 per cent of respondents reported that they would be either more likely to hire additional staff or would do so immediately if the tax-free threshold were increased. The survey also found that if the threshold were increased to \$1 million, 44 per cent of all businesses would be likely to increase their staffing levels and 85 per cent of businesses with a payroll higher than \$1 million would use the savings to expand business operations and increase staffing levels. It is well established that payroll taxes are an impediment to economic growth and jobs creation.

Reducing the burden of payroll tax will boost the regional economy and have flow-on effects to the community, customers and suppliers across regional New South Wales. In New South Wales, this Government has created the conditions that have made us the number one State, but I think this is just the beginning. To continue to beat this Government's incredible record on the economy, we must continue to look at reducing payroll tax because benefits will flow. The inquiry spent a significant amount of time discussing how to define regional boundaries and recommended that the New South Wales Government work with local governments and the Australian Government to consider proposals to achieve greater consistency in defining the regions. The inquiry heard of various issues that arise when different levels of government and different agencies within those levels of governments apply different boundaries for different uses. These issues were best articulated by the Hunter Business Chamber in its submission, which stated:

... the lack of consistent boundaries based on agency and local government definitions can be confusing and inefficient. The incidence of a local government or an agency boundary is known to impact the ability for a business to either apply for or receive benefits under a particular program. At times, businesses located in the same street and across the road from each other can have different access to different programs. This does not make sense and should be addressed.

It is clear that there is much conjecture around how different regions should be defined, despite the many variations and suggestions that exist. The inquiry also reported on the opportunity created by City Deals. City Deals is a new approach in Australia and works by creating a partnership between all three levels of government, the community and private enterprise. These organisations then work together to deliver a coordinated and integrated package of initiatives aimed at unlocking the economic and social potential of Australian cities. There are currently three City Deals in operation in Australia, including Townsville in Queensland and Launceston in Tasmania. These City Deals provide a model that could be replicated in regional cities in New South Wales. I am very glad to see a City Deal for Western Sydney in New South Wales.

The report notes that the committee supports the Western Sydney City Deal and the positive outcomes it is seeking to achieve in the areas of connectivity, jobs for the future, skills and education, planning and housing, livability and the environment, and governance. I am certainly keen to observe the progress and outcomes of the Western Sydney City Deal with a view to other City Deals being established in regional New South Wales. The committee recommends that the New South Wales Government monitor the outcomes of the Western Sydney City Deal and, if successful, consider future City Deals in regional New South Wales.

During the inquiry, we discussed at length infrastructure projects that can assist regional New South Wales to leverage benefits from Sydney being a global city. On 9 March this year I joined my colleagues the Parliamentary Secretary for the Hunter and Central Coast, Scot MacDonald, the member for Terrigal, Adam Crouch, and the Federal member for Robertson, Lucy Wicks, MP, at the Gosford railway station on the Central Coast to announce that the New South Wales Government had been one of the successful tenderers for funding from the Commonwealth Government as part of its \$20 million Faster Rail initiative. This announcement is a game changer that has the potential to reduce the travel time from Newcastle to Sydney by one hour. I note that a ReachTEL poll last month found that a fast rail link from Sydney to Newcastle is the top transport priority for more than one-third of New South Wales voters. Once again I will quote from the Hunter Business Chamber, which stated in its submission to this inquiry:

Regions like the Hunter with national road and rail as well as international port and airport access and connections, are important trade and tourism gateways for the state and national economies. It is vitally important for business, the community and governments that these key components of infrastructure are identified, preserved and in some cases, enhanced.

I am happy to report that enhancing the Newcastle to Sydney railway line is a clear goal for the State Government. The \$6 million in this year's State budget will enable the State Government to properly plan possible improvements to existing rail lines to cut commute times. These possible improvements will include reducing track curvature, deviations and alignments; junction rearrangement; and better segregation of passenger and freight services. The desire to proceed with this project is highlighted by its inclusion in Future Transport 2056. Faster rail for the Central Coast and Newcastle is one project which will dramatically enhance those regions' ability to leverage benefits from Sydney's status as a global city.

The State Development committee's report "Regional development and a global Sydney" is a collaboration of the goals, experiences and issues stated in the 38 submissions, which were mostly from the regions, and those who appeared before the inquiry. I hope that it serves as an important document in growing the ability of regional New South Wales to meet the needs of those who live there. I thank the secretariat staff for all the hard work that they do and all the Committee members who gave their time and had input into this report.

The Hon. NATASHA MACLAREN-JONES (17:55): I speak on the report of the Standing Committee on State Development entitled "Regional Development and a Global Sydney". I commend the work of the former chair, the Hon. Greg Pearce, and the current chair, the Hon. Taylor Martin. The inquiry was established to look at Sydney's growing performance as a global city and, more importantly, how to build on that to support regional development across New South Wales. Sydney is a thriving economy, with industries that connect our State with other major economic regions across the world, enabling it to be a world-class centre for productivity, growth and development. Sydney is a knowledge-based service industry city, ranging from information and communications to financial and banking services, legal and management services, accounting and education. It is because of this prominence that regional New South Wales can benefit significantly through Sydney's established position as a global city, particularly with the expansion of international trade, infrastructure, tourism, innovation and research.

One of the main recommendations put forward by the committee was to clarify borders and regional boundaries. Currently boundaries vary considerably between both State and Federal government departments. Over the course of the inquiry, it was raised by stakeholders that there needed to be unity as to what those regions were and what local government areas existed within each of the regions. A total of 10 regions were identified by the New South Wales Government. They include the Central Coast, Central West and Orana, Far West, Greater Sydney, Hunter, Illawarra-Shoalhaven, New England and Northwest, North Coast, Riverina-Murray, and the South East and Tablelands.

The inquiry found, through the discussion paper, that regional New South Wales could comprise two different, distinct districts: those bordering Sydney comprising Newcastle, the Hunter, Wollongong, Illawarra and the Blue Mountains; and those regarded simply as broader regions. Under this tiered system, the general feedback from the inquiry participants found that the perceived second-tier regions had seen less economic benefit from significant investment and the expansion of infrastructure in Sydney compared to those that directly bordered Sydney. Another issue that was put forward was in relation to the regions bordering Sydney and their identities being distinct from Sydney.

The committee found that there should be greater clarification by the New South Wales Treasury subject to a reduction in the projected benefits in assessing projects. In addition, the New South Wales Treasury should make calculations public after projects are refused or contracts are let. This would inform local communities. The committee also recommends that the New South Wales Government should work with local governments and the Australian Government to consider proposals through which greater consistency in defining the regions could be achieved. There are diverse views as to what it means to be part of regional New South Wales and there are multiple challenges in defining regional New South Wales. The committee suggests that a multilateral effort be initiated by all levels of government to work together to create a unified regional definition so as to promote greater consistency and initiatives.

Another area that was raised was tourism, which contributes more than \$32 billion to the New South Wales economy and employs over 170,000 people, of which 84,600 work in regional tourism. Furthermore, last year it recorded 91 million visitors to New South Wales. Of those, 23 per cent visited regional New South Wales. A strategy to encourage tourism in New South Wales needs to acknowledge regional New South Wales as well as the way in which growth opportunities are directly linked to Sydney. This means providing greater support for transport services to regional New South Wales that will benefit the regions.

The committee also suggested and recommended additional support to address an ageing population and again looked at the potential need for more support services to address the projected population growth. This included the health sector, particularly in the retention and recruitment of a skilled workforce into regional

communities. The committee also suggested that there be further training and development opportunities to recruit and retain skilled workers in the health and support sectors. Overall the work of the committee has been extremely beneficial in making a number of recommendations that will not only support the growth and development of our regional communities in the future but also support the current plans that are already in place.

Debate adjourned.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: On behalf of the Hon. Taylor Martin: I move:

That Committee Reports Order of the Day No. 5 be postponed until the next sitting day.

Motion agreed to.

PRIVILEGES COMMITTEE

Report: Procedural Fairness for Inquiry Participants

Debate resumed from 14 August 2018.

The Hon. NATASHA MACLAREN-JONES (18:02): I speak on report No. 75 of the Legislative Council Privileges Committee entitled "Procedural fairness for inquiry participants". I begin by thanking the committee members: Deputy Chair the Hon. Peter Primrose, the Hon. Greg Donnelly, Ms Cate Faehrmann, the Hon. Trevor Khan, the Hon. Shayne Mallard, Reverend the Hon. Fred Nile, and the Hon. Dr Peter Phelps. I also thank the committee secretariat for all their hard work and professionalism, as always, in conducting these inquiries.

I would like to make a few comments for the benefit of the House on the background to this inquiry and also the recommendations that were put forward. This is a particularly significant step for the Legislative Council committee system, and if the motions following the recommendations of this committee are passed they will continue to be used for a number of years to come. The background for the report into procedural fairness for inquiry participants lies in a recommendation of the Select Committee on the Legislative Council Committee System in 2016. I acknowledge the work of the chair of that committee, the Hon. Scott Farlow.

His committee noted that while the Legislative Council committees act to protect participants in their inquiries, currently there are no formal or publicly available procedures which can be referred to in ensuring witnesses are accorded proper process and fair treatment. The select committee therefore recommended an inquiry be referred to the Privileges Committee in regard to the protection and fair treatment of witnesses. This culminated in a reference from the President of the Legislative Council to the Privileges Committee in August 2017 to be observed by the committees to provide procedural fairness for inquiry participants.

In conducting the inquiry, the Privileges Committee took the view that the public is entitled to expect that participants are treated fairly by committees at all times. Procedural fairness ensures that witnesses are given an adequate opportunity to be heard and are informed of their options when giving evidence. It also ensures that committees are aware of how the interests of inquiry participants might be affected by their decisions and guards against perceptions of the arbitrary use of committee power. For any witness, attending a parliamentary committee hearing may be unusual and stressful. Ensuring witnesses are fully informed about all relevant procedures encourages effective participation in inquiries. The imperative to inform a witness of the committee process is even greater in the context of a controversial inquiry, where committee members will justifiably wish to exercise the inquiry power by asking challenging questions and interrogating the witnesses before them.

On 27 September 2017 the committee released a discussion paper which highlighted key issues in relation to the inquiry and invited stakeholder views on questions developed in response to those issues. The committee received 10 submissions from a variety of stakeholders. On 3 May 2018 the committee considered a set of draft procedural fairness resolutions based on the current practices of committees in the Legislative Council, before the chair proceeded to prepare the chair's draft report. In the inquiry's final report, which was released in June 2018, the committee noted Legislative Council committees already have a suite of procedural protections based on standing orders to ensure the protection and fair treatment of witnesses. However, the committee found the main issue was that these protections have never been gathered together in a uniform format which would provide ease of access and communication to the public.

Other Houses of Parliament, by contrast, have adopted guidelines, resolutions or standing orders setting out procedures and conventions regarding committee process and ensuring procedural fairness. The committee received submissions from other Houses of Parliament and jurisdictions to gain an insight into procedural protections for witnesses. For example, the Australian Senate has a resolution in place setting out procedural

protections for witnesses. The committee concluded that the adoption of a uniform set of protections for participants in Legislative Council committees would foster greater clarity and consistency and enhance public confidence in the committee system. Accordingly it recommended that the House adopt a resolution specifying the procedural protections to be followed by Legislative Council committees.

The form and wording of the resolution recommended by the committee drew on similar resolutions in comparable Houses of Parliament and in particular the Senate's 1988 resolution. However, the procedures prescribed in the resolution reflect current Legislative Council procedure and practice, both for committees in general and for the Privileges Committee in particular. Certain Senate paragraphs were removed and a number of existing Legislative Council provisions were added for completeness. In the interests of clarity, the language of the Senate provisions was modernised and simplified, and the paragraphs were ordered logically to reflect the procedures applying before, during and after a hearing.

The committee made 21 recommendations to provide the rights and powers of committees and inform witnesses of their rights in an easily accessible form. The resolution was drafted under the direction of the Clerk-Assistant—Committees and Corporate in close consultation with the Procedure Office and carefully scrutinised by the Clerk and Deputy Clerk before being considered in detail by the Privileges Committee. I thank them for all their work. The resolution serves as a succinct source of procedural guidance for committee members and Clerks.

The matters addressed in the resolution are comprehensive, encompassing and expansive, including providing advice on issues relating to inviting and summoning witnesses, swearing of witnesses, the opportunity for witnesses to request a private hearing, attendance with a legal adviser, objections to answering questions, evidence that may seriously damage the reputation of third parties, evidence that places the person at risk of serious harm, the tendering of documents, and inviting the production of documents. The House will later be debating the formal motion to adopt these recommendations and guidelines. I commend the report to the House.

The Hon. Dr PETER PHELPS (18:08): As a member of the Legislative Council Privileges Committee, I commend the report entitled "Procedural fairness for inquiry participants". I note that it was a unanimous report of the committee. I did have reservations. I will be quite frank about seeking to codify the existing practices, structures and operations of committees in relation to procedural fairness for inquiry participants. However, in the end I was persuaded by the proposed recommendations, which now form Private Members' Business item No. 2394 outside the Order of Precedence on the *Notice Paper* standing in the name of the Hon. Natasha Maclaren-Jones. It would be of no surprise to anyone who has known me during my 7½ years in this place that I am a longstanding supporter of the traditions, powers and privileges of this House and indeed of the Parliament more broadly. In that respect, I would like to examine the relationship between paragraph 4, which deals with the opportunity to request a private in camera hearing; paragraph 5, which deals with the publication of evidence taken in private; and paragraph 20, which deals with the improper treatment of inquiry participants.

It is not a statement beyond the expected norms of conventional theory to say that a Chamber of a Parliament is the ultimate court in any Westminster jurisdiction. The fact that a court can make a decision that is subsequently and immediately overruled by an Act of Parliament supported by both Houses of Parliament indicates that we are in effect the supreme law-making authority, as all parliaments are in Westminster jurisdictions. Such a decision was confirmed by none other than Justice Kirby when he was the President of the Court of Appeal in New South Wales in *Building Construction Employees and Builders' Labourers Federation of New South Wales v Minister for Industrial Relations*, which is generally known by the shortened version of BLF No. 2. In that respect, committees, which are engaging in the role of an inquisitorial body that seeks to adduce the truth from witnesses so that we can have an informed debate on what is necessary for the creation or emendation of legislation in this State, rely the testimony given by witnesses to inform us.

It is fair to say that no-one is an expert in everything. There are some things about which no member of a committee may be an expert. While we tend—I would suggest—to gravitate towards committees that represent the general interests that we possess, I am sure no-one is so arrogant as to suggest that they and they alone have absolute knowledge and understanding of the myriad issues that come before a committee in the course of a four-year cycle or, in our case, an eight-year cycle of the Parliament. To that extent, we rely upon witnesses to provide us with their best assessments. We regularly call upon expert witnesses and we regularly call upon inexperienced witnesses as well. That is not to suggest that one is to be preferred over the other but, as I have made clear previously, I believe expert witnesses add significantly to the deliberations of this Parliament.

Where does this lead with respect to paragraphs 4, 5 and 20? It has been an unchallenged point of privilege in Westminster parliaments that any attempt to interrupt the legitimate activities of a member of Parliament constitutes a contempt of this Parliament and indeed any Westminster Parliament. There is a wide range of things—the harassment of members and preventing members from attending Parliament are the obvious ones. But there is also a longstanding tradition that any attempt to seek vengeance against a person who gives

evidence before a committee should be met and dealt with by the full authority of Parliament, as if the intimidation or penalisation were directed at a member of Parliament.

For this reason, I have over many years been critical of what I see as the extensive use of anonymous submissions to committees and in camera hearings. Why is that? If we are to be a proper Parliament we should be punishing those people who seek to interfere with the ability of witnesses to give honest and open testimony before a committee. It should not be a slap on the wrist; it should be a harsh and severe punishment for any person who would say to a potential witness or past witness to one of our committees, "We are going to punish you for what you said." That is an outright attack on Parliament and should be dealt with in the harshest manner possible, even if it means a custodial sentence is imposed by the House itself, which still remains within our power to impose.

I am not disposed towards secret testimony, and not only because it essentially means that we are waving the white flag on the paragraph 20 penalties that we should apply to those who seek to intimidate witnesses. There is a more fundamental problem: if a committee is to rely upon testimony that only the committee knows of, there is no opportunity for people who might be adversely affected by the testimony or who may wish to challenge that testimony to do so. As a committee member, I am stuck in a paradox. If I cannot test the testimony that is given to me in camera, how can I rely on it in any decision we make with regard to what the final report says? If it has not been tested, how do we know that it is true? All other public testimony is available for subsequent criticism by those witnesses who come afterwards. In camera testimony is not available, generally speaking.

I can understand that there are certain circumstances where we would wish to have in camera hearings, particularly in cases concerning children and the names of children. I can certainly understand that. But if we are really and truly to maintain ourselves as a Parliament, I do not accept and I cannot accept the argument that, "We must be heard in camera because we fear repercussions of our testimony." That is terrible. For us to effectively accede to that argument means that we have given up on ourselves as parliamentarians. We are branding this Parliament as not merely a B-grade parliament but a C-grade Parliament—a Parliament in name only; a Parliament that one would find in a third world country; and a façade of a Parliament with a patina of privilege and no real teeth to enforce it.

I commend the report of the committee and its recommendations. As I mentioned earlier, they have now formed the basis of a motion in the name of the Hon. Natasha Maclaren-Jones on the *Notice Paper*. I hope we can pass them some time before the end of the year because they are quite good. I ask all members—in a spirit of bipartisanship, in a spirit of understanding of what it means to be a parliamentarian and what it means collectively to be a Parliament—to give thought to what I see as the current overuse of secrecy and submissions during in camera hearings and to live up to the true meaning of what we do here as parliamentarians and protect our witnesses. I commend the motion to the House.

Debate adjourned.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: On behalf of the Hon. Scott Farlow: I move:

That Committee Reports Order of the Day No. 7 be postponed until a future day.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: On behalf of the Hon. Robert Borsak: I move:

That Committee Reports Order of the Day No. 8 be postponed until a future day.

Motion agreed to.

PORTFOLIO COMMITTEE NO. 2 - HEALTH AND COMMUNITY SERVICES

Report: Provision of Drug Rehabilitation Services in Regional, Rural and Remote New South Wales

Debate resumed from 14 August 2018.

The Hon. GREG DONNELLY (18:20): It is not uncommon that inquiries such as the one recently completed by Portfolio Committee No. 2 are presented with various submissions and documents containing statistics, tables and graphs, all designed to identify trends or demonstrate the magnitude of a particular situation. Indeed, that was the case for this inquiry too. However, for all the figures, data and technical analysis we must never forget that we are considering the circumstances of individual human lives. Lives, like our own and our families and friends—just as valuable and important—which are entitled to be treated with dignity and respect, as is the case for all human beings.

It was meeting and hearing from individuals during this inquiry that drove home to me that much—I repeat: much—more has to be done as a matter of priority to both confront and deal with alcohol and drug addiction in regional, rural and remote New South Wales. Three examples from an almost countless list drove the point home to me, straight between the eyes. While visiting Batemans Bay, I met a young man—probably in his early to mid-thirties—who is now, as they say, on the straight and narrow. He admitted that earlier in life he had been no stranger to crime. He had also suffered from addiction—to alcohol and a range of illicit substances. With a choked-up voice and watery eyes, he admitted that but for the unflinching support of a small group of mainly volunteer community workers he would most likely be serving a long stint in some correctional centre in New South Wales. Worse still, contact with his children would have been effectively severed and he would miss out on being a father to them. However, he was now on the wagon and undertaking a vocational education course that he hoped would lead to a trade qualification.

I refer to a young man in Broken Hill who had lost not just one or two but a number of mates to drug overdoses or suicide—mates he had shared a sandpit with in preschool. I refer also to an Indigenous gentleman who took me aside after one of the hearings in northern New South Wales. He had two adult children, both of whom had succumbed to drug addiction. He explained to me his desperate plight of not being able to get them into a rehabilitation program, notwithstanding his tireless efforts. So desperate was this father over the fate of his children that he wanted to know whether the committee was considering making a recommendation that would enable parents like himself to take some type of—using his words—court action to have their children forcibly detained in clean and safe accommodation and out of harm's way. These are just a tiny example of cases of ruination and destruction, or near destruction, of people's lives in regional, rural and remote New South Wales, caused by alcohol and drug addiction and all of it is happening in plain sight.

The inquiry received 43 submissions and conducted eight hearings in locations including Parliament House, Sydney, Nowra, Batemans Bay, Dubbo, Broken Hill, Grafton and Lismore. The quality of the evidence presented at the hearings was of a high standard and was most important in respect of informing both the preparation of the committee's report and its recommendations. The evidence from those witnesses who had experienced firsthand addiction or treating those with addiction was particularly compelling. I specifically acknowledge those individuals in our Indigenous communities across the State who are doing outstanding work assisting those with alcohol and drug addictions. Their selflessness and devotion, often in challenging circumstances, is a wonderful example to all of us.

The inquiry report has four chapters. The first one examines the current state of play regarding the provision of drug rehabilitation services in New South Wales. The second chapter reviews the work done by the committee on its visits to the South Coast, West and Far West and the Far North Coast. Chapter three gives consideration to a number of important proposals to improve the provision of alcohol and drug rehabilitation services across the State. Finally, chapter four gives specific attention to the provision of alcohol and drug rehabilitation services for Aboriginal people. Our Indigenous brothers and sisters must be provided with better rehabilitation services that will help them to address the scourge of alcohol and drug addiction in their communities.

The honourable members who have read the report will have noted that the committee has made 12 recommendations. Instead of producing a long laundry list of recommendations, the committee developed a limited number of specific and targeted recommendations. The committee certainly hopes that the Government will give the recommendations full consideration. There is no doubt that the implementation of the recommendations would significantly improve the provision of drug and alcohol addiction services in this State. I thank the committee secretariat for their excellent work. In truth these inquiries and reports can be delivered only because of the dedicated and thorough work of the committee secretariat. I particularly thank Sharon Ohnesorge and Sam Griffith for their work in preparing the draft report—their attention to detail is second to none.

I thank the staff of Hansard for their patience and accuracy. Without them, we would not have a true and accurate record of the oral evidence provided to our inquiries. Finally, I thank my parliamentary colleagues on the committee: the Hon. Paul Green, Deputy Chair; the Hon. Courtney Houssos; Mr Scot MacDonald; the Hon. Dr Peter Phelps; the Hon. Bronnie Taylor, and Dr Mehreen Faruqi. Their collegial approach has, once again, produced a valuable report for the Parliament. I look forward to hearing the contributions from other honourable members in this debate, particularly those who served on the committee. I commend this report and its recommendations to the House.

Debate adjourned.

*Bills***CIVIL LIABILITY AMENDMENT (ORGANISATIONAL CHILD ABUSE LIABILITY) BILL 2018****First Reading**

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

The Hon. SARAH MITCHELL: I move:

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

Motion agreed to.

The Hon. SARAH MITCHELL: I move:

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

Motion agreed to.

The DEPUTY PRESIDENT (The Hon. Courtney Housos): I will now leave the chair. The House will resume at 8.00 p.m.

WATER NSW AMENDMENT (WARRAGAMBA DAM) BILL 2018**In Committee**

Debate resumed from an earlier hour.

The Hon. PENNY SHARPE (20:00): The amendments moved by The Greens go to the heart of Labor's problems with the bill and the way in which this project is progressing. Labor's problems with the bill relate to the National Parks and Wildlife Act and the highest level of protection that is given to land under that Act which is being whittled away in a range of different ways. The Government has form in relation to Kosciuszko and the suspension of the National Parks and Wildlife Act. My understanding is that the member for Murray is looking at de-gazetting the Murray River National Park. It has been admitted by Government officials that this bill is not absolutely necessary at this point in time. Labor considers that the National Parks and Wildlife Act and the protection that we give to those lands are matters of significance, but that protection is being taken away.

As I said earlier, I listened very carefully to the Minister's response to these amendments and I was quite disappointed. The planning system is overruling the environmental management of very sensitive land. Through these amendments—which Labor supports now and supported during the inquiry—The Greens are seeking that even if a separate environmental management plan has to be drawn up, the National Parks and Wildlife Act should be used as a guide. The Government is asking us to rely on the environment Minister of the day to set the terms on which the environmental management plan will be signed off. Quite frankly, that is just not good enough.

The Hon. Mick Veitch: Do we have an environment Minister at the moment?

The Hon. PENNY SHARPE: We do have an environment Minister at the moment. She has form in relation to her inability to stand up for the environment and her unwillingness to provide any voice or bulwark against some of the more extreme elements in the Government who have a fundamentally anti-environment agenda and an anti-parks agenda.

The Hon. Niall Blair: Point of order: The member is casting aspersions on a member of the other place. If she wants to do so and not speak to the amendments she should do so by way of a substantive motion. She has responded to an interjection from her colleague and now she is straying from the substantive motion that we are debating with respect to these amendments.

The CHAIR (The Hon. Trevor Khan): The member was not only responding to an interjection from the Hon. Mick Veitch but also reacting to an interjection from the Hon. Dr Peter Phelps, which was equally unhelpful. So the blame is spread equally around the Chamber. With regard to casting aspersions at the Minister, the member is straying from the amendment.

The Hon. PENNY SHARPE: Before the end of the parliamentary term I may just move a substantive motion on the Minister for the Environment, but I will not do so tonight. I understand the ruling. A number of objectives need to be considered with respect to an environmental management plan. I will read into *Hansard* the objectives and the contents of the plans of management as set out in the National Parks and Wildlife Act. This is important and it goes to the heart of why this bill is so problematic. The casual disregard for these principles is a

matter for concern. The objectives of the plans of management state that the following has to be taken into consideration:

- (a) the relevant management principles,
- (b) the conservation of biodiversity, including the maintenance of habitat, ecosystems and populations of threatened species,

There has been a lot of discussion about the regent honeyeater, which is a critically endangered bird. There are considered to be fewer than 400 left. A significant population has been found here. The Office of Environment and Heritage basically told Water NSW that there was no need to look any further into this issue because the office knew that the birds were there. Frankly, they do not seem to care. Threatened species need to be taken into account, otherwise our entire framework for managing biodiversity and threatened species is undermined by this bill. The objectives of the plans of management as set out in the National Parks and Wildlife Act continue:

- (c) the protection and appreciation of objects, places and structures of cultural significance, and tracts of land,

Again, I refer to the Gundungurra people and their pleas to be heard on this matter. I continue:

- (d) the protection of landscape values and scenic features,
- (e) the protection of geological and geomorphological features,
- (f) the protection of wilderness values and the management of wilderness areas,

There is declared wilderness in this area that will be drowned. Wilderness protections are in place for a reason. We are so lucky to have wilderness on the doorstep of the Sydney area which people can appreciate. These areas should be protected for their wilderness values alone. Under this bill, there is no guarantee that that will be considered. Under the plan of management, consideration needs to be given to:

- (g) the maintenance of natural processes,
- (h) the rehabilitation of landscapes and the reinstatement of natural processes,
- (i) fire management,
- (j) in the case of a plan of management for a national park ... the prohibition of the execution of any works adversely affecting the natural condition or special features of the park or reserve,
- (k) the potential for the reserved land to be used by Aboriginal people for cultural purposes,
- (l) the provision of opportunities for public understanding and appreciation of natural and cultural heritage values, including opportunities for sustainable visitor or tourist use and enjoyment of the reserved land,
- (m) the adaptive reuse of buildings and structures,

There are no buildings and structures in this area. As I have said, this is a wilderness area. I continue:

- (n) the appropriate (including culturally appropriate) and ecologically sustainable use of the reserved land, including use by lessees, licensees and occupiers of the land,
- (o) the preservation of catchment values,
- (p) the encouragement of appropriate research into natural and cultural features and processes, including threatening processes,
- (q) the identification and mitigation of threatening processes,
- (r) the statutory natural resource management, land use management plans and land management practices of land surrounding or within a region of the reserved land,

Other objectives include:

- (u) the social and economic context of the reserve so as to ensure, for example, that the provision of visitor or tourist facilities is appropriate to the surrounding area or that pest species management programs are co-ordinated across different tenures,
- (v) the protection and management of wild rivers,

The legislation will allow wild rivers to be flooded. These are significant principles and the Government is telling us, "Don't worry, the Minister of the day is going to ensure that this happens and will try to be consistent." That is not good enough and that is why the Opposition supports these amendments.

Mr JUSTIN FIELD (20:07): I want to respond to comments by the Government relating to these amendments, in particular amendments Nos 5 and 6. Amendment No. 5 ensures that advice is obtained by the appropriate advisory committee with regard to the development of the environmental management plan. The response from the Minister seemed to be that the advisory committee would get its chance during the public submission stage of the planning process. The conditions of consent for this proposal could very well change the way in which an environmental management plan may be developed. It makes sense for the environment Minister to engage with that committee for the purpose of developing this environmental management plan [EMP].

The Greens think, given the role that Water NSW has in the drafting of the EMP and the concurrence role in the final decision-making around the EMP, that the legislation should require that this committee, an appropriate committee, be consulted with at that point. It is disrespectful to suggest that the only opportunity that body has to engage formally in the development of a management plan to protect one of our most critical environmental assets in the State—the World Heritage listed Blue Mountains National Park—is for it to make a submission to the process around the planning decision-making. It is there to advise the Government and the Minister on how to manage this important asset. To enshrine that in legislation makes a great deal of sense.

With regard to the review process, the suggestion is that there is a duplication of what is in the Act. Let us be clear: the environment Minister, in observing the consequences of an inundation and potentially the reality that the environmental management plan that is in place does not adequately deal with it, cannot initiate a review on his or her own even though there might be significant environmental consequences, and the reason the Minister cannot do so is because it requires the concurrence of the water Minister. The veto power of the Minister in the current bill means that the community will not see those environmental assets and values protected over time. We should ensure that the responsibilities of the environment Minister to protect the environment in New South Wales are protected by law. The Government is trying to undermine the national parks Act through this bill. I am trying to introduce a reasonable protection so that, in the event that the environment Minister considers that a review of the environmental management plan is needed, he or she can initiate that review without having to get the concurrence of the water Minister.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved The Greens amendments Nos 2, 3, 5 and 6 on sheet C2018-124A. The question is that the amendments be agreed to.

The Committee divided.

Ayes 17
Noes 20
Majority..... 3

AYES

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

NOES

Amato, Mr L	Blair, Mr	Brown, Mr R
Clarke, Mr D	Colless, Mr R	Cusack, Ms C
Fang, Mr W (teller)	Farlow, Mr S	Franklin, Mr B
Harwin, Mr D	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

Secord, Mr W

Ajaka, Mr

Amendments negatived.

Mr JUSTIN FIELD (20:19): I move The Greens amendment No. 4 on sheet C2018-124A:

No. 4 **Public exhibition of environmental management plan**

Page 3, Schedule 1 (proposed section 64C). Insert after line 44:

(4) Before submitting the draft EMP to the NPW Minister, Water NSW:

- (a) is to ensure that the draft EMP is made publicly available for at least 45 days, and
- (b) is to invite the public to make submissions on the draft EMP during that period.

This amendment will require that before submitting a draft environmental management plan to the Minister responsible for our national parks and wildlife, Water NSW is to ensure that the draft plan is made publicly available for at least 45 days and to invite public submissions. This will simply ensure that the provisions in the National Parks and Wildlife Act concerning the development of plans of management are also provided under this bill with regard to the development of an environmental management plan. Given that this environmental management planning process will in effect replace plans of management for the portions of the national park that will be affected by temporary inundation, the community should have a right to make a contribution. The Greens think it makes sense to ensure that the decision-makers have before them the best possible information about the management of this critical ecological asset. I commend the amendment to the House.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (20:20): The bill includes built-in environmental safeguards with the requirement for an environmental management plan. The plan will ensure that the environmental, social and cultural heritage values in the areas that may be affected by the incremental increase in temporary inundation are monitored, managed and conserved. The environmental management plan will need to be consistent with any planning approval for the Warragamba Dam raising proposal. The planning approval will be based on the public consultation carried out as part of the environmental impact statement [EIS] for the proposal. The Greens amendment No. 4 seeks to include duplicate consultation requirements, which will be covered by the extensive EIS consultation process. The EIS consultation will highlight the matters and concerns or issues from all stakeholders to be addressed by the environmental management plan. Therefore, the Government opposes the amendment.

The Hon. MICK VEITCH (20:21): I listened intently to the Minister's contribution to the debate on The Greens amendment No. 4. This amendment arises from a recommendation of the committee that there be 45 days. Essentially Mr Justin Field is working on the recommendation from the committee process. The committee process, I think we all agree, was quite worthwhile. Therefore, I am a little taken aback that the Government would not support it. The Minister said that the amendment replicates an existing process. If it is already a process, I am not sure why the Government would not support this amendment. It is not encroaching or trying to push the envelope; it is replicating what already exists. I cannot see why the Government would be scared or what the harm is in supporting this amendment. It seems to me to be eminently sensible and it is a recommendation of the committee. I draw that committee inquiry to the attention of the House. Members of the Government were part of the committee that made this recommendation. The Opposition will be supporting the amendment.

The Hon. ROBERT BROWN (20:22): I believe this is a reasonable amendment, believe it or not, especially after learning that the committee that was shoehorned into having a look at the legislation—I was not a member of that particular committee—recommended this amendment. It is no big deal and I do not genuinely think that the Minister or the Government can put the argument that it may affect or encourage some disastrous event that is going to happen in 45 days. I do not think so. For that reason, I will support the amendment.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved The Greens amendment No. 4 on sheet C2018-124A. The question is that the amendment be agreed to.

The Committee divided.

Ayes 18
 Noes 19
 Majority..... 1

AYES

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

NOES

Amato, Mr L
Colless, Mr R
Farlow, Mr S
MacDonald, Mr S

Martin, Mr T
Nile, Revd Mr
Ward, Mrs N

Blair, Mr
Cusack, Ms C
Franklin, Mr B
Maclaren-Jones, Mrs
(teller)
Mason-Cox, Mr M
Phelps, Dr P

Clarke, Mr D
Fang, Mr W (teller)
Harwin, Mr D
Mallard, Mr S

Mitchell, Mrs
Taylor, Mrs

PAIRS

Secord, Mr W

Ajaka, Mr

Amendment negatived.

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

Motion agreed to.

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

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. NIALL BLAIR: I move:

That this bill be now read a third time.

Motion agreed to.

EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2018**Second Reading Speech**

The Hon. RICK COLLESS (20:33): On behalf of the Hon. Niall Blair: I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Emergency Services Legislation Amendment Bill 2018. This bill contains a range of proposals to amend NSW's key emergency management legislation, including:

- the State Emergency and Rescue Management Act 1989,
- the Rural Fires Act 1997,
- the Fire Brigades Act 1989, and
- the State Emergency Service Act 1989.

The bill will enhance and modernise New South Wales's disaster response and recovery arrangements, provide a clear and consistent statutory basis for the broad range of emergency management functions undertaken by our emergency services, and make other miscellaneous amendments to reflect modern operational emergency management practices, terminology and structures.

Schedule 1 amends the State Emergency and Rescue Management Act 1989 or "SERM Act". These changes streamline State level governance arrangements and cut red tape. For example, the bill will abolish the State Disasters Council and transfer its function to advise the Minister on emergencies to the State Emergency Management Committee [the "SEMC"], which is a function that it

has been exercising in practice for a number of years. The bill also de-corporatises the State Rescue Board. There is simply no need for the board to remain a separate legal entity. Its day-to-day functions are supported by the Office of Emergency Management. The board's procedures and membership will not change. Other amendments to cut red tape include clause 8 which makes Commissioners of our emergency service agencies ex-officio members of the SEMC, and clause 11 which will enable declarations of a State of Emergency to be published on the internet and social media.

The bill amends section 3 of the SERM Act to enable the Minister to designate a non-government agency as an "emergency service organisation" by Regulation. Volunteer Marine Rescue NSW and Surf Life Saving NSW will, for the first time, be expressly formally recognised as emergency service organisations. This change reflects the ongoing and significant role of these organisations to support rescue and emergency response in New South Wales, and will provide a clear legislative basis for our emergency services to work closely with and assist these community based volunteer organisations. The bill makes changes to ensure volunteers are protected from victimisation and that government employees do not face personal liability in relation to functions exercised under the Act.

The Act already provides for volunteer employment protections upon declaration by the Premier. To ensure volunteer employment protections start as soon as possible, the bill provides for them to be automatically activated upon declaration of a State of Emergency. It also allows an "authorised officer" to make an initial employment protection order lasting up to 48 hours. Authorised officers will include the Commissioner or Deputy Commissioner of the Rural Fire Service or State Emergency Service [SES], and the State Emergency Operations Controller or Deputy State Emergency Operations Controller. The proposed amendment to section 62 will clarify the current exemption from liability for government employees to ensure they are protected for things done in good faith for the purposes of the Act.

Clause 4 amends the definition of "emergency" to include a specific reference to the failure of, or a significant disruption to, an essential service or infrastructure. This recognises, for example, that a significant power outage can pose the same threat to life and property as a bush fire or flood, and therefore requires the same level of planning and the same coordinated response. The SERM Act already enables police officers to enter private property to make it safe during or after an emergency. This includes to shore up walls or to disconnect gas, water or electricity. Police use assistants to do this work, like skilled engineers.

The bill amends section 61 to enable a "directing officer" to direct a person to enter premises to exercise functions under section 61 without having to be accompanied by a police officer. It is noted the bill creates a number of safeguards around this power, including that, under new section 61E (2) assistants directed to enter a property must carry a written authority. The bill updates the statutory functions of the NSW Rural Fire Service [NSW RFS] (at clause 2 of schedule 2) and the functions of the Commissioner of Fire and Rescue NSW (at clause 5 of schedule 3) to incorporate general emergency management and rescue functions. The changes ensure consistency across Fire and Rescue NSW, the NSW Rural Fire Service and NSW State Emergency Service and their enabling legislation. The provisions use existing language from the State Emergency Service Act 1989. These are not new functions. The change recognises the work the fire agencies already undertake to assist their emergency service partners in situations such as road crash rescues.

Schedule 2 amends the Rural Fires Act 1997. Clause 5 amends section 18 to permit the Commissioner of the Rural Fire Service to appoint rural fire brigade officers if the body or authority that forms a rural fire brigade fails to do so. This amendment ensures that when a bushfire occurs, the local rural fire brigade has local officers in place with whom the Rural Fire Service can work to coordinate bush firefighting efforts. The bill creates new section 45A to permit the Commissioner to delegate coordination of bush-firefighting functions under Part 3, Division 1, and for a delegate to then delegate those powers to a sub-delegate. This will ensure operational continuity in situations where the Commissioner is absent, ill or otherwise unavailable.

Clause 13 also makes a number of amendments to the process for making Total Fire Ban orders. They include:

- Repealing the current section 99 (4) to allow total fire ban orders to only apply to areas experiencing adverse fire weather. At present, a total fire ban order will have effect throughout an entire local government area [LGA]. This has the perverse effect of subjecting areas to fire restrictions where they are not needed.

For example, the weather conditions along the coast around Old Bar or Crowdy Head in the Mid Coast local government area are typically different to that experienced further inland in places such as Barrington Tops or Gloucester, which are also part of the same LGA. The proposed amendment will allow the NSW RFS to establish, following changes to the Rural Fires Regulation, fire prohibition zones that more accurately reflect weather zones.

- Other amendments will allow orders to refer to the set of standard exemptions and for exemptions to be made by the Commissioner of the Rural Fire Service to individuals or businesses by written notice.
- Publication of total fire bans in newspapers will no longer be required. Notices will continue to be published in the Gazette, television or radio but also by other methods such as social media or the NSW RFS website. A similar change is made under section 82 (1) relating to publication of bush fire danger periods.
- Under new section 99 (10), the Minister will now be able to delegate functions regarding total fire bans to a senior executive officer of the NSW Rural Fire Service.

Clause 8 amends section 64 (1) (b), to require occupiers to report out of control fires to triple zero, rather than to local fire brigade officers. This change is consistent with existing advice that the NSW RFS provides to the public about reporting fires to triple zero. Contacting triple zero is the best way to ensure a rapid, coordinated response to a fire. Schedule 3 amends the Fire Brigades Act 1989. Changes to the Fire Brigades Act include changes to terminology, including amending the title of Act to the Fire and Rescue NSW Act 2018 and replacing the term "volunteer fire brigades" with "retained fire brigades". Retained fire fighters are paid and the amendment avoids confusion with volunteer Community Fire Units.

Other amendments provide consistency with other Statutes. Clauses 8 and 9 will give Fire and Rescue NSW powers to use water to fight fires and for practice in terms consistent with those available to the Rural Fire Service. Clause 10 permits the Fire and Rescue Commissioner to set fees for services other than core fire and rescue activities, where no prescribed fee is set, in terms consistent with the Police Act 1990. This will allow the Commissioner to set fees according to a policy which is reviewed annually, and approved by the Minister.

Schedule 4 makes several machinery amendments to terminology within the State Emergency Service Act 1989. The amendments reflect changes to position titles and region designations arising from the program of organisational reform being implemented within the NSW SES. The changes in this bill reflect a number of sensible amendments, and will bring real benefits in terms of streamlining, modernising and improving State level governance, disaster response, emergency service coordination, service delivery and practice.

Second Reading Debate

The Hon. LYNDIA VOLTZ (20:34): I speak on behalf of the Labor Opposition on the Emergency Services Legislation Amendment Bill 2018. The bill will make a broad number of amendments which will affect the various emergency service agencies in New South Wales. This will be achieved through various amendments to the State Emergency and Rescue Management Act 1989, the Rural Fires Act 1997, Fire Brigades Act 1989 and the State Emergency Services Act 1989. A number of consequential amendments will also be made to other Acts in order to update references to the Fire Brigades Act 1989 and the definition of firefighters and fire brigades.

The introduction of this bill will see the abolition of the State Disasters Council and transfer of its functions to the State Emergency Management Committee [SEMC]. Schedule 1 [8] provides that the SEMC consists of the chief executive of the Ambulance Service of New South Wales and the commissioners for the State Emergency Service, Fire and Rescue NSW, NSW Rural Fire Service and police. Furthermore, the functions of the SEMC have been amended to allow the SEMC to advise the Minister on all matters relating to the prevention of, preparation for, response to and recovery from emergencies. This may include the coordination of activities from government and non-government agencies. The proposed amendments set out in schedule 1 [4] will amend the State Emergency and Rescue Management Act 1989. It will change the definition of emergency to include an event which causes a failure of or a significant disruption to an essential service or infrastructure. The emergency organisations which are included in the State Emergency and Rescue Management Act 1989 will be expanded to include the NSW Volunteer Rescue Association Incorporated, Surf Life Saving NSW and volunteer Marine Rescue NSW.

In the Minister's second reading speech in the other House he emphasised how this change reflects the ongoing and significant role that these organisations play in supporting rescue and emergency response. However, what is unclear is who is calling for this change and why it was necessary. It is unclear what identified problem this bill will address. It has left a number of stakeholders amused by this introduction as it had not been identified as a problem. It is for this reason that I will move an Opposition amendment to refer this bill to Portfolio Committee No. 4 at the end of this contribution.

Schedule 1 [41] provides additional personal liability protections for government sector employees and members of emergency services organisations when executing directions under the Act. The objective of this amendment was to protect volunteers from victimisation in the same way that government employees are protected to ensure that they do not face personal liability in relation to functions exercised under the Act. It is also unclear why this section has not been amended to reflect all emergency service workers rather than just volunteer emergency service workers. It would be appreciated if the Parliamentary Secretary could address this in his response. However, in the Committee stage the Opposition will be moving an amendment to do exactly that.

Schedule 2 of the bill will amend the Rural Fires Act 1997 to provide that during a bushfire danger period if the occupier of land is unable to extinguish the fire on their land, they now have a legal requirement to report the fire immediately to triple-0 rather than to their local fire service. Additionally, the Minister will now have the option to expedite total fire ban orders in writing if he or she believes it is in the interests of public safety to do so. Total fire ban orders may now have exemptions, be declared in parts of a local government area, and the requirement to put this notice in the newspapers has been removed. Further provisions have been included in this section to provide for a variety of ways for the commissioner of either the Rural Fire Service or Fire and Rescue NSW to provide notification that fire permits have been cancelled due to weather conditions.

Schedule 3 [5] of the Fire Brigades Act 1989 provides the Commissioner of Fire and Rescue NSW with the ability to set out an amount to be recovered for services performed if there is no chargeable amount prescribed. It is unclear why the commissioner is being provided with the absolute ability to determine the costs for services provided, rather than keeping the costs of all payments in line with existing regulations. For a government keen on levies, fines and additional hidden charges, this amendment remains in step with the opposite position to fleece the public of as much money as possible. A range of other miscellaneous and consequential amendments have also been made to various pieces of legislation to update references and operational and reporting requirements for the various emergency services.

It was clear from the shadow Minister's briefing on the bill that the stakeholder consultation undertaken by the Government had little to no effect on the final outcomes. Numerous amendments proposed in the bill have left some emergency service workers perplexed and uncertain as to whose idea it was to enact such changes or

the true intent behind those changes. Many parts of the bill are innocuous or perhaps unnecessary, whilst other sections stand out as confusing. Whilst the Labor Opposition does not oppose the bill, I foreshadow that we will be moving amendments to address a number of the issues raised by stakeholders who will be impacted by this bill. I move:

That the question be amended by omitting "be now read a second time" and inserting instead "be referred to Portfolio Committee No. 4—Legal Affairs for inquiry and report by 12 November 2018.

Mr DAVID SHOEBRIDGE (20:40): On behalf of The Greens I speak to the Emergency Services Legislation Amendment Bill 2018. At the outset The Greens note our concerns with the bill and the inadequate consultation that the Government has undertaken with key stakeholders in the emergency services in New South Wales. The bill is said to update the State's key emergency management legislation. Indeed, the bill has been described by the Minister as "enhancing and modernising New South Wales' disaster response and recovery arrangements." It is also said to provide a clear and consistent statutory basis for the broad range of emergency management functions undertaken by emergency services. None of the key stakeholders who has contacted my office has been able to identify how it is that the bill performs any of those functions. Its terms are opaque, the rationales behind many of the organisational arrangements have been ill explained and how it will operate in practice remains unclear to many of the key workers in the emergency services. The bill is said to also make other miscellaneous amendments to reflect modern operational emergency management practices, terminology and structures.

The bill amends four Acts: the State Emergency and Rescue Management Act 1989, the Rural Fires Act 1997, the Fire Brigades Act 1999 and the State Emergency Services Act 1989. The key amendments to the State Emergency and Rescue Management Act include an expansion of the statutory definition of "emergency" to include a specific reference to a disruption to essential services. I pause here to indicate that it has always been the understanding of the stakeholders I have spoken with that a significant disruption to essential services fell within the existing definition of an emergency. Nevertheless, that is one element of the bill which, as it simply provides greater clarity, does not appear to be controversial.

The bill also formally recognises Surf Life Saving NSW and Marine Rescue NSW as official emergency services organisations that can support emergency operations and have the benefits of the statutory provisions in the Act. Whilst there is goodwill among many of the stakeholders who have contacted The Greens about this, how that will work in practice remains unclear. The training obligations and the competencies of Surf Life Saving NSW and Marine Rescue NSW in dealing with emergency responses and emergency operations are matters that I think will require very close attention in operationalising this Act. It appears that the protocols and the arrangements for communications between the various emergency organisations will remain a work in progress. It is not clear from the Minister's second reading speech how those communications will operate in practice. I emphasise that in emergency situations, communication is essential. I will be interested to hear from the Parliamentary Secretary in his reply the detailed planning that has been done to ensure that it will work.

One aspect of the bill supported by The Greens is that it provides for faster activation of employment protection for emergency service volunteers in emergency situations. I pause to note that it is a very modest increased protection, but nevertheless welcome. As I recall—perhaps the shadow Minister will correct me if I am wrong—this is the only occasion on which the Coalition has increased employment protections in eight years in office, so it is rainbow day today. Did I mention it is very modest?

The Hon. Shaoquett Moselmane: You're right, David.

Mr DAVID SHOEBRIDGE: I note the interjection by the Hon. Shaoquett Moselmane. It also makes key amendments to the Rural Fires Act 1997 that include updating the functions of the New South Wales Rural Fire Service [RFS] to include general emergency management and rescue functions consistent with other emergency services. I again pause to note the concern of some stakeholders that absent adequate resourcing and absent adequate commitments to training and resources of the New South Wales Rural Fire Service to meet those additional obligations, this potentially is an area of very real concern. Again I ask the Parliamentary Secretary to read onto the record what additional resources and what additional training are proposed to be provided to the RFS to allow them to deliver those additional management and rescue functions.

The bill allows for total fire ban orders to apply to part of a local government area to better reflect local weather conditions. The Greens support that element, even though we otherwise do not support council amalgamations—which is probably one of the reasons it is being required. However, we can understand the intent of that provision, particularly in some large rural councils where there can be quite distinct weather conditions and quite distinct conditions on the ground. The bill permits the Minister to delegate functions of total fire bans to the commissioner or senior executive officers of the RFS. This is yet another clear downward delegation to competent senior officers in the RFS and appears to be a sensible move. The bill permits the commissioner to

nominate a senior executive officer to exercise the commissioner's powers and control over firefighting operations. There will have to be close observation of that provision to see how it works in practice. The bill delivers a large number of statutory powers to the commissioner. How that will work in practice is not clear from the Minister's second reading speech.

I turn now to address amendments to the Fire Brigades Act. It is said that the bill updates the duties of the commissioner to include general emergency management and rescue functions consistent with other emergency services. The Fire Brigades have a long and proud history of undertaking essential emergency services work and an extraordinary capacity to do that. However, one of the concerns of the updated duties of the commissioner is that proposed new section 5A (4) (a) in schedule 3 item [5] allows the commissioner to be directed by the State Emergency Operations Controller to deal with an emergency when no other agency has lawful authority to assume command in an emergency operation. In most cases, that would be the police directing the Fire Brigades as to what they will do. There are very real concerns about having Fire and Rescue NSW directed by the Commissioner of Police. Again, the circumstances in which that is likely to happen, the need for that and any identified failings in the law that require that provision have not been explained. The Greens will support the Opposition's amendment that seeks to remove that provision.

The bill also changes the term "volunteer fire brigades" to "retained fire brigades" and permits the commissioner to require payment for services other than core fire services in a sum prescribed by the regulations and purportedly consistent with the provisions of the Police Act. In instances of contracting out of the NSW Police, festival operators have been charged a quarter of a million dollars or more by the NSW Police to have a festival either in Western Sydney or in regional or rural New South Wales. The amount of money that is charged by the police largely is unregulated. It is a negotiation on a case-by-case basis. The practice is very opaque and involves very large sums of money.

We cannot see why the Government is proposing these additional fees and charges to be paid for the services of the fire brigade and Fire and Rescue NSW. We are concerned about those additional, unspecified costs. Again, we invite the Parliamentary Secretary to identify what additional costs people in New South Wales will pay for their fire services. It is not clear from the second reading speech, and I invite the Parliamentary Secretary to clarify it in reply. With those comments, I indicate that The Greens will support Labor's proposed referral to the committee. We will support the Labor Opposition's amendments in committee and we will move our own amendments to seek to ameliorate some of the problems in the Act.

The Hon. DANIEL MOOKHEY (20:49): I emphatically agree with the contribution made by the Hon. Lynda Voltz in this debate as well as that of the shadow Minister in the other place. I congratulate Mr David Shoebridge on making more sense of this bill than I was capable of. He clearly spent more time reading it and acquiring a deeper understanding. At this late hour I do not intend to make a particularly lengthy contribution other than to say that I too have been contacted by a variety of people who are concerned about the lack of consultation that preceded the development of this bill.

Different people have come forward and said that they did not have a reasonable opportunity to hear directly from the Government what precisely was the urgency or the motive of the bill, why the bill was urgently required or what gap in existing law this bill was meant to correct. A bill that purports to be fundamentally administrative in nature was read by many who have far deeper understanding of the emergency services than I do as being either unnecessary or unhelpful with respect to the canon of emergency laws that we have on our books.

Various stakeholders have expressed concerns about what precisely many aspects of this bill will mean in practice and how they will interact with existing procedures. That relates to the interactions with the police force and the powers of the police commissioner—when the police commissioner can step in to make directions to the fire service is one, and what that means for the chain of command is another—and the very fraught issues in this State and other States about the interaction between volunteer fire brigades and professional firefighters. It has created concerns as to whether or not this bill will make that more complicated than it needs to be.

In the absence of meaningful explanation from the Government either directly to those stakeholders outside the parliamentary processes or in the contributions of the Minister in the other place, I hope the Parliamentary Secretary in his reply will address these concerns. It has created an element of suspicion as to the motives of the Government, which could easily be alleviated by either one of two things. One is proceeding to an inquiry, as preferred by the Hon. Lynda Voltz, undertaken in very quick order by the former General Standing Purpose Committee No. 3, now Portfolio Committee No. 3. That option would allow a lot of questions to be answered in a matter that is fully public and ventilated and with the ability for various people to make submissions.

If the Government were not to proceed with that suggestion, the other option is that agreeing to the amendments that Labor has flagged in the bill's Committee stage would do a lot to address those concerns. Of course, it is always open to the Government to simply pause and have direct negotiations and chats with the

stakeholders who have those concerns. Given that we have been told that we have to pass this bill tonight, I sincerely hope that the Parliamentary Secretary in his reply is able to address a lot of the concerns raised by the Hon. Lynda Voltz and Mr David Shoebridge. If he is incapable of doing so, I strongly urge the House to remit the bill to Portfolio Committee No. 3, which is well equipped to get to the bottom of many of those concerns.

The Hon. RICK COLLESS (20:53): On behalf of the Hon. Niall Blair: In reply: First, I thank honourable members who contributed to this debate, including the Hon. Lynda Voltz, MLC, Mr David Shoebridge, MLC and the Hon. Daniel Mookhey, MLC. I address some of the issues that they have raised—in particular, the Hon. Lynda Voltz and Mr David Shoebridge raised concerns about the amendment to section 42 of the Fire Brigades Act in relation to the charges for other services. The amendments to the Act will ensure that the Fire and Rescue NSW user charges regime is consistent with those of other agencies, such as the NSW Police Force.

The amendments in the bill were modelled on those in the Police Act 1990. Section 40 (1) of the Fire Brigades Act 1989 prevents Fire and Rescue NSW from levying charges for attendance at a fire within a fire district as its core work is funded by the Emergency Services Levy. That will not change. Beyond its core functions, sections 40 and 42 of the Act permit the commissioner to receive payment in certain circumstances and for specified services. These services include the management of hazardous material incidents, inspections of premises and responding to false alarms. The Act requires that charges payable for those services be prescribed by the regulations, fixing the amount that Fire and Rescue NSW may charge for these services until the regulations are reviewed and amended.

Under section 208 of the Police Act 1990 the NSW Police Force may levy certain charges as prescribed by the regulation, or where the amount is prescribed, of such amount as the commissioner thinks fit. It is proposed to amend the Fire Brigades Act 1989 so that it is consistent with section 208 of the Police Act 1990. Such an amendment would allow the commissioner more flexibility in setting fees in situations not covered by the regulation. These are sensible changes based on existing legislation that is already working well for the community, for the Government and for business. The commissioner may only set fees in relation to matters not covered by the regulation.

Mr David Shoebridge raised the issue of the impact of Volunteer Marine Rescue NSW and Surf Life Saving NSW becoming emergency service organisations. The Government works closely with non-government volunteer rescue organisations that perform essential rescue and emergency functions across the State. The Act will expressly include Volunteer Marine Rescue NSW and Surf Life Saving NSW within the definition of emergency service organisation. This change reflects the ongoing and significant role that these organisations play in supporting rescue and emergency response in New South Wales and will provide a clear legislative basis for our emergency services to work closely with and to assist these community-based volunteer organisations.

Volunteer Marine Rescue NSW, or Marine Rescue NSW as it is more commonly known, is currently captured within the definition of emergency service organisation as an agency which manages or controls an accredited rescue unit. Marine Rescue NSW has more than 3,000 volunteers and operates 44 professionally trained and equipped volunteer rescue units along the New South Wales coastline, inland on the alpine lakes in the Snowy Mountains and on the Murray River at Moama. The express inclusion of Volunteer Marine Rescue NSW reflects their key role in marine search and rescue in New South Wales. Surf Life Saving NSW also has been included as an emergency service organisation. Surf lifesaving activities are already recognised within the Act. There are liability protections provided to rescue units engaged in surf lifesaving and an exemption provided for rescue accreditation.

Mr Shoebridge also raised the issue of resourcing in relation to the amendments to agency functions. Fire and Rescue NSW and the NSW Rural Fire Service already operate rescue units accredited by the State Rescue Board under the Act and provide support to other emergency services in dealing with non-fire-related incidents and emergencies. However, these important lifesaving activities are not currently reflected in their legislation. Accordingly, it is proposed to insert statutory functions to clearly empower the NSW Rural Fire Service and Fire and Rescue NSW to carry out those activities. This includes conducting rescues, providing first aid and assisting other emergency service agencies in dealing with any other incidents or emergencies. The amendments also recognise each agency's role in carrying out general emergency management functions as requested by the State Emergency Operations Controller, the State Emergency Recovery Controller or the Minister. The changes will not result in any new costs or obligations.

The bill adopts language consistent with the relevant general emergency management and rescue functions of the NSW State Emergency Service as set out in section 8 (1) (d) to (i) of the State Emergency Service Act 1989. The proposed amendments will accordingly deliver general emergency management and rescue functions that are consistent across the principal Acts for the State Emergency Service, the Rural Fire Service, and Fire and Rescue NSW. These functions will be in addition to each agency's principal responsibilities for

dealing with fires, hazardous materials incidents, storms, floods and tsunamis as currently articulated in their respective statutes.

I will now comment on the motion to send the bill to committee. The Government does not support the referral of the Emergency Services Legislation Amendment Bill 2018 to a parliamentary committee. The bill contains a number of relatively straightforward miscellaneous amendments to reflect modern operational emergency management procedures, terminology and structures. It provides a clear and consistent statutory basis for the broad range of emergency management functions currently undertaken by our emergency services. It streamlines the approval process for existing employment for volunteers. The bill does not reflect any radical changes to policy or operational procedure and it does not have any resource implications. Referring a bill of this nature to a parliamentary committee would cause unnecessary delay and constitute a gross misuse of resources. For those reasons the Government does not support the proposed referral.

In conclusion, the emergency services agencies provide assistance to our communities when they are at their most vulnerable. I know I speak for all members of this place in saying that they deserve our utmost respect and praise. The Government is determined to provide them with the best possible legislative framework so that they can continue to serve our State with distinction. This bill will enhance and modernise New South Wales disaster response and recovery arrangements to provide a clear and consistent statutory basis for the broad range of emergency management functions undertaken by our emergency services and will make other amendments to reflect modern operational emergency management practices, terminology and structures. 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, to which the Hon. Lynda Voltz has moved that the question be amended by omitting "now read a second time" and inserting instead "be referred to Portfolio Committee No. 4 - Legal Affairs for inquiry and report by 12 November 2018". I will now put the question on the amendment of the Hon. Lynda Voltz. The question is that the amendment be agreed to.

Amendment negatived.

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. I have two sets of amendments—Opposition amendments appearing on sheet C2018-105C and The Greens amendment appearing on sheet C2018-116. I will start with the Opposition amendments.

The Hon. LYNDIA VOLTZ (21:03): I move Opposition amendment No. 1 on sheet C2018-105C:

No. 1 **Register of personnel of rescue units**

Page 5, Schedule 1 [19], line 11. Omit "when requested to do so by the State Rescue Board". Insert instead "then every 6 months or, if the State Rescue Board specifies different periods, at the periods specified".

The amendment essentially puts a defined period back into the legislation. At the moment, it is proposed to remove the six months requirement and allow the reporting of the register of personnel when requested to do so by the State Rescue Board.

The amendment provides that the register must be reported every six months or another period if the State Rescue Board specifies a different period. It will provide certainty about when the registration of personnel of rescue units will occur. The legislation as it stands is open-ended and the decision is at the board's discretion. Stakeholders have raised concerns about the lack of reporting of personnel registered throughout the State, and that is addressed by this amendment.

The Hon. RICK COLLESS (21:05): The proposed amendment requires a register of the personnel who comprise an accredited rescue unit to be provided to the State Rescue Board every six months or a different period if the board so specifies. Section 57 of the State Emergency and Rescue Management Act 1989 provides that the agency that manages or controls an accredited rescue unit is required to maintain a register of the personnel who comprise the unit. The agency is required to provide a copy of the register to the State Rescue Board as soon as practicable after the accreditation of the rescue unit and every six months thereafter.

The bill proposes to change the six-month requirement to a requirement to provide a copy of the register when requested to do so by the State Rescue Board. The proposed amendment would require the register to be provided every six months or, if the board specifies a different period, from the period specified. While the

amendment maintains the current six-month period, it also provides the State Rescue Board with sufficient flexibility to set different periods as needed. For those reasons, the Government supports the amendment.

Mr DAVID SHOEBRIDGE (21:07): These things happen. The Greens support the proposed amendment for the obvious reason that rescue units without qualified associated personnel do not save anyone in a moment of stress and anxiety. We need updated personnel registers and the status quo requires regular, updated reports of the personnel associated with a rescue unit. I am glad that the Government has seen sense. The Greens also support the Opposition amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. Lynda Voltz has moved Opposition amendment No. 1 on sheet C2018-105C. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. LYNDA VOLTZ (21:08): I move Opposition amendment No. 2 on sheet C2018-105C:

No. 2 **Removal of reference to volunteers**

Page 5, Schedule 1. Insert after line 11:

[20] **Part 3A, heading**

Omit "volunteer emergency workers".

Insert instead "emergency workers (whether paid or volunteers)".

The legislation provides volunteer emergency workers with greater protection. However, concern has been raised about paid emergency service workers who also operate as volunteers. This amendment seeks to ensure that anyone, whether they be a paid or a volunteer worker, is covered by the legislation. That is particularly relevant for a paid worker who is working as a volunteer at any time. There is a lack of charity in the legislation for people who may be caught between those different groups.

Mr DAVID SHOEBRIDGE (21:09): The Greens support Opposition amendment No. 2. As one would expect, there are paid members of the emergency services who, while they may work for one agency, also perform volunteer work at other times for another emergency services agency. That is not uncommon because these people have a commitment to getting in and helping out. By supporting the Opposition's amendment, The Greens want to ensure that paid emergency service workers who also do volunteer work unambiguously get the protection. That is not clear from the current drafting of the Government's bill. We hope that the Government supports this commonsense amendment because surely it wants to ensure that the protections given to, say, a police officer doing voluntary work in the Rural Fire Service, are equally given to a schoolteacher doing that volunteer work. That is what the amendment is aimed at. We would hope the Government supports it.

The Hon. RICK COLLESS (21:10): Opposition amendment No. 2 seeks to extend the current employment protections provided by the State Emergency and Rescue Management Act 1989 to all emergency service workers, including paid full-time emergency services employees who may also have secondary employment. It provides for the Commissioner or Deputy Commissioner of Fire and Rescue NSW to authorise such employment protections. The Government opposes this amendment because the State Emergency and Rescue Management Act 1989 currently provides for certain employment protections to be afforded to emergency volunteers upon declaration by the Premier. In order to streamline the activation and ensure there is no delay in an emergency situation, the bill proposes the automatic activation of these protections when a state of emergency is declared. For these reasons, the Government opposes this amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. Lynda Voltz has moved Opposition amendment No. 2 on sheet C2018-105C. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. LYNDA VOLTZ (21:11): I move Opposition amendment No. 3 on sheet C2018-105C:

No. 3 **Persons authorised to make orders applying provisions of Act about employment protection**

Page 6, Schedule 1 [28] (proposed section 60D (6)), line 16. Insert ", Fire and Rescue NSW" after "Service" where firstly occurring.

Currently, proposed section 60D (6) lists the Commissioner or a deputy commissioner of the NSW Rural Fire Service and State Emergency Service, as well as the State Emergency Operations Controller and Deputy State Emergency Operations Controller. If officers are authorised under that section, it is appropriate to also include Fire and Rescue NSW.

The Hon. RICK COLLESS (21:12): The Government opposes Opposition amendment No. 3, which would extend the relevant employment protections well beyond their current purpose of protecting volunteers and

supporting volunteerism. The amendment seeks to extend the protections to all emergency service workers, including full-time emergency service employees who may have secondary employment. To propose such a significant amendment to the bill, which is simply designed to make amendments of a minor or administrative nature, is not appropriate. The bill as introduced simply streamlines the activation mechanism for the existing arrangements. An amendment of this nature should not be progressed without significant consultation with impacted parties, including employer groups. For those reasons the Government opposes the amendment.

Mr DAVID SHOEBRIDGE (21:13): The Government has introduced a bill that wholly reworks the management structures of State Emergency Service. It has introduced a bill that marginally expands employment protections for volunteer emergency service workers. What the Opposition is doing and what The Greens support is ensuring those paid emergency service workers, if they are doing volunteer work, have the same protections. Why the Christian Democratic Party, for example, would oppose those employment protections for police officers doing volunteer work we are yet to know—other than because they say it is administratively inconvenient for the Government to consider the protections in these amendments. Why, in terms of principle, the Parliamentary Secretary opposes it is opaque.

The CHAIR (The Hon. Trevor Khan): I ask Mr Shoebridge to address the amendments and not to speak in a wider sense.

Mr DAVID SHOEBRIDGE: I note your observation, Mr Chair. If paid emergency service workers do volunteer emergency service work they should have as many employment protections as anybody else doing that volunteer emergency service work. It beggars belief that the Government is opposing these amendments that simply give all volunteer emergency services workers equal protection for their employment.

The CHAIR (The Hon. Trevor Khan): The Hon. Lynda Voltz has moved Opposition amendment No. 3 on sheet C2018-105C. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. LYNDIA VOLTZ (21:15): By leave: I move Opposition amendments Nos 4 to 6 on sheet C2018-105C in globo:

No. 4 **Functions of NSW Rural Fire Service**

Page 10, Schedule 2 [2] (proposed section 9 (1) (d)), lines 38–40. Omit all words on those lines.

No. 5 **Functions of NSW Rural Fire Service**

Pages 10 and 11, Schedule 2 [2] (proposed section 9 (1) (f) and (g)), line 43 on page 10 to line 7 on page 11. Omit all words on those lines.

No. 6 **Functions of NSW Rural Fire Service**

Page 11, Schedule 2 [2] (proposed section 9 (1) (i) and (j)), lines 9–13. Omit all words on those lines.

These amendments relate to the functions of the NSW Rural Fire Service. A number of concerns were raised about what it could mean for various emergency services personnel to be directed by the State Emergency Operations Controller to deal with emergencies that are outside their tasks, particularly when they are not defined. There has been a significant shift in the operations of the NSW Rural Fire Service. It has been included in counterterrorism and it is expected that it will have greater responsibility with respect to the police. Once a request is made it becomes a legitimate order that firefighters cannot decline, but there is no definition of the scope of those directions. Stakeholders have significant concerns that orders may be about tasks that are outside their responsibilities, which may create a risk if they do not have the ability to decline a request that comes from outside their own service. For that reason the Opposition has moved these amendments.

The Hon. RICK COLLESS (21:17): These amendments would remove the bill's proposed functions for the NSW Rural Fire Service [RFS]. As such, the Government opposes them. The bill as introduced proposes to amend the statutory functions of the Rural Fire Service to recognise, in a consistent manner, the full scope of work and functions already conducted by the agency. For example, the RFS operates rescue units accredited by the State Rescue Board under the State Emergency and Rescue Management Act 1989 where no other agency is available to conduct such rescues. However, this is not currently reflected in the Act.

The bill adopts language consistent with the relevant general emergency management and rescue functions of the NSW State Emergency Service as set out at section 8 (1) (d) (i) of the State Emergency Service Act 1989. The bill as introduced will, accordingly, deliver general emergency management, medical first response, and rescue functions that are consistent across the principal Acts for the State Emergency Service, the Rural Fire Service, and Fire and Rescue NSW. The Government's proposal is sensible and clear, and reflects the current reality. It is not expected to have any resource implications. I understand that some concerns associated with these

functions are interrelated with amendments 8, 9 and 10. Such concerns can be addressed in response to those amendments. The Government opposes the amendments.

Mr DAVID SHOEBRIDGE (21:18): The Greens support the Opposition's amendments. Each of these amendments has essentially the same flavour. Proposed section 9 (1) (d) provides that one of the functions of the Rural Fire Service is to undertake functions "as directed" by the State Emergency Operations Controller to deal with an emergency where no other agency has lawful authority to assume command of the emergency operation.

Another one of the proposed functions is to carry out such other functions as may be assigned to it under this or any other Act or by the State Emergency Operations Controller or the Minister. I note that section 18 of the Act defines a "State Emergency Operations Controller" as the Commissioner of Police. Having the other emergency services organisations take a subservient role to the police and undertake duties that are directed by the Commissioner of Police creates a structure that has not previously been there. Expanding the power of the police to issue directives of a class nature or of an individual nature to the Rural Fire Service and Fire and Rescue NSW is deeply problematic. We have not yet heard from the Government why the Commissioner of Police should be given this power to direct other emergency services in their statutory functions.

I also note that the extent of the direction being proposed in proposed section 9 (1) (i) allows the State Emergency Operations Controller to require the Rural Fire Service to undertake functions outside those set down in the Act. I repeat that it states that the functions of the Rural Fire Service are "to carry out such other functions as may be assigned to it by or under this or any other Act" and then "or by the State Emergency Operations Controller or the Minister". It is not limited to just their functions under the Act but really whatever the Commissioner of Police directs them to do they are required to undertake those functions. That particular power of the Commissioner of Police has never been explained. Why the Commissioner of Police needs the power over the Rural Fire Service and Fire and Rescue NSW has not been explained. What type of directions the Commissioner of Police will be given has not been explained. To simply say that this is a nice, neat provision that marries up with others is not a convincing explanation from the Parliamentary Secretary.

The CHAIR (The Hon. Trevor Khan): The Hon. Lynda Voltz has moved Opposition amendments Nos 4 to 6 on sheet C2018-105C. The question is that the amendments be agreed to.

Amendments negatived.

The Hon. LYNDIA VOLTZ (21:22): I move Opposition amendment No. 7 on sheet C2018-105C:

No. 7 Delegation

Page 11, Schedule 2 [7] (proposed section 45A (1)), line 31. Insert "who has been nominated by the Commissioner or a Deputy Commissioner of Fire and Rescue NSW as a person to whom functions may be delegated under this section" after "NSW".

This is an amendment to the Rural Fires Act that allows the commissioner to delegate functions. The Opposition's amendment essentially inserts after "a person employed in Fire and Rescue NSW" that the functions are delegated to a person who has been nominated by the commissioner or a deputy commissioner of Fire and Rescue NSW. If one arm of the Rural Fire Service is delegating services to another, it is obvious that Fire and Rescue NSW would want to ensure that the functions are being delegated to an appropriate person.

The Hon. RICK COLLESS (21:23): The Government opposes this amendment. Section 44 of the Rural Fires Act 1997 allows the Commissioner of the NSW Rural Fire Service, under certain circumstances, to take charge of bushfire fighting operations. In order to facilitate this power, section 45 of the Act allows the commissioner to give directions to officers. The bill as introduced redrafts the current section 44 (2) which provides for the delegation of the relevant functions to other agencies to also provide for the sub-delegation of the functions if so authorised. The proposed amendment would require the Commissioner or Deputy Commissioner of Fire and Rescue NSW to nominate people who could be delegated a function by the Commissioner of the Rural Fire Service and only those people could be delegated such functions.

Such an amendment is not required in the Rural Fires Act 1997 or any other Act. This amendment seems to be nothing more than an attempt to reflect a level of distrust between agencies that has no basis in reality. The amendment would also create a unique relationship between these agencies that is not replicated for other agencies in this division of the Act. It is inconsistent with the current statutory language, which has not proved to be a problem in practice and would ultimately make such delegations impractical and cumbersome. As I stated previously, for those reasons the Government opposes this amendment.

Mr DAVID SHOEBRIDGE (21:24): The Greens support the amendment. If there is going to be the power to further delegate functions of Fire and Rescue NSW, then they should be delegated to persons whom the commissioner or a deputy commissioner of Fire and Rescue NSW thinks is capable of undertaking those functions. That is what the Opposition amendment proposes and that is why we support it.

The CHAIR (The Hon. Trevor Khan): The Hon. Lynda Voltz has moved Opposition amendment No. 7 on sheet C2018-105C. The question is that the amendment be agreed to.

Amendment negatived.

Mr DAVID SHOEBRIDGE (21:25): I move The Greens amendment No. 1 on sheet C2018-116:

No. 1 **Functions of Commissioner**

Page 15, Schedule 3 [5] (proposed section 5A). Insert after line 24:

- (3) It is the duty of the Commissioner to ensure that calls made to the 000 emergency telephone number, to the extent that those calls relate to the functions of the Commissioner or the NSW Rural Fire Service, are answered and dispatched or otherwise dealt with appropriately.

This amendment proposes to insert a new element in the functions of the commissioner, largely maintaining the status quo. Everybody agrees that the way 000 works across this State is effective and reliable and delivers the appropriate emergency service in a timely manner. Of course there are always incidents where there are delays that we would rather were not there, but the basic structure of the delivery of 000 services, particularly when it comes to fire services, works in New South Wales. The Greens do not believe that they should be tinkered with for some administrative reason. That is why we are proposing to insert a clear function for the Commissioner of Fire and Rescue NSW, namely:

It is the duty of the Commissioner to ensure that calls made to the 000 emergency telephone number, to the extent that those calls relate to the functions of the Commissioner or the NSW Rural Fire Service, are answered and dispatched or otherwise dealt with appropriately.

The way it works at the moment is the call comes in, it is about a fire matter, it goes to the Commissioner of Fire and Rescue NSW or a delegate of the Commissioner of Fire and Rescue NSW and then it is dispatched either to Fire and Rescue or to the Rural Fire Service, and that works extraordinarily well. We want to ensure that that arrangement continues and that with these administrative arrangements being proposed by the Government—and nobody really knows how they will work—we are not going to tear apart that functioning working of 000. This amendment would retain it. We think it is important. We are coming into a fire season. We want to make sure that there is not going to be some mystery change to the way 000 works, especially responding to fires.

The Hon. RICK COLLESS (21:27): The Government opposes this amendment. The Keelty review of the Tathra bushfires recommended a consolidation of call and dispatch functions of the fire agencies. The Government has asked the New South Wales board of commissioners to consider the recommendations and present options to Government. It is not appropriate at this stage to pre-empt these considerations by making this proposed amendment to the bill. For that reason the Government opposes the amendment.

The CHAIR (The Hon. Trevor Khan): I ask the Hon. Lynda Voltz if she wishes to move her amendments Nos 8 to 10. They can be put seriatim and the member can speak to The Greens amendment as well.

The Hon. LYNDIA VOLTZ (21:28): By leave: I move Opposition amendments Nos 8 to 10 on sheet C2018-105C in globo:

No. 8 **General functions of Commissioner of Fire and Rescue NSW**

Page 15, Schedule 3 [5] (proposed section 5A (4) (a)), lines 31–33. Omit all words on those lines.

No. 9 **General functions of Commissioner of Fire and Rescue NSW**

Pages 15 and 16, Schedule 3 [5] (proposed section 5A (4) (c) and (d)), line 36 on page 15 to line 2 on page 16. Omit all words on those lines.

No. 10 **General functions of Commissioner of Fire and Rescue NSW** Page 16, Schedule 3 [5] (proposed section 5A (4)), lines 4–7. Omit all words on those lines. The Opposition supports The Greens amendment in regard to the functions of the commissioner in that it is the duty of the commissioner to ensure that calls made to the 000 emergency telephone number that relate to the functions of the commissioner are answered and dispatched or otherwise dealt with appropriately. That would seem to be a sensible amendment regarding the functions of the commissioner.

Opposition amendment No. 8 relates to the general functions of the commissioner. Currently, the commissioner is authorised to take measures anywhere in the State for protecting persons from injury and death and protecting property from damage whether or not a fire or hazardous material incident is involved. It has to do with the risk to the person. The amendment is similar to the amendment we moved earlier when the commissioner as directed by the State Emergency Operations Controller deals with an emergency when no other agency has lawful authority to assume command of the emergency operation.

Given that the commissioner is already authorised to take measures anywhere in the State to protect persons and property regardless of the incident, we believe it is risky to put within legislation a direction from the State Emergency Operations Controller to the commissioner to undertake an operation. As I said, a number of

responsibilities have now moved to the fire brigade, in particular counterterrorism responsibilities. It is the commissioner as opposed to the police who is best placed to assess risk in how his services operate in the protection of people. This is where the lines start to get blurred. The commissioner is best placed to make those decisions and that is why the Opposition has moved amendment No. 8.

We are also seeking to remove from the section relating to the general functions of the commissioner the provisions that authorise the commissioner to assist the State Emergency Operations Controller to carry out emergency management functions, to assist members of the NSW Police Force at their request, and to carry out such other functions as may be assigned by the commissioner under this or any Act or by the Minister. We think the commissioner has significant powers and that is why we have sought to remove those provisions from the Act. Given the commissioner's own functions and the ill-defined nature of what the Government has brought forward, it seems sensible to remove those provisions from the bill.

The Hon. RICK COLLESS (21:32): The Government opposes the amendments. As I understand it, they emanate from concerns raised by the Fire Brigade Employees Unions, which has expressed concerns about the bill's amendments relating to functions on the basis that a member of Fire and Rescue NSW should not be subject to directions from a different agency. In particular, the union has objected to being subject to directions from a member of the NSW Police Force who performs the role of the State Emergency Operations Controller or SEOCON. The union has made some sweeping and incorrect claims regarding how the bill impacts on the role of the SEOCON.

The SEOCON is NSW Police Force Deputy Commissioner, Metropolitan Field Operations, Jeff Loy. It is well established as a position filled by either the Commissioner of Police or another designated person within the NSW Police Force senior executive service. The role relates only to coordinating other agencies in response to emergencies in accordance with the State Emergency Management Plan. The bill as introduced does not create a new power or reporting relationship between the SEOCON and emergency services officers. The proposed amendments do not have any clearly identified rational basis and therefore the Government opposes them.

Mr DAVID SHOEBRIDGE (21:33): The Greens support Opposition amendments Nos 8, 9 and 10. We largely covered that debate in the discussion about the amendments relating to the Rural Fire Service. For the same reasons, we support them. I note the very real engagement of the Fire Brigade Employees Union in this. Of all the stakeholders it has been the one that has really analysed the bill and tried to have a conversation with the Government about what is intended with the amendments and why the Government is putting those additional functions on the commissioner and why safeguards are not in place. Despite those real efforts of engagement it is still not clear from the Government what additional duties and functions under the proposed changes will be imposed upon the commissioner and employees of Fire and Rescue.

I have listened carefully to the contributions of the Parliamentary Secretary but he has not yet identified what the police commissioner will be telling Fire and Rescue it must do as part of its statutory functions and what the Rural Fire Service must do and what the gap is in their current functions. From my observations—and the observations of pretty much every resident of New South Wales—if there is an emergency or fire the appropriate emergency service is turning up and helping in the time of need. What is the need for all these amendments and the need for this controlling power to be handed to the Commissioner of the NSW Police Force? It has not been explained. It does look like empire-building on behalf of the Commissioner of Police and that element in the emergency services bureaucracy. Empires end badly in this area.

The CHAIR (The Hon. Trevor Khan): Mr Shoebridge, do I understand correctly that you are requesting that the four amendments before the House be put seriatim?

Mr DAVID SHOEBRIDGE: That is my request. I think three of the four amendments will require divisions and it would make sense if we could put them in seriatim for the convenience of members.

The Hon. LYNDA VOLTZ (21:36): The trouble with the contribution of the Parliamentary Secretary is that it is not that they are directing them within an existing operation; the commissioner is being directed to deal with an emergency when no other agency has the lawful authority to assume command for an emergency operation. As the Parliamentary Secretary pointed out, it is not necessarily the police commissioner who will be directing the commissioner of the fire brigade. That is why the organisations are concerned. I will not press the point but I will make that clear.

The CHAIR (The Hon. Trevor Khan): We have four amendments before the House and it is Mr David Shoebridge's request that they be put seriatim. Mr David Shoebridge has moved The Greens amendment No. 1 on sheet C2018-116. The question is that the amendment be agreed to.

The Committee divided.

Ayes17
 Noes19
 Majority.....2

AYES

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

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	Harwin, Mr D
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

Secord, Mr W

Blair, Mr

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The Hon. Lynda Voltz has moved Opposition amendment No. 8 on sheet C2018-105C. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.**The Committee divided.**

Ayes17
 Noes19
 Majority.....2

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
Primrose, Mr P	Searle, Mr A	Sharpe, Ms P
Shoebridge, Mr D	Veitch, Mr M	Voltz, Ms L
Walker, Ms D	Wong, Mr E	

NOES

Ajaka, Mr	Amato, Mr L	Blair, Mr
Clarke, Mr D	Colless, Mr R	Cusack, Ms C
Fang, Mr W (teller)	Farlow, Mr S	Franklin, Mr B
Harwin, Mr D	MacDonald, Mr S	Maclaren-Jones, Mrs (teller)
Mallard, Mr S	Martin, Mr T	Mitchell, Mrs

NOES

Nile, Revd Mr
Ward, Mrs N

Phelps, Dr P

Taylor, Mrs

PAIRS

Secord, Mr W

Mason-Cox, Mr M

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The Hon. Lynda Voltz has moved Opposition amendment No. 9 on sheet C2018-015C. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The Hon. Lynda Voltz has moved Opposition amendment No. 10 on sheet C2018-105C. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.**The Committee divided.**

Ayes17

Noes19

Majority.....2

AYES

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

Donnelly, Mr G (teller)
Graham, Mr J
Moselmane, Mr S
(teller)

Faehrmann, Ms C
Houssos, Mrs C
Pearson, Mr M

Primrose, Mr P
Shoebridge, Mr D
Walker, Ms D

Searle, Mr A
Veitch, Mr M
Wong, Mr E

Sharpe, Ms P
Voltz, Ms L

NOES

Ajaka, Mr
Clarke, Mr D
Fang, Mr W (teller)
Harwin, Mr D

Amato, Mr L
Colless, Mr R
Farlow, Mr S
MacDonald, Mr S

Blair, Mr
Cusack, Ms C
Franklin, Mr B
Maclaren-Jones, Mrs
(teller)
Mitchell, Mrs
Taylor, Mrs

Mallard, Mr S
Nile, Revd Mr
Ward, Mrs N

Martin, Mr T
Phelps, Dr P

PAIRS

Secord, Mr W

Mason-Cox, Mr M

Amendment negatived.

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

Motion agreed to.

The Hon. RICK COLLESS: I move:

That the Chair do now leave the chair and report the bill to the House with an amendment.

Motion agreed to.**Adoption of Report**

The Hon. RICK COLLESS: On behalf of the Hon. Niall Blair: I move:

That the report be adopted.

Motion agreed to.**Third Reading**

The Hon. RICK COLLESS: On behalf of the Hon. Niall Blair: I move:

That this bill be now read a third time.

Motion agreed to.**NATIONAL PARK ESTATE (RESERVATIONS) BILL 2018****First Reading**

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

The Hon. SARAH MITCHELL: I move:

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

Motion agreed to.

The Hon. SARAH MITCHELL: I move:

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

Motion agreed to.*Adjournment Debate***ADJOURNMENT**

The Hon. SARAH MITCHELL: I move:

That this House do now adjourn.

GOSFORD CENTRAL BUSINESS DISTRICT

The Hon. TAYLOR MARTIN (21:55): Last Wednesday the Minister for Planning, the Hon. Anthony Roberts, visited Gosford on the Central Coast to release the final Government Architect's report and confirm a suite of planning controls to enable Gosford to reach its full potential. The Gosford central business district [CBD] has traditionally been the capital of the Central Coast. However, over the years, as new retail and commercial hubs developed elsewhere and the population expanded north, its amenities and significance have dwindled. The community well knows the potential of the Gosford CBD, with its beautiful setting, good transport links, fantastic health services and waterfront stadium. In fact, over the years many have made plans but few have had the follow-through to implementation that this Government is focused on in order to once again make Gosford great.

The Central Coast Regional Plan 2036 states that "the Central Coast is already a great place to live and visit but over the next 20 years it has the potential to be much more—a place with thriving communities; lively centres; new homes, jobs and services; and a reinvigorated Gosford". The announcements by Minister Roberts show how the New South Wales Government intends to deliver on its plan for a reinvigorated Gosford. The Urban Design Framework recommends a design-led, place-based revitalisation process focused on making better public places and spaces in the CBD. The Government has already committed funding of \$52 million for infrastructure and public domain improvements in Gosford, including \$42 million to be invested in infrastructure so that any future growth in the region does not put strain on vital systems such as stormwater and sewerage drains. There is also \$10 million in funding to fulfil the Government's vision for the City South Precinct, which will include a new water-themed park on the field of the Central Coast Leagues Club and connect the CBD with the waterfront.

The Urban Design Framework also envisages a precinct centred around Kibble Park as the civic heart of Gosford and at City North to leverage off investment at Gosford Hospital. The total investment by the New South Wales Government in Gosford Hospital is \$348 million, including a \$20 million contribution to a new medical research unit next to the hospital, thanks to the advocacy of Federal member of Parliament Lucy Wicks. The total cost of this project—\$75 million—is being funded jointly by the Federal and State governments and the University

of Newcastle. The Central Coast Medical School and Medical Research Institute will be the first university campus in the Gosford CBD. A hospital development of this scale will no doubt lead to growth of the allied health services that support the hospital, such as fitness and rehabilitation faculties, scanning services, medical consultation rooms and accommodation for key hospital staff and doctors. However, the railway is a significant barrier to linking the hospital and university precinct with the area of potential growth in the heart of the city. It is pleasing that the Government Architect has envisaged improvement in pedestrian connections across the railway.

The Minister also announced the finalisation of the Gosford City Centre State Environmental Planning Policy, the development control plan and special infrastructure contributions. I thank Mr Scot MacDonald, who is in the Chamber, for his work on behalf of local constituents and for everything he has done to help make this a reality. The new measures actually implement the Government Architect's framework and will ensure that any new development in the Gosford CBD is design led, streamlined, flexible and efficient. The controls will require all future development in the Gosford city centre to achieve design excellence. They also take into account the specific issues that were raised by the community during consultation by protecting sunlight access to places like Kibble Park and Leagues Club Park, as well as ensuring views of Brisbane Water, Rumbalara Reserve and Presidents Hill. The requirements for direct sunlight to Kibble Park in particular were strengthened by the consultation period so that at least 60 per cent of the park receives four hours of direct sunlight in the middle of the day compared to the 50 per cent that was exhibited earlier.

The Special Infrastructure Contribution will be reduced from 4 per cent to 3 per cent. This will incentivise development in the Gosford CBD and most importantly improve housing affordability. The reduced contribution is a direct result of the \$52 million that the Liberal Government is spending in Gosford CBD. These announcements mark the change from planning to implementation for Gosford. This will be led by Hunter and Central Coast Development Corporation Chief Executive Officer Michael Cassel, who has been instrumental in delivering the very successful revitalisation of the Newcastle CBD. It has taken only a short period of time for the Newcastle CBD to be transformed. I look forward to seeing that very same change in Gosford over the coming years.

GO NSW EQUITY FUND

The Hon. MICK VEITCH (22:00): Tonight I will focus on the Jobs for NSW GO NSW Equity Fund. This has been the basis of much conversation and questioning at budget estimates and in the Legislative Assembly, and has been the subject of a question or two in this House today. The GO NSW Equity Fund is supposed to provide capital funding in exchange for a percentage of the ownership of the company in which it invests. Jobs for NSW, in partnership with First State Super and ROC Partners, will invest \$150 million in approved high potential companies, which may not otherwise have access to suitable capital. It is important to note these words: "may not otherwise have access to suitable capital". A part of this whole process concerns competitive neutrality. The website of the Independent Pricing and Regulatory Tribunal [IPART] states:

Competitive neutrality is the principle that the Government should compete with private business on an equal footing.

I emphasise "on an equal footing". Australia's Oyster Coast Ltd [AOC] was one of the recipients of funding under this Jobs for NSW GO NSW Equity Fund process and that has caused quite a bit of concern. On 29 September the *Sydney Morning Herald* published an article under the headline, "Oysters wars: 'tsunami in a small pond' as \$20m investment triggers fear and suspicion". It is a great article by Julie Power and Colin Kruger. The article states:

The investment was like unleashing a "tsunami in a small pond", said a long-term AOC shareholder. He was incredulous that taxpayer and super funds were given "to a single entity in such a small industry".

Rival farmers say AOC's sales and job growth is happening by acquisition, and not by increasing the overall number of oysters produced.

The issue that the Opposition has with this whole process—something that was adequately prosecuted at budget estimates but not adequately responded to by the Deputy Premier, in my view—is this: How is it that \$3.3 million of taxpayers' funds can be invested in an oyster company on the South Coast to the detriment of small family-size oyster farmers? This is not an investment for all of the sector. This is an investment for one company in the sector. I was incredulous when I watched the Deputy Premier say that the deal was at arm's length. He must have short arms. I will quote the document that was sent to the Deputy Premier. The briefing that we obtained from the Government Information (Public Access) Act clearly states:

Recommendations

- 1 **Approve** making an equity investment in Australia's Oyster Coast (AOC) of which Jobs for NSW represents \$3,333,333.
- 2 **Note** the Venture Capital Limited Partnership will execute all related documents for the transaction, once endorsed by the Deputy Premier.

It all stops with the Deputy Premier. The Deputy Premier cannot say that this deal was at arm's length from Government. The Deputy Premier actually signs off on this on behalf of the taxpayers of New South Wales. Every one of us is a shareholder in one oyster company on the South Coast. This Government is selling the buses in the inner west, has sold the electricity industry and sold off the ferries, but is buying an oyster company on the South Coast with taxpayers' funds.

I am not too concerned that those opposed to me at the moment have found socialism; they have actually found socialism. They are buying up businesses. The Deputy Premier said that this was at arm's length and that it did not have anything to do with him, but the briefing note clearly says that if he does not sign it, it does not go ahead. The buck stops with the Deputy Premier. This fund goes further than that: They actually bought a Wagyu beef company. Not only do we now have oysters but we also have beef. It is the surf and turf. The Government has surf and turf. All Government members now own an oyster company, they all now own shares in a Wagyu beef company. How is that good use of taxpayer funds? How did the Liberal Party allow that to happen? It wants to sell off the buses but it wants to buy an oyster farm. That does not make sense. Who is in charge of the oyster company? A bloke called David Trebeck. You all know David Trebeck, don't you?

The Hon. Dr Peter Phelps: No. Never heard of him.

The Hon. MICK VEITCH: Never heard of him? Does the maritime dispute of 1998 ring a bell? David Trebeck? What about the HR Nicholls Society? They were all involved. The Deputy Premier should resign. [*Time expired.*]

DROUGHT AND CLIMATE CHANGE

Mr JEREMY BUCKINGHAM (22:05): I speak on the drought and climate change. The Intergovernmental Panel on Climate Change [IPCC] special report on 1.5 degrees warming released in South Korea on 6 October is a significant moment in the history of our planet. That report outlined the significant difference between 1.5 degrees and 2 degrees of global warming. Both are disastrous for humanity, ecology and our planet. The report analysed the pathway to limit global warming in the long run to 1.5 degrees. We are currently on the pathway to 3 degrees or 4 degrees of warming. All pathways to 1.5 degrees require a "steep reduction in coal use to close to 0 per cent of electricity by 2050".

Yet, what is this New South Wales Government doing? It is approving more and more coal. While the United Nations was in South Korea saying coal must be rapidly phased out, the New South Wales Department of Planning was giving the tick to a South Korean-owned coalmine proposal for the Bylong Valley. It is an absolute disgrace. The Bylong Valley is an absolute pearl of agriculture and an ecological asset, which will be turned into a massive hole in the ground for more coal that we desperately do not need to burn. An analysis of the coalmines either recently approved or currently in the planning pipeline shows an extra 1,182 million tonnes of coalmining, which equates to another 5.4 gigatonnes of carbon dioxide in the pipeline; 778 million tonnes in new coalmines; and 1,103 million tonnes in existing coalmine expansions.

Burning coal and mitigating climate change are simply incompatible. We cannot separate the current drought from climate change. The drought has caused crops in New South Wales to wilt and die. Farmers on the Liverpool Plains, the food bowl of New South Wales and arguably Australia as a whole, have not planted winter cereal crops this year for the first time in living memory because the drought is so severe and soil moisture is so low. At AgQuip near Gunnedah, locals came up to me with personal stories. Not a single farmer came up to me at AgQuip with a huge sign saying, "Support our farmers. Act on climate change." Not a single farmer came up and said climate change is bad.

The Hon. Wes Fang: I doubt a single farmer came up to you.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order!

Mr JEREMY BUCKINGHAM: Well, shut him up. I will not be spoken down.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! There will be no interjections. The member will be heard in silence.

Mr JEREMY BUCKINGHAM: Some of those at AgQuip near Gunnedah are Farmers For Climate Action. They are an associate member of the National Farmers' Federation. They are good people who are demanding that the Government act on climate change. Resolution B5.1 of the report by the IPCC said: Populations at disproportionately higher risk of adverse consequences of global warming of 1.5°C and beyond include disadvantaged and vulnerable populations, some indigenous peoples, and local communities dependent on agricultural or coastal livelihoods. So, do not be poor, do not be black, do not be Indigenous, do not be a farmer and do not live on the coast. Australia is in the gun. We are seeing it this year: one of the worst droughts in—

The Hon. Dr Peter Phelps: Don't you live on the coast?

Mr JEREMY BUCKINGHAM: We all live on the coast. As a population, 90 per cent of Australians live within a couple of kilometres of the coast, and we are seeing it. In my hometown we are seeing the changes in the salinity, in the reach of salt water up the Bellinger River, and changes in sea levels. The farmers of Australia know it. They want the Government to act. The Farmers for Climate Action have said:

We are an alliance of farmers and leaders in agriculture who are working with our peers, the wider sector and decision-makers to make sure Australia takes the actions necessary to address damage to our climate.

They recognise we cannot approve Adani, we cannot have this climate bomb sitting on the books in New South Wales coalmines. The future of our civilisation, our society, our very planet is on the line. People might think that is hyperbole, but that is how desperate it is. It is an absolute catastrophe and members are sitting on their hands while allowing idiots from the coal lobby to lead them down the mine. The farmers of Australia know it, they are facing oblivion now, and we face it as a society. The International Panel on Climate Change is ringing the alarm bells and it is time members listened. We have to phase out coal. Listen to the Farmers for Climate Action, listen to the scientists, listen to reason.

LOCKHART WATER TOWER MURAL

TEMORA WARBIRDS DOWNUNDER AIRSHOW

The Hon. WES FANG (22:10): Rising high above Lockhart's historic skyline, the recently completed Lockhart tower mural warmly welcomes residents and visitors alike as they approach the township from every direction. The impressive artwork, depicting a cascading waterfall surrounded by fauna and flora native to the local landscape, acts as a beacon to all and reflects the importance of one of Australia's most vital assets—water. It is grassroots, community-driven projects such as these that remind us just how lucky we are to be representatives of our communities, which is why it was such an honour last Friday to officially open the tower mural.

The impressive mural was created by Blue Mountains artists Scott Nagy and Janne Birkner, also known as Krimstone, who before embarking on their design took the time to visit and discover the different aspects of the shire and the themes that best encapsulate Lockhart. Originally from a background in graffiti art, in just over two weeks Scott and Janne created a lasting icon for the town that captures the essence of the natural beauty found in the Riverina. Using spray cans freehand and working from images they took on their phones, the artists covered the water tower's 600 square metres with a vibrant blue sky, cascading waterfall, a stunning rosella, willy wagtails, an ever observant kookaburra and local ground dwellers such as a possum, kangaroo and echidna. Appropriately, the design illustrates a healthy ecosystem flourishing around an all-important thriving water source.

The tower mural was first suggested to Lockhart Shire Council by Myra Jenkyn of the Lockhart & District Progress Association, and from there the idea began to take hold. Local sponsors such as the Riverina Water County Council, Lockhart Shire Council, Lockhart & District Progress Association, Lockhart & District Community Bank, Rotary Club of Lockhart, Coates Hire and Lightbox Imageworks rallied behind the project, and I am delighted that the New South Wales Government also saw the benefit of this project and contributed to its creation. Quickly enough, and for approximately \$28,000, the artwork became a reality.

The mural has already created quite a buzz since its completion, with council noting that more than 100,000 hits have been registered on its website from as far as the United Kingdom and the United States. With the success of silo art sweeping rural Victoria and New South Wales, the Lockhart water tower mural has the capacity to become one of the most iconic modern pieces of public art in the Riverina and to generate strong tourism for the region. To be asked to officially launch this artwork alongside mayor Rodger Schirmer, general manager Peter Veneris, tourism and economic development officer Jennifer Connor, Myra Jenkyn and representatives from Riverina Water was truly an honour for me, and I thank all those who have helped make this project possible.

As an ex-army pilot, at the mere mention of the opportunity to officially attend the Temora Warbirds Downunder Airshow I was there in a flash. In what has become one of the most pre-eminent aviation shows in the country, Warbirds Downunder this year attracted approximately 22,000 people over the weekend to showcase a staggering collection of military aircraft, from the earliest days of flight right up to the modern day.

Temora has always had a rich aviation history, having been home to the No. 10 Elementary Flying Training School set up by the RAAF in May 1941. The school trained upwards of 2,400 pilots, and four satellite airfields were set up to cope with the demand. With the end of the Second World War and the subsequent closure of the school, Temora remained a hotspot for aviation in Australia, so much so that Sydney businessman and pilot David Lowy, AM, became the founder of the Temora Aviation Museum which today runs the Warbirds Downunder Show. The sheer number of aircraft on display is simply astounding. To see theatre of war icons such as Spitfires, Hurricanes, Dragonflies and Mustangs flying over Temora was a moment that I will never forget.

The place these aircraft have in history transcends more than just facts and figures. They are etched into the fabric of our nation. They are titans of history and to be able to witness them in action was truly awe inspiring.

Warbirds Downunder also featured a display from the FA-18 Hornets and BAE Hawks showcasing our modern-day fighters. The 15-minute demonstration was a textbook display in Australian military aviation training. A particularly big drawcard, especially among the young crowd, was the flight simulator with RAAF-trained personnel. Using the latest software, young visitors experienced just a taste of flying in the air force and what a future career in defence may offer. This incredible showcase of aviation was capped off by a chance meeting with Jay Tuffley, a fellow Australian Defence Force pilot course trainee. He has now gone on to lead the Air Force Roulettes. Many congratulations to founder David Lowy, AM, Murray Kear, Peter Harper and Temora Shire Council and its mayor, Rick Firman.

CORUNNA STATE FOREST WINDSOR HERITAGE FORUM

The Hon. PENNY SHARPE (22:15): Recently I heard from community members at two separate events in two very different places—one about the environment and one about heritage—but some very common themes emerged. I recently travelled to the far South Coast electorate of Bega. I joined Labor's candidate for Bega Leanne Atkinson at meetings with a range of local organisations and groups to talk about environment and conservation matters. One of the most pressing issues raised with me and of great concern to local residents was the timber harvesting which began on 17 September in compartment 3058 of Corunna State Forest.

The chief concerns are the potential impact of logging in this particular compartment on the habitat of two threatened species of birds and the impact on the water quality of Corunna Lake and other estuaries where timber harvest activities occur directly adjacent to the Batemans Marine Park. Twelve days after harvesting began a masked owl was sighted in the forest. Masked owls are listed as vulnerable in New South Wales. Where a roost or nest is found in a timber harvesting operation such as this, a 300-hectare exclusion zone is to be established. Members of the local community have brought the details of the owl sighting to Forestry Corporation. However, the response from the Forestry Corporation is that they looked for but could not find a nest. Therefore, they shall simply carry on. The community feel like they have been dismissed out of hand and are rightly concerned about the possible destruction of this rare owl's habitat in the forest.

Similarly, the white-bellied sea eagle is listed as vulnerable in New South Wales. Currently there are juvenile white-bellied sea eagles nesting near the edge of Corunna Lake that are in danger with logging coming right up to their doorstep once they learn to fly and the 300-metre exclusion zones are reduced. Once again this operation is continuing. In terms of water quality, Corunna Lake is adjacent to the forest, and the community have raised concerns about the clearing of forested land and the resulting transport of material directly into the lake. There is a possibility of influencing algal blooms or diminishing water quality endangering the survival of fish. I have seen correspondence from the management of the Batemans Marine Park that indicates the usual 50-metre exclusion zone to the high tide mark should be extended to ensure water quality is preserved in the marine park. However, the Forestry Corporation has refused to take on this advice.

More than 4,000 people have now signed a petition calling for a halt to the logging in this compartment until the issues are resolved. The simple fact is that these threatened species are in danger, water quality may be in danger, and there is a significant impact upon the marine park. The community has been trying to get answers and going about it the proper way, yet they are not listened to. They are told not to worry, that there are rules and there is simply nothing to see here. The Government is not listening, nor is its key agency. It is important to have a sustainable forest industry in New South Wales. It does itself a great disservice if it does not listen to the community or take the issue seriously. It is time for logging to halt until the issues are resolved.

Earlier this week I attended a heritage forum held in Windsor with my colleague the Hon. Peter Primrose, the Labor candidate for Hawkesbury, Peter Reynolds, and Labor's member for Macquarie, Susan Templeman. It was an important heritage forum. It was not to talk just about Thompson Square but to talk about how heritage can be protected across the State and in this important place called Windsor. We thought about 30 people would attend but there were over 100 people who came along, such is the concern about what is going on. This House has debated and discussed many times the vandalism occurring to our oldest town square, Thompson Square. It is the result of this Government's intransigence in relation to the Windsor Bridge. However, there are many stories to be told about Windsor and its surrounds and the Hawkesbury, and the community wanted to tell them to us that night.

First, it was important to hear from Aunty June, who is a local traditional owner. She talked about her despair at seeing important sites being destroyed by bulldozers as they hacked into the riverbank alongside the new Windsor Bridge. She talked about the international conventions that she believes Australia has signed up to

and the fact that her people have had no say about the destruction of some very special dreaming places and sacred sites. We also heard from passionate people from the Hawkesbury who have been on the heritage trail for a long time. They do not want very much but they do want a few things. They want to complete heritage studies through local councils and government so they can properly protect the area they love and live in. They want proper education about what can and cannot be done with heritage properties and how we can value heritage more appropriately.

They also want more people to visit their area. This is one of the most intact convict sites and it should be visited by every school student in this State, but the Government is tossing it away through lack of care. Finally, people again raised the issue of Thompson Square and the destruction of convict heritage, particularly the brick barrel drain, and the fact that this Government is not listening. They expressed despair about the behaviour and attitude of the current—and soon to be former—member for Hawkesbury. It is real and it is ongoing. [*Time expired.*]

DOMESTIC AND FAMILY VIOLENCE

Ms CATE FAEHRMANN (22:21): Early on the morning of 22 October 2018, 43-year-old Erana Nahu died of stab wounds. Emergency services were called to a Glenfield home in Sydney at 2.00 a.m., but she died at the scene. Her partner, 58-year-old James Fredes, has been charged with her murder. On 5 October the body of 39-year-old Kristie Powell was found by police at her home in Bellambi near Wollongong after an emergency call in the early hours of the morning. She had suffered extensive injuries. Her five-month-old baby was found unharmed in the home. Police arrested a former employee after a three-day search and have charged him with murder.

On 4 October the body of 32-year-old Nicole Cartwright was found in a Hunters Hill park. She was last recorded as being alive by a closed-circuit television camera at Museum station at 9.15 p.m. on 30 September. Police are appealing to anyone who may have seen her or been in contact with her between 30 September and 4 October to come forward. On 25 August 64-year-old Kristina Kalnic was found critically injured after emergency services were called to her home in Carramar in the early afternoon. Attempts to revive her were unsuccessful and she died at the scene. Imaueli Degei fled on foot and was arrested after a short pursuit, charged with murder and remanded in custody. On 13 August emergency services were called to a unit in Penshurst after a home visit nurse discovered the body of 67-year-old Dawn Butterworth. Her 62-year-old partner, Allan Greentree, was also found with self-inflicted wounds to his arms. Later that afternoon, after his release from hospital, he was charged with murder.

On 15 July, at about 4.00 a.m., police attended a welfare call to a property in Griffith, where 27-year-old Nicole Wetzler was found dead in a shed at the rear of the property. A few hours later, 35-year-old Ashley Alchin was arrested in Griffith. He has been charged with breaches of a domestic apprehended violence order and was refused bail. On 7 July emergency services responded to reports of an explosion and fire at a house in Raymond Terrace, where they found the body of 76-year-old Jan Garrett. Neighbours had tried to rescue her from the fire, sadly without success. An unnamed 69-year-old man, believed to be her carer, fled the scene and was arrested and taken to hospital after his car collided with a truck several kilometres away. He has been charged with domestic violence related murder and destroying property with intent to endanger life.

On 1 June a 69-year-old woman was found dead after she was allegedly stabbed at her home in Bega. Her 71-year-old husband and a 55-year-old man had also been critically injured. None of their names have been released. An unnamed 20-year-old man, the grandson of the murder victim, and the murder victim's husband were taken into custody. On 18 May police discovered the body of an unnamed 46-year-old woman when they attended a house in Argents Hill near Nambucca Heads to inquire about her welfare. An unnamed 56-year-old man was arrested and charged with murder. On 30 April an unnamed 46-year-old woman was found with severe head injuries at her home in Albury. She later died of her injuries at Albury Base Hospital. An unnamed 43-year-old man, believed to be her partner, has been charged with her murder.

On 12 January British backpacker Amelia Blake, 22, died of extensive injuries, including head injuries, in a suspected murder-suicide. Her body and that of her partner, Brazil Gurung, 33, were found on Friday 12 January at an apartment in Newtown. This heartbreaking list is of some of the women who have died a violent death in New South Wales so far this year, pulled together by researchers for Destroy the Joint's Counting Dead Women Australia. In 2017, 53 women were killed by violence in Australia. According to Destroy the Joint's research, today it stands at 55 women across Australia in 2018. There are 76 days left in the year. The research does not include rapes, strangulations and attempted murders. It does not include the 18 children across Australia who have also been killed as a result of family violence this year.

Why is the Government not throwing all available resources at this crisis? New South Wales spends half of what Victoria spends on preventing family violence. Our women's shelters are often, if not always, full.

In 2016-17, the Minister for the Prevention of Domestic Violence and Sexual Assault said the Government spent \$59 million on homelessness services for women, including women's refuges—just \$59 million. Minister Goward refuses to sign onto Our Watch despite all other States and Territories doing so and despite its groundbreaking framework Change the Story, which is based on the fundamental premise that gender inequality is the core of the problem and the heart of the solution. To save women's lives from men's violence, we must recognise and name this crisis and mobilise all necessary resources to address it.

I thank the researchers from Destroy the Joint, who do the heartbreaking and extremely difficult work of documenting the violent deaths of women in Australia.

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

Motion agreed to.

The House adjourned at 22:26 until Wednesday 17 October at 11:00.