



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Tuesday, 13 November 2018

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Tuesday, 13 November 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.

Bills

CIVIL LIABILITY AMENDMENT (ORGANISATIONAL CHILD ABUSE LIABILITY) BILL 2018

NATIONAL PARK ESTATE (RESERVATIONS) BILL 2018

RESIDENTIAL TENANCIES AMENDMENT (REVIEW) BILL 2018

EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2018

COMMUNITY GAMING BILL 2018

WATER NSW AMENDMENT (WARRAGAMBA DAM) BILL 2018

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2018

BUILDING AND DEVELOPMENT CERTIFIERS BILL 2018

CHARITABLE FUNDRAISING AMENDMENT BILL 2018

FAIR TRADING LEGISLATION AMENDMENT (REFORM) BILL 2018

PLANNING LEGISLATION AMENDMENT (GREATER SYDNEY COMMISSION) BILL 2018

GOVERNMENT TELECOMMUNICATIONS BILL 2018

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2018

BETTING TAX AMENDMENT (POINT OF CONSUMPTION) BILL 2018

Assent

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

Governor

ADMINISTRATION OF THE GOVERNMENT

The PRESIDENT: I report receipt of the following message from the Administrator of the State of New South Wales:

GOVERNMENT HOUSE
SYDNEY

Margaret Beazley
ADMINISTRATOR

The Honourable Justice Margaret Joan Beazley, Acting Chief Justice of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, His Excellency General the Honourable David Hurley, AC, DSC (Ret'd), being absent from the State, and the Lieutenant-Governor also being absent from the State, she has assumed the administration of the Government of the State.

Sunday 4 November 2018

ADMINISTRATION OF THE GOVERNMENT

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

GOVERNMENT HOUSE
SYDNEY

David Hurley
GOVERNOR

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

Monday 5 November 2018

ADMINISTRATION OF THE GOVERNMENT

The PRESIDENT: I report receipt of the following message from the Administrator of the State of New South Wales:

GOVERNMENT HOUSE
SYDNEY

Margaret Beazley
ADMINISTRATOR

The Honourable Justice Margaret Joan Beazley, AO, Administrator of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, His Excellency General the Honourable David Hurley, AC, DSC (Ret'd), being unavailable to exercise his powers, she has assumed the administration of the Government of the State.

Wednesday 7 November 2018

ADMINISTRATION OF THE GOVERNMENT

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

GOVERNMENT HOUSE
SYDNEY

David Hurley
GOVERNOR

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

Wednesday 7 November 2018

*Documents***PARLIAMENTARY ETHICS ADVISER****Reports**

The PRESIDENT: According to the terms of the agreement made with the Clerk of the Parliaments and the Clerk of the Legislative Assembly, I table the annual report of the Parliamentary Ethics Adviser for the year ended 30 June 2018.

NSW OMBUDSMAN**Reports**

The PRESIDENT: According to the Ombudsman Act 1974, I table a special report of the NSW Ombudsman entitled "Abuse and neglect of vulnerable adults in NSW—the need for action", dated 2 November 2018, received out of session and authorised to be made public on 2 November 2018.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.

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

The PRESIDENT: According to the Law Enforcement (Controlled Operations) Act 1997, I table the report of the Inspector of the Law Enforcement Conduct Commission entitled "Annual Report 2017-2018: Law Enforcement (Controlled Operations) Act 1997", dated November 2018, received out of session and authorised to be made public on 2 November 2018.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.

*Visitors***VISITORS**

The PRESIDENT: I welcome into my gallery this afternoon Uncle Harry Allie, Gudjala Elder, Warrant Officer (Ret'd), Royal Australian Air Force, and Mr Gary Oakley, Squadron Leader, Indigenous Historical Custodian, Royal Australian Air Force, who are here to participate in the forum on the service of Aboriginal and Torres Strait Islanders during the First World War. The forum is being held at 3.00 p.m. today in the theatre.

I welcome to the gallery the President of the Royal United Services Institute for Defence and Strategic Studies (NSW), Major General (Ret'd) Paul Irving, and board member, Dr Michael Flynn. Dr Flynn kindly welcomed both the Clerk and me to the NSW Anzac War Memorial a couple of weeks ago prior to the opening of the new wing.

I welcome the authors of the Centenary Statements, former Senator Mr Chris Puplick and Dr Brian Lindsay. Dr Lindsay has edited and compiled a collection of the statements into a monograph. Copies of the monograph will be circulated to all members this evening at the official opening of *The Anzac Legacy in NSW: Then and Now* exhibition. On behalf of all members, I welcome you to the Legislative Council this afternoon.

Commemorations

CENTENARY OF FIRST WORLD WAR

The PRESIDENT (14:35): Today's statement, which I will give shortly, will bring to a close this important means of commemorating the Centenary of World War I. On Sunday 11 November I had the honour to participate in the commemorative ceremony at the Australian War Memorial at Villers-Bretonneux, where I laid a wreath on behalf of the Parliament of New South Wales. Starting in August 2014, Madam Speaker, my predecessor President Harwin and I have delivered a statement on the Tuesday of every sitting week—a total of 77 statements—marking significant events from 100 years ago and the impact of those events upon the Parliament and the people of New South Wales.

I thank His Excellency General the Honourable Sir Peter Cosgrove, AK, MC (Ret'd), Governor General of the Commonwealth of Australia and former Chair of the New South Wales Centenary of Anzac Advisory Council for his support for these statements. To mark the close of this project today, once I have read today's statement, I will invite members and officers to stand while a bugler sounds the *Last Post*, followed by a minute's silence. At the end of the minute of silence, the bugler will play the *Rouse*.

In the days following the declaration of the Armistice with Germany, the Legislative Assembly and Legislative Council met to adopt a formal message to the King and express their joy at the end of the war. Premier Holman called it "an occasion beyond all words—an occasion so transcendent in importance and so entirely stupefying to the imagination that nothing that any orator on earth could say could possibly be worthy of it or could possibly do justice to the emotions it excites",

Members spoke of their pride in the Anzac troops and acknowledged the anguish suffered by so many over those who would never return. At the special adjournment of the House, *Hansard* records that the members of the Legislative Assembly sang, first, *La Marseillaise*, then *The Star-Spangled Banner*, then *Advance Australia Fair* and finally *Rule Britannia*. They then gave three cheers for the boys at the front and three cheers for Australia.

In rejoicing at the war's end, great pride was expressed at the military victories the Anzac troops achieved. With the passage of time, however, Charles Bean, the official historian of Australia's involvement in the war, eloquently argued that the greatest achievements of the Australian Imperial Force [AIF] were "to furnish other nations with the measure of a then almost unknown democracy" and, more importantly, he went on to say, "to furnish that measure to itself and to its own nation". During the four years of the war, Bean argued, "the people in Australia looked on from afar at three hundred thousand of their own nation struggling amongst millions ... In the first straight rush up the Anzac hills in the dark ... in things seen daily from that first morning until the struggle ended ... the Australian nation came to know itself."

The cost, he conceded, was enormous. The First World War remains the deadliest in our nation's experience. With the repatriation of the AIF, finally completed in 1921, Bean observed, "The Old Force passed down the road to history. The dust of its march settled. The sound of its arms died. Upon a hundred battlefields the broken trees stretched their lean arms over sixty thousand of its graves." Lest we forget.

A bugler played the Last Post.

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

A bugler played the Rouse.

Motions

POLICE REMEMBRANCE DAY

The Hon. COURTNEY HOUSSOS (14:42:0): I move:

(1) That this House notes that:

- (a) on Saturday 29 September 2018 Police Remembrance Day was commemorated to acknowledge police officers who have lost their lives while on duty or as a result of their duties;
 - (b) this included ceremonies that were conducted across New South Wales on Friday 28 September 2018; and
 - (c) a further service was held on Friday 6 October 2018 at the NSW Police Memorial Wall at the Sydney Police Centre, Surry Hills, which recognises both sworn and unsworn staff who have died whilst serving the community of New South Wales, or who were unable to continue working due to injury or illness and later passed away from that injury or illness.
- (2) That this House congratulates the NSW Police Force on its tremendous effort and support for the National Police Remembrance Day.
 - (3) That this House acknowledges and thanks the NSW Police Association for the important advocacy work it does for New South Wales police officers.
 - (4) That this House recognises those officers who have lost their lives while on duty or as a result of their duties and thanks them for putting their lives on the line every day to ensure that our community is safe.

Motion agreed to.

ASIAN WOMEN AT WORK TWENTY-FIFTH ANNIVERSARY

The Hon. COURTNEY HOUSSOS (14:43): I move:

- (1) That this House congratulates Asian Women at Work [AWAW] on its twenty-fifth anniversary, which was celebrated at its annual general meeting on Saturday 20 October 2018 at Sydney Trades Hall with dance performances and addresses from Debbie Carstens, a founder of AWAW, and Michelle O'Neill, President of the Australian Council of Trade Unions.
- (2) That this House thanks AWAW for its invaluable support for and advocacy on behalf of some of our most vulnerable and exploited workers over its 25-year history.
- (3) That this House:
 - (a) congratulates the AWAW incoming executive, wishing it all the best for its important work over the next 12 months; and
 - (b) thanks Lina Cabaero-Ponnambalam, the coordinator of AWAW.

Motion agreed to.

NATIONAL DAY OF CHILE 208TH COMMEMORATION

The Hon. DAVID CLARKE (14:43): I move:

- (1) That this House notes that:
 - (a) on Wednesday 12 September 2018 the Consul-General of Chile in Sydney, Mr Humberto Molina Reyes, in conjunction with the Chilean-Australian Association hosted a celebration marking the 208th commemoration of the National Day of Chile at the City Tattersalls Club, Sydney, which was attended by several hundred members and friends of the Chilean-Australian community;
 - (b) those who attended the event included:
 - (i) Mr Humberto Molina Reyes, Consul-General of Chile in Sydney;
 - (ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. Ray Williams, MP, Minister for Multiculturalism, and Minister for Disability Services;
 - (iii) Mr Guy Zangari, MP, State member for Fairfield, and shadow Minister for Justice and Police, Corrections and Emergency Services;
 - (iv) Mr Carlos Abreu, Consul-General for Brazil in Sydney (Dean of the NSW Consular Corp);
 - (v) Mr Juan Manuel Molina, Consul-General for Spain;
 - (vi) Mr Raul Pelaez, Consul-General for Argentina;
 - (vii) Mr Nelly Benitez, Consul-General for Colombia;
 - (viii) Mr Gabriel Pacheco, Consul-General for Peru;
 - (ix) Mr Conrado Silveira, Consul-General for Uruguay;
 - (x) Mr Jose Enrique Vasquez, Honorary Consul for El Salvador;
 - (xi) Ms Barbara Romero, Director of the Cervantes Institute;
 - (xii) Mr Cristian Escobar, master of ceremonies for the event; and
 - (xiii) members of the Chilean-Australian Association and friends of the Chilean-Australian community.
 - (c) a highlight of the event was the entertainment provided by the following performers:

- (i) Maria Catalina Andrade and Bryan Mejias Saez (winners of the National Championship of Chile's National Dance "La Cueca");
 - (ii) Mirtha Iturra Bernales (singing Chilean traditional songs); and
 - (iii) the folk group A Los 4 Vientos comprising Cristobal Martinez Saez, Jorge Maureira Bravo, Eduardo Israel Nunez, Daniel Ahumada Ponce and Javier Matamala Cisternas.
- (2) That this House:
- (a) congratulates the Republic of Chile and also the Chilean-Australian community on the occasion of the celebration of the National Day of Chile; and
 - (b) commends the Chilean-Australian community for its ongoing contribution to the social, cultural and economic life of New South Wales.

Motion agreed to.

BASIA ZIELINSKA SOLO PAINTING EXHIBITION

The Hon. DAVID CLARKE (14:43): I move:

- (1) That this House notes that:
- (a) on Thursday 2 August 2018 the Consulate-General of the Republic of Poland in Sydney hosted the exhibition opening of Polish-Australian artist Basia Zielinska's works entitled "Basia Zielinska, Solo Painting Exhibition—Landscapes Dialogues" at the Polish Consulate in Woollahra, which was attended by members and friends of the Polish-Australian community;
 - (b) the exhibition opening was organised to promote Polish artists or artists with Polish heritage in Australia;
 - (c) Polish-Australian artist Basia Zielinska is an abstract artist, responding intuitively to fragments of memories and fleeting images of her internal and external landscape and she spent much of her early childhood in displaced persons camps in the United Kingdom following the Second World War;
 - (d) after a successful career teaching decorative art both in Australia and overseas, Basia was able to make a strong commitment to her personal art practice and she has been selected for numerous art awards, including as finalist in the North Sydney Art Prize, Hunters Hill Art Prize and the Fischer's Ghost Art Prize and recently won "The Friends Choice" award at the Friends of Campbelltown Exhibition;
 - (e) those who attended the event included:
 - (i) Ms Marta Kiec-Gubala from the Polish Consulate-General, Sydney;
 - (ii) Ms Dorota Preda, who opened the exhibition on behalf of the Polish Consul-General;
 - (iii) Mr Adam Foda representing the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (iv) Maria Teresa Taguiang, Consul-General of the Philippines;
 - (v) Ian Lincoln, President, Australian Institute of International Affairs;
 - (vi) Lila Mularczyk, President, NSW Secondary Principals Council;
 - (vii) Margaret Kwiatkowska, President, Polish Community Council of Australia; and
 - (viii) Tom Koprowski, photographer for the exhibition.
 - (f) a highlight of the event was the entertainment provided by James Domeyko, an Australian actor/composer of Polish background who mostly played his own pieces for the exhibition.
- (2) That this House:
- (a) congratulates Basia Zielinska on her artistic passion and commitment to her work as well as the Consulate-General of the Republic of Poland in Sydney on organising the successful "Basia Zielinska, Solo Painting Exhibition—Landscapes Dialogues" opened at the Polish Consulate Sydney in August; and
 - (b) commends the Polish-Australian community for its ongoing contribution to the social and cultural life of New South Wales.

Motion agreed to.

FEDERATION OF POLISH ASSOCIATIONS IN NSW THIRD ANNUAL BALL

The Hon. DAVID CLARKE (14:43): I move:

- (1) That this House notes that:
- (a) on Saturday 13 October 2018 the third annual ball of the Federation of Polish Associations in New South Wales was held at the White Eagle Polish Hall, Canley Vale, and attended by several hundred members and friends of the Polish-Australian community; and
 - (b) those who attended the event included:
 - (i) Ms Irena Juszczak, acting Consul-General of the Republic of Poland in Sydney;

- (ii) Ms Joanna Splocharska, Consul of the Republic of Poland in Sydney;
 - (iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, and Mrs Marisa Clarke;
 - (iv) Reverend Father Dr Antoni Dudek, Society of Christ;
 - (v) Reverend Father Kamil Zylcznski, Vice Provincial, Society of Christ;
 - (vi) Mr Adam Gajkowski, President of the Federation of Polish Organisations in NSW, and his wife, Mrs Grazyna Gajkowski;
 - (vii) Dr Richard Adams Dzierba and his wife, Mrs Bernadeta Zukowska;
 - (viii) Professor Tomasz Pudlocki, Jagiellonian University, Krakow, Poland;
 - (ix) Mrs Marianna Lacek, Secretary, Polish Teachers Association, and her husband, Mr Bronislaw Lacek; and
 - (x) representatives of various Polish organisations including: Mr and Mrs Zurawski, Kujawy Dance Group; Mr and Mrs Cyganiuk, Polish Club Bankstown, and Kujawy Dance Group; Mrs Maja Kedziora, Choir Polonia; Mr Adam Biziuk, Polonia Sports Club Plumpton; Mr and Mrs Blaszczyk, Political Prisoners Association; Mrs Wanda Dabrowska, Association of Our Polonia; Mrs Ewelina Elismore, Polish Saturday School Liverpool; Mrs Bernadeta Kawa, Polish Saturday School Macarthur; Mrs Elzbieta Cesarski, Polish Saturday School Ryde, President of Polish Foundation; and photographs by Mrs Bogumila Filip, John Paul II Theater.
- (2) That this House commends the Federation of Polish Associations in NSW for its work on behalf of the Polish-Australian community and its contribution to the social and cultural life of New South Wales.

Motion agreed to.

HUNTER MANUFACTURING AWARDS CEREMONY

Mr SCOT MacDONALD (14:44): I move:

- (1) That this House notes that:
- (a) on 19 October 2018 at NEX, Newcastle, the 2018 Hunter Manufacturing Awards ceremony was held, supported by major sponsor, Downer;
 - (b) special guests at the event included:
 - (i) Mr Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter;
 - (ii) Ms Sharon Claydon, MP, Federal member for Newcastle;
 - (iii) Ms Kate Washington, MP, member for Port Stephens;
 - (iv) Ms Jenny Aitchison, MP, member for Maitland;
 - (v) Mr Pat Conroy, MP, member for Charlton; and
 - (vi) Hunter Manufacturing Awards' Board members Steven Smith (Chair), Jacqui Daley, Stephen Elliott, Andrew Gresham, Robert Martin, Dr Brendan Smith, Graeme Vennell and Carol McEwan.
 - (c) members of the judging panel: Warren Brooks, Dave Chapman, Chris Kelleher, Eric Kreutzer, Michael Murray, Brenda Read, Stan Rippon, Paul Scobie, Graeme Studdert, Jason Williams, Craig Wilson, Rob Wolter, Kevin Wykes and Dr Hadi Zulfiqar.
- (2) That this House:
- (a) acknowledges and commends the work of the Hunter Manufacturing Awards Board of Directors and Judging Panel;
 - (b) acknowledges the major sponsor of the event, Downer, and other sponsors: the Government, HelloWorld Newcastle, Bae Systems, Hunter Business Chamber, Moly-Cop, Davies Collison Cave, Hunter Business Review, McEwan & Partners, KM&T, Hunter Research Foundation Centre, Bridon Bekaert, the *Newcastle Herald*, R&R Murphy, Quarry Mining, NCP Printing, the Measured Marketer, Whiteley Corporation, Nupress Group, University of New England, NBN News and TAFE NSW; and
 - (c) congratulates and commends winners of the Hunter Manufacturing Awards:
 - (i) Winner of the 2018 Manufacturer of the Year: McLanahan Corporation;
 - (ii) Winner HMA Board Award: R&R Murphy;
 - (iii) 2018 Apprentice of the Year: Jake Denton from Moly-Cop;
 - (iv) Winner Excellence in Innovation: Whiteley Corporation for its Surfex product;
 - (v) Winner Excellence in Product Design: Caves Beach dishwasher manufacturer, Norris Industries, a subsidiary of Sirron Holdings;
 - (vi) Winner Excellence in Technology: Catavolt;

- (vii) Winner Excellence in Manufacturing Process: Nupress Group;
- (viii) The 2018 Rising Star Award: Lewis Penfold, Liberty Onesteel, Newcastle Rod Mill;
- (ix) Winner Excellence in Marketing: McLanahan Corporation;
- (x) Winner Excellence in People & Skills Development: DSI Underground;
- (xi) Winner Environmental Excellence Award: Liberty Onesteel, Newcastle Wire; and
- (xii) Winner in Excellence in Safety: Liberty Onesteel, Newcastle Wire.

Motion agreed to.

LAMBTON PARK GATES 100 YEAR ANNIVERSARY

Mr SCOT MacDONALD (14:44): I move:

- (1) That this House notes that:
 - (a) on Saturday 20 October 2018, at Lambton Park, a ceremony was held to mark the 100-year anniversary since the stone foundations were laid of Lambton's Gates and a time capsule buried, in honour of World War I soldiers from the area;
 - (b) dignitaries at the ceremony included:
 - (i) Mr Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter;
 - (ii) Ms Sharon Claydon, MP, Federal member for Newcastle;
 - (iii) Ms Sonia Hornery, MP, member for Wallsend;
 - (iv) Councillor Nuatali Nelmes, Lord Mayor of Newcastle;
 - (v) Councillor Andrea Rufo, OAM, Chair, Lambton Memorial Gates Working Party;
 - (vi) Councillor Declan Clausen, Deputy Lord Mayor, and Councillor Peta Winney-Baartz, Councillor John Church and Councillor Kath Elliot;
 - (vii) Mr Jeremy Bath, CEO, City of Newcastle Council;
 - (viii) Reverend Cannon Maree Armstrong, Anglican Diocese of Lambton;
 - (ix) Dr John Estell, great-grandson of John Estell, MP, who officially laid the foundation stone for the memorial gates and buried the original time capsule in 1918;
 - (x) Auntie Phyllis Darcy and Terri-Lee Darcy, Indigenous community leaders;
 - (xi) Mr Julian Bickerstaff, International Conservation Services;
 - (xii) Ms Julie Baird, Director Newcastle Museum;
 - (xiii) members of the Lambton Memorial Gates Time Capsule Working Party: Robert Watson, Robert Hodgson, Tom Smith, Sam Cross and Susan Denholm;
 - (xiv) Ms Nicola Hirschhorn, Mark Brooker and members of the Lambton Residents Group;
 - (xv) Ms Jenella Leotta and descendants of Mary Ott, Fundraiser, Ladies Committee (1916-1918);
 - (xvi) representatives of Lambton RSL Sub-Branch Catafalque Party, Fort Scratchley Historical Society, descendants of Vera Darling, the late John Estell, MP, the late Edward Charlton, Mayor of Lambton in 1917, the late George Hardy, Mayor of Lambton, 1918, the late Thomas Croudace, Mine Manager of Lambton, soldiers named on the memorial gates; and
 - (xvii) students from Lambton High School, Lambton Public School, St Johns Primary, and Elder Street Early Childhood Centre, and members of Lambton Public School P&C, Lambton-Waratah Scouts Group, Australian Army Band Newcastle, City of Newcastle Pipe Band, Hunter School of Performing Arts Marching Band, Newcastle Vintage Motorcycle Club and Hunter Region MG car Club.
 - (c) the Lambton Park Gates are of historical importance in recognition of the 140 men from Lambton that enlisted and died in World War I and also list the names of 30 ladies who fundraised to have them erected;
 - (d) the gates are considered rare as they may be the only gates constructed with a time capsule and are of significance due to their link to Thomas Croudace, founder of the park; the late Hon. J. Estell, former local member of Parliament; E. Yeoman, architect; E. Charlton, Mayor of Lambton and inaugurator of the movement to erect the gates;
 - (e) in Lambton, when their men were away at the Front, their mothers, sisters and wives put energy into fundraising to build a memorial gate for their men, and under the foundation stone of the gates, a time capsule was buried on 19 October 1918;
 - (f) in 1917 the gates were designed by Eric Yeomans, and the Ladies' Send-off and Welcome Home Committee began fundraising activities, including bazaars, dances, operettas, concerts and euchre parties;

- (g) the foundation stone was laid on 19 October 1918 by Mr J. Estell, member for Wallsend with all the mayors from the Newcastle district attending;
 - (h) following extensive research, it is believed that this is the only World War I time capsule whose location and burial date are known, making its unearthing of potentially national significance;
 - (i) the pillars and gates were completed in April 1919, the event was celebrated by the second major fundraiser, being a gala day in the park, and the keys were handed over to the Lambton Council by the ladies on 9 December 1919; and
 - (j) the event was commemorated by issuing a commemorative coin to the children attending from local primary schools and day cares in Lambton, with the coins donated by the Hunter Development Corporation.
- (2) That this House:
- (a) acknowledges the 100-year anniversary since the stone foundation of the gates were laid along with a time capsule buried in 1918; and
 - (b) acknowledges and commends Councillor Andrea Rufo, OAM, Chair, Lambton Memorial Gates Time Capsule Working Party, together with its members Mark Brooker, Robert Watson, Robert Hodson, Tom Smith, Sam Cross and Susan Denholm for their outstanding work.

Motion agreed to.

TUGGERAH LAKES POLICE SERVICE AWARDS

Mr SCOT MacDONALD (14:44): I move:

- (1) That this House notes that:
- (a) on Monday 19 October 2018 a ceremony was held at Central Coast Council Chambers, Wyong, to recognise police officers and civilian staff with the Tuggerah Lakes Police District for their outstanding service to the NSW Police Force and the community; and
 - (b) special guests at the ceremony included:
 - (i) Mr Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter, representing the Minister for Police, the Hon. Troy Grant, MP;
 - (ii) Mr David Harris, MP, member for Wyong;
 - (iii) Mr David Mehan, MP, member for The Entrance;
 - (iv) Councillor Jane Smith, Mayor of the Central Coast;
 - (v) Assistant Commissioner Max Mitchell, APM;
 - (vi) Superintendent Daniel Sullivan;
 - (vii) Superintendent Anthony Joice;
 - (viii) Reverend Daniel Connor;
 - (ix) Elder Bronwyn Chambers; and
 - (x) Mr Bruce Gibson, APM.
- (2) That this House congratulates and commends all officers who received the National Police Medal and Clasps to the National Police Medal.

Motion agreed to.

PFK BREAST CARE FUNDRAISING BREAKFAST

Mr SCOT MacDONALD (14:45): I move:

- (1) That this House notes:
- (a) the PFK Breast Care Fundraising Breakfast, sponsored by the *Newcastle Herald* and the Wests Group, was held on Thursday 11 October 2018 at Wests New Lambton and raised over \$17,000 for the Hunter Nurse Education Group;
 - (b) former Premier of New South Wales, the Hon. Nick Greiner, AC, gave an inspirational speech of his own battle with breast cancer and being in the 1 per cent of men that have battled breast cancer;
 - (c) the organisers of the breakfast were Mr Steven Meyn, Ms Jo Crosbie, Ms Sarah Scott and Ms Jorja Cowan;
 - (d) the event was sponsored by PFK, the *Newcastle Herald* and the Wests Group; and
 - (e) the master of ceremonies for the event was Ms Natasha Beyersdorf, NBN newsreader.
- (2) That this House acknowledges and commends the organisers of the annual PKF Breast Care Fundraising Breakfast on their outstanding efforts in raising over \$17,000 for the Hunter Nurse Education Group.

Motion agreed to.

*Documents***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. 64/56**

The Hon. NATASHA MACLAREN-JONES: I table the report entitled "Legislation Review Digest No. 64/56", dated 13 November 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. 16 of the Selection of Bills Committee, dated 12 November 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) Children and Young Persons (Care and Protection) Amendment Bill 2018;
- (b) National Disability Insurance Scheme (Worker Checks) Bill 2018;
- (c) Health Legislation Amendment Bill (No 3) 2018;
- (d) Justice Legislation Amendment Bill (No 3) 2018;
- (e) Crimes Legislation Amendment (Victims) Bill 2018;
- (f) Government Information (Public Access) Amendment Bill 2018;
- (g) Public Works and Procurement Amendment (Enforcement) Bill 2018;
- (h) Retirement Villages Amendment Bill 2018;
- (i) Building and Construction Industry Security of Payment Amendment Bill 2018;
- (j) Fair Trading Legislation Amendment (Miscellaneous) Bill 2018;
- (k) Protection of the Environment Operations Amendment (Asbestos Waste) Bill 2018;
- (l) Saint Paul's College Bill 2018;
- (m) Snowy Hydro Corporatisation Amendment (Snowy 2.0) Bill 2018;
- (n) Workers Compensation Legislation Amendment (Firefighters) Bill 2018;
- (o) Exhibited Animals Protection Amendment (Prohibitions on Exhibition) Bill 2018;
- (p) Justice Legislation Amendment (Walama Court) Bill 2018; and
- (q) Liquor Legislation Amendment (Repeal of Lock-out Laws) Bill 2018.

Motion agreed to.

*Documents***AUDITOR-GENERAL****Reports**

The CLERK: According to the Public Finance and Audit Act 1983, I announce receipt of a financial audit report of the Auditor-General entitled "Internal Controls and Governance 2018", dated 30 October 2018, received out of session and authorised to be made public on 30 October 2018.

*Committees***JOINT STANDING COMMITTEE ON ELECTORAL MATTERS****Report: Inquiry into the Impact of Expenditure Caps for Local Government Election Campaigns**

The CLERK: According to standing order, I announce receipt of report No. 4/56 of the Joint Standing Committee on Electoral Matters entitled "Inquiry into the Impact of Expenditure Caps for Local Government Election Campaigns", dated October 2018, received out of session and authorised to be printed on 26 October 2018.

The Hon. Dr PETER PHELPS (14:47): I move:

That the House take note of the report.

Debate adjourned.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**Report: Review of the Health Care Complaints Commission Annual Report 2015-16**

The CLERK: According to standing order, I announce receipt of report No. 3/56 of the Committee on the Health Care Complaints Commission, entitled "Review of the Health Care Complaints Commission Annual Report 2016-17", dated October 2018, received out of session and authorised to be printed on 26 October 2018.

The Hon. LOU AMATO (14:48): I move:

That the House take note of the report.

Debate adjourned.

REGULATION COMMITTEE**Report: Cemeteries and Crematoria Amendment Regulation 2018**

The CLERK: According to standing order, I announce receipt of report No. 2 of the Regulation Committee entitled "Cemeteries and Crematoria Amendment Regulation 2018", dated November 2018, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions on notice, received out of session and authorised to be printed on 9 November 2018.

The Hon. SCOTT FARLOW (14:48): I move:

That the House take note of the report.

Debate adjourned.

The PRESIDENT: According to paragraph 3 (2) (c) of the resolution establishing the Regulation Committee, the notice of motion relating to the disallowance of the Cemeteries and Crematoria Amendment Regulation 2018 will now be listed as an item of Business of the House for today.

REGULATION COMMITTEE**Report: Evaluation of the Regulation Committee Trial**

The CLERK: According to standing order, I announce receipt of report No. 3 of the Regulation Committee entitled "Evaluation of the Regulation Committee Trial", dated November 2018, received out of session and authorised to be printed on 9 November 2018.

The Hon. SCOTT FARLOW (14:50): I move:

That the House take note of the report.

Debate adjourned.

STANDING COMMITTEE ON LAW AND JUSTICE**Report: Road Transport Amendment (National Facial Biometric Matching Capability) Bill 2018**

The CLERK: According to standing order, I announce receipt of report No. 65 of the Standing Committee on Law and Justice entitled "Road Transport Amendment (National Facial Biometric Matching Capability) Bill 2018", dated November 2018, together with transcripts of evidence, tabled documents, submissions and correspondence, received out of session and authorised to be printed on 12 November 2018.

The Hon. SCOTT FARLOW (14:51): I move:

That the House take note of the report.

Debate adjourned.

Bills

ROAD TRANSPORT AMENDMENT (NATIONAL FACIAL BIOMETRIC MATCHING CAPABILITY) BILL 2018

First Reading

According to the resolution of the House of 23 October 2018, bill read a first time and ordered to be printed on motion by the Hon. Don Harwin.

The Hon. DON HARWIN: 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. DON HARWIN: I move:

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

Motion agreed to.

Petitions

RESPONSES TO PETITIONS

The CLERK: According to sessional order, I announce receipt of the following responses to petitions signed by more than 500 persons:

- (1) Response from the Hon. Brad Hazzard, MP, Minister for Health, and Minister for Medical Research, to a petition and an irregular petition presented by Mr David Shoebridge on 26 September 2018 concerning international trafficking and harvesting of human organs, received out of session and authorised to be printed on 31 October 2018.
- (2) Response from the Hon. Gabrielle Upton, MP, Minister for the Environment, Minister for Local Government, and Minister for Heritage, to a petition presented by Mr Justin Field on 17 October 2018 concerning plastic-free New South Wales, received out of session and authorised to be printed on 5 November 2018.

PETITIONS RECEIVED

Wildlife and Native Vegetation Conservation

Petition calling on the Government to repeal the Local Land Services Amendment Act 2016 and the Biodiversity Conservation Act 2016, enact laws that protect and improve our environment and wildlife, and preserve and enhance native vegetation as carbon sinks to mitigate climate change, received from **Mr Justin Field**.

Irregular Petitions

POKER MACHINES

Mr JUSTIN FIELD: I move:

That standing and sessional orders be suspended to allow the presentation of an irregular petition from 54 citizens of New South Wales requesting that the Government require venues to report community losses to poker machines, reduce the number of poker machines in clubs and pubs, and implement gambling harm minimisation strategies.

Petition received.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. ADAM SEARLE: I move:

That Business of the House Notice of Motion No. 1 be postponed until Thursday 22 November 2018.

Motion agreed to.

Mr JUSTIN FIELD: I move:

That Business of the House Notice of Motion No. 2 be postponed until Tuesday 20 November 2018.

Motion agreed to.

The Hon. ROBERT BORSAK: I move:

That Business of the House Notice of Motion No. 3 be postponed until the next sitting day.

Motion agreed to.

Mr DAVID SHOEBRIDGE: I move:

That Business of the House Notice of Motion No. 4 be postponed until Wednesday 14 November 2018.

Motion agreed to.

The Hon. MICK VEITCH: I move:

That Business of the House Notice of Motion relating to the disallowance of the Cemeteries and Crematoria Amendment Regulation 2018 be postponed until Thursday 15 November 2018.

Motion agreed to.

The Hon. DON HARWIN: I move:

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

Motion agreed to.

The Hon. ROBERT BROWN: I move:

That Committee Reports Orders of the Day Nos 7, 9 and 10 be postponed until the next sitting day.

Motion agreed to.

The Hon. ROBERT BORSAK: I move:

That Committee Reports Orders of the Day Nos 4 and 14 be postponed until the next sitting day.

Motion agreed to.

Members

DEPUTY LEADER OF THE NEW SOUTH WALES LABOR PARTY

The Hon. ADAM SEARLE: I inform the House that on 10 November 2018 the Hon. Penny Sharpe was elected Deputy Leader of the New South Wales Labor Party.

The Hon. DON HARWIN: On behalf of Government members, I congratulate the honourable member on her election.

Committees

PUBLIC ACCOUNTABILITY COMMITTEE

Extension of Reporting Date

Reverend the Hon. FRED NILE: I inform the House that on 7 November 2018 the Public Accountability Committee resolved to extend the reporting date for its inquiry into the Impact of the CBD and South East Light Rail Project to 25 January 2019.

Bills

HEALTH LEGISLATION AMENDMENT BILL (NO 3) 2018

Second Reading Debate

Debate resumed from 24 October 2018.

The Hon. WALT SECORD (15:14): I speak as the shadow Minister for Health and the Deputy Leader of the Opposition on behalf of the Labor Party on the Health Legislation Amendment Bill (No 3) 2018. The Berejiklian Government introduced this bill to the Legislative Council on 24 October 2018. This omnibus bill will amend six Acts dealing with health and mental health in New South Wales: the Assisted Reproductive Technology Act 2007; the Health Administration Act 1982; the Health Practitioner Regulation (Adoption of National Law) Act 2009; the Health Services Act 1997; the Mental Health Commission Act 2012; and the Private Health Facilities Act 2007. I thank the office of the Minister for Health for providing a briefing on the legislation earlier today. It was appreciated, it was comprehensive and it was in the spirit of cooperation. For the record, the Minister for Health, the Hon. Brad Hazzard, and I have been fierce foes over the past four years, but we are both professionals.

While the Labor Party will not oppose the legislation, it believes that two areas should have been addressed when two pieces of legislation were dealt with earlier in this parliamentary session: the Assisted

Reproductive Technology Act 2007 and the Private Health Facilities Act 2007, and particularly investigations into reportable deaths in private health facilities. Before dealing with the specifics of the bill, I will make some observations about the state of the health and hospital system in this State because this will probably be the last health bill to be debated before we adjourn for the March 2019 State election. Before members opposite object, I note that the legislation deals with many aspects of the health and hospital system and I caution them about putting the Chair in an invidious position because my comments will be within the purview of the bill and it would be churlish to take points of order.

The Hon. Rick Colless: That is not a matter for you.

The Hon. WALT SECORD: I am providing context. My observation is that the Berejiklian Government's handling of the health and hospital system has been woeful. We have a system that lurches from crisis to crisis. This Government has presided over the growth of the longest waiting list for elective surgery in Australian history. The Opposition will be looking with interest in early December at the next set of data released by the independent Bureau of Health Information dealing with the 80 hospital emergency departments around the State. The number of patients waiting for elective surgery has skyrocketed to almost 78,000 from 66,000 when the Liberal-Nationals Government was first elected in March 2011.

Of those 77,955 patients waiting for elective surgery, thousands are waiting for knee and hip replacements, cataract removal, hernia operations, gallbladder removals, and tonsillectomies. Of them, 39,501 live in rural and regional New South Wales. That is, half of the patients in New South Wales waiting for elective surgery live in rural and regional areas. It is no surprise that support for The Nationals has collapsed with figures like that. In addition, the Morrison Liberal-Nationals Government has made \$2.8 billion in health cuts, which will affect every one of the 200 hospitals and 80 emergency departments in New South Wales. Furthermore, New South Wales has the second slowest ambulance response times in Australia after Tasmania. In fact, we have probably the slowest response times because the Berejiklian Government has changed the definition of ambulance response times.

Officially we have the second slowest ambulance response times but in reality we have the slowest ambulance response times. There is much work to be done in the New South Wales health and hospital system but Labor has a positive plan. We have already pledged to introduce nurse-to-patient ratios—as a former nurse the Hon. Bronnie Taylor would be interested in our nurse-to-patient ratios—which will increase the number of nurses by hundreds across the health and hospital system. Furthermore, we have agreed to an additional 250 security staff in the health and hospital system. We certainly need them.

Over the past five years assaults have increased by 33 per cent to around 50 per cent every month in New South Wales, in part due to the prevalence of ice, drugs and alcohol in the community, as well as the failure of the Liberal and Nationals parties to properly support patients grappling with mental illness, not to mention the failure of the Berejiklian Government in the area of mental health. The mental health system in New South Wales has not had a full or proper inquiry since 2001 and one is sorely needed. I have said on many occasions that public health, public education and public libraries are the reasons I came from overseas to Australia more than 30 years ago. We know that this is often how anyone from a disadvantaged background gets ahead. Health and education are core to a fairer society and they are core to Labor.

Not surprisingly, I have taken a long interest in the area of public health, including a three-year stint as the chief of staff to the Minister for ageing in Canberra, where I saw the intersection of the State and Federal health jurisdictions. We oversaw aged care and community care and responded to the challenges of our nation's ageing population. Those professional experiences shaped my views on public health. Not surprisingly, they are very different from those of the Liberals and Nationals. Like my party, I believe in a strong and properly resourced public health system where hospitals are run for patients, not shareholders. That is why I take a strong exception to the approach of the Liberals and Nationals to health, which puts profits before patients. I believe that investing in health and education makes good economic sense.

The Hon. Dr Peter Phelps: Nonsense!

The Hon. WALT SECORD: I acknowledge that interjection. The Hon. Dr Peter Phelps disagrees that investing in health and education makes good economic sense.

The Hon. Dr Peter Phelps: The Hon. Walt Secord is suggesting that we care more about profits than we do about patient health.

The Hon. WALT SECORD: This Government prefers to invest in stadiums rather than in hospitals and schools. Investing in prevention and early intervention saves money in the long term. Labor also supports a strong public health system. Not every public need can be answered by the private sector. Going to a doctor or a hospital is not a lifestyle choice or a whim; it is an essential service and it is a core function of government. We

cannot set clinical standards and the care of patients by commercial contracts. We have seen previous privatisation attempts such as the Port Macquarie Base Hospital debacle of the early 1990s.

We are watching closely, keenly and with interest at the Northern Beaches Hospital and its many early problems. The Hon. Natasha Maclaren-Jones, as a resident of Woollahra, the Southern Highlands or the northern beaches, would have an interest in the future of the Northern Beaches Hospital. Unfortunately, there are problems when clinicians are instructed to triage for profit. It comes down to this: Labor sees health care as a public priority but the Liberals and Nationals see health care as a private problem. A vote for the Liberals and Nationals is a vote for more cuts and more privatisation because the best predictor of future behaviour is past behaviour—privatisation of the Northern Beaches Hospital and the Port Macquarie hospital.

The Hon. Natasha Maclaren-Jones: Maybe you should check your speeches before you read them.

The Hon. WALT SECORD: I was thinking that maybe I would spend six or seven minutes talking about the deficiencies of the Liberal-Nationals approach to health but I am mindful of the time. I was thinking of doing that but I will return to the specific—

The Hon. Bronnie Taylor: Point of order: The member is straying from the leave of the bill and he is making accusations about members of the House, which he knows is disorderly. He should be called to order.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): Order! I call the Hon. Walt Secord to order. He will restrict himself to the long title of the bill.

The Hon. WALT SECORD: We need to work with our healthcare professionals to develop innovative and preventative ways to make the best of our health resources. In the coming months, Labor leader Michael Daley and I will unveil more practices and policies in health so that this election will be about new approaches and new ideas on health and hospitals. I turn now to the specifics of the bill. I refer, first, to the amendments to the Mental Health Commission Act 2012. The amendments arise from the Berejiklian Government's recent statutory review of the Act. Under the Act, the Mental Health Commission monitors and reviews the mental health system. In 2017-18, a statutory review of the Act was undertaken by Dr David Chaplow with a report tabled in Parliament in August 2018. The report on the review recommended a number of amendments to the Mental Health Commission Act to provide a greater focus and clarity to the work of the commission and to strengthen its impact.

The changes in the bill follow the review and will amend new section 3 to recognise that the focus of the commission's work is on monitoring, reviewing and improving the mental health and wellbeing of the people of New South Wales. In addition, new section 3 emphasises the need for the commission and the public sector agencies to work cooperatively. I have been advised that the bill removes the outdated references to the draft strategic plan. It also amends the functions of the Mental Health Commission to focus on strategic planning, reporting and implementation; systemic reviews; reporting and advocacy; strengthening the reporting functions of the commission by requiring government agencies to prepare a response within six months to a report prepared by the commission and tabled in the Parliament; and providing greater clarity around the need for the commission to consult the different stakeholders.

I turn now to the changes to the Assisted Reproductive Technology Act 2007, an area that has generated considerable interest and debate in the community. The Berejiklian Government says that the changes will enable children born through assisted reproductive technology [ART] to learn more about their biological heritage. This is the second time we have legislated in this area in the past 2½ years. The changes that we are discussing now will fix deficiencies that were highlighted in the original bill. As part of this legislation, this means that all donor conceived people born after the Act commenced in 2010 can access details about their biological heritage. Schedule 1 to the bill amends the Assisted Reproductive Technology Act to better ensure that details about births using donated gametes, sperm and ova or possible births using donated gametes are collected and provided to the central register.

The Assisted Reproductive Technology Act commenced in 2010 and is primarily aimed at ensuring that details about assisted reproductive technology treatment involving donated gametes—including information about the woman, the donor and the child—is collected by ART providers and given to the central register maintained by the New South Wales Department of Health through the health Secretary. This enables donor conceived adults to find information about their biological parents. Currently, ART providers are required to provide information to the central register only when a donor conceived child is known to be born. ART providers are not required to provide information about a donor to the central register if they are unaware of whether the ART treatment using the donor's gametes or embryos resulted in the birth of a child.

This created a loophole where a donor conceived child born through assisted reproductive technology, but whose birth parents chose not to report his or her birth to the provider, will not be able to access information about his or her biological parents as the information will not be on the central register. The bill amends the

Assisted Reproductive Technology Act to close this loophole by requiring ART providers to collect information about whether the treatment resulted in the pregnancy and the outcome of any pregnancy, including unknown outcomes.

The ART provider will be required to provide unknown pregnancy outcomes, including the details on the woman and the donor to the central register. This will ensure that if a woman has failed to notify the assisted reproductive technology provider that her child was born as a result of the treatment, details about the woman and the donor can still be included under the central register and disclosed to the child in the future. I have actually met children who are the product of donor assisted technologies, and many of them want to know important information about their biological parents when it comes to illness histories. The bill also allows the secretary to conduct an investigation into whether a child who is not on the central register should be, and will require providers to disclose information to the secretary for this purpose. I support that.

Since 2010, the Assisted Reproductive Technology Act has aimed to ensure that children born through ART treatment using donated gametes can know their biological parentage. The changes will ensure that, where an ART provider does not know whether a child has resulted from the treatment using donated gametes, or where the secretary conducts an investigation and considers that a child is not on the register but should be, then the details about the woman and the donor will be included on the central register and available to the child who appears to be donor conceived.

The bill also amends the Act to improve the governance around consent to the use of gametes and embryos. Under the changes to the bill, providers will be required to verify the identity of a gamete provider who consents to the use of their gametes. ART providers will also be unable to provide ART treatment using a non-donated gamete unless the consent has been confirmed. This change recognises that relationships change and break down. There have been a number of high-profile cases in Australia and overseas, including a recent case in Israel, where a widow of an IVF soldier came into conflict with the potential grandparents.

There have been similar cases in New South Wales about the issue of consent. For example, if a husband gives consent for his wife to use his gametes in treatment, it is generally implicit in that consent that the gametes can only be used while the relationship is ongoing and provided that the husband has not revoked his consent. Members of the Opposition have had representations from people who have issues over whether they gave consent. However, sometimes people can forget to revoke or modify their consent after a relationship breakdown. Under the bill, with a non-donor an ART provider will have a positive obligation to confirm that the gamete provider's consent is still valid before treatment is provided using the gamete. This will help to ensure that a child is only born when a gamete provider has consented to the use of their gametes to create the child. The changes in the bill will strengthen the Act to close existing loopholes and improve the governance of ART treatment. I have to admit that I find this whole area of legislation fascinating. With each passing day and passing medical advance, there are new challenges for legislators.

I now turn to changes to the Health Administration Act 1982. These are administrative changes and I will canvass them briefly. Schedule 2 will amend the Health Administration Act to allow for better exchange of information between various health regulators. There are various health agencies that regulate different aspects of health practitioners and health care providers under different legislation. For example, the Health Care Complaints Commission and the health professional councils deal with complaints against registered health practitioners; the Ministry of Health pharmaceutical regulatory unit regulates the use and supply of medicines and has powers to restrict a health practitioner's supply or prescription of medicines; and the ministry's regulation and compliance unit is responsible for licensing and ensuring that private health facilities comply with the Private Health Facilities Act.

The powers of regulators are set out under specific legislation. Likewise, specific legislation can regulate different aspects of a health practitioner's or health service provider's practice. However, concerns about noncompliance with one piece of health legislation often gives rise to concerns about potential noncompliance with other pieces of health legislation. For example, if the ministry's pharmaceutical regulatory unit investigates potential breaches of the Poisons and Therapeutic Goods Act by a health practitioner who is involved in running a private health facility, the regulation and compliance unit will need to be made aware of the investigation and may need to conduct its own investigation under the Private Health Facilities Act.

To ensure that health regulators can appropriately exchange information, the bill amends the Health Administration Act to include a new section 23A. The new section 23A will allow health regulators who obtain information under one Act to share the information with another health regulator to enable the second health regulator to exercise its functions. The new section 23A is modelled on the existing power of the Health Care Complaints Commission to exchange information and will include a public interest test before any information can be exchanged. The new section 23A will help to protect public health and safety by ensuring that health regulators can access relevant information to undertake their functions and take any necessary action to protect

the public. The Berejiklian Government advises that the Information and Privacy Commission has also been consulted on the new section 23A.

Turning to amendments to the Health Practitioner Regulation (Adoption of National Law) Act 2009, the bill amends the Health Practitioner Regulation (Adoption of National Law) Act, known as the NSW National Law, and the Health Services Act, to provide for a single point of entry for complaints against registered health practitioners by local health districts and statutory health corporations. Currently there are different reporting requirements and reporting pathways for chief executives of public health organisations to report misconduct-related matters under the NSW National Law and the Health Services Act.

Under the NSW National Law, employers, including chief executives of public health organisations, are subject to mandatory reporting requirements. Employers must report to the Australian Health Practitioner Regulation Agency [AHPRA] any employee who is a registered health practitioner who has engaged in notifiable conduct. Notifiable conduct is certain serious misconduct by a registered health practitioner, such as sexual misconduct or practising while intoxicated.

Under the Health Services Act, chief executives of public health organisations are also required to report professional misconduct and unsatisfactory professional conduct to the health professional councils. The conduct required to be reported under the Health Services Act includes matters that would fall within notifiable conduct but also require reporting of other matters. This dual reporting obligation has the potential to create confusion regarding whether reports are required to be made to the health professional councils or to AHPRA and could lead to duplication of reporting. To reduce the confusion and duplication, the bill amends the NSW National Law and the Health Services Act to provide that if a chief executive reports to AHPRA the reporting requirements under the Health Services Act are also met and that if a complaint is made to the health professional councils the reporting requirements under the NSW National Law are met.

The bill also makes changes to the Health Services Act relating to committees of review. Committees of review hear appeals from visiting medical officers [VMOs] with respect to reappointment, suspension or termination decisions. VMOs are medical or dental practitioners who work for public health organisations as contractors rather than employees. The appeal process is designed to be a simple, non-legalistic and cost-effective process for appeals by VMOs. The appeal by the VMO is made to the Minister, who must then establish a committee to hear the appeal. The decision of the committee is final. The committee is constituted by an Australian lawyer, a medical practitioner or dentist, and a person who has experience in the administration of health services.

What is missing from the composition of the committee is a person who bears the considerations of the community. A visiting medical officer's appointment can be terminated for a variety of reasons, including where there are issues of patient or public safety. There are concerns that the current committee processes and membership have a professional and industrial focus and may not necessarily reflect community expectations as to the standards to be applied to the appointment of medical practitioners and dentists in public hospitals. To ensure that greater consideration is given to the expectations of the community, the bill amends the Health Services Act to require an additional person to sit on the committee, being a person who is knowledgeable about the interest of patients.

Finally, I turn to amendments to the Private Health Facilities Act 2007. Schedule 6 to the bill amends the Private Health Facilities Act relating to root cause analysis [RCA] which is an investigation into a "reportable incident". A reportable incident is a serious adverse incident that is likely to be the result of systematic problems. Under the procedures, a root cause analysis team investigates and reports on why an adverse incident occurred. As part of the investigation, it looks at the evidence and talks to doctors, nurses and other relevant hospital staff. These are usually major incidents such as unexplained deaths of mothers giving birth, suicides in hospitals and major clinical errors such as the wrong limb being amputated and/or the mixing up of oxygen lines and gas lines which result in deaths. Such an incident occurred at Bankstown Hospital and I was subjected to harsh criticism by the Berejiklian Government for daring to call it to account.

The most serious of these incidents are called sentinel events. Unfortunately, New South Wales hospitals have had the greatest number of sentinel events in Australia. These are major mistakes resulting in death or serious harm to patients. In 2015-16 there were 34 known sentinel events in New South Wales which compared to 16 in Victoria, 15 in Queensland, 11 in South Australia, five in Western Australia and one in the Australian Capital Territory. We know that these sentinel events are dramatically under-reported, and I have submitted freedom of information requests and asked questions on notice about the true number of sentinel events that have occurred in New South Wales. In recent weeks whistleblowers in the health and hospital system have approached members of the New South Wales Labor Party to confirm that the number of sentinel events in the health and hospital system, operated by the Berejiklian Government, have been dramatically under-reported. They claim that the

severity assessment code [SAC] has been changed by the Berejiklian Government and does not reflect or include previous categories. This is a serious allegation but I will say more on that on another occasion.

This legislation brings private health facilities into line with the public health system. However, these changes should have been implemented earlier this year, following changes to public health institutions under the Health Legislation Amendment Bill 2017 which was passed on 14 February. The Private Health Facilities Act requires private health facilities to conduct an RCA following a reportable incident. The provisions relating to RCAs in the private sector are based on similar provisions that apply to the public sector in the Health Administration Act. However, earlier in 2018 the Parliament approved changes to the RCA provisions applying to the public sector to improve the process. Under the changes organisations will be required to conduct a preliminary risk assessment following a reportable incident. A preliminary risk assessment will allow for earlier identification of risk factors and improve open disclosure procedures for patients and their families. In line with the current privilege status of RCAs, the preliminary risk assessment will not be able to be used in legal proceedings but can be used for the purpose of open disclosure to families.

There is also greater flexibility in relation to the types of serious adverse event reviews carried out. Under the changes an RCA or other type of review prescribed by the regulations can be carried out following a reportable incident. The review report will be split into two sections, one for the findings and one for the recommendation. This allows an organisation to appoint additional persons with relevant experience to the review team following the finalisation of the findings part of the review report, which will assist in the development of the recommendations for improvement.

The changes made earlier this year applied only to the public health sector and not to private health facilities. To ensure "continued alignment"—those are the Government's words—of the RCA provisions between public health sector and private health facilities, the bill amends the Private Health Facilities Act to extend the RCA changes to private health facilities subject to a minor variation. Following consultation with the private health sector, a change has been made to allow but not require separate findings and recommendation reports by a serious event review team appointed in a private health facility. I thank the members in the House for their consideration of my contribution to debate and repeat that Labor will not oppose the bill.

Ms DAWN WALKER (15:43): The Greens will not oppose the Health Legislation Amendment (No 3) Bill 2018. However, we would like to draw attention to some of the concerns that arise as a result of these amendments. This bill proposes amendments to six different Acts within the health portfolio. Schedule 1 amends the Assisted Reproductive Technology Act 2007 with regard to consent, counselling and registration in situations where donated gametes may be used. Changes to registration requirements in this bill aim to ensure that people born from donor gametes are able to access information about their biological parents in the future. This change recognises the importance of ensuring that all people have a choice and a chance to access information about their biological background.

With these changes comes a number of requirements, penalties and powers to provide that this information is appropriately recorded on the register. It is important that, when this legislation is implemented, assisted reproductive technology [ART] providers and people accessing their services are made aware of changes to their reporting requirements. Further, this bill empowers the secretary to issue written directions to providers requiring them to answer specific questions for the purposes of determining whether or not a live offspring was born as a result of ART treatment and the power to conduct an inquiry as to whether a child who is not on the central register should be. As with any power that requires providers to disclose personal information about clients and patients, it is important that the protection of an individual's privacy is considered when exercising this power.

Schedule 2 of the bill amends the Health Administration Act 1982. The majority of these amendments centre on allowing information to be exchanged between different health regulators regarding investigations into noncompliance. While the bill contains safeguards as to how this information will be shared, requiring a public interest test to be applied, general concerns about privacy should be communicated as part of implementing these amendments. Schedule 3, schedule 5 and schedule 6 contain amendments to the Health Practitioner Regulation (Adoption of National Law) Act 2009, the Mental Health Commission Act 2012 and the Private Health Facilities Act 2007 respectively. These amendments arise out of statutory reviews, adoption of national law and the consistent application of reporting requirements across public and private health facilities. As such, we do not have particular concerns about their implementation.

I note the amendments to the objects of the Mental Health Commission Act 2012, which expand the objects of the Act from "monitoring, reviewing and improving the mental health and wellbeing of people of New South Wales" to also include promoting government's principles and requiring the commission and the public sector mental health service to work cooperatively in the exercise of their respective functions. These amendments reflect changes that have occurred since the Act was enacted, the growth of the commission and the need for services and the commission to be coordinated in their approach. The Government's principles, inserted in

section 3A, are an important step in shifting the commission's role to more actively supporting access to mental health services.

Finally, I turn to the amendments under schedule 4 of the bill to the Health Services Act 2007. These amendments will alter the makeup of committees of review. Currently these committees of review are made up of an Australian lawyer, a medical practitioner or dentist, and a person with experience in the administration of health services. This amendment would add to the committee a person who is experienced in the interests of patients which would address the lack of community voice and, in particular, be a resource in hearing the issues at hand which may be related to patient safety. The Greens support this inclusion of a voice to represent the interests of patients, and we call for a similar type of advocate to be included in other committees, reviews or other regulatory bodies across the health sector.

The Hon. PAUL GREEN (15:48): On behalf of the Christian Democratic Party, I participate in debate on the Health Legislation Amendment Bill (No 3) 2018. The bill aims to make corrections to the Assisted Reproductive Technology Act 2007, the Health Administration Act 1982, the Health Practitioner Regulation (Adoption of National Law) Act 2009, the Health Services Act 1997, the Mental Health Commission Act 2012 and the Private Health Facilities Act 2007. This amending bill aims to rectify issues of information collection and storage as well as improve administrative processes across the Acts.

I turn first to schedule 1 to the amendment of the Assisted Reproductive Technology [ART] Act 2007. The schedule first refers to the mandatory provision of counselling services to all gamete providers by ART institutions and their rights to revoke consent for the use of gametes, whether provided for donation or not, at any time to any ART worker. In addition to that, it regulates the notification and re-attaining of consent from the gamete provider before the gamete material can be used. The schedule goes on to criminalise the falsification of ART documentation and the requirement of ART providers to collect appropriate information as to the identity of gamete providers, patients who have undergone ART treatment and any children that are conceived as a result. It will also be mandatory to record any instance in which the outcome of ART treatment is unknown.

Members of the Christian Democratic Party believe that it is imperative that all information pertaining to artificial reproductive treatments is recorded. This includes the recording of information of donated sperm and ova; information about the woman, the child and the donor collected and maintained by a central register; and allowing donor-conceived adults to access information about their biological parents. The Christian Democratic Party supports the right of all individuals to know how their genetic material is being used. In addition to this we support the provision of parental documentation for all donor-conceived children. Mr Assistant President, some time ago in a letter addressed to you a donor-conceived constituent wrote:

This is about family but perhaps not in the way that many people might assume. We love our dads, but our lives are made even richer through knowing our donor's heritage.

Schedule 2 will amend the Health Administration Act 1982 to enable health providers to share information with other health providers if it is considered in the public interest to do so. That will allow health regulators who obtain information to exchange it with a second regulator if it allows that second regulator to fulfil its functions. Schedule 3 refers to the amendment of the Health Practitioner Regulation (Adoption of National Law) Act 2009. Schedule 4 addresses the amendment of the Health Services Act 1997 to provide for a fourth member to be appointed to a committee of review to represent the interests of the community in committee proceedings. I note that the casting vote is vested in the chair. It also complements schedule 3 by asserting the fulfilment of mandatory reporting by an individual that may satisfy the requirement of dual reporting on multiple levels.

The Christian Democratic Party supports the voice of New South Wales communities in all these situations and believes it is pivotal to achieving a holistic approach to running our State. The changes to mandatory reporting help to protect our constituents from adverse events with practitioners that are facing misconduct allegations. Schedule 5 will amend the Mental Health Commission Act 2012, update the objectives of the Mental Health Care Commission and update previous provisions. This comes as an important change for our State's approach to improving mental health, resulting from the statutory review undertaken by Dr David Chaplow.

More than one in six Australians will suffer from a mental illness, and suicide is still the number one cause of death of Australians between the ages of 14 and 44. The Christian Democratic Party believes that mental illness and its sufferers should be treated the same as someone suffering from a physical ailment such as the flu or injuries requiring stitches—that is, with care and respect and empathy. Schedule 6 will amend the Private Health Facilities Act 2007 and holds private healthcare providers to the same standard and regulations as the public sector in certain aspects such as risk assessments and serious incident response. The Christian Democratic Party believes these amendments will be good for the people of New South Wales by improving health care. We commend the bill to the House.

The Hon. BRONNIE TAYLOR (15:54): On behalf of the Hon. Niall Blair: In reply: I thank all members who contributed to debate on the Health Legislation Amendment Bill (No 3) 2018. I commend the bill to the House.

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

Motion agreed to.

Third Reading

The Hon. BRONNIE TAYLOR: On behalf of the Hon. Niall Blair: I move:

That this bill be now read a third time.

Motion agreed to.

SAINT PAUL'S COLLEGE BILL 2018

Second Reading Debate

Debate resumed from 24 October 2018.

The Hon. COURTNEY HOUSSOS (15:56): I lead for the Opposition in debate on the Saint Paul's College Bill 2018 and indicate at the outset that the Labor Opposition will support the bill. The bill seeks to update and replace the Saint Paul's College Act 1854 and the Saint Paul's College Act 1857, which have not been amended since they were passed in the 1850s. They are private Acts, which are rarely seen today. This bill provides for the continuation of a legal entity of the existing Saint Paul's College. However, it will modernise and update its structure and rules.

The bill provides for a new council of 13 members, which is a reduction from the current 19. The council will consist of the warden, four elected clerical fellows, who must be Anglican in holy orders—however, for the first time, they are permitted to be male or female and will not be limited only to priests—six elected lay fellows, and two fellows appointed by the council. In appointing fellows, the council is to have regard to gender diversity and relevant expertise and experience. This is a deeply important and significant change.

At least one fellow will be required to hold an academic appointment at the University of Sydney. Fellows will have a six-year term rotating on a two-year basis and can apply for either re-election or reappointment. Standard directors' duties will apply to council members, including a conflict of interest requirement and clarification of their roles. The warden will be appointed by the council and must be an ordained Anglican or a communicant Anglican layperson. They will be the chief executive officer [CEO] conducting day-to-day management of the college and exercising functions in accordance with the by-laws and council policies. For the very first time this position can be held by a woman—a very important step. In addition to this, the chaplain will be Anglican in holy orders, licensed by the Archbishop of Sydney and appointed by the warden, and the Archbishop of Sydney will be a visitor.

The bill will also allow councils to make by-laws that will be published on the council's website and will allow students to attend if they are students of the University of Sydney or other universities, if the by-laws so provide. Importantly, students will be eligible irrespective of their religion. The bill also outlines arrangements for council procedures and makes transitional arrangements from the present council to the future. I note that this bill comes in response to a criticism of poor culture by the University of Sydney itself and the broader community. There is a growing view among the public that many residential academic colleges are generally in need of reform to remove their most anachronistic structural governance elements; adopt modern accountability measures; create healthier cultures; and promote more respectful attitudes and behaviours, especially towards women.

The current governance arrangements at this college have been criticised as isolating the college from the cultural and academic leadership of the wider University of Sydney and presenting barriers to diversity. Over a number of years, the college has been criticised for its poor culture, in particular—

The PRESIDENT: Order! According to sessional order, business is now interrupted for questions.

Questions Without Notice

WALSH BAY ARTS PRECINCT

The Hon. ADAM SEARLE (16:00): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. What is the Minister's response to concerns within the arts community that the cost of the Walsh Bay Arts Precinct project has blown out from \$129 million

to \$245 million; and what arts projects and programs will be cut to cover this cost overrun of 90 per cent of the original budgeted amount?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:00): The honourable member's characterisation of the increased cost as a "blowout" is completely wrong and I will go through some of the reasons why that is the case. In particular, it is because of an expanded scope beyond what was originally announced, following arrangements that were made with the Sydney Theatre Company [STC] to have an upgraded space. The honourable member will find that that is substantially responsible for the increases in cost. The redevelopment is an extraordinary opportunity to enhance Sydney's reputation as an innovative, globally competitive city, creating a major arts and cultural destination in the Asia-Pacific region. The development will almost double the size of the current precinct and create a major arts and culture destination in the Asia-Pacific region. It will serve as a home to some of New South Wales' leading performing arts companies.

In late 2016, the New South Wales Government approved the integration of the Sydney Theatre Company's proposed capital upgrade into the Walsh Bay Arts Precinct redevelopment. To fully realise the exciting vision for the precinct, the Government is contributing a further \$67.88 million to the redevelopment. This includes \$30 million towards the Sydney Theatre Company upgrades. It is matched by the STC. This will modernise its facilities, offer more flexible performance spaces, and provide additional public entry points to the wharf. It is in addition to the \$139 million already committed from the \$600 million cultural infrastructure program that was promised following the electricity transactions and committed to at the 2015 State election. That is the critical thing that the honourable member needs to understand. There was a change from the original announcement back in late 2016 as a result of the integration of the STC's capital upgrade into the project. To date, the Government has also invested approximately \$8 million in provisions to provide resident arts companies with suitable short-term accommodation to operate their various functions, including administration, rehearsal and performance venues.

The Government has also provided the tenants with approximately \$400,000 per year of additional support for relocation costs, outgoing uplifts and other incidentals. The Sydney Dance Company has new temporary studios on Wattle Street in Ultimo; the Bangarra Dance Theatre has a studio space at the International Towers, Barangaroo; the Sydney Philharmonia Choirs, the Gondwana Choirs, The Song Company and the Australian Theatre for Young People have office accommodation in Woolloomooloo, as well as individually sourced rehearsal and performance venues, for which the department is paying any increase in rent. In addition to performance and office accommodation, all Walsh Bay Arts Precinct tenants have been provided with free storage space at Lilyfield. My agency, Create NSW, is continuing to work with the resident companies housed in new sites to minimise the impact to programming and performance outputs.

The Hon. ADAM SEARLE (16:04): I ask a supplementary question. Will the Minister elucidate the part of his answer when he talked about the "expanded scope" of the project and explain to the House whether it is the same kind of "expanded scope" that the Premier, while transport Minister, used to explain the \$500 million overrun on the central business district light rail project?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:05): I will answer the question even though it is clearly out of order. The truth is that opportunities and synergies arose during the project to do more on the space occupied by the Sydney Theatre Company. The STC showed plenty of initiative and, with the support of passionate people who love the company, matched the Government dollar for dollar. That is why it is happening. That is what we are talking about. The honourable member made some snide remarks about the light rail and transport projects but the reality is that the transport and road policies of the former Labor Government cancelled projects; they did not create new projects. We understand Labor members' record in government on railway lines. Labor made a series of announcements but, at the end of the day, all it could manage was half of one railway. It is impossible to take them seriously. The former Labor Government did virtually nothing on cultural infrastructure. They have the hide to talk about us but we have a \$1.5 billion capital infrastructure program in the arts. It is absolutely unprecedented and the Walsh Bay project is one of the flagship projects that is going to dramatically increase Sydney's importance as a cultural centre.

TRANSMISSION INFRASTRUCTURE STRATEGY

The Hon. DAVID CLARKE (16:07): My question is addressed to the Minister for Energy and Utilities. Will the Minister update the House on what the Government is doing to ensure sufficient transmission capacity in New South Wales?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:07): I thank the honourable member for his question and wish him well for his speech this

afternoon. I am pleased to inform the House that this week I released the New South Wales Government Transmission Infrastructure Strategy. It is a strategy to take the New South Wales energy system into the next generation. The challenge for our electricity grid is to connect the range of technologies that will drive our energy future. Our transmission system was largely built in the 1940s through to the 1980s to move energy from coal-fired power stations and Snowy Hydro to New South Wales' major centres. But the network is now reaching capacity. As of this month, there are more than 20,000 megawatts of large-scale projects progressing through the planning system, worth \$27 billion in potential investment. But for every 20 projects that want to connect, only one can.

Investment will not happen if we cannot unlock those constraints. There is no use in having targets for renewable energy investment if the projects cannot be brought online. As reported in yesterday's *Australian Financial Review*, last month, the Australian Energy Market Operator [AEMO] said it had held up the connection of Total Eren's 200 megawatt solar farm to the congested north-west Victorian grid. These measures by AEMO highlight the challenges when governments do not focus on putting the nuts and bolts of our energy system first. That is why the New South Wales Government is taking early action to encourage investment in the new energy infrastructure needed to unlock more secure, affordable and clean energy for our households and businesses.

The Government will support early development of four priority transmission projects that will ensure New South Wales can access least-cost energy when it is needed. This will help reduce customer bills and boost regional development through significant investment and jobs growth. The first two projects are upgrades to the existing Victorian and Queensland interconnectors. The third is a new interconnector with South Australia and the fourth is new transmission to unlock existing and potential future energy supply from the Snowy Hydro Scheme.

To bring forward these projects the Government will work through TransGrid to undertake early planning and feasibility work at the same time as the Commonwealth regulatory approvals processes. This will speed up delivery of these projects by up to nine months. The Government will also progress work on three key energy zones in regional New South Wales. These zones will become a focus for investment and jobs in modern energy generation in the New England, Central West and south-west New South Wales regions. We will ensure regulatory frameworks are fit for purpose and support efficient and timely investment in the zones.

The Government's strategy has been welcomed by stakeholders ranging from Energy Networks Australia and the Clean Energy Council to Snowy Hydro and the Nature Conservation Council. Energy Networks Australia Chief Executive Officer Andrew Dillon said, "Fast-tracking the four key projects outlined in the strategy will bolster the grid's capacity and put downward pressure on prices". Clean Energy Council Chief Executive Kane Thornton said, "This is crucial to unlock new renewable investment, improving reliability and driving down prices". This is all about putting engineering and economics before ideology. The strategy is just one part of the New South Wales Government's plan to secure our energy supply and build a stronger, better future for the people of New South Wales. [*Time expired.*]

SYDNEY THEATRE ROYAL

The Hon. WALT SECORD (16:11): My question without notice is directed to the Minister for the Arts. Given New South Wales is in desperate need of a lyric theatre so we can host long-term blockbuster musicals such as *Hamilton*, what action is the Minister taking to ensure that the Theatre Royal in the central business district is reopened and not sold for development?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:11): I do not know if the honourable member has done his research but it is not for sale. There is no suggestion that either Dexu or GPT are going to sell it, as far as I am aware. Perhaps he knows something that I do not. Dexu only recently bought its share and GPT has no intention of selling it, but let us just leave that aspect of his question aside. The Theatre Royal is one of Sydney's oldest theatrical institutions, with the Theatre Royal opening in 1827. The existing Theatre Royal closed in March 2016 as part of the redevelopment of the MLC Centre. The reopening of the Theatre Royal as a musical theatre is strongly supported by me and many others as it would bring this wonderful theatre back to life and enable Sydney to host more international musical productions.

To this end I have met with the Lord Mayor and the owners of the Theatre Royal to discuss feasible options for bringing the Theatre Royal back to life as a musical theatre. I met also with Live Performance Australia and several others who are interested in this issue. Options for retaining the Theatre Royal as a musical theatre continue to be canvassed with the City of Sydney and the theatre's owners. I note also that discussions are underway between the Theatre Royal's owner and the internationally renowned Trafalgar Entertainment Group about reopening the venue as a musical venue.

The Hon. Walt Secord: Sir Howard.

The Hon. DON HARWIN: Sir Howard Panter, absolutely, whom I met yesterday. The Theatre Royal's future reinforces the need for additional musical theatres in Sydney to host first-run major musicals and ensure they are not lost elsewhere. That is why the Government is considering options for the existing Powerhouse Museum at Ultimo after it moves to Parramatta. In this regard a final business case is being undertaken for the Ultimo site that includes provision for a 1500-seat Broadway-style lyric theatre. The same is also under consideration as part of work being done on the redevelopment of the Riverside Theatres at Parramatta by the State Government and Parramatta council. I would implore the honourable member, if he is genuine about his wish to have more theatres in Sydney, that it is not just about the Theatre Royal, although it absolutely must be reopened for musical theatre, and I have made that point to DexuS. It is also about Ultimo; it is also about Parramatta.

The Opposition has a new leader. The previous leader said he did not support the move of the Powerhouse Museum to Parramatta. I implore the Opposition to take this opportunity to reflect on their position. I implore them to think about the cultural equity arguments for why there should be a major cultural institution in Parramatta. But as a flow-on from that, there will be the capacity for a theatre to be part of the Ultimo creative industries precinct and as part of the deal we have struck with Parramatta council to buy the land for the museum there is the redevelopment of the Riverside Theatres, which gives another 1500-seat theatre there. So there it is. We could go from two to five within five years if the Opposition gets behind the Government and supports it.

The Hon. WALT SECORD (16:15): I ask a supplementary question. Would the Minister elucidate his answer in regard to his meetings with the Lord Mayor, Live Performance Australia and Sir Howard Panter of the Trafalgar Entertainment Group and has he made an offer of a State Government financial contribution towards the reopening of the Theatre Royal?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:15): In that respect can I say that the Lord Mayor and I have had discussions with DexuS about what they require. I have had discussions with others about what they require. I do not believe the State Government or the city council should have to put up money. I believe that DexuS should just reopen the theatre. What is very clear to me is that if DexuS was prepared to reopen the theatre, there would be theatre operators who were prepared to make the capital investment to bring it up to standard. I do not believe that State Government or city council money is required.

The Hon. Walt Secord: Don rules out contribution.

The Hon. DON HARWIN: No, I am not ruling it out at all. Let me make this quite clear: I am not ruling it out because I think it is very important that it reopen, but I do not believe it is necessary because the private sector is more than willing to step up and spend the money that is needed to make that theatre fit for purpose and able to take shows.

ALH GROUP VENUES INVESTIGATION

Mr JUSTIN FIELD (16:17): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, representing the Minister for Lands and Forestry, and Minister for Racing. In August this year ALH Group, of which Woolworths is a majority owner, released a statement admitting that a number of their venues, including two venues in New South Wales, had adopted a program where staff recorded personal information on high turnover poker machine players and shared that data among staff and venues to encourage further losses. The original allegations of these practices were publicly reported in February. These practices, as admitted by ALH Group, represent a breach of New South Wales gaming machine laws. What is the status of the investigation by Liquor & Gaming NSW and when will its findings be publicly released?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:17): I thank Mr Justin Field for his question, a question that he has directed to the Minister for Gaming and Racing, whom I represent in this House. I can update the House that Liquor & Gaming NSW's investigation into allegations regarding ALH venues is ongoing. I can advise that the investigation is comprehensive and its inquiries span more than 50 hotels operated by ALH across New South Wales. It would not be helpful to enter into discussion about the operational practices of Liquor & Gaming NSW ahead of the conclusion of its inquiries. I am sure that Mr Justin Field would appreciate that it is very important that nothing is done that may in any way prejudice this investigation. The investigation into ALH venues is methodical and comprehensive. It has issued coercive notices to obtain a significant volume of information and records and has formally interviewed current and former ALH staff and patrons.

Liquor & Gaming NSW inquiries are ongoing and, as I said, it would be imprudent to make any further comment. I can assure Mr Field I am advised that once the investigation is completed Liquor & Gaming NSW

will publicly release its findings. The Minister's response goes right to the substance of Mr Field's question about the status of the investigation. It is ongoing. The investigation is comprehensive and, as can probably be ascertained from my response in this House, the Minister wants to ensure that this investigation and level of operational material is not compromised by any further comment in relation to this matter.

WILCANNIA WEIR

The Hon. RICK COLLESS (16:19): My question is addressed to Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on the potential for a new weir to support Wilcannia and the surrounding region?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:20): I thank the Parliamentary Secretary for his question. This is a topic that he is also interested in and passionate about. Yesterday I was in Wilcannia to see the weir on the Darling River. It is a matter of record that all sides of this Chamber have agreed how inadequate it is for the needs of the people of Wilcannia and the surrounding Central Darling shire. Despite vehement agreement on the problem, no-one, apart from the Liberals and Nationals, was prepared to do the hard work to come up with a solution and the funds to supply it. As I have previously advised the House, we undertook a scoping study into the best solution for a new weir and prepared a business case. Yesterday, in conjunction with our Commonwealth counterparts, I was able to announce an agreement to fully fund a new weir which will support the current and future water needs of the people of Wilcannia.

The State's previous scoping study and business case has indicated that the best site for a new weir is 5.2 kilometres downstream of the current weir. The State and Commonwealth will now undertake a joint study to determine the optimum way forward for the construction of the new weir. A key component of that process will include consultation with the local community. The weir is an important place for the local Aboriginal people of the Barkandji nation, as well as the wider community. This final task is about putting the finishing touches on the work we have done since coming into government in 2011. This includes the consultations on the original business case in 2016, which identified that the community's preferred option was a weir built downstream of the existing structure.

The project goes well beyond just securing the community's drinking water supplies. The weir is a place for the Wilcannia community to swim, fish and celebrate the cultural traditions it holds dear. The weir was the subject of *Down River*, a song by the Barkandji Boys that was number 51 on Triple J's Hottest 100 in 2002, and which highlighted the cultural significance this place has for the Barkandji community. This project was only possible with the contribution of the Commonwealth, which was secured as part of the agreement to reinstate the Northern Basin Review. This, like all practical solutions in the Far West of the State, was opposed by Labor and The Greens—all care and no responsibility. I especially thank the efforts of the member for Barwon in the other place. He has been a tireless advocate for this project on behalf of his constituents in this region.

The construction of this weir is in line with the New South Wales Government's priorities to deliver surety to communities across New South Wales. The Liberal-Nationals Government stands by our regional communities in helping to deliver to them the same level of water services and security as that enjoyed by residents of the State metropolitan areas. This is a great result for Wilcannia and regional New South Wales as a whole and one that this Government can be proud of when it looks back at what it has achieved this year when it comes to water. This announcement yesterday will ensure that we conduct a further final study on the exact location for the construction of this weir that will be constructed next year. This is something this community has waited a long time for. I thank my Federal counterpart, Minister Littleproud, for helping to secure funding for the Northern Basin toolkit measures, which included money that has been contributed to this project. This has ensured that we have a proper infrastructure solution for this community that will secure their water future and needs, not just for now but well and truly into the future.

YOUTH SUICIDE PREVENTION

The Hon. PAUL GREEN (16:24): My question is directed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education, representing the Minister for Mental Health. The Christian Democratic Party is dedicated to ensuring that adequate health care is available to everyone in New South Wales, and that care is appropriate to meet the needs of each individual. The most recent suicide statistics revealed that the number of deaths by suicide in women under the age of 25 has risen by 76 per cent in the last 10 years, and suicide remains the number one cause of death in Australians between the ages of 14 and 44. Despite the fact that this group is the most likely to seek help for mental health issues, many young women comment on experiences with healthcare professionals as judgemental and having a lack of sympathy. What is the Government doing to better educate the health care sector on how to effectively treat—[*Time expired.*]

The PRESIDENT: I believe enough of the question has been asked for the Minister to be able to answer it.

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:25): I thank the Hon. Paul Green for his question on a very serious topic that I know he is very passionate about. All honourable members would agree that those rates and statistics are too high and every loss is one loss too many. I know that he is very genuine in bringing this topic to the Parliament today. The honourable member has been very specific in his question relating to statistics, what support is being provided and what education systems are in place for mental health workers. I am happy to take the question on notice to the Minister for Mental Health and come back to him as soon as I can with a prompt response.

CONTAMINATED LAND MANAGEMENT

The Hon. PENNY SHARPE (16:26): My question is directed to Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given health concerns about the mixed waste organic material that has been spread across regional New South Wales agricultural land, can the Minister inform the House how much land has been affected by this—including in the area of West Wyalong—and what steps is he taking to support primary producers with that contaminated land?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:26): I thank the Hon. Penny Sharpe for her question. I can clearly indicate that I was as shocked as everyone else has been when I first heard about this material and its use during a verbal briefing from the Department of Primary Industries in late September this year. As Minister for Primary Industries my key goal every day is to ensure that New South Wales primary producers are supported to do what they do best. The Environment Protection Agency [EPA] advises that the risk to farmers who applied the material to their land is very low, nevertheless our farmers and communities expect better, and we expect better from our Government's environmental agency and its various predecessors. Recently, I led a trade mission to China and Vietnam, where we are renowned for our produce, particularly our clean, green and safe reputation. I will continue to advocate strongly on behalf of our producers and ensure that our industries maintain their world-class reputation.

We know that many issues have been raised generally about the product. I am advised that following comprehensive independent studies the EPA has stopped the restricted use of mixed waste organic material on agricultural land and has ceased its use on forestry and mining land until further controls can be considered. Mixed waste organic output is produced at a small number of alternative waste treatment facilities in New South Wales, primarily to divert household general waste—red lid bin—from landfill, and provide a soil amendment to improve agricultural soils. Strict conditions have already been in place for the use of mixed waste organic material since 2010, including regulations on the processing and distribution, and prohibiting its use for urban and domestic purposes.

The member has asked what I am doing in my role as Minister for Primary Industries and Minister for Trade and Industry. I can assure the House that at any meeting that I have been involved in, at any meeting where I have had the opportunity to question any of the bureaucrats or anyone associated with this, I have done my utmost to protect the reputation of our primary producers in this State, and to ensure that no-one was pulling the wool over our eyes when I was given the answers to the questions that I was asking about this. I could not believe what I was hearing when I was first asked and told about this. I could not believe that anyone would want to put our reputation at risk. I was livid. I will continue to ask questions as more information comes out to ensure that no-one makes any attempt to hide the truth about this material or puts at risk the reputation of our primary producers.

I am satisfied with the information I have received, which I have had double-checked by my agencies, including the New South Wales Food Authority and the NSW Chief Scientist and Engineer. We have probably dodged a bullet on this occasion. There was a risk, but it was so low that we have not put our reputation or anyone's health at risk. I will be the first to call out anyone if I see other information about this. This has been going on since the early 2000s and it is a disgrace. I am confident that the correct actions have been taken and in the results we have seen. I have not taken this lightly and I will continue to ask questions on behalf of our primary producers. I will take on notice the question about West Wyalong.

ABORIGINAL PARTICIPATION IN SPORT

The Hon. BEN FRANKLIN (16:30): I address my question to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the

House on how the New South Wales Government is supporting Aboriginal sporting teams in the North Coast and Mid North Coast regions?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:30): We know that sport can often be the glue that holds our communities together. That is particularly true in our regional and Aboriginal communities. Aboriginal people often excel at and are passionate about sport. Many fantastic carnivals and competitions are held at various locations around the State that are designed to encourage participation in sport. Some of these competitions act as a platform for Aboriginal athletes to propel their career, while others are a great way for people to get out and about and to spend time with their friends and families in a healthy environment.

However, none of these events could take place without the countless hours of hard work and dedication of volunteers and the support of various organisations. I am pleased that that includes the Liberal-Nationals Government. I recently had the pleasure of spending time at the 2018 OzTag World Cup in Coffs Harbour with the passionate and dedicated outgoing local member Andrew Fraser. I take this opportunity to acknowledge and to thank Andrew for all of the hard work he has done over the past 28 years as both a member of the Legislative Assembly and as a member of The Nationals delivering for the people of Coffs Harbour. He will be sadly missed around this place, but I have faith that the next Nationals member will pick up where he leaves off and will continue to deliver for our regional communities.

The 2018 OzTag World Cup featured 16 Indigenous teams with 300 players and coaches who came together for a week, including a two-day training camp involving cultural activities and dance. Local Aboriginal elders also took part to share their knowledge. I had the opportunity to spend time with one of the Aboriginal coordinators, Jeff Hardy. I know that a few members know him and he is a lovely man. He showed me around and introduced me to some of the players. It was a real honour to be able to provide financial support to our teams and to see the OCHRE logo on the team jerseys. I am happy to inform the House that of the Aboriginal teams participating, 10 made the semi-finals and three made the grand final in their respective divisions. I am sure members will agree that that is an outstanding effort.

This Government knows that professional athletes must start somewhere. That is why I am proud to inform the House that the Government was also able to support a touch football team from Tweed Heads that came to Sydney to take part in the NSW Primary Schools Sports Association State Knockout. The local member for Tweed Heads, Geoff Provest—a hardworking local member—wrote to me to inform me that the team from Centaur Primary School had been crowned North Coast Champions and had been invited to play in the Sydney-based tournament. The team comprises 10 boys from year 5 and year 6, many of whom are Aboriginal. The P&C had been fundraising to get as many of the boys as possible to Sydney, but time was running out. Thanks largely to the support of the New South Wales Government, I am pleased to advise that the boys were able to attend the tournament. They finished fifth in the State, which is a wonderful achievement. The Centaur team manager, Michele Woods, wrote to Geoff Provest stating:

They had an awesome experience. Some of the boys had never been on a flight, let alone gone to Sydney, so the trip itself was a wonderful experience and to be a part of such a high quality championship was an added bonus. I'd just like to take this opportunity again to thank you for your wonderful support and continuous work in supporting our local school and families. I know I speak on behalf of all involved as it really made this opportunity one that all the boys could experience.

The girl's team from Banora Point Public School attended the same tournament and were equal premiers. Well done. I commend both teams for their efforts and congratulate everyone involved in doing their communities proud. It is this sort of contribution that the Government can make to support these people, and particularly young people. I am proud of that and I enjoy working with my colleagues to achieve these outcomes.

INTERNET CLEANFEED SERVICE IMPLEMENTATION

Reverend the Hon. FRED NILE (16:34): I direct my question to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, representing the Attorney General. Will the Minister update the House on what systems are in place to ensure that Australian internet service providers take active measures to remove or to block violent sexual content online? Will the Minister advise whether the Government would contemplate legislation that would enforce so-called "cleanfeed service", which has been implemented in countries such as the United Kingdom and Israel? Will the State Government seek the cooperation of the Federal Government in taking a national approach to this issue?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:34): Reverend the Hon. Fred Nile has asked a good question and I am happy to talk to the Attorney General and to get an update on the matters on which he sought information. I suspect that he provided his own answer to the question about the role the Federal Government must play. If such action were to be contemplated it would need to be considered by the Federal Parliament. However, I am speculating. Of course,

the honourable member wants to know, and there is no better person to ask than our Attorney General. I will provide an answer as soon as possible.

STONE AXE PASTORAL COMPANY INVESTMENT

The Hon. JOHN GRAHAM (16:36): I direct my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given that the Minister said in this Chamber that he had nothing to do with the decision to invest \$3.3 million in the Stone Axe Pastoral Company, why did documents obtained under the Government Information (Public Access) Act reveal that his chief of staff and the Director General of the Department of Primary Industries knew about it?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:37): I thank the honourable member for his question. I think what he is referring to are documents provided through the Government Information (Public Access) Act, or GIPA, referencing an email exchange between my chief of staff and the head of Jobs for NSW asking whether she would provide a briefing about some impending investments in primary industries. What the documents would not have shown was that that meeting was cancelled and never occurred. I stand by my comment that I was not briefed about that. In fact, I was with the director general in Dubai when it was announced. It was he who showed me the press release; we both were unaware of this. The member should not simply take documents provided under the Government Information (Public Access) Act and try to "concut"—

The Hon. Trevor Khan: What?

The Hon. NIALL BLAIR: It is a combination of "concoct" and "construct"; it is a "Blairism". I was starting to wind up and get cranky, but I have thrown it! The honourable member did get some information under the Government Information (Public Access) Act that—

The Hon. Walt Secord: Wilful blindness.

The Hon. NIALL BLAIR: No, it did not occur. This question probably does not match the supplementary question the Hon. Walt Secord has already written, but that is okay.

The Hon. Walt Secord: He writes his own questions.

The Hon. NIALL BLAIR: What secret does the Hon. John Graham have that allows him to write his own questions? He must be getting some special treatment. We know other members do not write their questions; they are not silly enough. I will return to the question. I have information that that meeting did not occur; that meeting was cancelled. That briefing, therefore, did not occur. I was not informed about this investment and, as I have said before, I found out when I was overseas. In fact, the Hon. John Graham has referred to the picture of the announcement of those who were there and I have said that I was not there because I was overseas. The Hon. John Graham got information in the GIPA but he did not get all the information.

The Hon. JOHN GRAHAM (16:39): I ask a supplementary question. I appreciate the answer that the Minister has given. I would like him to elucidate on that part of the question which referred to the director general not being aware of the deal, given that the same document indicates this action item, "Send note to Scott Hansen, 24 November".

The Hon. Scott Farlow: Point of order: The honourable member has introduced new information, which makes it a new question. He did not seek simply an elucidation of the Minister's answer.

The Hon. Penny Sharpe: To the point of order: I believe that the supplementary question is in order. There was quite a detailed response from the Minister that canvassed all these issues. This supplementary question is clearly seeking an elucidation. It is not a new question; it was directly relevant to how the Minister chose to answer the question.

The PRESIDENT: The supplementary question is in order.

The Hon. Trevor Khan: You should be at the table, Penny!

The Hon. Penny Sharpe: I don't need to be.

The PRESIDENT: I apologise to the Minister, because with the wonderful discussion that was taking place, I have no idea whether the Minister answered the question or was waiting until the discussion was completed.

The Hon. Niall Blair: I was being polite.

The PRESIDENT: I thank the Minister for that. The Minister has the call.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:41): I will take on notice the part of the question relating to the Director General of the Department of Primary Industries and come back to the member.

ARTS AND CULTURAL DEVELOPMENT FUNDING

The Hon. NATALIE WARD (16:41): My question is addressed to the Minister for the Arts. Will the Minister update the House on how the Government is providing support for museums, galleries and Aboriginal keeping places across New South Wales?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:41): Absolutely! Museums and galleries are a major part of the arts and cultural landscape and are important focal points across New South Wales. We have more than 450 museums, galleries and Aboriginal keeping places, with each one working to enrich the lives of people living in regional communities, attracting tourism to the area and, therefore, contributing to the local economy. Many of these regional museums and galleries rely on volunteers who work tirelessly to preserve and make available collections for visitors and locals.

I am immensely proud of the Government's support for the museum and gallery sector in New South Wales. The past two years have been an incredible period of transformation for them, particularly regional museums. Over the past two years, more than \$15 million has been provided through the Arts and Cultural Development Program [ACDP], which is one of the funding sources for our State's museums and galleries. This includes funding in 2017-2018 of \$50,000 for the Manly Regional Art Gallery and Museum, which I know will be of great interest to the Hon. Natalie Ward, and \$105,000 in program funding to the Hawkesbury Regional Gallery and museum, amongst others. There was also \$3 million in the ACDP for regional museums and galleries, including \$80,000 in program funding to Orange Regional Museum—an excellent museum—and \$100,000 in program funding to Broken Hill Regional Art Gallery.

The Hon. Walt Secord: What about Myall Creek?

The Hon. DON HARWIN: In addition, annual funding of \$1.19 million has been provided over the past three years to Museums and Galleries NSW, which includes an annual \$300,000 component of devolved funding for museums and galleries. These are grants that they give out themselves.

The Hon. Walt Secord: Nothing for Myall Creek.

The Hon. Trevor Khan: Point of order: My point of order relates to the interjections by the Hon. Walt Secord. The issue of Myall Creek is important. It should not be used as a political interjection by the Deputy Leader of the Opposition. I think that is still his title.

The Hon. Walt Secord: Be here longer than you, buddy.

The Hon. Trevor Khan: Without doubt.

The PRESIDENT: I uphold the point of order, which then became a debating point between the two members. Robust time during question time is encouraged, especially when I am clearly suffering jet lag. It helps me to maintain my position. But the Hon. Walt Secord is well and truly going past "robust". This is his last warning. The Minister has the call.

The Hon. DON HARWIN: This has included support for volunteer museum projects, which included funding for the Old Courthouse Museum at Batemans Bay to assess its physical collection, the Moruya Museum to engage a consultant to develop and lead the training of volunteers, the Corowa Federation Museum to engage a consultant to prepare a strategic plan, and the Gerringong museum to engage a conservation expert to provide members with training and guidance in the handling and storage of its collection.

The digitisation of our priceless collections is also very important and a matter of great concern to a lot of the volunteers in regional museums, who worry about what will happen to their collections when they are too old to keep doing the work themselves. That is why the Government is investing \$1.6 million for 11 digitisation projects through the Regional Cultural Fund towards the cost of collections in regional galleries and museums. It includes funding of \$93,000 for Museums and Galleries NSW to establish a statewide approach for digitisation infrastructure and capacity building for the community museum sector. In addition, funding of \$296,000 has also been provided to determine a regional strategy for ongoing digitisation as a priority.

This will enable Broken Hill City Council to undertake a two-year program to digitise 3,200 objects of national and international significance in the Broken Hill Regional Art Gallery and the Albert Kersten Mining and Minerals Museum. The council will also partner with the New South Wales Government, Museums and Galleries NSW, and Orange City Council to develop a prototype model and business case for a single sustainable, regional

digitisation strategy. I have not even had time to go through the \$18.2 million for infrastructure upgrades for 23 museums and galleries— [*Time expired.*]

ANIMAL WELFARE

The Hon. MARK PEARSON (16:47): My question is directed to the Minister for Primary Industries. As Minister responsible for animal welfare, what is his response to the *Sydney Morning Herald* article of 7 November, which estimates that in 2017, under his watch, 10 million native animals died directly as a result of habitat destruction due to land clearing allowed under the Government's changes to the native vegetation protection laws? In particular, how does the Minister manage the conflict of interest between his department's support for land clearing for agriculture and his responsibilities under the Prevention of Cruelty to Animals Act to prevent animal suffering?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:47): The Government would like to see some more information and evidence to justify that claim of those numbers of species. In these couple of reports, they have come up with their own methodology about a square area size and then applied that to come out with this incredible number of animals that they claim have lost their lives as a result of the removal of native vegetation. First, I would like to see more information to justify that claim. Secondly, the Hon. Mark Pearson refers to the conflict of interest that we have in relation to land clearing. The thing that a lot of people on that side of the Chamber—the crossbench and the Opposition—fail to recognise is the habitat that is enhanced or restored under our new biodiversity changes that we put through in this State, not acknowledging at all the fact that in a lot of cases the largest numbers of approvals that we are seeing relate to invasive native species.

Has the member ever stood in a monoculture forest of an invasive native species and not heard a bird or seen a single piece of groundcover? There is no biodiversity in those areas. These constitute a large number of the approvals that have been given under the Government's changes. But there has been not one acknowledgement of the trees that have been planted or the sensitive areas that have been set aside. More importantly, those areas have been set aside and managed, not locked up and allowed to fester with feral animals and noxious weeds, which are among the largest threats to native animals in this State.

So I will not acknowledge the premise of the question—that there is a conflict of interest. In large part, the habitat that has been restored, the set-asides that are being managed, the invasive native species that are being managed and controlled, and a lot of the feral weeds and animals that are being managed, are doing more for the biodiversity of this State than has occurred under previous ways of managing land in this State. I dismiss, firstly, the numbers in relation to the loss of native species. Secondly, I dismiss the claim that the legislation that this Government put through was just about land clearing. It is a matter of cherry-picking one part of the policy and not acknowledging the other parts—especially the hundreds of millions of dollars that the Government has set aside for saving our species, which also went through under the changes to legislation.

I am not going to accept that there is a conflict, and I am not going to accept the premise of the question. I would like those opposite and on the crossbench to start acknowledging some of the other aspects of this change in the way that we manage biodiversity in this State. We know that the previous way was not working. When those opposite start citing the numbers of species that have gone onto the threatened list, they should acknowledge that that happened under the legislation and the changes that the former Government put through.

The native vegetation laws in this State were not working, particularly for our native species. To continue to do the same thing over and over and expect a different result is the definition of insanity. That is why we brought a balanced change into this area, and that is why we will see an increase in biodiversity in this State as a result of those changes.

PORT STEPHENS HUON AQUACULTURE PROJECT

The Hon. MICK VEITCH (16:51): My question is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. What is the Government's response to community concerns that Huon Aquaculture is abandoning its fish farm project off the coast of Port Stephens? How much taxpayer funds have been spent on this venture to date?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:52): This question is in relation to the Huon Aquaculture project off the coast at Port Stephens. I am more than happy to take the specifics of the question on notice in relation to what the company may or may not be doing in relation to its plans. It has had a lease on the site. The Department of Primary Industries went through the initial process, but that project has had a lease there. I am happy to get an update of that lease and any potential plans in relation to that.

I do not have any figures with me in relation to what may have been spent, using Government funds, on that site. Because the site is leased and managed by Huon, it is my expectation that the majority of the expenditure on that project would have been borne by the private entity. I would imagine that there have been some compliance and other types of wages that may have been booked against the project, but I do not have the detail. I am more than happy to take the question on notice.

MINISTER FOR PRIMARY INDUSTRIES CHINA TRADE MISSION

The Hon. SCOTT FARLOW (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 please update the House on the success of his recent trade mission to China?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:53): Last week I travelled to China to support New South Wales companies at the China International Import Expo in Shanghai. This was an unparalleled opportunity to connect with Chinese buyers, and New South Wales companies attending the expo reported strong interest in their products and services. Opening the expo, Chinese President Xi Jinping stated that China would seek to "step up" moves to stimulate domestic consumption of imports, lower tariffs and ease customs clearance procedures. "China's door will never be closed," he stated, adding, "It will only open still wider." That is great news for an export-oriented economy such as New South Wales and provides new opportunities for the 80 New South Wales based businesses who attended the expo.

I am talking about companies such as the family-owned Shaw Vineyards in Murrumbateman, who are offering same-day delivery from their warehouse in Shanghai. Another is Du'it, a skincare company in Western Sydney, which started out of a garage 20 years ago and is now one of the leading companies in skincare in China. The message I took away from my visit is clear: the demand for our high-quality Australian goods is at an all-time high, and it is a market that is constantly evolving. While in Shanghai I had the opportunity to visit a Chinese supermarket where the customer shops with their smartphone app, scanning the products they want, with the products delivered within 30 minutes to the customer's home. I saw products such as our wines, dairy products, meat and other produce on the shelves, all part of a strong push by New South Wales producers into the Chinese market.

Among the packed schedule, it was a privilege to be on hand in Shanghai to witness the signing of a memorandum of understanding [MOU] between New South Wales business Freedom Foods and the massive Chinese e-tailer Alibaba, which will see the Arnold's Farm range sold across Alibaba's diverse range of retail networks. I was also on hand to announce that mainland Australian cherries are now able to access China via air freight, and to help Woolmark celebrate 50 years of working in China. Agreements and relationships like these are the future of our commercial relationships, harmoniously connecting our producers to China's consumer markets. The growing importance of our trade with China has seen the New South Wales Government put additional resources into our relationship. While in China I had the pleasure of opening the Department of Industry's newly expanded Trade and Investment Office in Guangzhou. The office provides a perfect one-stop shop for those Chinese citizens and organisations interested in what New South Wales has to offer, be it trade, investment, tourism or study.

While in Guangzhou I also had the opportunity to meet with representatives of the Guangdong Government to reinforce our outstanding friendship and to discuss the celebration of 40 years of sister-state relations in 2019. New South Wales businesses, with the support of the New South Wales Government, are winning new markets and expanding their operations across China, and sharing the best of New South Wales with Chinese consumers—something that benefits all of us right across New South Wales.

We should all acknowledge the fact that our Guangdong-New South Wales sister-state relationship will celebrate its fortieth anniversary next year. All governments have committed to this and have delivered. This relationship is not just an MOU on paper; there has been a significant level of commitment by all governments. This is bipartisan and I know that the shadow Minister in this place, the Hon. Adam Searle, would agree that we all look forward to celebrating this in 2019. It is important because there are strong cultural links, strong family links and strong trade links. It is something that we all support.

TRAVELLING STOCK RESERVES

The Hon. SHAOQUETT MOSELMANE (16:57): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given the community concerns that the travelling stock reserve review has taken more than two years, what steps has the Minister taken to ensure that it is released to the community in a timely fashion?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:58): I thank the honourable member for this question and for his obvious interest in our travelling stock routes!

The PRESIDENT: Order! Members will come to order. The Minister has the call.

The Hon. NIALL BLAIR: The member's question was about what steps I would take to make sure that the document that we come up with is valuable and can be a guide—something that can be implemented by governments in the future. Those are the steps. These networks have not been reviewed for decades. The use of these stock routes in 2018 and beyond has changed—particularly as years have gone by—and changes have occurred in the way stock is moved and farming is conducted. We want to make sure, first, that we get the review right and, secondly, that we have a document that can be a guide for all stakeholders regarding the travelling stock reserve [TSR] review.

When I say all stakeholders that includes not only farmers and drivers but also other users of TSRs, including Aboriginal people. We acknowledge the importance that they place on TSRs. Originally the network was largely based on information provided by the local Aboriginal community between two watering points. It is something of great value to the Aboriginal community. Other user groups such as apiarists, recreational fishers, pony clubs and members of the community who are interested in getting river access and the biodiversity of the TSRs have all had a say in the development of the review. We will get it right and then we will provide a documentary guide for the future.

The Hon. SHAOQUETT MOSELMANE (17:00): I ask a supplementary question. Will the Minister elucidate on the time frame for conclusion of the review?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (17:00): I thank the member for his supplementary question. As I said, when it is right.

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

PORT STEPHENS HUON AQUACULTURE PROJECT

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (17:01): Earlier in question time the Hon. Mick Veitch asked me about the activities of Huon Aquaculture at Port Stephens, whether it is abandoning its lease and how much money the Government has spent on this venture. I am advised that Huon is undertaking a refurbishment program on sea pens and the mooring grid to install the latest in offshore aquaculture technology. This was communicated to stakeholders and the community in the most recent stakeholder update. The DPI–Fisheries has no financial investment in the Huon fish farm off Hawks Nest. DPI–Fisheries is a partner in a research trial only. Full details of the trial, regular updates, environmental monitoring and frequently asked questions are available on the DPI–Fisheries website.

Deferred Answers

MUSIC FESTIVALS DRUG-RELATED DEATHS

In reply to **Ms CATE FAEHRMANN** (25 September 2018).

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts)—The Minister provided the following response:

I am advised that the expert panel met with MusicNSW representatives on 3 October together with other music festival organisers.

INTERCITY RAIL SERVICES SAFETY

In reply to **Reverend the Hon. FRED NILE** (25 September 2018).

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts)—The Minister provided the following response:

I am advised:

You may be assured the safety of our customers and staff is at the centre of the design and operation of the New Intercity Fleet. On 22 October 2018 the New South Wales Government announced that the New Intercity Fleet is to have a driver and guard/customer service role on all intercity services both within the suburban and metropolitan areas.

MUSIC FESTIVAL POLICING

In reply to **Mr DAVID SHOEBRIDGE** (26 September 2018).

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

I am advised:

The NSW Police Force does not have a policy or practice of excluding a person from a venue based on a drug dog indication.

DRAFT COASTAL INTEGRATED FORESTRY OPERATIONS APPROVALS

In reply to **Ms DAWN WALKER** (26 September 2018).

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts)—The Minister provided the following response:

The New South Wales Government is currently finalising the coastal Integrated Forestry Operations Approvals [IFOA] in light of the feedback from the public, and it is expected it will be published and commence soon. Public submissions will be published at the same time.

MURRUMBIDGEE HEALTH SERVICES

In reply to **the Hon. ROBERT BORSACK** (26 September 2018).

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

I extend my sincere condolences to the family for their loss. The Murrumbidgee Local Health District has undertaken a thorough review, including a Root Cause Analysis into the care provided and the circumstance of the baby's death. The district continues to be in contact with the family.

DENILIKUIN HEALTH SERVICES

In reply to **the Hon. ROBERT BROWN** (27 September 2018).

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

Eligible individuals have a right to access public hospitals across the country, regardless of their geographical location. If it is more convenient for an individual to travel across a State or Territory border to access a public hospital, an individual has that right.

The 2011 National Health Reform Agreement, to which New South Wales is a party, established guidelines for how States and Territories should manage cross border hospital treatment.

FILM INDUSTRY

In reply to **the Hon. ERNEST WONG** (27 September 2018).

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts)—The Minister provided the following response:

Fox Studios has advised that there will be no loss of space for its screen production operations as a result of the Sydney Football Stadium being re-built.

WAGGA WAGGA MORGUE

In reply to **the Hon. PAUL GREEN** (27 September 2018).

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

The Wagga Wagga Base Hospital mortuary is operational and admits deceased patients before they are released to families for funeral arrangements. The hospital mortuary also supports coroner's requests to transfer deceased patients to and from NSW Health Pathology's Department of Forensic Medicine [DOFM] in Newcastle.

Coronial autopsies are performed by highly specialised forensic pathologists at the direction of the State's coroners in the event of an unexpected or unexplained death. Unfortunately there is a global shortage of forensic pathologists making it difficult to attract these specialists even to larger centres like Sydney and Newcastle.

DOFM performs all coronial autopsies in New South Wales at three specialist centres in Sydney, Newcastle and Wollongong. Specialist equipment enables autopsies to be carried out efficiently and in the least invasive manner. Regional and rural facilities like Wagga Wagga do not provide sufficient caseload for forensic pathologists to maintain high skill levels and experience.

The majority of coronial autopsies are performed within 24 to 72 hours of the deceased patient being admitted to DOFM. It can take longer for complex cases that require further specialist testing or investigation.

TUNCURRY MEMORIAL HALL

In reply to **the Hon. WALT SECORD** (27 September 2018).

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts)—The Minister provided the following response:

I am advised:

The Tuncurry Public Hall Trust submitted an expression of interest for funding as part of Round 1 of the Regional Cultural Fund. The expression of interest was not successful, and the trust was informed of the outcome by mail by Create NSW that was dispatched on 23 October 2017.

Given that correspondence was not received, arrangements have been made by Create NSW for the letter to be emailed to the trust.

Committees

STANDING COMMITTEE ON STATE DEVELOPMENT

Report: Defence industry in New South Wales

Debate resumed from 23 October 2018.

The Hon. TAYLOR MARTIN (17:02): Previously I noted that many of the recommendations of the Standing Committee on State Development had been acted upon by the Government. I was at the point of speaking about the committee's recommendation to secure funding for the Defence Innovation Network [DIN]. Over a 12-month period the New South Wales Government has provided \$1.25 million in funding for the network. The DIN has close ties with the Defence Science Technology Group within the Australian Department of Defence, by way of an embedded staff member. The DIN will act as a broker by engaging with industry concerning problems and challenges, and then finding the right people within universities to solve them.

Last month Minister Blair officially launched the Defence Innovation Network and announced additional funding bringing the total amount to \$5 million—which is great news. The inquiry spent some time discussing the opportunities that exist in the space sector for New South Wales and the strengths of our State. Professor Andrew Dempster from the University of New South Wales provided a list of indicators of our strengths in this area. The list was long, but some of the highlights include: 30 per cent of Australia's space workforce; two satellites launched in 2017; 17 space start-ups; the best connected international airport to support the significant international role of the agency; 30 per cent of satellite equipment manufactures; and 46 per cent of suppliers. The advice to the committee during the inquiry was clear. Professor Iver Cairns, Professor in Space Physics from the University of Sydney noted:

We should not be bashful; we should, instead, emphasise that, based on the expertise we have in space engineering, industry and science, New South Wales has the dominant space sector of any of Australia's States. That dominance is across academic space research and space industry.

Professor Dempster also noted:

The common perception would be that South Australia and the Australian Capital Territory are the places to do all your space work, which is basically not true. That is one of the things that the space sector would be looking to the Government for just a bit of noise so that we can establish our rightful place.

Dr Gregor Ferguson, Chair, Innovation Committee, Sydney Aerospace and Defence Interest Group, said:

Steps must be taken to "map the environment" on an ongoing basis and ensure that, whatever the conversation is about space, New South Wales is always a part of it.

I agree with that sentiment. The Government heard advice from witnesses and has taken action. Before the preparation of this report, the Government had taken action to position New South Wales as the perfect location for the Australian Space Agency. In May, the Premier, the Hon. Gladys Berejiklian, announced Australia's first astronaut, Dr Paul Scully-Power, AM, would lead the New South Wales bid to locate the nation's first space agency in Sydney. During this announcement, the Premier highlighted the reason for New South Wales being the obvious choice by saying:

We are home to the nation's busiest and biggest space industry sector, bringing high-tech research and advanced manufacturing together to support the nation's future space ventures.

The State Development Committee's report entitled "Defence Industry in New South Wales" is a comprehensive document that summarises the strengths and opportunities for the defence industry and space industry in New South Wales. I am extremely confident that the New South Wales Government will continue its strong, dedicated commitment to the industry and that the Parliament and cross parties have supported through the inquiry. I commend the report to the House.

The Hon. JOHN GRAHAM (17:06): I am pleased to follow the Chair of the Standing Committee on State Development and to speak in debate on this report about the defence industry in New South Wales. I thank him for his work and his comments to date—many of which I agree with—particularly in relation to the

importance of space industries to New South Wales. This report follows the discussion paper so it is evolving and has revealed important aspects of the nature of the defence industry in New South Wales. To recap on a few of the important details, within the industry there are 27,000 defence personnel and some 56,000 direct and indirect regional jobs, which is why it is so important to our communities. However, we face a problem in this State in that we have 31 per cent of the gross national product, yet we receive only 26 per cent of defence employment and slightly less of total defence expenditure.

That is the problem to which this report refers and it is what this strategy addresses. It is important for creating manufacturing jobs and regional communities in New South Wales. One of the key issues identified by the report was the importance of student retention within the State to year 12 to keep driving this agenda. I was shocked to hear the divergence of evidence on the question of keeping students in year 12. On the North Shore the retention rate is high, with a laudable 92.5 per cent of students going on to year 12. However, if one travels to north-west New South Wales—out to the bush—that figure drops to 56.2 per cent. That was the evidence and it demands urgent action. It demands urgent action in and of its own accord and it is important if we are to drive this agenda.

I turn now to address some of the recommendations. The first point I make is that the Labor Opposition supports establishment of a joint committee on defence and space industries in New South Wales. There was a great deal of discussion on the committee about adopting a bipartisan approach. I took that as genuine because the only way that we will deal with long procurement time lines in defence is if all sides of politics prioritise this discussion. However, the problem is that this Parliament does not work like that day to day. That is not the ordinary practice of politics in the New South Wales Parliament. If we do not have the structures set up to support bipartisanship, things will fall through the gaps. That is what is happening with the current agenda. With all the goodwill in the world by the Government and its genuine call for bipartisanship on these issues, that is not happening because there is not a permanent committee or a permanent way for members on both sides of politics to engage in the agenda long term. Events are happening, agencies are organising things, and there is no way for them to engage with the Opposition on these issues.

I accept that a bipartisan approach is the Government's intent and it certainly will be the Opposition's intent in the long term when we occupy the government benches. But without some structures in place, that will not happen. That is why the joint committee is proposed. It is a serious way in which the agencies can engage with all sides of politics. In my view, that will fix some of the issues we are having. Despite all sides of politics wanting that to happen, it is not yet occurring. I also support the recommendation about establishing a defence ministerial advisory committee. It is time to consider that specifically. Finally in relation to the recommendations, I strongly support the recommendations that relate to the space industry. The chair put the case well for why New South Wales is already the leading jurisdiction, but we have to realise that and strengthen it.

The committee structure of the Legislative Council played a great role in bringing that to life. That was not part of the political discussion and it was not the view that the agencies were putting to the Parliament. The Government has now run with this agenda. It was the case after the committee met and heard evidence from the universities in this State. I think that is a great example of the committee system working well. We were off the pace in defence under both sides of politics and South Australia led the way. Let us not allow that to happen again in relation to space. That is what this agenda is about. I thank the secretariat and all members of the committee. I really enjoyed this report. In conclusion, I make this observation: When speaking in relation to the discussion paper, Mr David Shoebridge made some remarks in the debate, which I will paraphrase. He should feel free to correct me if I am wrong. He was alleging some major party conspiracy in favour of the military industrial complex. That is how I characterise his remarks, but he should feel free to correct me if I am wrong.

The Hon. Dr Peter Phelps: It sounds like a very reasonable characterisation.

The Hon. JOHN GRAHAM: He should feel free to correct the record. I want to reject his comments. The reason I support defence jobs is that they are good jobs. When I left school in the Hunter, there were not a lot of good jobs and defence jobs were important because people did not have to leave the region to work. It is impossible to separate civilian manufacturing from defence manufacturing. Anyone who argues in favour of separation does not support manufacturing. What I have just stated is the reason we should be into the space industry and not just the defence industry. I make it very clear that I came through the peace movement. I was a peace movement activist. I was involved in fighting against the Iraq War. I am opposed to war, but I do support the defence industry. I support the good jobs that it brings. Unlike the position that was put in this Chamber, I am not opposed to defending the country. It is important to recognise the distinction that I am opposed to war but I am not opposed to defence. That is the distinction I draw in this discussion. I am open to any response on that issue. I feel it is important to make that clear on the record.

The Hon. PAUL GREEN (17:14): My contribution to debate on the defence industry in New South Wales will be brief. Some years ago when I was a councillor and the Mayor of the Shoalhaven, which

encompassed a couple of navy bases, it was completely obvious that there was a huge gap in the States advocating for defence projects created by the absence of New South Wales. That is why I approached the Hon. Greg Pearce about running an inquiry on defence in New South Wales. I am happy that way before we got to that point, somehow the Government got its act together in 2017 to produce New South Wales: Strong, smart and connected, which related to the defence industry. That strategy was launched at approximately the time the committee began its inquiry, which was good because it provided impetus for agencies to secure existing opportunities. We know that \$1 billion can deliver approximately 10,000 jobs. There are not many industries that call for bids worth billions of dollars, but defence is one of them.

The Hon. John Graham said earlier that despite New South Wales having 27,000 people in defence personnel and 6,000 people engaged in indirect defence employment, New South Wales has only 26 per cent of the total number of defence contracts. It is beyond doubt that there is plenty of room for improvement. The Hon. Greg Pearce took up my suggestion and turned it into the defence industry inquiry, which has been fascinating. I thank all the small and medium-sized enterprises [SMEs] and the Department of Defence for the way in which they hosted the committee in its travels throughout New South Wales, which was most encouraging. I could not believe some of the things we saw. I admire the innovation of small businesses that have been engaged in one particular industry but are now retrofitting to produce defence products. That was very encouraging for committee members to see. If New South Wales is to increase its share of the defence products market to 40 per cent, we will need SMEs to find ways of dovetailing their production to accommodate defence products and take advantage of opportunities that exist in the defence industry in New South Wales.

The committee travelled to Adelaide to inspect the submarines and shipbuilding facilities. I thank the ASC for hosting our visit and providing us with an opportunity to acquaint ourselves with Australia's amazing capacity for ships and boats such as submarines, as well as providing specialised maintenance. Many people do not realise that defence is not just a matter of buying products off the shelf. Australia plays a big role in what is referred to as deep servicing and maintenance, which is worth hundreds of millions if not billions in the longer term. Defence is not limited to ships and boats, such as submarines: Australia also services Seahawk Romeo and Sikorsky helicopters. When Australia wins defence contracts, the selection of the town that will service the machines is highly competitive. Servicing contracts can exist for 20 or 30 years and are worth hundreds of millions of dollars in the long term and produces long-term employment, which is fantastic—particularly in regional areas.

SMEs quite often focus on the manufacture of unique products but often are cash poor, and therefore are unable to invest in marketing. I am strongly in favour of recommendation No. 6, which calls on the New South Wales Government to invest in providing SMEs with marketing and networking opportunities with a view to exposing products manufactured in New South Wales to nationwide markets and the global defence industry. That is a role that the New South Wales Government can certainly carry because it has the cheque book. Access to marketing and networking opportunities will allow SMEs to secure contracts and that in turn will increase employment opportunities. I am strongly in favour of recommendation No. 6. Recommendation No. 8 proposes:

That the NSW Government develop a New South Wales Defence Industry Capability Directory.

Quite often people are so focused on their own issues that they do not know what else exists. If we get everyone together and have an industry directory we could keep more servicing and help those businesses located in New South Wales. Recommendation No. 9 proposes:

That the NSW Government look for opportunities to provide funding for initiatives that seek to:

- raise student awareness about career opportunities in Defence and the defence industry increase the number of students studying Science, Technology, Engineering and Mathematics (STEM) subjects.

The Hon. John Graham referred to that issue earlier. We need to keep the cream of the crop in New South Wales. A couple of my lads applied for the navy but they were unable to get in on medical grounds. It is getting harder and harder for anyone to get in. Having braces could mean that someone will not make it into the navy. The navy is concerned about what the medical bill might be if they employ service personnel such as that and gaining entry has become much more difficult.

In light of that experience with my children I learned that a lot of massive private companies such as BAE Systems could feed off this industry. Someone might not be able to get into the navy but he or she might be able to get an apprenticeship with one of the massive companies that services the defence industry. One of the witnesses suggested it would be a good idea for the navy, when sending out letters that destroy someone's life and that state, "Sorry, you are not good enough; you are rejected on these grounds and we will not be revisiting this situation", to include the statement, "However, there are some opportunities in the private sector where you can learn and contribute to the defence industry in another way. There are opportunities for you." Recommendation No. 14 proposes:

That the NSW Government continue its advocacy for the New South Wales space industry and efforts to secure the Australian Space Agency for New South Wales.

That is what this inquiry was about. We heard from eminent people who have been in the defence industry—and I heard this when I was the mayor—that they were not in the game, that they were not in Canberra and that they were not knocking on doors or seated around tables. Minister Blair has been active in this area, with the support of Commodore Peter Scott, who heads up the defence industry in New South Wales. The defence industry generates a lot of employment.

The Government is finally getting in the game and is saying to people such as Marise Payne and Christopher Pyne, "We have great opportunities for you." When the committee travelled to the far North Coast it saw opportunities for ship building which was never on anyone's radar. We established that there was the capacity to do something on the far North Coast. The defence inquiry was about asking whether we could do better and it was blatantly obvious that we can. The Government is pushing towards that. It will be exciting if the Federal Government gets some of these massive tenders to build submarines at Port Kembla. That would be a good start.

The Hon. Dr Peter Phelps: Penrith!

The Hon. PAUL GREEN: No, the Penrith Lakes are not deep enough. It was a privilege to be part of this inquiry which was chaired by the Hon. Taylor Martin. I commend the report to the House.

The Hon. Dr PETER PHELPS (17:23): It pleases me that we have bipartisan support from the Labor Party with regard to this issue. The three grown-up parties—the Liberals, The Nationals and the Australian Labor Party—have taken a bipartisan approach to defence and defence procurement matters for many years. Unfortunately, The Greens, the immature party, continue to stay in their playpen and dribble mindlessly. The people who foolishly listen to The Greens would think that the Australian defence industry is something that happened overnight—a creation of the military industrial complex, which is patent nonsense.

In 1913 control of the Cockatoo Island shipyard, which had been in existence since the 1850s as part of the worldwide network of the Royal Navy, was transferred to the fledgling Australian Navy. It produced ships for the Australian Navy. In the 1940s that was followed by the creation of the government dockyard in Newcastle which, again, produced ships that were constructed by solid members of the Waterside Workers' Federation. In 1912 the Lithgow Small Arms Factory came into existence.

The Hon. Walt Secord: I have been there.

The Hon. Dr PETER PHELPS: Yes, so have I. It produced the short magazine Lee–Enfield rifle, which became synonymous with Australian troops in World War I. It was a British design but it was constructed in Australia on the basis that Australia needed an indigenous defence industry that could provide for Australian service personnel. Even aircraft were produced in Australia through the Commonwealth Aircraft Corporation, although production was largely confined to Victoria. It did, of course, produce aircraft at Bankstown, most notably the Mosquito, which was constructed at De Havilland. Some 40 years later, Australians produced component parts for Australia's F/A-18 Hornet. The idea that Australian defence industries in New South Wales are something new, unusual or bizarre completely contradicts the more than 100 years of defence procurement in Australia.

During World War II, the Chullora Railway Workshops were the site of productions for the only Australian designed and produced tank, the cruiser tank, which was created in a number of variations. As the war continued the two-pounder gun that was mounted on the original cruiser tank proved inadequate to defeat German armour and was subsequently updated with a six-pounder gun. There were even variants with the 17-pounder British anti-tank gun. However, none of those tanks came to fruition, largely because by that stage of the war American production allowed for Australian forces to be equipped with Grant tanks and, later, Sherman tanks. The British ultimately gave us Churchill tanks after that. The idea that it is somehow bizarre or unusual to have an Australian defence industry, which is what The Greens would have us believe, is complete nonsense.

What is even more nonsense is their actual policy. I will read onto the record some of the bizarre things that The Greens believe. On the peace and security aims section of their website, The Greens claim that decisions on defence procurement are to be based on Australia's defence needs. That seems perfectly reasonable to me. They go on to state that they aim to secure defence procurements that do not restrict the operations of the Australian Defence Forces by increased reliance on any one country. The Greens agree that defence procurement should take place and that we should not rely on any one country. Considering it is The Greens that means, "Stop buying American military equipment. American military equipment is fundamentally bad because it is American." If they do not go down that path they would presumably support an indigenous defence industry. But the problem The Greens face is that there are not the economies of scale to have an economically viable defence industry in Australia without an export component.

The reason why we had the earlier industry was that—at least in the era prior to World War II—we were creating a whole new navy and had compulsory service for young men from school age, which required a large number of weapons to be put in place so that they could be trained effectively. But we do not have that now. We have a small, elite force of army, navy and air force. We do not have the economies of scale. We do not have 20 squadrons, we do not have four divisions and we do not have a 50-fleet navy. What do The Greens suggest? They suggest that there should be, "No Australian participation in or subsidies for the sale of weaponry, components or arms fairs." In other words, they say that we should not rely upon America and we should have an indigenous industry; it just cannot be economically effective and we cannot sell what we produce. Imagine if they suggested that for cochlear implants or wi-fi technology.

But, no—this is what The Greens say. They also say that they want an extension to the United Nations register of arms transfers to include production and stocks of this and the establishment of an independent inspectorate associated with the register to ensure transparency and for the United Nations and associated agencies to strengthen the push for strong limits on the manufacture and trading of armaments of all kinds. They say we should not buy from the Americans; we should have our own production, but there should be strong restrictions on the "manufacture of armaments of all kinds". This is a dog's breakfast. This goes to show the insincere idiocy of The Greens masquerading as a policy.

Many members of The Greens were quite happy in the 1960s and 1970s to have Russia export Kalashnikovs to various regimes around the world and to export RPG-7s and T-55 and T-62 tanks. Those were good arms exports. Many members of the New South Wales Greens think that those were the sorts of exports that should be applauded, encouraged and fostered. The idiocy of the New South Wales Greens on this issue—and indeed on many other issues—bears no bounds. The Labor Party—for all my criticism of it, and it is great—at least understands that Australia needs a resourced defence force. We need an indigenous defence industry and that defence industry needs to be able to export to survive because, if we do not have that, we have to subsidise that. If that is The Greens' position, then they should come out and say exactly which schools and which hospitals they are going to cut to subsidise the Australian defence industry. I commend the report.

Debate adjourned.

PRIVILEGES COMMITTEE

Report: Procedural Fairness for Inquiry Participants

Debate resumed from 16 October 2018.

Reverend the Hon. FRED NILE (17:32): As a member of the Legislative Council Privileges Committee I am pleased to speak to this historic report. In my 37 years as a member of Parliament I do not remember any investigation dealing with inquiry participants. I am pleased that the Privileges Committee agreed to conduct this inquiry and to produce what I believe is a very important report. In conducting the inquiry the committee noted that Legislative Council committees already have a group of procedural protections in place for inquiry participants based on the standing orders, ad hoc resolutions and longstanding practice. However, these protections have never been codified by the House. This report codifies those protections for witnesses.

Providing witnesses with this protection will make it easier to get witnesses to give evidence. If people feel they will be embarrassed or made out to be fools, they will be reluctant to appear before committees. They may send in a written submission but may be reluctant to appear before the committee, often because of a lack of experience in appearing before parliamentary committees. Indeed we have been told by witnesses that it is rather an awesome experience. It is important that the House notes the report and supports the committee recommendations. The proposed resolution from the committee will strengthen the Legislative Council committee system by informing witnesses of their procedural rights when participating in a parliamentary inquiry via a complete but concise set of procedures to be followed by a committee before, during and after the hearing. Recommendation 1 states:

That the House adopt the following resolution of continuing effect for the procedures to be followed by Legislative Council committees to provide procedural fairness to inquiry participants.

I urge all members to adopt that recommendation. I will not go through the whole recommendation, which covers a total of 21 areas, although they are all important. For example, witnesses have the right to request a private in camera hearing. They can request to attend with a legal adviser or support person. They can have explained to them the procedures for being sworn before the inquiry, which could cover a range of issues. At the start of each hearing witnesses are told that, unless the committee decides otherwise, they will take either an oath or affirmation to tell the truth and the provisions of the Parliamentary Evidence Act 1901 would then apply.

The chair is to ensure that all questions put to witnesses are relevant to the inquiry. Public officials will not be asked to give opinions on matters of policy and will be given a reasonable opportunity to refer questions

to more senior officials or a Minister. Witnesses may request to take a question on notice and provide an answer in writing at a later date to be determined by the committee, usually 21 days. Witnesses are given advice about evidence that may seriously damage the reputation of a third party, although obviously we do not intend that to happen during hearings. Improper treatment of inquiry participants relates to actions taken that may intimidate a witness. Indeed, a witness in one inquiry did feel intimidated through their employment. They are just some points in recommendation 1, which I commend to the House and hope that it adopts in all future inquiries. I am pleased to support the Privileges Committee report.

The Hon. NATASHA MACLAREN-JONES (17:33): In reply: I will not speak for long, because the House has already debated the committee's recommendations. I acknowledge all speakers and note their bipartisan approach to accepting the recommendations. I acknowledge the contributions from the Hon. Dr Peter Phelps and Reverend the Hon. Fred Nile. I commend the report to the House.

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

Motion agreed to.

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. 3 be postponed until the next sitting day.

Motion agreed to.

Committees

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 16 October 2018.

The Hon. WALT SECORD (17:39): As shadow Minister for Health and Deputy Leader of the Opposition I make a brief contribution on Portfolio Committee No. 2 - Health and Community Services Report No. 49 entitled "Provision of drug rehabilitation services in regional, rural and remote New South Wales". I congratulate the committee chair, the Hon. Greg Donnelly, for his commitment and dedication to this area of social policy and make some observations on the report, its contents and recommendations. The report was released on 8 August and I followed its deliberations closely. The committee received 43 submissions and held eight days of hearings. It visited six regional locations: Nowra, Batemans Bay, Dubbo, Broken Hill, Grafton and Lismore.

When the final report was prepared it provided a dozen recommendations. I give my in-principle support to many of those recommendations and speak to some of the recommendations which deserve closer examination. They include the recommendation that the New South Wales Ministry of Health implement a population-based planning tool such as the drug and alcohol service planning model to ascertain what rehabilitation services and how many beds are required throughout New South Wales and in which regions. We do not know the exact number of beds currently available and where they are needed.

I also highlight the recommendation that the New South Wales Government specifically increase funding to drug and alcohol-related health services and use the data gathered through the population-based planning tool as outlined in the recommendation. That recommendation should centre on or look at the establishment of more residential rehabilitation services throughout regional New South Wales, including facilities for women and children, Aboriginal people and people who are between the ages of 13 and 16. It should also look at setting up more detoxification services throughout rural and regional New South Wales, particularly services for Aboriginal and young people. It should investigate the benefits of establishing multipurpose facilities in regional areas that provide detoxification, rehabilitation and outpatient services.

It should also look at funding local social services and Aboriginal medical services in rural, regional and remote New South Wales to assist with transporting and assisting with the transport of patients to and from drug and alcohol treatments. It should also provide incentives for qualified drug and alcohol professionals to relocate to rural and regional areas of high need and to upskill workers based in rural and regional areas, as well as working with universities in collaboration with the Royal Australasian College of Physicians and the Royal Australian and New Zealand College of Psychiatrists on initiatives to develop more specialists in the drug and alcohol field.

The Black Dog Institute has highlighted that there are regions in New South Wales where there is not a single mental health worker. There should be an investigation into the efficacy of subsidising beds in regional-based, private, for-profit residential rehabilitation facilities to ensure that more people from rural and regional areas can access rehabilitation services. I would also like to see the Ministry of Health set up a central register for the New South Wales community of all the beds available in facilities for drug and alcohol rehabilitation that includes real-time monitoring data concerning the waiting lists and waiting times. It should be publicly available for service providers, legal professionals and the community to access.

I also think the Government should conduct a review of the Drug Court and the Magistrates Early Referral Into Treatment program, which includes the feasibility of establishing more of them in rural and regional areas. The State Government should look at a Drug Court pilot in Dubbo in parallel with the increase in rehabilitation services in the area. The State Government should also commit to providing more funding grants to non-government drug and alcohol service providers that run for a minimum of three years, with an option of a two-year extension, and it should advocate this through the Council of Australian Governments process. The New South Wales Government should also establish standard frameworks for private, for-profit residential services. In addition, the State Government should trial adult Koori courts.

For a number of years I have maintained that illicit drug use requires a broader policy response than just policing, and it should also be managed as a health challenge. Last night at a public debate at the University of Sydney I made similar comments. This is the first one in the lead-up to the election. The Minister for Health, Brad Hazzard, and Mr David Shoebridge from The Greens also attended. Members would be well aware that earlier this year I undertook a study tour to Portugal to examine its model for treatment. To understand the full breadth of drug policy I wanted to see a liberal, health-based approach and an uncompromising law enforcement approach. I approached facilities in Portugal as well as in Singapore to see the two approaches.

In 2001, after having one of Europe's highest HIV infection rates of one in 10 in the community coming into contact with heroin, Portugal embarked on a radical plan. Proponents said it was a mix of "pragmatism and humanism" and involved "pity for those affected, rather than anger". While both consumption and possession of narcotics are prohibited in Portugal, the use and possession of all drugs, including heroin, up to a limit considered necessary for the average individual to consume during a 10-day period is decriminalised. Users are not brought to court, they are not imprisoned and they do not get a criminal record, but they may be subject to administrative sanctions determined by locally convened groups, commissions for the dissuasion of drug addiction.

The Portuguese model is based on the premise that the drug user needs support in health and social areas. I stress that, despite claims by some Australian drug reform advocates, drugs are still illegal in Portugal. There are many misconceptions. There is no place in Portugal where a person can legally buy illicit drugs, and dealing in drugs still carries criminal sanctions. As one expert said, "It is not a crime but it is forbidden." I note that New South Wales is more progressive than Portugal in some aspects—for example, Portugal still does not have a medically supervised injecting room such as the one in Kings Cross, which was set up in 1999 by then Premier Bob Carr. While I was in Portugal I met with the Deputy Director of the General-Directorate for Intervention on Addictive Behaviours and Dependencies, and the Lisbon Commission for the Dissuasion of Drug Addiction.

I also visited a treatment detoxification centre where I met and observed patients and attended a unique, low-threshold, mobile methadone service. In addition, I received comprehensive briefings from legal and public health experts from the European Monitoring Centre for Drugs and Drug Addiction, which provides the European Union states with independent, factual oversight of drug problems and a solid evidence base for policy debates. In addition to what was happening in Portugal, we also discussed compulsory treatment and trends in drugs, such as synthetic cannabis and fentanyl, which can be up to 100 times more concentrated than morphine, and the anticipated worldwide increase of heroin due to the increased poppy cultivation in Afghanistan.

I conclude with an observation about an announcement made yesterday by the Premier and the Minister for Health of a special commission of inquiry into ice. Unfortunately, the Liberal-Nationals State Government has shown a complete failure of leadership on the approach to illicit drugs. While Labor supports a special commission of inquiry, a wider drug summit is needed—one patterned on the one in 1999, which gave rise to the historic medically supervised injecting facility and increased funding for drug treatment. The 1999 drug summit was a bold policy initiative that brought together police, health professionals, former patients, family members, law enforcement, academics, policymakers and the judiciary. People of goodwill came together in the spirit of bipartisanship. However, illicit drug use in New South Wales has changed significantly in the past 20 years. At the time New South Wales was awash with heroin. Today ice is ravaging regional communities and suburban Sydney. Sadly, ice has become the heroin of this generation. Ice is a scourge, particularly in rural and regional areas.

Recent research highlights ice deaths in rural and regional areas. Research released in late July 2017, compiled by the National Drug and Alcohol Research Centre, shows that methamphetamine-related deaths in Australia doubled in the period 2009 to 2015. Analysis showed that 43 per cent of ice-related deaths were from

overdoses. In addition, it found that 41 per cent of ice-related deaths were in rural and regional areas. As I said earlier, in 1999 dozens of experts came together in a spirit of goodwill to look for new approaches. It is time we did that again. It has been 20 years since the historic drug summit and the drug landscape has dramatically changed. Meanwhile, NSW Labor has already committed an additional six rehabilitation facilities, including four in regional areas, with a total of 150 additional beds, costing \$100 million. The clinics will treat up to 1,300 ice addicts a year and will be staffed by specially trained nurses, health professionals and security guards.

As well as implementing the ice rehabilitation clinics, a Daley Labor Government will create isolation rooms in select emergency departments to manage ice addicts and protect health workers, and it will expand the trial of replacement drugs to beat ice addiction, such as those being trialled in Darlinghurst, Newcastle and Mount Druitt. Sadly, there are too many families who know the damage that ice can do. Treating ice addiction requires a new approach. Ice is taking a toll on our young people, especially in rural and regional areas, and we cannot continue to allow it to go unchallenged. I commend the report and thank the House for its consideration of my contribution.

The Hon. BRONNIE TAYLOR (17:49): I am pleased to make a short contribution to debate on Portfolio Committee No. 2 Report No. 49 entitled "Provision of drug rehabilitation services in regional, rural and remote New South Wales". The committee visited centres around the State, including Broken Hill, Dubbo, Grafton, Lismore, Nowra and Batemans Bay. Unfortunately, I was not able to attend the hearings at Nowra and Batemans Bay, but the other visits were very useful and crucial in gaining information from providers and communities on the ground, where these issues are hitting hardest. I thank the chair, the Hon. Greg Donnelly; the deputy chair, the Hon. Paul Green; Ms Mehreen Faruqi; the Hon. Courtney Houssos; Mr Scot Macdonald; and the Hon. Dr Peter Phelps.

Recommendations Nos 1 to 3 are crucial in starting to address the scourge of ice. I was shocked but not entirely surprised throughout the inquiry to hear that even those in the health industry are unsure of exactly how many rehabilitation beds are available throughout the State. Reminiscent of many of our social services, a lack of coordination and cooperation is hampering our ability to deliver the best services possible in the most efficient manner. It is crucial that we get a handle on how many beds are available and where they are so that we can expand services. It is also clear that we need more beds closer to home for regional communities. We also need better options for physically assisting people to access these services, given the rural and remote nature of many of our communities.

Recommendation No. 6 refers to minimum grants of three years with two-year extensions. That practice needs to be implemented not only for drug and alcohol rehabilitation facilities but also more broadly. We must give providers the time to implement their programs and to adjust their models; they should not be required to spend their time constantly applying for funding streams and completing paperwork. Recommendation No. 9 acknowledges the role that school nurses could play in implementing preventative action and providing support for young people. This approach reflects the complex nature of addiction and the importance of preventative action for our young people. Addiction may be linked to other social and health issues that a school nurse could help to identify and seek assistance on, including with regard to mental health issues and domestic violence. Ice is a complex issue and it is horrific to see its impact on our communities, and in particular on the lives of young people and their families. There are no easy solutions to the broader issue.

The committee's recommendations reflect a practical approach to the issue and the important input of the specialists who gave evidence throughout the inquiry. The Opposition announced a policy in the middle of the inquiry that was in direct contrast to the evidence members were hearing. The combination of this inquiry and the special commission will arm the Government with robust evidence to create meaningful policy. I believe that a number of recommendations in this report should be actioned by our Government because they would be complementary and useful for the special commission. In particular, the assessment of available and required facilities should be undertaken urgently.

Finally, I acknowledge the providers the committee met throughout the inquiry. I was struck by the passion, innovation and compassion that these people demonstrated. It must be an extremely challenging field to work in; it is probably distressing and often frustrating. I was inspired by how hard these people work, and not for great glory or wealth but for the good of those afflicted and their families. The innovative models they are using struck me and reminded me of what can be achieved by the brave.

The Hon. COURTNEY HOUSSOS (17:52): I commend Portfolio Committee No. 2 report No. 49 entitled "Provision of drug rehabilitation services in regional, rural and remote New South Wales" to the House. I congratulate the Chair of the committee, the Hon. Greg Donnelly, on his diligent and genuine approach to an incredibly complex policy issue. I pay tribute to the other committee members, who acted collaboratively, and the secretariat, who pulled our thoughts together into a coherent report. This detailed inquiry involved extensive travel, but I believe the committee could have done much more. The feedback was that the scale of the scourge of

ice now being experienced across New South Wales has never before been seen. Providers said that even during the peak of the heroin crisis alcohol remained at the top of the list of treatable drug addictions for access to rehabilitation. They said that for the first time ice was replacing alcohol, that the waiting lists were unprecedented and that people were desperate.

The nature of ice means that existing drug treatment is not appropriate. The collocation of detoxification and rehabilitation is crucial in addressing ice addiction. It is not good enough to have someone go through detoxification and then to have to wait for weeks or months to be able to access a long-term rehabilitation facility. That may have been appropriate in the past for those dealing with alcohol, heroin or other treatable drug addictions, but it is not appropriate for those dealing with an ice addiction. It requires a new approach. The New South Wales Government submission appeared to talk down the challenge of ice. Submissions from the community and the not-for-profit sector indicated the opposite. They referred to hospital emergency department data, which I note the Minister for Health referred to in media reports yesterday to indicate a dramatic increase in the problem. It is good to see that the Liberal-Nationals Government is now on the same page.

It was particularly troubling to hear that children under the age of 18 across the State are addicted to ice and that there are limited if any treatment options available to them. The committee was told during a hearing on the South Coast that addicts were told to wait until they were 18 years old before trying to access treatment. Ice takes such a toll on young people that we do not know what shape they will be in by the time they reach that age. That is incredibly troubling.

Representatives from the Mission Australia Triple Care Farm in the Southern Highlands talked about the incredible response they had experienced but also about their limited capacity. The facility has stopped advertising because the last time it did so it received more than 7,300 inquiries. Without advertising, it receives more than 30 inquiries a week, most of which come from New South Wales, and the average wait time is more than three months. That is not bad when viewed in the context of wait times in the rest of the State. The committee heard time and again about waits of between six months and nine months from the point at which a person decides they want to stop taking drugs until they receive treatment. There is no immediate support to access a bed and that must be addressed.

There are undoubtedly complex intergenerational issues. Again, representatives from Triple Care Farm and other not-for-profit organisations said that 60 to 70 per cent of young people seeking rehabilitation have a parent or a caregiver who regularly uses drugs. These are serious issues that require a complex, nuanced and sophisticated response from government. This issue also disproportionately affects our Aboriginal community. Representatives of the Aboriginal Legal Service in Broken Hill told the committee that 100 per cent of the people they deal with have issues with ice, either directly through possession or indirectly through domestic violence, violent offences, stealing and even driving offences. This will not go away without an incredibly sophisticated response.

I referred to the collocation of detoxification and rehabilitation services, which is covered in the committee's recommendations. The committee also recommended as a basic first step that a central register of all available detoxification beds be established urgently in New South Wales. If someone is seeking assistance they need a central registry to access help. The committee also talked about the need for a drug court pilot project in Dubbo. The lack of leadership provided by the local member was particularly pertinent at a panel discussion involving police prosecutors, the Law Society, the local council, the community and Aboriginal community representatives. It was a united front but the key person who was missing was the local member. I will put in a plug for the local councillor who gave us evidence. Councillor Stephen Lawrence gave excellent evidence. He is also the Country Labor candidate out there. He has campaigned for a Drug Court for years and the community is united behind it. The Government can ignore this campaign at its own peril.

One of our other recommendations was to provide funding grants that run for a minimum of three years with the option a two-year extension. This is particularly important in rural, regional and remote New South Wales where the issue of finding appropriate staffing needs that continuity of funding. We talked about the need to establish a standards framework for the private, for-profit residential rehab facilities, so not everyone can put out a sign and say that they are a drug rehab provider, as they can at the moment. We need to have a standards framework, not excessively regulating them but providing some certainty that people who are paying exorbitant amounts of money will receive for that price.

We talked about how, on the issue of drug rehabilitation, a key challenge is that there is no clear marker of success. For some people, it is abstinence. For some people, it means that they will have only one drink a day. For some people, it means that they might stop for a period, they might begin taking drugs again for a period, and they may then stop for a period. There is no one clear marker. But there is no doubt that if we can get people on the process of stopping taking drugs and abusing alcohol, then that will be an important thing.

In the time I have remaining, I want to talk about one recommendation that we did not make. This was something that the committee dealt with and that is the need for trained staff. That is a difficult issue. We have to make sure that we recognise lived experience. We explicitly did not make recommendations around minimum requirements for staff, although I generally think minimum standards protect clients and ensure that they get a better service. We need to train more addiction specialists but there is an incredibly important role of lived experience in the amazing dedicated staff whom we spoke to, who go above and beyond particularly in regional, rural and remote New South Wales in transporting clients for hours on end and taking their own time to ensure that they actually get to rehab once that incredibly valuable spot opens up.

There is no doubt that this is an incredibly complex problem. I welcome the special inquiry that the Government announced in recent days but I note that that will not report until the end of next year. Hopefully that will be to a new government, but we can implement the recommendations of this report in the meantime. It is an important first step to addressing the scourge of ice and the issue of drugs that is ravaging our country areas across our State. I commend the report to the House.

The PRESIDENT: According to the resolution of the House of 24 October 2018, proceedings are now interrupted to enable the Hon. David Clarke to give his valedictory speech.

Members

VALEDICTORY SPEECH

The PRESIDENT: Before I call on the Hon. David Clarke, on behalf of all members I welcome into the President's gallery members of the Hon. David Clarke's family present in the House this evening for the member's valedictory speech. That includes his mother, Mrs Margaret Clarke; his wife, Mrs Marisa Clarke, and their family. On behalf of all members, I welcome them.

The Hon. DAVID CLARKE (18:03): Thank you very much, Mr President. By the time of the next State election, I will have been a member of this House for 16 years. I came into this Parliament at an age older than many who have come to serve here. After 16 years, I believe it is the right time for me to depart. My precious and expanding family, some of whom are here tonight, is central to my life and in my time ahead it will be even more so. I am looking forward to that time with them with great joy and anticipation. I will leave this place grateful and contented for the time I have been here and I have no regrets. It has been a real privilege and my memories will be good, not bad.

I have made many friends in this Parliament and in this Chamber, not just on the Government benches, but also on the Opposition side as well as across a broad spectrum of the crossbench and often with those whose views and values are diametrically opposed to my own. I may have political opponents in this House but I do not see anyone in this House I regard as my enemy. I express my deep gratitude to the Liberal Party. It is the party that gave me the opportunity to be here in the first place. It is the party that preselected me as a candidate and the party that was responsible for my election. It is the only party that I have joined or ever will. I was active in it for decades before entering this place and I will continue to be active when I leave. My loyalty to it is a lifetime commitment.

I reaffirm my conviction that of our nation's major parties, it is the most representative of the values of mainstream Australia because its philosophical heart is a conservative heart and so is that of mainstream Australia. When the Liberal Party runs for election to those values, that is when it is electorally most successful. It is my natural habitat. I am a conservative in a conservative party. Its conservative heritage was defined by the great Robert Gordon Menzies in its early days and that heritage was reinforced by the great John Winston Howard in these latter days.

I pay tribute to the Premier Gladys Berejiklian—and I thank her for being here—for her leadership of our Government. In four months time, she will lead the Coalition to victory. That will be the day of days and the victory of victories. I have no doubt about that. Under her leadership New South Wales is the premier State again. Under her leadership we are rolling out the biggest program of infrastructure of any State government since Federation. But the Premier has personal qualities that make her so popular with her colleagues and the public. She is gracious. She is dignified. She has inherited that Armenian quality from her beautiful parents, whom my wife and I got to know when we were in Armenia together. She encourages her colleagues to freely express their views in the party room. She is consultative and considerate, and she is always available to her colleagues. I have greatly appreciated being part of her team.

I pay tribute to you, Mr President. You have grown into the position effortlessly and stamped your authority well and truly over this House. I know nothing escapes your watchful eye in this place and you will turn out to be one of the great Presidents of this Chamber. I also pay tribute to the Hon. Don Harwin who leads the Government in this House. He is the master of strategy, tactics and electoral knowledge not by an inch or a foot

or a yard or a mile but by a hundred light-years. He has ensured that this side of the House is ready to play its part in the Coalition's triumphal victory in the next election. I honour Reverend the Hon. Fred Nile as the longest serving member in this House at this time. In his eighty-fourth year, he still has that crusading zeal. I praise him for keeping the parliamentary prayer group alive and kicking for many decades, for many years. It is an institution of this Parliament. Well, it has certainly grown into an institution.

One of the Parliament's great strengths is the calibre of its staff who make it run so smoothly and tonight I pay tribute to them. Starting with the Parliament's clerks and the hundreds employed in the numerous departments—in catering, information technology, Hansard, human resources, members services, the committee secretariat, the attendants, the security, the cleaning personnel and all the others—they are simply magnificent. They are courteous, cheerful, obliging and highly skilled in what they do. I cannot think of even a single instance of having had cause for complaint with any of the hundreds of staff who work to make our lives as members function better.

Because I have had so much to do with them, I particularly thank the committee secretariat. They perform miracles. They are diplomatic, finessed in their legal and parliamentary skills and have the ability to compose reports reflective of a committee's viewpoint better than the committee members can do themselves. They are second to none and bring great credit to our Parliament. One of the most important activities of this House is its vibrant committee system and we all play a role in that process. For my part, I have served on numerous committees, but I have been a member of the Standing Committee on Law and Justice for almost the entirety of my 16 years here, first in Opposition as Deputy Chair and then as Chair for a majority of the time that the Coalition has been in Government. During that time as Chair I was very fortunate to have serving with me five exceptional members—the Hon. Peter Primrose, the Deputy Chair; Mr Scot MacDonald; the Hon. Sarah Mitchell; the Hon. Shaoquett Moselmane and Mr David Shoebridge. Whilst comprising a very broad spectrum of political opinion we never played party politics but worked collaboratively in our deliberations. I pay heartfelt tribute to each one of them.

Of the many inquiries conducted by the committee I particularly want to mention the inquiry into the family response to the murders in Bowraville. It was an emotional inquiry. In essence, it sought justice for the families of three Aboriginal children who were murdered in similar circumstances, in a similar time frame, and in the same Bowraville region, and for which no person has yet been convicted. Was it an inquiry that had pivotal implications for the State and how it is governed? No, it was not. It was a simple struggle to seek justice for the families of those three murdered children who came from a small community and started out in life behind the eight-ball, with a handicap through disadvantage arising from the circumstance of birth and where they found themselves placed in society. Events had combined to hinder justice being achieved and to produce a cruel outcome.

This House was at its finest when it agreed to the inquiry being established. It showed that we believe that it is important to fight for justice equally—not only for millions or thousands, but even if it is for only three families, two families or even one family, no matter from what strata of society they may come. Because of the committee's unanimous report, the Bowraville tragedy has not been forgotten, and the pursuit for justice continues. I thank the Government for continuing to pursue the struggle and, in particular, I thank the former Attorney General Gabrielle Upton and Attorney General Mark Speakman. I place on record the pivotal role of David Shoebridge, who influenced the Government to have the inquiry, and who also overcame my initial scepticism and converted me on the way. Even now, he energetically pursues this matter. His continuing heroic efforts deeply move me. I earnestly hope and pray that justice will prevail in the end for the three Bowraville families, and that, in the future, circumstances cannot conspire to create the perfect storm, and thus deny justice.

I feel privileged that since the Coalition's victory in 2011 I have served as Parliamentary Secretary for Justice—a period of eight years by the time of the next election. I was first appointed by Premier Barry O'Farrell, and then re-appointed by Premier Mike Baird and again reappointed by Premier Gladys Berejiklian. I thank each of them. During that time I have worked assisting four attorneys general. The first was my friend, the amiable Greg Smith, SC, now a highly successful barrister in private practice. His open and welcoming personality engendered a genuine and wholehearted loyalty from those who worked under him.

The second was Brad Hazzard, one of the Coalition's most seasoned performers. He is always able to rise to the occasion effortlessly and with style, regardless of which Ministry he may be appointed to oversee. There is no portfolio in existence that can overwhelm him. The third Attorney General was Gabrielle Upton. I found her to be dedicated, approachable, and a good listener. In budget estimates, as Attorney General she remained ever calm. Even under the most aggressive questioning she would never be rattled nor provoked.

The fourth Attorney General is Mark Speakman. Those who see him at budget estimates see him the way he really is in private—courteous, cheerful, gentlemanly, and free of any malice. I could not imagine him having any enemies. Through his patient efforts he was able to get a good outcome on the contentious issue of the State's

racial vilification laws, which won the unanimous approval of this Parliament—including in this House—without jeopardising genuine free speech. That was a remarkable feat. For each of the attorneys general I have the highest regard.

Over decades I have had a continuing association with a wide array of ethnic communities. Starting from my university days, my anti-communist views led to me being asked to be a delegate to a body called the New South Wales Captive Nations Council. This was a body drawing together representatives of communities which had sought refuge in Australia following their homelands falling to communist domination. Originally composed of representatives of communities from central and eastern Europe, it was later added to by refugees from Vietnam, Laos, Cambodia and China. It also included delegates from the RSL, the Coalition parties and the Democratic Labor Party. I was one of those delegates.

Following my admission as a solicitor I was asked to serve as the honorary solicitor for the Polish Government-in-exile's representative in New South Wales. This was the legitimate government of Poland, which relocated to London following Poland's invasion and occupation by Nazi Germany and the Soviet Union in 1939. That Government continued to function in the name of free Poles worldwide until Solidarity led a peaceful revolution overthrowing the communist regime, and then free elections being held.

During my time in Parliament this widening circle of ethnic friends and acquaintances has continued to snowball so that it has become a significant part of my work here as a member of Parliament. It has meant that I have attended thousands of functions, festivals, prize-givings, national days, religious celebrations, human rights conferences, ethnic political events for overseas and political parties, and a broad array of other functions. I consider it an important part of what I have done here. Whenever I have been able to give public recognition through notices of motion in this House to those communities and their activities, and those who organise those communities, then I have. One thing that I have found is common to these communities is that their members all love their countries of birth or origin, but they all call Australia home. They are great patriots of their old homelands, but are greater patriots of Australia.

Because of my religious convictions and associations, part of what I have done as a member of Parliament has involved a relationship with a broad spectrum of religious faith traditions. Starting with my own church—the Catholic Church—the relationship extends to other Christian churches, both Protestant and Orthodox, but even further to other churches such as the Church of Jesus Christ of Latter-day Saints. Through Australian-centred Catholic, Protestant and Orthodox Christian traditions there is a pathway that leads to other branches of those Christian traditions. Encompassed within the Catholic tradition there are the Maronite, Melkite, Chaldean, Coptic and Syriac Catholic churches. Within the Orthodox tradition there are the Greek, Serbian, Syriac, Antiochian, Armenian, Assyrian, Russian and Ukrainian Orthodox churches. Within the Protestant tradition there are numerous Arabic-speaking subgroups of most Protestant denominations.

Then there are the other faith traditions—Muslim, Jewish, Hindu, Sikh, Jain, Baha'i, Mandaean and Buddhist. I have made a particular effort to work with churches and other faith-based groups emanating from the Middle East who have suffered genocidal persecution and devastation at the hands of terrorist groups such as ISIS and al-Qaeda. They have surely been sanctified by their suffering, and I am inspired by their faith, resilience and heroic virtue. All in all, the faith-based communities—Christian and non Christian—have been a great joy to have been associated with. Collectively they represent the great majority of Australians, and that means that the great majority of Australians are God-believing Australians.

In my inaugural speech 16 years ago, I outlined my values, beliefs and views on a whole range of issues which led me to stand for Parliament in the first place. Now that I am leaving I would like to take a couple of minutes to look at the pendulum of time and how those values and views have fared, from my perspective. At the time I gave testimony to my belief in Christianity and to Western civilisation, which it gave birth to. I lauded the great benefits to mankind that have flowed as a result, over the last 2,000 years. I remain unshakably committed to that belief. I am fortified that Christian influence continues to spread in the Third World, throughout former communist nations such as Russia, and even in existing communist nations such as China, Vietnam and Cuba.

In recent times we have seen in the West the spread of aggressive secularism led by opinionated elitist groups in academia, parts of the media and through the mushrooming of so-called antidiscrimination tribunals of all shapes and sizes. Their intent is to banish Christianity and its influence from public life all together. However, I am heartened to see a spreading resistance in the West to this attack on our Christian heritage and values. It is a resistance that is gaining strength in the United States, and from within a growing number of the nations of Europe, and has even been joined in recent days by Brazil, South America's most influential nation. Here in Australia there is also a growing resistance, and I see the axing of the Safe Schools program from New South Wales schools as a manifestation of that resistance. At the end of the day, our heritage of 2,000 years of Western civilisation and Christianity and all of its fruits, will continue to stand the test of time.

Sixteen years ago I spoke of my support for Australia's constitutional monarchy and our present flag. Now sixteen years later, polls show that both are evermore popular. The republicans have failed. Sixteen years ago I honoured our early settlers who sanctified our nation through their sacrifice and hard work. I am heartened that politically correct elitists who demonise those settlers as invaders and to rewrite history and axe Australia Day have failed. This is a culture war they will lose. Sixteen years ago I spoke against the growing loss of freedom of expression in our universities at the hands of the left. Now it is good to see that steps are to be taken to enshrine protections for freedom of expression so that it is available to conservatives and not just to the left.

In my inaugural speech I spoke in support of our alliance with the United States. Sixteen years later, thank God that alliance remains the cornerstone of our security. If there was no America, with its awesome power and its role as leader and defender of the free world, then we would be in a bleak place. For the sake of Australia and freedom I say "God bless America". In that inaugural speech I also said that our children are our greatest assets and that every child deserved the innocence of their childhood years. I am reminded of the words of Jesus in Matthew chapter 18 verse 6, when referring to those who grievously offend against the innocence of little children, he in effect said, "Better that a millstone be hanged around their neck and they be thrown into the depths of the sea."

Now 16 years later I rejoice to see that sexual predators of our children, no matter where they may be found, are being pursued with relentlessness and brought to justice as never before in our history. Likewise those who mistreat our children through other forms of abuse and through neglect are facing their due desserts. I am glad to see that attempts to propagandise children with bizarre gender stuff are being exposed. When I entered this Parliament I spoke against the culture of abortion and against the legalisation of euthanasia. I have continued to do so up until recent times. I earnestly hope that any future attempts to decriminalise abortion and to legalise euthanasia will end in failure.

Lastly, I would like to say something about my family. My late father did not live to see my election to this Parliament in 2003, he having passed away six years before. My sister Denise and I remember him for his capacity for hard work and denying himself and putting the family first. Born in Britain he was proud of his English heritage, as indeed I am of mine. With the outbreak of World War II he attempted to join the Royal Marines by putting up his age, as so many others did in those times. But being caught out, he joined the Royal Navy, serving with distinction on submarines in the war zones of the Mediterranean Sea, the Indian Ocean and off the coast of Norway.

Every year, without fail, right up until his passing, he would participate in the Anzac Day March through the streets of Sydney. I could not give up this opportunity to place in the Parliament's *Hansard* as an enduring public record this reference to his wartime service so that the great-grandchildren he never knew would know a little bit more about the great grandfather they never knew. There is not a single day that goes by without him not being in my thoughts. My mother, who is here tonight, is approaching her ninety-third birthday. As much as my father was proud of his English heritage, she is proud of having been born in Tasmania into a farming family in the south of the island. She was an accomplished artist, and I remember the loving home atmosphere she provided as my sister and I grew up. To recall my childhood is to recall only good memories in my home life. I also want to mention our four children, who are all here tonight: Caroline, Anne-Marie, Michael with his fiancé, and Andrew. Growing up they never gave us grief or cause for concern. My wife and I are proud that through hard work and diligence they have all gained university qualifications and are all on the right track in the progress of their lives.

I now turn to my beloved wife, Marisa, the light of my life. With an outstanding record with several university degrees to her credit she has also had a successful professional life as a high school teacher, librarian and careers advisor. I can tell you that my time in Parliament has really been a partnership with her. I seek her input, advice and ideas. She is an expert researcher and has accompanied me to events these last 16 years that number in the thousands. Through her tact, grace and gentleness she has mended more than just a few bridges that I may have broken on the way. As the mother of our four children and as the grandmother of our grandchildren—so far six in number—and as my wife of nearly 39 years, she is the absolute heart and soul of our family. The truth is that Marisa is the love of my life. I could not imagine life without her being with me.

Dear colleagues, I have loved doing what I have been doing for these last 16 years but I do not propose to go into hibernation. I intend to still be active in supporting the Liberal Party and there are other things that I want to do in my life as well. However, to be spending the remainder of my life with much more time, together with my wife, our children and our grandchildren, is something in my future days that I do not want to miss out on. I pray that God will not let me miss out on doing that. I am looking forward to the future but carrying with me the good memories of the past. I certainly have not reached the red light. I am not yet on the orange light. I am still going to be driving with the green light ahead. It may be not be on a super highway but it is certainly going to be on a main road. Dear friends, thank you very much and God bless.

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

Bills

COMBAT SPORTS AMENDMENT BILL 2018

Returned

The DEPUTY PRESIDENT (The Hon. Taylor Martin): I report receipt of a message from the Legislative Assembly returning the abovementioned bill without amendment.

SAINT PAUL'S COLLEGE BILL 2018

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. COURTNEY HOUSSOS (20:00): I continue my contribution to debate on the Saint Paul's College Bill 2018. The current governance arrangements at Saint Paul's College have been reported as isolating the college from the cultural and academic leadership of the University of Sydney and presenting barriers to diversity. Additionally, over a number of years the college has been criticised for its poor culture and inappropriate and sexist behaviour by students towards women. Criticism has come from many quarters, including Dr Michael Spence, Vice-Chancellor of the University of Sydney. Significantly, under the previous leadership of Dr Ivan Head, Saint Paul's College was the only college that formally refused to participate in a university-wide cultural review conducted by Elizabeth Broderick, AO. After being heavily criticised the college agreed to participate in the review.

Dr Don Markwell, the new Vice-Warden and head of Saint Paul's College who was appointed in February 2018, has reformed the governance of the institution. I note that he is in the gallery tonight. The leadership of Saint Paul's College has identified structural reform as a critical underpinning of a deeper renewal process. This governance reform has the support of Elizabeth Broderick and her team who undertook the cultural review of Saint Paul's College, the Vice Chancellor of the University of Sydney, the Anglican Archbishop, the Most Reverend Dr Glenn Davies, the council of Saint Paul's College and the committee of the college's alumni union. I acknowledge the work of the shadow Minister for Education and member for Lakemba, Mr Jihad Dib, who engaged with the college, visited it and met with it on a number of occasions. I also acknowledge the work of the shadow Minister for the Prevention of Domestic Violence and Sexual Assault and member for Maitland, Ms Jenny Aitchison, the member for Summer Hill Ms Jo Haylen and their "It's Time for Action" campaign to end sexual assault on campus.

I attended college and it was an incredibly important part of my life. It provided me with the support that I needed and the friendships that were crucial to my success. Colleges play an important pastoral care role in providing support for students that is increasingly difficult to find on campus as they balance study, paid work, commuting, family commitments and life. However, we must ensure that those standards are up to date. It is not good enough to simply say that this is how it was done in the past. Rules are important in establishing a framework and a culture. As colleges around the country undergo this sometimes difficult process of modernisation the rules that govern them are vital in acting as a bedrock in times of cultural change. Last year this House dealt with the Saint John's College Bill which provided for a similar modernisation process. In the debate in the other place the shadow Minister for Education said:

... I will make several calls to action. One of those will be to students, current and past, to set about creating new traditions and new rituals that are commensurate with the esteemed status of the church, the college and the university and what we all might expect from a group of presumably intelligent and engaged young leaders who have the opportunity to study at one of the great universities and reside in one of its oldest colleges.

I make a similar appeal tonight. The value of a residential college experience should not be defined by the worst, most obnoxious, well-publicised incidents. Rather, it should be defined by the sense of community, academic and social support and, most of all, lifelong friendships that can only enhance a university experience. I commend the bill to the House.

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (20:05): In reply: I thank the Hon. Courtney Houssos for her contribution to debate on the Saint Pauls College Bill 2018. I also acknowledge Dr Don Markwell from Saint Paul's College who is in the President's gallery today, along with Reverend Edmund Loane, a member of the council. I thank both gentlemen for being here for what was quite a short debate. This bill will modernise the administration and operation of Saint Paul's College. Importantly, all positions on the council, both clerical and lay, will be open to male and female candidates. The link between the University of Sydney and Saint Paul's

College will be strengthened through the requirement that one member of the college council be an academic at the university.

The bill is drafted in contemporary language. This is important, both as a matter of practicality in administering the operation of the college, and symbolically as Saint Paul's moves forward as a modern institution with a long and extraordinary history. I note that it will commence enrolling female students at postgraduate level from next year. I look forward to hearing how the college is supporting a more inclusive and diverse culture. The bill sets up Saint Paul's College to embrace modernity and sets the college in good stead to continue its contribution to academic life at Australia's oldest university. I commend the bill to the House.

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

Motion agreed to.

Third Reading

The Hon. SARAH MITCHELL: I move:

That this bill be now read a third time.

Motion agreed to.

PUBLIC WORKS AND PROCUREMENT AMENDMENT (ENFORCEMENT) BILL 2018

Second Reading Debate

Debate resumed from 24 October 2018.

The Hon. PETER PRIMROSE (20:08): The Public Works and Procurement Amendment (Enforcement) Bill 2018 will provide for the enforcement of federally negotiated international trade deals, in this instance the TPP-11 to be enforced by the New South Wales Supreme Court. The object of this bill is to amend the Public Works and Procurement Act 1912 to provide for the enforcement of certain directions and policies of the NSW Procurement Board concerning procurements to which international procurement agreements may apply. Schedule 1 amends the Public Works and Procurement Act 1912. Schedule 1 [1] inserts a number of definitions, including:

- (b) **Enforceable procurement provision** is defined to mean a provision of a Board direction or policy (or a provision of a document referred to in a Board direction or policy) that is expressed to be an enforceable procurement provision by the direction or policy.
- (c) **International procurement agreement** is defined to mean an international agreement that applies to procurements by Australian Governments and covers procurements by New South Wales.

The Hon. Shaoquett Moselmane: Point of order—

The DEPUTY PRESIDENT (The Hon. Taylor Martin): I anticipate the point of order. It would be much appreciated if the member could be heard in silence.

The Hon. PETER PRIMROSE: I thank the Opposition Whip and honourable members. Schedule 1 [3] enables the board to issue policies as well as directions concerning the procurement of goods and services by and for government agencies. It also enables the board to specify the provisions in a directional policy or provisions of a document referred to in a directional policy relating to an international procurement agreement are enforceable procurement provisions. Schedule 1 [6] inserts a number of provisions into part 11 of the Act concerning the enforcement of enforceable procurement provisions. Division 6 particularly enables the Supreme Court to issue injunctions or to award compensation for contraventions or proposed contraventions—I stress that—of enforceable procurement provisions.

The power of the Supreme Court to grant injunctions will be subject to certain procedural preconditions, including requiring a complaint to be made first under division 5. Division 6 also enables a government agency head to issue a public interest certificate to prevent the suspension of a procurement while a complaint is being investigated or an application for an injunction is being considered. Schedule 1 [7] enables government agencies to delegate their complaint-handling functions concerning enforceable procurement provisions to their staff members. Schedule 1 [8] enables regulations to be made by the Governor for purposes relating to the Act. The TPP-11, which is officially the Comprehensive and Progressive Agreements for Trans-Pacific Partnership—is successor to the original Trans-Pacific Strategic Economic Partnership [TPSEP] Agreement, which involved the United States. United States President Donald Trump withdrew the United States from that partnership.

I have made my opposition to this agreement clear in this place in the past and I stand by that position. I am proud that NSW Labor will now also oppose this bill. The Public Works and Procurement Amendment

(Enforcement) Bill 2018 will allow an international entity—a corporate or government agency—to seek to have a procurement deal in New South Wales suspended or to seek compensation if it feels it has been prevented from having fair opportunity to participate and to be successful in the procurement process. In short, this would prevent a New South Wales government from giving priority to, for example, Australian steel or New South Wales-manufactured ambulances without being exposed to the possibility of compensation being payable to a foreign corporate or government bidder or an expensive legal battle.

Through this bill, New South Wales will become the first Australian State to activate the TPP-11 proposal. No other State has introduced any such bill and, given the timing, it is unlikely they will do so before the end of the sitting year in each respective State. For this reason it is reasonable to interpret this move as the New South Wales Coalition Government doing the bidding of the Federal Coalition Government so that the TPP-11 would be harder to unwind should the Federal Labor Party be successful at the next Federal election. In contrast, New South Wales Labor has already adopted a policy that will prioritise local content and labour in New South Wales government projects. By taking a stand to reject this bill, NSW Labor is endorsing the position of its Federal Labor colleagues, who hold that the TPP-11 is not currently in an acceptable form.

A Federal Labor government will make labour market testing compulsory, prevent Australia entering into agreements that contain investor-state dispute settlement provisions, and introduce increased transparency and consultation in trade negotiations and a tougher national interest test. Federal Labor will also move to negotiate side deals with members of the TPP-11 to strengthen labour market testing and to eliminate the investor-state dispute settlement provision for Canada. By rejecting this bill, NSW Labor members will be endorsing the position taken by our Federal colleagues, which in effect is that the TPP-11 is not currently in an acceptable form. By not supporting this bill, we are seeking to provide the opportunity for our Federal colleagues to unwind the TPP-11 when they win government.

In opposing this bill, NSW Labor is affirming two clear policy differences between the Labor Opposition and the New South Wales Liberal-Nationals, and one that the New South Wales electorate will be made very aware of in the lead-up to 23 March 2019. First, unlike the New South Wales Liberal-Nationals, the Labor Party will protect and create local jobs, particularly in the regions. We believe regional jobs are particularly important. Secondly, Labor will protect the right of the New South Wales Government to make laws on behalf of its citizens without facing the threat of legal action from foreign corporations and governments. For these reasons, the Opposition opposes this bill.

Mr JUSTIN FIELD (20:15): I speak on behalf The Greens in debate on the Public Works and Procurement Amendment (Enforcement) Bill 2018. The Greens have long had serious concerns about the Trans-Pacific Strategic Economic Partnership [TPSEP] Agreement. This component as it relates to procurement goes to some of those core concerns. My Greens colleagues in the Federal Parliament have been working for years to highlight the way in which the Trans-Pacific Partnership [TPP] is a bad deal for consumers and for workers. All it does is to line the pockets of large multinational corporations, who we have seen through our experience of other trade deals take Australia for a ride.

This is a trade agreement that gives corporations the power to sue governments for raising wages, protecting the environment, and reducing the cost of life-saving medication. The Coalition Government has sold out Australian workers, Australian farmers and Australian manufacturing for a deal that even the Federal Government's modelling shows will not add much to our gross domestic product. However, the cost and consequences of doing so for local businesses, for local jobs and for the right of governments to regulate procurement in the interests of the public, the environment and consumers are disastrous.

I am heartened to hear that the Opposition will oppose the bill. However, it is important to note that the Labor Party has supported the Trans-Pacific Strategic Economic Partnership Agreement at the Federal level. We would not be having this debate if it had not done so. It is incredibly important to note that. Today the New South Wales Parliament has the chance to consider where the rubber hits the road in respect of the TPP and as it relates to our procurement processes. This is important legislation that requires careful consideration and attention in this Chamber. Yet there has been very little critique of how this bill will work in practice. I have been speaking during the past few sitting weeks about the substance of important legislation being included in regulations, which means this Parliament cannot scrutinise the application of the legislation. That is happening again with the bill.

This bill essentially allows a company to lodge a complaint or to sue a New South Wales government agency if it believes that agency has breached a procurement provision. We do not know, and the Government has not made clear, the procurement provision to which this legislation will apply. The bill provides that the NSW Procurement Board will make a direction as to what is considered an enforceable procurement provision. That is not enough. The Parliament needs to know how this legislation will be applied and what impacts it will have on businesses and people in New South Wales. I asked the Minister's officers for, at the very least, some examples of enforceable procurement provisions. I thank them for their efforts in providing a response and

I understand that it is probably higher powers in the Federal Government who are dictating the contents of this legislation and, indeed, the agreement the Federal Parliament signed.

The Minister's office provided one interesting example. It said that in a situation where an agency is assessing tenders of two businesses—one Australian-owned and the other owned by an overseas company—the agency would not be able to factor in ownership of the company. How far does this restriction extend? Does it extend to companies that provide local employment as a term of their tender? Does it extend to companies that have a poor track record of fair employment conditions in other countries in which they operate? These are substantive considerations. We should be able to make the rules in this State, separate from the TPP, that ensure that procurement happens under the direction of government.

Using New South Wales taxpayers' money can serve a higher interest than just getting the best price. Of course we should consider how that company operates in other jurisdictions. We should consider whether local employment benefits are to be gained. We should consider whether local content can legally be used in things that are manufactured and in services that are provided. This bill removes our ability to make those sorts of decisions and it is wrong. The bill requires the procurement process, or part of it, to be suspended once a complaint by a company or person is made. This effectively allows larger businesses, especially those with money and resources, to bully government agencies into awarding tenders for their own benefit. These companies will stall the tender process over and over again and pressure government agencies into changing their decisions.

There are no safeguards in this bill for government and it is shocking to see that the Government is so ready to give away the freedom of agencies and of itself to make decisions for the good of New South Wales citizens. Another issue with this legislation is the complete lack of detail. The Government is leaving it to the regulations to provide the substantive aspects of how this bill will operate. The Legislation Review Committee, chaired by a member of the Government, expressed concern over the lack of detail in this bill. In its report the committee referred this issue to the Parliament by stating:

The Bill establishes a review framework, however, it defers to the regulations the power to provide the finer details of the framework. Such details include what kinds of complaints fall within the review framework and who has standing to make a complaint.

Given that the Bill seeks to provide a right of review to certain persons, the Committee considers that the details of the review framework should be specified in the principal legislation and subject to parliamentary scrutiny.

This committee, with a Government chair, is critical of the lack of detail in this legislation. This is another example of the Government pushing ahead with its agenda with very little transparency and no ability for this Parliament to offer legitimate scrutiny over the details because it is just not before this House. The Greens' position for a long time has been that the TPP is a bad deal. It was designed in a back room to benefit boardrooms and not the people of New South Wales. This procurement bill will impact on consumers and businesses in New South Wales and on their ability to provide local jobs, guarantee local procurement and guarantee procurement in the interests of the environment. Those are the concerns of The Greens. This has been played out in other countries with those sorts of trade deals. When foreign companies start suing the New South Wales Government for decisions we make in the public interest, we will come back to this decision and realise that it was a mistake. The Greens do not support this bill.

The Hon. PAUL GREEN (20:23): On behalf of the Christian Democratic Party I speak in debate on the Public Works and Procurement Amendment (Enforcement) Bill 2018. The bill seeks to establish a review process whereby a person who supplies, or could supply, goods and services to a government agency may complain to the government agency, alleging the agency has contravened an enforceable procurement provision. This bill is of interest to me, given the Modern Slavery Act that I introduced and that passed through both Houses. In the Modern Slavery Act there must be mandatory reporting of risks of modern slavery occurring in government agency supply chains and commercial organisations. Any government agency that fails to comply with the NSW Procurement Board's directions concerning the procurement of goods and services that are the product of modern slavery will be identified in the Anti-slavery Commissioner's public register.

The bill inserts a new provision in the Public Finance and Audit Act 1983 which will enable the Auditor-General to conduct an audit of a government agency. The bill also amends the Annual Reports (Departments) Regulation 2015 and the Annual Reports (Statutory Bodies) Regulation 2015 to require government departments and statutory bodies to include in their annual report a statement of the action taken in relation to any significant issue raised by the commissioner during the financial year concerning the operations of the agency, and a statement on the action taken to ensure that goods procured were not found to be the product of modern slavery.

Government agencies must work in cooperation with the Anti-slavery Commissioner in the exercise of their respective functions. Changes to government procurement will ensure that agencies take all reasonable steps

to mitigate goods and services procured by a government agency as products of modern slavery. The bill provides for the enforcement of directions and policies declared by the NSW Procurement Board to be enforceable procurement provisions. The provision of a board direction or policy relating to an international procurement agreement, such as Australia's Trans-Pacific Partnership, may be declared to be enforceable procurement provisions. These provisions will include a set of requirements that will apply to procurements of a certain value, which is to be determined by the board and updated every two years.

Schedule 1 division 6 enables the Supreme Court to issues injunctions or to award compensation for contraventions, proposed contraventions or enforceable procurement provisions. It also enables a government agency head to issue a public interest certificate to prevent the suspensions of a procurement while a complaint is being investigated or an application for an injunction is being considered. The bill continues to include a provision to make it clear that a contravention of an enforceable procurement provision does not affect the validity of any contract that has already been entered into between a government agency and a supplier of goods and services.

Good procurement systems are also shaped by clear regulations that meet international standards and they are overseen by strong institutions that enforce those rules. They also provide access to information and effective complaints mechanisms. The New South Wales Code of Practice for Procurement outlines the philosophy, obligations and standards of behaviour applicable to all parties in the supply chain during the procurement process. The overarching requirement for procurement is that a government agency achieves value for money in the exercise of its functions. In conclusion, government procurement activities should achieve best value for money in the expenditure of public funds while being fair, ethical and transparent. With the Trans-Pacific Partnership, obviously we would want to make sure that there is a good weighting for New South Wales businesses.

The Hon. Peter Primrose: It is illegal.

The Hon. PAUL GREEN: It is. That is why there are some regulations. There is no doubt that there are complications.

Mr Justin Field: Are you opposing it?

The Hon. PAUL GREEN: No, we are supporting it. When governments open up to a global market there are consequences for businesses in this State. There is always a cost when we do business on a global scale. The Christian Democratic Party commends the bill to the House.

The Hon. Dr PETER PHELPS (20:28): I am pleased to support the Public Works and Procurement Amendment (Enforcement) Bill 2018 for the following reasons. This bill helps Australian businesses, supports free trade and opens up significant international trading opportunities for Australian businesses and, in particular, for New South Wales businesses. What we heard from members of the Opposition and The Greens is nothing more than the economic nativism that one would get from One Nation supporters. Let us be clear about this: That is exactly what you are getting from those opposite—an old-style economic nationalism which is only able to be effected in a scheme of imperial trade preference. If the Labor Party and The Greens want to move back to a scheme of imperial preference then let them say, on the public record, that they want to realise their dreams of glorious, inbred socialist utopias held back by the great white walls of trade unionism and immigration restriction on which socialism in this country was built. Let them say that that is what they want. In fact, international socialism was always rejected in this country by the left, except by the Industrial Workers of the World and other small minority groups. Most of the time the left in this country is not represented by international socialism; it is national socialism.

This bill provides an important new mechanism for Australia's international relations. Businesses wanting to supply goods and services to the New South Wales Government will have an impartial and independent body to review the processes of procurement in government agencies. The Supreme Court of New South Wales—not a magistrate's court, the NSW Civil and Administrative Tribunal nor the District Court—can consider complaints that an agency has not complied with internationally agreed procurement rules. The court can issue injunctions to an agency requiring it to correct a situation, or it can order the agency to pay compensation.

This is about providing a mechanism whereby legitimate disputes can be arbitrated in a fair and impartial environment. Members opposite may well have disagreements with the whole concept of international free trade agreements.

Mr Justin Field: We do.

The Hon. Dr PETER PHELPS: I note the interjection—The Greens definitely do. The Labor Party is, of course, bitterly divided between the old-style socialists and those people who follow the core Keating model and understand that Australia cannot maintain a glorious, idealised vision of 1950s economic isolationism.

That contest still has not been fought out. The left of the Labor Party sees Jeremy Corbyn and says, "Yes, we're comin' back! If only we could have a Corbyn in Australia." That is what people in the Labor Party are saying. That is what they want. That is what they love. That is what they are looking for.

The Labor Party's opposition to these free trade agreements stems precisely from that. It is legitimate to make that argument, but it should be made in the Federal Parliament—at a Federal level—because this Parliament does not have, despite what Mr David Shoebridge believes, an external affairs power. The external affairs power is enshrined in the Constitution under section 51 (xxix), as the exclusive preserve of the Federal government. However much Mr David Shoebridge and others of that particular faction of The Greens would like to intervene in the Gaza dispute, the simple fact is that the constitutional proprieties of this nation mean that external affairs are the prerogative of the Federal Government. That means that we do not have an option to opt out. We cannot have a New South Wales embassy to New Zealand. We cannot have a New South Wales embassy to Mexico. We cannot have a New South Wales embassy to North Korea, although there are certain members of the New South Wales Greens who, I think, would fulfil the role of ambassador very appropriately. More importantly, they would be very happy to fulfil that role.

This State cannot opt out of the Federal Government's external affairs power. This Parliament can put in place mechanisms which will give effect to legitimate arbitration of disputes which will flow from the introduction of a free trade agreement for the whole of Australia. That is what this bill does. Many of the people who are opposed to this are the same people who say, "No, we have to give effect to a State-based version of the Paris climate accords." Or they say, "We have to give effect to the international agreements of the kind that allowed the Franklin Dam case to take place," or, "We have to abide by the refugee conventions." Those on the left think that it is all right to start waving the flag about international responsibilities which devolve to States following the use of external affairs powers by the Federal Government, except when it applies to their pet peeves.

That argument is not going to fly. This bill provides Australian businesses with a new mechanism to have their complaints heard. It is an important reform for that reason, but it is also an enormous boost to businesses wanting to trade internationally. The establishment of an independent body to consider procurement complaints is a core commitment of the Trans-Pacific Partnership—or, as it is often called, TPP-11—and other free trade agreements, such as the Singapore-Australia Free Trade Agreement. Australia must comply with this requirement for a procurement review body to make sure that Australian businesses get access to the international trading benefits in the TPP. If this Parliament does not provide that body in this State, there will still be arbitration somewhere, but it will not be in this State. An independent review body is also a prerequisite to join other trade agreements such as the World Trade Organization Agreement on Government Procurement.

Free trade agreements create opportunities for business and build the New South Wales economy. The simple fact is that the advent of globalisation has provided untold wealth—not just to the First World, but to the Second World and the Third World, which we used to call the developing countries. India has been a major beneficiary of globalisation. China has been a major beneficiary of globalisation. Malaysia has been a major beneficiary of globalisation. Singapore has been a major beneficiary of globalisation. Countries which, 50 years ago, struggled to feed themselves—where poverty was endemic—have been pulled out of that.

We are now in a situation where China and India have more billionaires, in US dollar terms, than Australia does. Was that done through some socialist miracle? No, it was done through the power of free trade. Free trade agreements create opportunities for businesses and to build the New South Wales economy. New South Wales businesses, in turn, get opportunities to expand into overseas markets. The TPP-11 is a landmark agreement with 10 of Australia's trading partners. More than 22 per cent of Australia's trade is with these nations. That trade that is worth \$164 billion—that is, 164 thousand million dollars. Getting access to the TPP-11 markets will be a significant boost to New South Wales businesses, and this State will be getting a significant amount of that \$164 billion, considering that, under the great leadership of Gladys Berejiklian and Dominic Perrottet, New South Wales is now the prime State in Australia—the best economic State in Australia, far ahead of where we were 10 years ago, when we were languishing near the bottom, under the benighted rule of the then Labor government.

Getting access to TPP-11 markets will be a significant boost to New South Wales businesses. The Winemakers Federation of Australia has stated that the TPP-11 is a landmark agreement for that industry. It is the first free trade agreement which specifically addresses wine-related technical barriers to trade. This includes, under the new agreement, a streamlined certification processes, better traceability and fraud protection, and improved labelling requirements. The TPP-11 will remove tariffs on wine in participating nations, which represents a market of more than two billion litres a year.

Wine Australia estimates that Australia exports approximately 600 million litres a year but currently has very little penetration into key markets such as Chile, Japan, Malaysia, Mexico, Singapore and Peru. GrainGrowers, which represents more than 17,000 members across Australia, has strongly supported Australia's participation in the TPP-11. Grain exports to TPP-11 members account for 15 to 20 per cent of Australia's grain

trade. This includes wheat, barley and canola. The TPP-11 will build on existing free trade agreements that benefit the grain industry. In particular it will provide improved market access to Japan. Japan is one of our key markets and, historically, one of our most difficult markets to deal with, not merely through direct tariff barriers but also through indirect arrangements. These arrangements served as quasi tariffs to prevent Australian produce reaching consumers in Japan.

The National Farmers Federation is a staunch advocate for Australia participating in the TPP-11. The NFF has identified opportunities that this treaty creates in the red meat and sheepmeat sector, the sugar industry, grains including wheat, barley and rice—one of the key components of agriculture in this State—and dairy products. No doubt there will be other flow-on effects from these improved arrangements. Unsurprisingly, the Business Council of Australia considers the TPP-11 so important that it has urged the Australian Government to ratify the agreement as soon as possible. In addition to the immediate trade benefits from the TPP-11, the Business Council argues that the TPP-11 sets important standards for future trade agreements and is a far-sighted contribution towards encouraging international co-operation. In a time of rising tension throughout Asia and the Pacific, it is better for us to be fighting with wheat than with guns and to be moving livestock through the South China Seas rather than moving destroyers and frigates. Free trade creates enmeshment. Enmeshment creates peace in a way that isolationism and economic nationalism does not.

The Department of Foreign Affairs and Trade has identified key opportunities for increasing export opportunities in rural industries including beef, sheepmeat, cotton, wool, dairy, cereal and grains, seafood and wine. DFAT has also identified increased opportunities for service industries, which are very important to the New South Wales economy. The TPP-11 creates opportunities for professional services such as architecture and engineering, telecommunications and health services, as well as vocational and tertiary education and financial services, which will be absolutely vital in East Asia and southern Asia in the coming century—safe haven financial services.

All parties to the TPP-11 have agreed to establish an independent review mechanism to ensure that government procurement complies with internationally agreed procurement requirements. We cannot have a situation where a nativist government in a State will say, "We intend to violate, not merely the spirit, but indeed the very letter of a free trade agreement by engaging in selective tendering which benefits only ourselves." That is a scenario which destroys trade agreements. It is not merely an affront to the notion of free trade and globalisation but a direct threat. New South Wales must establish a review mechanism which applies to New South Wales agencies. We must ensure that New South Wales businesses get all the benefits of the TPP-11 agreement.

I am sure that members of this House will agree that the nomination of the Supreme Court of New South Wales would raise no potential problems. The Supreme Court of New South Wales is an organisation that has no vested interest, political affiliation or dislike of New South Wales. It satisfies all the requirements for a review mechanism. I support New South Wales' engagement with the global economy. Many Labor members support engagement with the global economy. Too many Labor members do not support the engagement with the global economy, and I anticipate The Greens will not support engagement with the global economy if it does not involve marijuana. New South Wales' engagement with the global economy is an arrangement which is critical to growing the New South Wales economy, the Australian economy and the peace of the region. In doing so it maintains our competitiveness and improves our productivity. I commend the bill to the House.

The Hon. MICK VEITCH (20:44): I make a brief contribution to the debate on the Public Works and Procurement Amendment (Enforcement) Bill 2018. Listening to the previous speaker one might think there will be no losers but we need to give careful consideration to regional New South Wales. Earlier I heard "Hear, hear!" from some Government members who live in regional New South Wales. There are some good things about trade agreements and some will be the benefits derived for businesses, but there will also be issues that need serious consideration—one such issue is TPP-11 and the mechanisms being put in place with the Supreme Court. Independent farming associations have indicated to me that if this agreement was currently in place there would be a good chance that the drought package, which has been rolled out by those opposite to our farmers, could be challenged. Members should give more consideration to this issue. When members say, "Hear, hear!" they should reflect upon the fact that there may be some people who will not do well under this agreement and that should be acknowledged.

I concur with the Hon. Dr Peter Phelps—there will be winners. Some industries will do well and have done well with the TPP, but there are some that have not and predominantly those industries will be in regional New South Wales. People in regional New South Wales have concerns about jobs. Wherever I visit Jobs in regional New South Wales—wherever I visit—are important. When members say, "Hear, hear!" I urge them to think about some of the people who will lose out because, as I say, there will be losers from this, not just winners. That is how it works.

It is beholden on all of us to work out the measures we implement to ameliorate the pressures we put on regional economies because of TPP-11. Consideration needs to be given to the consequences that may arise, for example, with drought and where that puts us with some of the other members of the TPP-11. It is not all beer and skittles. There will be winners and some good, but there will also be pain and some structural adjustment that needs to take place in our economy. No-one can deny that. Some people will experience difficulty because of that adjustment. My contribution relates to the consideration of the benefits of TPP-11 and those who will lose out. The Legislation Review Committee also looked at this legislation and I want to say to the Minister at the table, who will respond, that it spent a little bit of time looking at the regulation capacity of this legislation.

Mr David Shoebridge: It was 22.5 seconds.

The Hon. MICK VEITCH: I did say a "little bit of time"—my definition of a "little bit of time" may be different to yours. I will read what the committee noted at page 37 of the Legislation Review Digest: The Committee notes that as a part of its obligations under the TPP-11, the Commonwealth and all States and Territories must establish an independent review mechanism for government procurements. The Bill establishes a review framework, however, it defers to the regulations the power to provide the finer details of the framework. Such details include what kinds of complaints fall within the review framework and who has standing to make a complaint. Given that the Bill seeks to provide a right of review to certain persons, the Committee considers that the details of the review framework should be specified in the principal legislation and subject to parliamentary scrutiny. The Committee refers this issue to Parliament for its consideration.

I agree. We cannot flick that to regulation. It should have been in the principal piece of legislation, on the table for us to debate right now, and the matters should have been made quite clear. I ask the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council to respond to the Legislation Review Committee's comments when it comes to regulation-making capacities. What will be in the regulations? Who will be picked up by the regulations?

I have concerns about this bill. I have concerns about TPP-11. I acknowledge that there will be some benefit, but in regional areas of New South Wales there will be angst and structural adjustment to regional economies, which will hurt people. I am concerned about the impact of this legislation upon farmers when it comes to issues such as drought.

Mr DAVID SHOEBRIDGE (20:50): I note comments made earlier by my colleague Mr Justin Field. I participate in debate on the Public Works and Procurement Amendment (Enforcement) Bill 2018 to deal expressly with the Trans-Pacific Partnership [TPP] and the concerns The Greens have at the State and Federal level about the loss of sovereignty that goes with the TPP. In part, this bill sets up a capacity to make regulations for dealing with the TPP. As I understand it, one of the key proposals of the bill is to allow for arbitrated outcomes of investor-State dispute settlements. That is where multinational corporations seek to bring arbitrated claims against either State or Federal governments because they have taken a particular position on an environmental law, a planning law or a public health law. They bring claims against our sovereign governments, alleging a breach of the TPP, and seek damages. An example of this is tobacco, which resulted in damages claims that are in the billions and billions of dollars.

Damages claims are likely to be in the hundreds of millions or billions of dollars for a regulation or steps taken by State or Federal governments that are said to be in breach of the TPP. Having determined those issues in a private arbitral dispute, which may have a bunch of business executives or some corporate lawyers from heaven knows where meeting in Singapore, New York or London to determine that dispute, we may find that the New South Wales Government or the Federal Government is in breach and that damages to the tune of \$500 million or \$2 billion are due to be paid. Part of the plan is to allow that judgement to be registered in New South Wales courts and enforced in our own courts. It is like inviting the hangman into the dining room.

There are many problematic issues with the TPP—such as our loss of sovereignty and our loss of control over our own environment, planning and social welfare—that I want to reflect upon those concerns and question why this Parliament would hand over such a blank cheque to a future government with regulation-making power that will sell our sovereignty down the river.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (20:53): In reply: I thank all members who contributed to the debate. In particular we heard from the Hon. Peter Primrose, Mr Justin Field, the Hon. Paul Green, the Hon. Mick Veitch and the Hon. Dr Peter Phelps, whom I commend for his excellent contribution on a number of policy and philosophical issues. As members have heard, the bill will establish a system whereby suppliers can seek redress from the Supreme Court if they consider that a government agency has failed to comply with internationally agreed procurement rules. The Hon. Paul Green mentioned the benefits that this bill will bring by enabling Australia to participate in the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, which is also known as TPP-11.

All Australian States and Territories must establish an equivalent review mechanism before Australian suppliers can take advantage of the enormous business opportunities created by this historic free trade agreement. The bill provides a mechanism for enforcing internationally agreed government procurement rules. All parties to TPP-11 will establish or nominate equivalent independent review bodies that Australian and New South Wales businesses can access. Our local businesses will get legally enforceable rights to participate in government procurement opportunities across all TPP-11 parties.

In relation to the issues raised by the Hon. Peter Primrose, which are also relevant to a question raised later in the debate by the Hon. Mick Veitch, I note that TPP-11 will significantly increase market access for our export of goods and services into a regional free trade area with a gross domestic product worth approximately \$13.7 trillion. This area accounts for approximately 36 per cent of New South Wales exports and 24 per cent of all New South Wales trade. International trade promotes a wide range of benefits to New South Wales citizens and industry that includes economic growth, competition efficiency, technological progress and, ultimately, consumer welfare. All suppliers are treated equally by this bill.

The bill complies with international trade obligations to maintain an impartial and independent body where suppliers can raise complaints about government procurement processes and be awarded remedies and compensation. It will give Australian business the opportunity to access the government procurement benefits of the TPP-11 and the World Trade Organization Agreement on Government Procurement. For the benefit of Mr Justin Field, who raised these issues, I reemphasise that this will yield economic benefits of making Australian exports more competitive, increasing access to global markets for Australian businesses, encouraging investment in Australia, lowering costs for Australian businesses by reducing tariffs and import restrictions, introducing new technologies and enabling innovation to flourish and home-grown companies to become or remain more competitive. Furthermore, in relation to some of Mr Justin Field's observations, I point out that the key aspects of the review framework are contained in the bill.

In terms of who has standing to make a complaint, item [1] of schedule 1, which amends section 162 of the Act, provides that an affected applicant, being a supplier of goods and services whose interests are affected by the contravention, can make a complaint. The bill provides that an affected applicant is to make a complaint to the agency in the first instance. An agency must suspend a procurement as soon as a supplier lodges a complaint, unless a public interest certificate is in place. This bill also sets out strict time limitations within which suppliers may approach the court.

In response to some remarks made by Mr David Shoebridge, I am advised that the bill does not create any rights in relation to investor-State disputes. This bill simply deals with disputes about procurement actions taken by New South Wales Government agencies. This bill provides that compensation is limited to expenditure reasonably incurred by the affected applicant in the procurement process and that the costs are reasonably incurred when attempting to resolve the complaint with the government agency and in making a complaint. Having made those observations, 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.

The House divided.

Ayes19

Noes14

Majority.....5

AYES

Amato, Mr L
Cusack, Ms C
Franklin, Mr B
Khan, Mr T

Blair, Mr
Fang, Mr W (teller)
Green, Mr P
MacDonald, Mr S

Colless, Mr R
Farlow, Mr S
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

NOES

Donnelly, Mr G (teller)

Faehrmann, Ms C

Field, Mr J

NOES

Graham, Mr J

Houssos, Mrs C

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

PAIRS

Clarke, Mr D

Mookhey, Mr D

Ward, Mrs N

Wong, Mr E

Motion agreed to.**Third Reading****The Hon. DON HARWIN:** I move:

That this bill be now read a third time.

Motion agreed to.**CONVEYANCING LEGISLATION AMENDMENT BILL 2018****CRIMES (ADMINISTRATION OF SENTENCES) LEGISLATION AMENDMENT BILL 2018****Returned**

The PRESIDENT: I report receipt of messages from the Legislative Assembly returning the abovementioned bills without amendment.

*Adjournment Debate***ADJOURNMENT****The Hon. DON HARWIN:** I move:

That this House do now adjourn.

PARLIAMENTARY FRIENDS OF LANDCARE

Mr SCOT MacDONALD (21:07): Tonight I speak on the successful "Trees in the House" event, hosted by the Parliamentary Friends of Landcare at the New South Wales Parliament. Tonight's event also celebrated outgoing Landcare NSW Chair Robert Dulhunty, who is retiring after seven years as service as Chair of Landcare NSW, in addition to his decades of involvement with the organisation. Rob, who I know from Glen Innes, was one of the original Landcare members when it moved into New South Wales in 1989. Landcare began in central Victoria in 1986, led by the then New South Wales Government. It evolved over a couple of years and was adopted by an unlikely alliance of the Australian Conservation Foundation, the National Farmers' Federation, Rick Farley and Phillip Toyne. It was then adopted and funded by Bob Hawke's Government, who called it "a decade of Landcare" in 1990.

Now, with the support of the New South Wales Government and Local Land Services, Landcare NSW is building its capability and capacity to support the 60,000 strong Landcare volunteers across the State. In 2015, at the initiation of Landcare patron Mr Troy Grant, the New South Wales Government committed \$15 million to Landcare NSW to reinvigorate the movement. Indeed, 2015 was also the year of the establishment of the NSW Parliamentary Friends of Landcare, of which I am proud to have been a member since its inception. I acknowledge the current Chair, Kevin Anderson, who organised tonight's event, and Deputy Chair, the Hon. Michael Veitch. They both do a brilliant job in a bipartisan manner in this important movement.

Landcare has received strong support from the Government since 2015 and this has made a real difference to Landcare on the ground. With the backing of the New South Wales Government, Landcare NSW and Local Land Services, Landcare has been able to achieve a number of outcomes. I congratulate both the Government and Landcare NSW on their efforts and this partnership. I hope it continues under future governments. The New South Wales Environmental Trust has also been a long-term supporter of Landcare across New South Wales, investing nearly \$25 million into Landcare and Bushcare groups across New South Wales since 2012. More than \$13 million of this investment currently supports active projects on the ground. The value to the environment and community

is valued at \$500 million, according to a study commissioned by Aurecon. It is difficult to measure environmental outcomes but it has been done and half a billion dollars is truly remarkable.

Landcare groups have formed across Australia and in more than 20 countries. The cornerstones of Landcare are being community owned and driven, being bipartisan in nature and encouraging integrated management of environmental assets, including productive farmland and a sustainable approach to private land management. Currently there are 34 host Landcare organisations engaged and 72 local Landcare coordinators on the ground. The New South Wales Government is proud to support grassroots initiatives that empower private landowners. It is incredibly important to recognise that private landowners, who own more than two-thirds of the country, are the mainstay of environmental outcomes in this State. We cannot achieve the environmental outcomes we seek without supporting private landowners. That is why Landcare is so incredibly important.

This year the environment Minister, the Hon. Gabrielle Upton, committed \$61 million towards funding the NSW Biodiversity Conservation Trust. This funding is part of the New South Wales Government's unprecedented investment of \$240 million over five years to 2020-21 and \$70 million per year ongoing. I acknowledge some people in the movement in my part of the world—Karen Zirkler, Executive Officer of Southern New England Landcare, and David Henderson, Steve Harvey, Bill Perrottet and all the other board members of the Southern New England Landcare movement. I acknowledge also Sonia Williams, who also comes from the Northern Tablelands. She has been the New South Wales Landcare facilitator for some years and been involved in natural resource management for 25 years. She, too, is retiring. I acknowledge all those wonderful people in the terrific movement of Landcare.

PARLIAMENTARY FRIENDS OF ARMENIA

The Hon. WALT SECORD (21:12): As we approach the end of this Parliament, I reflect on my past seven years as the Deputy Chair of the NSW Parliamentary Friends of Armenia. I do so as a genuine friend of the Armenian community and as a person committed to commemorating, remembering, and thus hopefully preventing, genocide. As the son of a late-Mohawk-Ojibway First Nation man from Canada, I believe that all genocides require constant remembrance. Oppression and genocide have deep meaning to the Armenian community and to me personally. In a personal capacity, I have visited Auschwitz-Birkenau, the national genocide museum in Yerevan, Yad Vashem in Jerusalem, Berlin's Memorial to the Murdered Jews of Europe, Halabja's museum and monument in Iraqi Kurdistan where Saddam Hussein tried to exterminate the Kurds in 1988, former Jewish and Islamic sites of the Spanish Inquisition including Cordoba, and Aboriginal massacre sites, including Appin and Myall Creek.

I believe it is only by acknowledging what has happened that we can help prevent acts of genocide from happening again. As we approach the March State election I know the Armenian community will be cheering on their daughter, Gladys Berejiklian. I understand that and I do not take that personally. While I differ with her on public policy, the Australian Armenian community has every right to be proud. But I implore the community, in that pride to please know that they have strong supporters in the Labor Party too. I am one of these supporters.

Over the past seven years we have seen many changes, including the Armenian Film Festival, the premiere of *The Promise*, many officials visits, including the Armenian foreign minister, Hrant Dink's wife, numerous genocide academics and internationalist jurist Geoffrey Robertson, QC, important commemorations, including the 100th anniversary of the start of the Armenian genocide, the twentieth anniversary of NSW Parliament Recognition of the Armenian Genocide and the Sumgait massacre, formation of the Australia-Armenia Inter-Parliamentary Union, and the first Federal parliamentary motion recognising the Armenian Genocide through the prism of Australia's first major international humanitarian relief effort.

As deputy chair of the parliamentary friends, my personal relationship with the Armenian community has also deepened. I have also visited Armenia on two occasions, Artsakh, Javakhk, the Gulbenkian in Portugal, Western Armenia including Kars, Van, Ani, Masis and Pater Masis. To my deep pleasure every time I visit a community—whether it is in Singapore, Lisbon, Gyumri, Lake Sevan, Tbilisi, Stepanakert or Sydney's north—I discover a new aspect of the Armenian story. Since getting to know the Armenian community, I find myself seeking out all things Armenian. Most recently, it was the films of Atom Egoyan, *Ararat* and *Noy* Armenian brandies, Vasily Grossman's *An Armenian Sketchbook*, the music and ballet of Aram Khachaturian, and Sydney soprano Natalie Aroyan, whom I have seen perform in many Opera Australia productions. I now take a deep interest in the Armenian entry in Eurovision.

I recognise Armenian surnames often in obscure places such as the creator of *Alvin and the Chipmunks*, to the co-founder of Animal Logic here in Sydney. I joined the community in mourning the great late Charles Aznavour. Furthermore, I now follow Armenian domestic politics, joining the New South Wales community in welcoming the December elections, after its Velvet revolution in April, which we hope will herald greater democracy there.

In conclusion, on a more serious note, the Armenian community should ask any representative, like me, if we are further ahead in promoting recognition of the Armenian genocide than we were in 2011 and I say, "yes". This is due to the hard work of the Armenian National Committee of Australia and its dedicated staff. It is also due to the personal relationships we have formed with the likes of Khajaque Kortian, Haig Kayserian, Olivia Dilanchian, Michael Kolokossian, Vache Kahramanian, Stepan and Hilda Kerkyasharian, Greg and Ani Soghomonian, Garbis and Dr Sharon Simonian, Carla and Zorro Keverian, Hovig Melkonian, my good friend and former colleague Sassoon and his wife, Nora Grigorian, and their three sons, and Varant Meguerditchian, his wife, Houry, and their son, who now reside in Yerevan where he works at the American University of Armenia. I thank them for their constant reminders to every parliamentarian of the Armenian genocide.

I hope that Australia formally recognises the Armenian genocide and, in my lifetime, that Turkey recognises the Armenian genocide. There are promising precedents. In June 2016 Germany recognised the Armenian genocide and this year Holland did the same. As recently as last month Canadian Prime Minister Justin Trudeau made a State visit as part of the 17th Francophonie Summit held in Yerevan and laid a wreath at the national genocide memorial. I believe that more people today in Australia know of the Armenian genocide than they did 10 years ago. That is the starting point to formal recognition, which I hope will occur both in Canberra and Ankara. Finally, after the March election, whatever the result, I pledge to continue to work with the Armenian community and I hope to visit Armenia again, perhaps, on the other side of March 2019 election. I thank the House for its consideration.

DROUGHT

The Hon. BEN FRANKLIN (21:17): This year we have seen the vast majority of our State crippled by drought. Farmers have worked through one of the driest winters on record. They have faced failing crops, water shortages and a diminished supply of fodder to sustain stock. But during these dark times we have seen a light, through the kindness and generosity of so many people who have come to the aid of the primary producers in this State. This evening I pay tribute to some of the many generous individuals and community groups across the North Coast who have come to the assistance of our brothers and sisters west of the divide when they have needed it most.

The General Manager of the Cherry Street Sports Club in Ballina, Tere Sheehan, has been an absolute champion of drought support in the Northern Rivers. Tere has led the Cherry Street Sports Club and the whole Ballina community to rally behind our farmers. He created, organised and ran the Dig Deep for Drought campaign out of the Cherry Street Sports Club. The campaign brought the whole community together to provide what support they could for the town of Walcha and its surrounding region. The campaign was comprehensive, from raising money to donating and transporting hay. I extend my heartfelt thanks to a number of key people who were pivotal.

First, I thank Rob McFarlane. While Rob is now based in Ballina he was originally from Walcha. Rob knows the community well and has seen and felt the impacts of drought firsthand. He has been instrumental in sourcing hay and trucks to transport the hay to farmers. I also thank Chris Chapman. Chris made an incredible donation of a number of trucks to transport the hay and fodder from Ballina to Walcha. These hay and fodder donations would be worthless without the vital trucks to transport it to where it is needed. I thank both Chris and Rob for their generous support and donations. I acknowledge also George Spring from Agcorp in Walcha. George has taken on the enormous task of ensuring the hay and fodder has gone to those who need it most.

There are a number of other key community groups and individuals whose generosity has made such a difference. For example, the Cherry Street Sports Club donated \$3,000 to the appeal, and the Kingscliff Beach Bowls Club matched that donation. I refer to local school student Kyle, who at just 14 years old grew and sold his own pumpkins on the side of the road. Kyle donated every dollar he raised from selling those pumpkins, a total of \$522. There are no words to describe the generosity of these people and so many others like them. To Tere and the whole Ballina community, I say thank you for supporting our farmers at a time of most need. Thank you for your big hearts and for your generosity. You have made this harsh drought more bearable for so many people.

But Ballina has not been the only community to get behind our farmers. The communities of Bangalow and Mullumbimby have done their bit too and adopted the region of Bingara. The Ballina and Mullumbimby chambers of commerce joined forces in their fundraising and support efforts with their A Little Bit of Help From My Friends campaign. The results are incredible and deeply appreciated. Earlier this year, both Mullumbimby High School and Mullumbimby Primary School held Dress Like a Farmer day. Together they raised almost \$1,000, which was given to the Bingara Central School.

Sometimes it is the smallest things which can make the biggest difference. That is exactly what we saw with the Bangalow Public School. The children of Bangalow Public School wrote beautiful, heartfelt letters of support and encouragement to the farmers of Bingara. These letters were personally delivered, along with the hay

and fodder, and I know they would have been treasured by every recipient. To the Mullumbimby and Bangalow chambers of commerce, Mullumbimby High School and Mullumbimby Primary School, Bangalow Public School, and the wider community of those two towns, I say thank you for making a world of difference in the lives of so many people in the Bingara community.

The support did not stop there. Earlier this year the East Ballina Lions Club held its drought relief appeal. Through its collection points the club raised \$3,500, which has gone towards drought support. I extend my warmest thanks to club president the inimitable Dawn Sword, and to all club members for their time and effort and all of the generous donations and support for farming communities across this State. I also acknowledge the staff of the Ballina RSL who coordinated the Friends of the Farmer campaign, which was aimed at supporting farmers who have been impacted by drought. Their efforts were astounding. Staff of the RSL donated a total of \$2,000 from their own charity fund. Along with the community, the staff also collected 32 hamper boxes and raised more than \$15,000, which was delivered personally by the staff to the Armidale Country Womens Association.

I extend my sincere thanks to Bill Coulter and all the staff of Ballina RSL for their generous donations and for all of their work in stepping up to help farmers through this challenging time. These are just a few of the incredible community groups and individuals who are rallying behind New South Wales farmers. I could name many, many more. On behalf of the New South Wales Government I say thank you to every person who has supported our primary producers through the drought. Their generosity has helped lift their burden and reaffirmed the deep sense of civic responsibility and decency for which the people of the Northern Rivers are so justifiably renowned.

CHRISTIAN DEMOCRATIC PARTY PERFORMANCE

The Hon. PAUL GREEN (21:22): I was elected to the New South Wales Legislative Council in 2011. Over the past eight years I have spoken to 430 bills, given 81 adjournment speeches, asked 241 questions without notice, spoken to 97 private members motions, spoken to 12 disallowance motions, and been involved in 159 committee reports. I have chaired Portfolio Committee No. 6 and been deputy chair of Portfolio Committee No. 2. I am also a member of the Committee on Children and Young People, the Committee on State Development and have been involved in numerous select committees. It has been my privilege to advocate a Christian response to policy and laws. With my colleague we have held the balance of power in the New South Wales Government. We call it the balance of prayer and responsibility.

We have always sought to improve legislation before the House, and not to be obstructive or bullying. When I came to this House I indicated my support for traditional marriage, a stance that we continue to maintain and hold according to our Christian faith. I have a desire to see families and marriages prosper. I believe that through our ability to support the Government through asset recycling programs such as the leasing of the ports, and poles and wires, we have seen our State transition from a deficit of \$5 billion to a \$3billion surplus. Our State's prosperity helps reduce pressure on mums and dads at home. When we live within our means we have an opportunity to reduce cost of living pressures. Changes to green slips, workers compensation reform, free car registration for some toll road users and active kids vouchers all go to easing the family budget. The less time mums and dads spend stressing over bills and the endless costs they face, the better families across New South Wales will do.

On entering this House I indicated my commitment to improving our child protection system. I have had the privilege of sitting on many committees looking at how we can give our kids the best shot at life and how we can protect them when they are most vulnerable. I want to ensure that New South Wales is the best and safest place to raise a child. I am a product of and believe that every child has a right to Special Religious Education. I have been committed to fighting to see scripture remains in our schools, addressing the spiritual wellbeing of children. In the social media age, sadly many of our children face bullying, not only in the school yard, but also online and in their homes. The Christian Democratic Party supports the removal of the controversial Safe Schools program. In its place we needed a comprehensive anti-bullying program to address the daily challenges students face in their—often private—world, no matter gender, hair colour, race, social economic status and many other factors.

My time in this House has also been to support the preservation of our environment, whilst considering the implications for our farmers, family businesses and communities. I have always held a strong interest in our planning system, from my days as mayor of the Shoalhaven. We need processes that do not unnecessarily hinder development and growth, all the while working in line with community expectations. This is not always an easy balance to strike, and one I think needs more attention as we move into the next Parliament. The Christian Democratic Party has been able to secure changes to the planning regulations to allow places of public worship to be permitted in industrial zones, removing the red tape that many churches encountered in getting development approvals. The Christian Democratic Party has also levelled the playing field between government and

non-government schools. Non-government schools can now build small-scale, one-storey developments without the need for development consent from the local council, as with public schools, provided that proper environmental assessment is undertaken.

My proudest achievement in past eight years has been the introduction of the Modern Slavery Bill. This bill paves the way for an anti-slavery commissioner, establishes reporting requirements for businesses with an annual turnover of \$50 million, creates a victim-centred approach in supporting victims of this crime, strengthens the law with regard to forced marriage and cyber-sex trafficking. It is my greatest achievement and I am proud to leave a legacy of protecting some of the most vulnerable in our community. It has been my privilege to work for the betterment of this State and its people. I thank them for their trust and belief in me over the past eight years.

PARLIAMENTARY BEHAVIOUR

The Hon. PENNY SHARPE (21:27): Tonight I speak at the end of the first day of the new leadership team of the Labor Opposition. I do not speak about that, but reflect on what is happening in Parliament and the way that we treat each other and debate very robust ideas. What we do is very serious business. The decisions that we make are very important. I think that the vast majority of people in this place and the other place want the best for the people of New South Wales. We often vehemently disagree about the path and the way that we travel it. I think it is time for us to stop and reflect, and to take a good, hard look at ourselves when it comes to our behaviour and the way in which we choose to fight that very difficult contest and have the arguments that we need to have.

I like a bit of a stoush in this place—I really enjoy it. I think it is part of what we do, and that is important. Members would know that I am not someone who takes a personal route in the way in which I do that, nor do I think other people should. I see what happens in the other place and in here, and I think that the community is genuinely sick of it. I do not think people mind if we want to argue very firmly about the things that matter to us deeply. However, when they turn on the television and see yelling and screaming day after day, and the kind of behaviour that we have seen in recent times, I think they want us to do something about it.

I was very disappointed today at the response to a genuine approach from the new Labor leadership team to the Government and others to look at pressing a reset button and doing things better. It was dismissed as a stunt, and it that is par for the course given the ingrained way in which we treat each other. Frankly, we feel we are rewarded within our parties by behaving in such an appalling way. The community does not reward us, but we know it is rewarded within our own groups, and that is disappointing.

I will spend a little time putting on the record what the Labor Opposition is seeking to do in raising standards. I do not think that can happen overnight, and today demonstrated there is much more to do. Our reflex action in response to attempts to change things is to resist and to continue to score points against one another. Like me, I am sure many other members are close observers of question time in the other place and they know it is farcical. The standing orders barely apply and members of the Opposition have been thrown out of the Chamber 350 times. How many times have Government members been thrown out? Zero. I am not pretending for a minute that members of the Opposition are always perfectly behaved, but something is wrong with the way in which the other place is operating.

The Labor Party said today that it wants a working committee to discuss the way in which Parliament operates. Members opposite have spoken in this place about some of these issues in the past. They are not new and this is an opportunity to be serious in addressing them. Business as usual is no longer acceptable to anyone in the community. The Opposition also wants to discuss establishing an additional Chamber similar to the Federation Chamber in Federal Parliament, which would allow local members to talk about their communities and to draw the attention to community issues while not taking up the time of the House. Hopefully, it would also mean we were not sitting here until all hours of the day and night in a family-unfriendly fashion. Working those hours does not lead to good decision-making or good behaviour.

The Opposition also wants to talk about reforming question time so that, at the very least, Ministers are required to be directly relevant to the question as is the case in other jurisdictions. We joke about the fact that it is question time not answer time, but the community expects more of us. The Opposition also wants to introduce an independent commissioner for parliamentary standards. Members can say that these suggestions are a joke. They are not; we are deadly serious and we want to reach across the aisle. I have been disgusted by the way Parliament has operated in recent times and by some recent events, which I will not deal with tonight. We can do better and the community expects us to do so.

MARINE CONSERVATION

Mr JUSTIN FIELD (21:32): Last night I had the privilege of attending the Sydney launch of a film about our oceans called *The Map to Paradise* at the Dendy Opera Quays theatre. The film is based on the Northern Beaches and was made by a couple of female film-makers. It is described as an adventure tale about the birth of

the global movement to protect the sea. The film is not about protecting the marine environment and inspiring us by the colour and beauty but about the people who give so much of their life—in fact, sometimes their entire career—often focusing on one small thing. They inspire others to protect the marine environment, which is so important to our communities and our survival on this planet. The film charts the course of academics and scientists from around the world, including scientists in the Antarctic who are studying the impact of climate change on whales and of fishing on krill and the food chain.

It also features Greek fishermen who have been fishing their entire life and who have recognised that their children will have no opportunity to follow in their footsteps even if they wanted to. It also introduces viewers to the president of Palau, who has protected 80 per cent of the marine environment around his fishing nation. He has been able to convince his people of the importance of protecting the marine environment for their economic future and their wellbeing by ensuring they have fish to harvest. The Prince of Monaco has been a tireless advocate at the international level in bringing corporations and governments together to recognise that unless we protect the ocean in a meaningful way with legislation that can be enforced we are heading off a cliff.

One story in the movie I will share relates to Chief Mario of Apo Island in the southern part of the Philippines. He has been the custodian of a marine sanctuary that was created by local law and custom rather than official legislation. He took over the custodianship of the sanctuary from his father and tells of a time when he was a little boy walking at night with a torch to the rocky beach and lying on a mat while watching to ensure that no-one was fishing. His father and mother, who had led the island, created the sanctuary by convincing local fishers of the importance of being able to continue to fish. Mario has retired from the chieftdom and he spends his time teaching young people to dive and in the process creates another generation of ocean advocates. He and his students go from island to island and from village to village in the southern Philippines to create marine sanctuaries in communities that have relied on fishing historically and still do. They recognise that without these protections they will not be able to continue to do so.

I took two important lessons from the film. Firstly, this is a multi-generational challenge. We have seen the responsibility for protection of the environment pass from generation to generation, and it is vital that that continues. It is a beautiful story and it is powerful to grow up with that experience. It encourages me to reflect on the message I am passing to my son about his responsibilities. Secondly, we must have leadership. Every community that made a difference and that had to address the hard challenge of working with people who had different views had real political leaders who were prepared to go out on a limb, to present facts, to create change and to bring people together. That is what we need to do if we are to protect the marine environment in this country and in this State.

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

Motion agreed to.

The House adjourned at 21:37 until Wednesday 14 November 2019 at 11:00.