



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Thursday, 30 May 2019**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Thursday, 30 May 2019**

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

**The PRESIDENT** read the prayers.

## *Bills*

### **AGEING AND DISABILITY COMMISSIONER BILL 2019**

#### **Received**

**Bill received from the Legislative Assembly.**

**The PRESIDENT:** According to resolution of the House of 28 May 2019, as the message on the bill has been received from the Legislative Assembly, the bill now stands referred to the Standing Committee on Social Issues for inquiry and report.

## *Documents*

### **TABLING OF PAPERS**

**The Hon. SCOTT FARLOW:** I table the following paper:

1. Forestry Act 2012—Report of the NSW Environment Protection Authority entitled *NSW Forestry Snapshot Report 2015-2016: Implementation of the NSW Forest Agreements and Integrated Forestry Operations Approvals*.

I move:

That the report be printed.

**Motion agreed to.**

## *Irregular Petitions*

### **THE ENTRANCE CHANNEL**

**The Hon. TAYLOR MARTIN:** I move:

That standing and sessional orders be suspended to allow the presentation of an irregular petition from 1,578 citizens of New South Wales requesting that the Government urgently provide its support for the construction of a sea or break wall at The Entrance channel similar to those built in several other coastal suburbs and towns on the New South Wales seaboard.

**Petition received.**

## *Notices*

### **PRESENTATION**

[During the giving of notices of motions]

**The PRESIDENT:** Order! I call the Hon. Trevor Khan to order for the first time.

## *Business of the House*

### **WITHDRAWAL OF BUSINESS**

**The Hon. ROBERT BORSAK:** I withdraw private member's business item No. 17 outside the order of precedence on the *Notice Paper* for today relating to the establishment of a regulation committee.

## *Motions*

### **FORMAL BUSINESS NOTICES OF MOTIONS**

**The Hon. DON HARWIN:** Earlier the Government objected to private members' business notice of motion No. 68, notice of which was given today by Mr David Shoebridge. Under Standing Order 44 this motion would have been passed without debate had the Government not objected to it. In fact, the Government agrees with many of the sentiments contained in it. I am aware also that a number of members of the House wish to debate the matters raised by the member in his motion. They should be given the opportunity to do so. The notice

will sit on the *Notice Paper* and can be debated when the House deals with private members' business at a future date.

*Business of the House*

**SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

**The Hon. NATASHA MACLAREN-JONES:** I move:

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

**Motion agreed to.**

**ORDER OF BUSINESS**

**The Hon. NATASHA MACLAREN-JONES (10:13):** I move:

That the order of private members' business for today be as follows:

1. Private members' business item No. 24 outside the order of precedence standing in the name of the Hon. Mick Veitch relating to an order for papers regarding the GO NSW Equity Fund.
2. Private members' business item No. 46 outside the order of precedence standing in the name of the Hon. Penny Sharpe relating to an order for papers regarding land clearing.
3. Private members' business item No. 67 outside the order of precedence standing in the name of Mr David Shoebridge relating to the Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2019.
4. Private members' business item No. 47 outside the order of precedence standing in the name of the Hon. Wes Fang relating to Wear Orange Wednesday.
5. Private members' business item No. 28 outside the order of precedence standing in the name of the Hon. Robert Borsak relating to the Liquor Legislation Amendment (Repeal of Lock-out Laws) Bill 2019.
6. Private members' business item No. 65 outside the order of precedence standing in the name of the Hon. John Graham relating to the referral of the Liquor Amendment (Music Festivals) Regulation 2019 and Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019 to the Regulation Committee.
7. Private members' business item No. 62 outside the order of precedence standing in the name of Mr Justin Field relating to an order for papers regarding the Murray River to Broken Hill pipeline.
8. Private members' business item No. 1 inside the order of precedence standing in the name of the Hon. Adam Searle relating to the Industrial Relations Amendment (Contracts of Carriage) Bill 2019.
9. Private members' business item No. 43 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to climate change.
10. Private members' business item No. 19 outside the order of precedence standing in the name of the Hon. Walt Secord relating to the Public Finance and Audit Amendment (Northern Beaches Hospital) Bill 2019.

As members are aware, we have 10 items on the list today. More often than not in the past we have not dealt with all the items in a day. Under the new standing orders we have been able to facilitate a way to ensure that members can have short form debates. I place on record that at last night's meeting it was agreed that the items of business at paragraphs 1, 2, 4, 6, 7 and 9 of the motion will be considered in the short form format. I commend the motion to the House.

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

**Motion agreed to.**

*Documents*

**GO NSW EQUITY FUND**

**Production of Documents: Order**

**The Hon. MICK VEITCH:** I move:

That private member's business item No. 24 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MICK VEITCH (10:17):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents in the possession, custody or control of the Deputy Premier and Minister for Regional New South Wales, Industry and Trade, the Minister for Agriculture and Western New South Wales, the Department of Industry, the Department of Primary Industries, Treasury and the Department of Premier and Cabinet:

- (a) all documents relating to the appointment of Roc Capital Pty Limited ABN 37 167 858 764, AFSL 460464 ("Roc Partners") to advise on the allocation of funds from the GO NSW Equity Fund;
- (b) all documents relating to the \$3.33 million investment in Australia's Oyster Coast under the GO NSW Equity Fund;
- (c) all documents relating to the \$3.33 million investment in Stone Axe Pastoral under the GO NSW Equity Fund; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House. This matter had plenty of time to be aired during budget estimate hearings last year, in the Legislative Assembly and during questions in the Legislative Council. Under Standing Order 52 we are trying to get to the bottom of all the documents that relate to three particular items. The motion is very specific; it is not a broad, catch-all motion. We are looking for the documents that relate to the appointment of ROC Partners. We are looking for the documents that relate to two specific investments under this fund: the investment into Australia's Oyster Coast and the investment by the Government, using taxpayers' funds, into Stone Axe Pastoral. One of the principles of the GO NSW Equity Fund was that it would adhere to the Independent Pricing and Regulatory Tribunal's competitive neutrality. Competitive neutrality is the principle that the Government should compete with private business on an equal footing.

**The Hon. Greg Donnelly:** Point of order: The background noise is quite loud and it is difficult to hear the member's contribution.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The background noise is excessive. I ask honourable members to conduct private conversations outside the Chamber.

**The Hon. MICK VEITCH:** The concept of competitive neutrality and the concern we have is that during budget estimates and questions in this House, oyster companies from the South Coast—

**The Hon. Greg Donnelly:** Point of order: I now elevate my concern. The background noise in the Chamber is exceedingly loud. I cannot hear the member's contribution.

**The Hon. Catherine Cusack:** To the point of order: When the Leader of the Opposition took the point of order earlier, and you ruled in his favour, he stood in this Chamber and gave you a big thumbs up. You gave him a big thumbs up back. Many members may have interpreted that ruling as being somewhat jovial.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** Order! There is no point of order. The Hon. Mick Veitch has the call.

**The Hon. MICK VEITCH:** Oyster company operators and growers on the South Coast raised concerns that they did not have equal access to the funds being made available. That type of funding operates in other jurisdictions and works relatively well. We are not saying that the fund should not exist. The Opposition is concerned about the process that was followed to make the investments. Concerns have been raised by some in the community, particularly those who operate in these industries, that they did not have equal access to the fund. As has been asserted publicly in South Coast newspapers, they not only did not know about the fund but also felt that it was targeting one company against the rest of the oyster industry. I am not sure that is a good and wise way of investing taxpayers' money.

Concern was also raised when the Deputy Premier—who was the Minister administering the fund at the time—said it was done at arm's length. As was subsequently discovered in a document requested under the Government Information (Public Access) Act, the funds are not released until such time as the Deputy Premier signs the briefing to say the funds are released. That does not imply that it is arm's length in any way. It means there is still some requirement of Executive Government to scrutinise and make decisions about those funds. That means we must come to this place. This is the House of review, and this is the sort of matter that this House deals with. We review the decisions of Executive Government. Under this Standing Order 52 request we will look at the appointment of ROC Partners as the organisation to provide the financial advice and the two specific investments under the fund. I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:22):** Jobs for NSW has delivered an outstanding result for the people of New South Wales. Accessing finance through traditional means is not an option for most emerging businesses. That is an issue that continues to be highlighted within the small business community. That is why we created Jobs for NSW—to find new ways to help support jobs growth. Jobs for NSW offers a suite of financial products, including grants, loans and loan guarantees to support industries and innovative businesses that generate sustainable jobs across the State. We know that equity funding helps job creation. It gives small to medium businesses that show strong growth potential access to vital capital. In conjunction with First State Super and ROC Partners, the GO NSW Equity Fund is there to help small businesses expand and drive sustainable jobs growth. It invests in businesses by providing access to capital to allow companies to expand and create new jobs.

Investments must meet all appropriate probity and investment checks, plus independent analysis, as would be expected from any investment. Any potential investment goes through rigorous independent analysis, which means analysis by more than one party involved in the fund. That, and a thorough review by the fund's



investment committee, is completed at arm's length before any potential investment is even recommended for consideration. On top of that, all businesses in New South Wales must play by the same rules. We ensure that all decisions made comply with competitive neutrality principles, as one would expect. I commend the work of Jobs for NSW to this House as it continues to support small business and underpin the creation of sustainable jobs. I encourage the House not to support this motion.

**The Hon. ROBERT BORSAK (10:24):** The Shooters, Fishers and Farmers Party will be supporting this call for papers. It is important for the House to understand how these large amounts of money are allocated for the creation of jobs, as we are told. It is important to understand the machinations that go on within the Government and bureaucracy and, even more importantly, what goes on within The Nationals party in this place. We need to understand why this money is given to these organisations. I need to understand why I have members of NSW Farmers coming to my office complaining about the allocation processes. There are new sessional orders relating to what we believe our powers are in relation to Standing Order 52 requests and we should be taking advantage of them.

**The Hon. JOHN GRAHAM (10:25):** I welcome the statement made by the Hon. Robert Borsak on behalf of the Shooters, Fishers and Farmers Party. We should act in this matter primarily because there has been an affront to the House. During the course of the budget estimates process the Deputy Premier made it clear that he did not receive this information before these decisions were made. He described the process as being at arm's length, but, as the Hon. Mick Veitch said, when the documents were revealed it was clear that the Deputy Premier himself signed off on the brief for the decision. That affront to the House—stating one thing in an estimates hearing and the paperwork clearly demonstrating another thing—is the reason why the House should assert its power to examine the actions of the Executive.

During some of the debates on this matter the assertion has been made that the Opposition does not understand this sort of fund and this sort of equity investment that is proposed here. I make it clear that the reason we are pursuing this matter is that we do understand this sort of funding and we support it. I am upset about the way this fund has been administered because in the hands of a careful government and Minister administering it properly—if it is well designed by the agencies—it is a powerful tool to support business in this State. Instead, we have had the Deputy Premier wandering around New South Wales terrifying small businesses that at any moment he is going to loom out of the undergrowth with a large novelty cheque for one of their competitors and put them out of business. That is what is going on here. That is the case the Opposition is pursuing. I encourage the House to support the motion.

**The Hon. MARK LATHAM (10:28):** I put on record the attitude of Pauline Hanson's One Nation about Standing Order 52 requests because there is a new environment with new numbers in this Chamber. I understand there were some frustrations with what happened in the last Parliament. We would not want the Chamber to become a de facto freedom of information agency covered in paper and piles of documents. We do not want to go down that path. We have been thinking about the structured approach by which we will judge applications for papers. It will come down to four things. The first is that One Nation will always support a genuine public policy request for documents. If a policy concern is articulated, we will always support a request to have information known in the public arena. Secondly, if there is a genuine concern about denial of services and access in New South Wales, we will support the presentation of documents to get to the bottom of it.

Our third criteria is that if there is a credible concern about the actions of a member of the Executive Government we will support the documents being made available, but it must be a credible concern. I do not personally support the targeting of family members or that the Minister knew someone down the road, went to school with someone or spoke to someone in the pub who said something. It has to be a credible concern. Back in the day I was a very naughty boy and engaged in these sorts of things: Put it in the media and then feed off it in the Parliament later that day. So I think that adds to the credibility of these matters that could be thrown around by way of partisan political debate. Of course, I am above it now as a crossbencher as Labor and the Coalition get into it. That is our third criteria.

**The Hon. Penny Sharpe:** I suspect reporters remember.

**The Hon. MARK LATHAM:** I have always confessed to past sins and always will.

**The Hon. Penny Sharpe:** I am talking about future promises you can't keep.

**The Hon. MARK LATHAM:** Take me on trust as I am taking Labor on trust with this first item because I understand it has been through the estimates. Concerns have been raised, they have been articulated and we will be supporting this particular item. Our fourth criteria is that we ask that those seeking the presentation of documents talk to One Nation about it. I know there is chatter around as to how credible we are or that certain people cannot deal with us because of our party name and history. One Nation members have been elected here

as equals. We have a mandate and responsibility given to us by the voters of New South Wales no less than anyone in the major parties or any other part of the crossbench. So we will not be supporting any matter where we are not informed as equals about the detail of it. We have a responsibility to the people of the State to know what we are voting on. If people do not talk to us and give us their best information we cannot possibly support the matter.

**The Hon. MICK VEITCH (10:30):** In reply: I thank Minister Tudehope, the Hon. Robert Borsak, the Hon. John Graham and the Hon. Mark Latham for their contributions to this debate. I will not take up the time of the House. I urge all honourable members to support this Standing Order 52 call for papers.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The question is that the motion be agreed to.

**The House divided.**

Ayes .....24

Noes .....16

Majority.....8

#### AYES

Banasiak, Mr M  
Buttigieg, Mr M  
Faehrmann, Ms C  
Houssos, Mrs C  
Latham, Mr M  
Moselmane, Mr S  
(teller)  
Roberts, Mr R  
Sharpe, Ms P

Borsak, Mr R  
D'Adam, Mr A  
Field, Mr J  
Hurst, Ms E  
Mookhey, Mr D  
Pearson, Mr M  
Searle, Mr A  
Shoebridge, Mr D

Boyd, Ms A  
Donnelly, Mr G (teller)  
Graham, Mr J  
Jackson, Ms R  
Moriarty, Ms T  
Primrose, Mr P  
Secord, Mr W  
Veitch, Mr M

#### NOES

Amato, Mr L  
Fang, Mr W (teller)  
Harwin, Mr D  
Mallard, Mr S  
Mitchell, Mrs  
Ward, Mrs N

Blair, Mr  
Farlow, Mr S  
Khan, Mr T  
Martin, Mr T  
Taylor, Mrs

Cusack, Ms C  
Franklin, Mr B  
Maclaren-Jones, Mrs  
(teller)  
Mason-Cox, Mr M  
Tudehope, Mr D

**Motion agreed to.**

### LAND CLEARING

#### Production of Documents: Order

**The Hon. PENNY SHARPE:** I move:

That private members' business item No. 46 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. PENNY SHARPE (10:40):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Planning and Industry, the Minister for Agriculture and Western New South Wales, the Minister for Energy and Environment, and the Minister for Regional New South Wales, Industry and Trade:

- (a) all documents relating to representations made by, or on behalf of, Fairross Pty Limited, Jam Land Pty Limited and Bobingah Pty Limited in relation to land clearing; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I do not intend to take up the time of the House at length in relation to this matter. It is a fairly standard Standing Order 52 application seeking particular documents. I have listened carefully to the crossbench contribution in relation to the way in which Standing Order 52 applications are dealt with. I think we can expect quite a few of

them will come through in this term of Parliament. This particular call for papers seeks information specifically about representations made in relation to illegal land clearing. Obviously, there have been changes in relation to illegal land clearing, which is a very contentious issue across the State. Very serious penalties apply for illegal land clearing. Members who have been paying attention would know that currently some farmers are being investigated for land clearing. That is why all of the issues must be dealt with very transparently and very carefully.

The concern underlying this call for papers previously has been explored by the Opposition. Earlier this week a question was directed to the Hon. Don Harwin in relation to this matter. He deferred the answer, as he is entitled to do and he is allowed to take it on notice. But I am disappointed that yesterday the Minister did not inform the House that he had provided a response to that question. He failed to declare that. Of course, the Opposition found out when we read the papers today. I am also disappointed that the Minister's response is a standard response of the Government that I have seen in the other place as well in relation to genuine questions around pecuniary interests and disclosures, which is:

All Ministers must comply with the Ministerial Code of Conduct, and I expect them to do so.

All Parliamentary Secretaries must comply with the Ministerial Code of Conduct, as it applies to them ...

That is fine, but the Opposition has serious questions about whether that has been deviated from. It is a legitimate public interest concern, which is why the Opposition has been asking questions. The answer provided is not useful, which is another reason for members to support this call for papers. I inform the House of the purpose for which the Opposition will call for papers regarding a number of matters. The first is that Labor understands that the powers of this House are very strong and important and that they need to be used judiciously. I agree with the Hon. Mark Latham that calls for papers are not a substitute for freedom of information and GIPAA requests, as frustrating as the member may later find those processes to be. I accept that information that is asked for must be very targeted. That is the reason the Opposition has moved this motion today. That is what this motion is about.

The Legislative Council should not be embarking on fishing expeditions, either. There is a very specific public interest reason that the Opposition is asking for the papers, which is the way in which farmers and other landholders are prosecuted in relation to land clearing. Members may have a different view about the success of calls for papers but the most important and fundamental reason for the call is that it cannot be interfered with. It has to be dealt with and people have to be afforded proper processes when the Government is responding to calls for documents to be produced. That is why the Opposition is seeking this call for papers. I ask members to support the Standing Order 52 request.

**The Hon. SCOTT FARLOW (10:44):** On behalf of the Government, I speak against the motion, which quite clearly is part of the Labor Opposition's plan to further ostracise hardworking farmers, who are the backbone of our State. The Opposition seems determined to commit to a witch-hunt against farmers and burn them at the proverbial stake. Labor members are clearly of the view that our farmers cannot be trusted in partnership with Government to make sensible decisions about land management to ensure the sustainability of their operations.

**The Hon. Penny Sharpe:** Point of order: I am listening carefully to the member. It is okay for the Government to put some case but what is being said by the Parliamentary Secretary is not relevant at all to what is before the House, which is a request for papers. My point of order is based on relevance. Mr Assistant President, I ask you to bring the Hon. Scott Farlow back to the question that is before the Chair.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The Hon. Scott Farlow will speak to the motion before the Chamber.

**The Hon. SCOTT FARLOW:** It is no surprise to see Labor Opposition members trying to embroil the Hon. Bronnie Taylor in this witch-hunt in a bid to further defame her family name. It is typical of Labor members, who care only about the big cities and who think that food magically appears on supermarket shelves, to attempt to call into disrepute the names of good hardworking people who have done nothing wrong. Government members take seriously the rights of farmers and the significance of our environment. That is why there is fair legislation in this State that is designed to protect both.

**The Hon. Penny Sharpe:** Point of order: Mr Assistant President, my point of order is twofold. First, the Hon. Scott Farlow is flouting your ruling on relevance. My second point of order is based on relevance. The motion is about papers that should be provided to the House. It does not legitimise a general diatribe on what is blatantly untrue in relation to the Opposition's attitude towards farmers.

**The Hon. Don Harwin:** To the point of order: The Hon. Scott Farlow is being directly relevant in making observations intimately connected to the motion by specific targets of the call for papers. The member's remarks are in order.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** As to the point of order relating to the Hon. Scott Farlow's remarks being directly relevant, some latitude is given to members to speak during debate. As to the point of order relating to the Hon. Scott Farlow flouting the ruling of the Chair, I agree. The member will confine his remarks to the leave of the motion before the House.

**The Hon. SCOTT FARLOW:** The Office of Environment and Heritage has the capacity to conduct investigations into landholders who have been accused of breaching land clearing laws. I am advised that in 2017 the Office of Environment and Heritage conducted an investigation into Jam Land Pty Limited and determined no further action would be taken on the basis of the information to hand. I am advised that is exactly the situation that this motion is designed to address. [*Time expired.*]

**Ms CATE FAEHRMANN (10:48):** The Greens will support the motion moved by the Hon. Penny Sharpe as The Greens support any motion highlighting the extent of illegal clearing in this State. Of course, the New South Wales Government essentially has given a free-for-all to landholders across New South Wales. It is known that a lot of land clearing is self-assessable.

**The Hon. Trevor Khan:** Point of order: I take the point that the Hon. Penny Sharpe raised earlier, which is the requirement for relevance in a debate relating to a call for papers under Standing Order 52. The member has embarked on one of The Greens typical rants. Mr Assistant President, I ask that you call Ms Cate Faehrmann to order or direct the member to resume her seat.

**Ms CATE FAEHRMANN:** To the point of order: I am talking about why the call for papers is so essential. It is about illegal clearing. I am trying to explain to the House the extent of that clearing.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The sessional order on direct relevance relates to question time. Members have a wider latitude while speaking to motions. There is no point of order.

**Ms CATE FAEHRMANN:** Last year *The Guardian* reported that since this Government came to power there has been an 800 per cent increase in land clearing across the State. Since this Government came to power we have seen an increase in the number of threatened species. The *State of the Environment* report, which was released last month, named 1,025 threatened species—

**The Hon. Damien Tudehope:** Point of order: Mr Assistant President, in response to a point of order that the Hon. Penny Sharpe took with regard to the Hon. Scott Farlow's contribution, you ruled that the Parliamentary Secretary needed to be relevant to the motion. Ms Cate Faehrmann is being argumentative in relation to a principle outside the Standing Order 52 motion. I ask that she be directed to speak specifically to the Standing Order 52 motion that is before the House and not address other issues.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** I ask Ms Cate Faehrmann to address the motion before the House.

**Ms CATE FAEHRMANN:** Transparency around the land clearing laws in this State is lacking, to say the least. Native vegetation plans have not been released. [*Time expired.*]

**The Hon. WES FANG (10:51):** I am advised that in 2017 the Office of Environment and Heritage [OEH] conducted an investigation into Jam Land Pty Ltd and determined that it would not take further action on the basis of the information provided by the company, agronomists and independent expert advice. I am advised that there was no finding of any breach of State environmental laws and that the matter is now closed. I am advised Minister Taylor made no representations on this matter. I am advised Minister Taylor had no involvement in the operation of this farming enterprise and has never set foot on the property. In relation to the Fairross property, I am advised that the Office of Environment and Heritage investigated a complaint that was made in 2018. Following a review of photographic evidence, the OEH determined that Fairross met all the requirements set out by Local Land Services. I am advised the matter is now closed.

The investigations of the Office Environment and Heritage have far more bearing on a presumption of innocence or guilt than some half-baked conspiracy theory from within the Opposition's inner sanctum. When a Standing Order 52 call for papers is in question, it is important to remember the vast amount of resources that go into producing the papers. Putting aside the exorbitant costs associated with that production, there is also the time and staffing resources that need to be allocated to carry out a Standing Order 52 call for papers. Is it really necessary to have ministerial and departmental staffers spend hours and hours of taxpayer-funded time on collecting papers for a Labor Party fishing expedition? We are currently in the grips of one of the worst droughts on record. The Government is rolling out a once-in-a-generation infrastructure build, new schools and hospitals are being built across the State—

**The Hon. Penny Sharpe:** Point of order: The member is not being relevant. He is straying well away from the Standing Order 52 motion and the question before the House. He can give his contribution to the address-in-reply debate next week.

**The Hon. WES FANG:** To the point of order: I ask for the same latitude that was given to Ms Cate Faehrmann.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The member will remain relevant to the motion before the House.

**The Hon. WES FANG:** Only now is New South Wales finally catching up on the enormous backlog of failed works, thanks to the Labor Party's legacy—

**The Hon. Penny Sharpe:** Point of order—

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The Hon. Wes Fang will resume his seat.

**The Hon. Penny Sharpe:** I do not wish to take up the member's time but he is flouting the rulings of the President and is not being relevant. As I said, he is welcome to make this contribution to the address-in-reply debate.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** It is the practice of the House that members do not flout the rulings of the Chair.

**The Hon. WES FANG:** Based on the information I have provided, I urge the House to not support this motion or the witch-hunt against the farming community of New South Wales.

**The Hon. MARK LATHAM (10:54):** I found the Hon. Wes Fang's contribution rather compelling. It highlighted the surreal aspect of this debate because the Opposition has not made an allegation or accusation or even expressed concern about a specific member of the Executive Government. If the Opposition was going to make such an allegation it seems to have been answered in spades. The other concern I have is that One Nation has not received a briefing about the issue. We cannot support a motion when no legitimate concern about a member of the Executive Government has been outlined and no full explanation of what is involved has been provided. On the general question of land clearing, which was raised by Ms Cate Faehrmann, it is very hard to believe that anyone in this State gets any sort of leniency or favourable treatment from the Office of Environment and Heritage. In country New South Wales people only have to prune the roses and the office will be knocking on their front door.

I have had a fair bit of contact with the farmers who have been taken to court in the land clearing persecutions in the Moree district. The politicians who talk about compassion in a time of drought and the importance of mental health in our society would be well advised to talk to those farmers about what they have been through. In a time of drought some of the practices that are being prosecuted in the courts should be regarded as trivial. I have called on the Berejiklian Government to call off the dogs. I have called on the environment Minister to oversee an overhaul of the Office of Environment and Heritage to show some compassion in the current circumstances. According to all those circumstances, One Nation cannot support this motion.

**The Hon. ROBERT BORSACK (10:56):** The Shooters, Fishers and Farmers Party has listened to both sides of the argument and the discussion. We are also well aware of the issues facing more than 100 farmers in this State being prosecuted for actions taken under the old Act which now can be prosecuted under the new Biosecurity Act 2015. Like One Nation, we do not support those prosecutions, especially during a time of major drought in areas of the State. We are cognisant of the fact that southern parts of the State, for example in the southern Riverina and Murrumbidgee irrigation areas, include older areas where lots of land clearing occurred under previous laws when there were no land clearing rules. In the northern parts of the State where agriculture is now developing, particularly northern irrigators, people have done things in good faith under old law provisions and are now being prosecuted based on new law. As far as we are concerned, that is not acceptable.

We have made representations to and have had discussions with the Government on the matter but it does not seem to be willing to do anything. We do not think that there is any leniency in relation to land clearing at all. On many farms parts of farmers' properties and assets are being alienated without good compensation. It is totally unacceptable. The issue is a common thread for the Government, and we saw the same under Labor. It is not acceptable to our party. In relation to the motion before the House, we would like to understand what exactly has happened. We have heard the Hon. Wes Fang say that it has been taken care of. I would like to see how it has been taken care of and why a prosecution was not entered into.

I would like to understand where this is going, if it is going anywhere. Our stance has nothing to do with the personalities of individuals. It is a matter of understanding how this was handled by the Office of Environment and Heritage to ensure that the issue is being handled fairly and properly in light of what is happening to other farmers in the State. They are being prosecuted and are coping legal bills and fines, in some cases in excess of \$300,000, with absolutely no ability to pay. People are committing suicide and families are going bankrupt. It has got to stop. On that basis, the Shooters, Fishers and Farmers Party will be supporting the Standing Order 52 motion.

**The Hon. PENNY SHARPE (10:59):** In reply: I have listened carefully to the debate. Some of the information provided by the Government today suggests there is a strong argument that there is no problem in providing the information being sought if the issue has been dealt with and the documents exist. It will be straightforward. It is not reasonable for the Government to say that legitimate requests that are passed by this Chamber are an unfair burden on the taxpayer of New South Wales. We use these—

*[A Government member interjected.]*

The Hon. Wes Fang can look like that if he wants to and if he thinks that this is an outrage. But what is an outrage is the idea that the Executive Government, the Government that the honourable member is part of—

**The Hon. Trevor Khan:** Point of order: While I concede that one does not have to look at the President or Deputy President when making a point, it is clear that the Hon. Penny Sharpe is now directly addressing the Hon. Wes Fang. She should be directed either to address the Chamber through the Chair or to sit down.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** I uphold the point of order. I ask the Hon. Penny Sharpe to speak to the Chair and not to interject herself.

**The Hon. PENNY SHARPE:** Thank you, Mr Assistant President. I accept your ruling. This is straightforward. The House is seeking important information. If this motion is passed the Government cannot continue to complain about the cost. We are making a judicious and narrow request for papers. We make this request seriously because important issues are at stake. I utterly reject, and am tired of hearing, any suggestion from the Government that this is an issue about the Opposition and farmers. We have to get over that. Farmers need bipartisan support, and they have it. Farmers must be treated fairly through the land clearing process.

One reason for seeking this information is the Opposition's concern that some people have used undue influence to achieve an outcome that other farmers are not privy to. This is a serious matter. The Opposition has not moved this motion frivolously, but because it is important to the integrity of the system. It is using this power judiciously and narrowly. The cost will not be excessive because the documents exist. As the Hon. Wes Fang said in the debate, these matters have been resolved, they are on file, and can be easily produced. I commend the motion to the House.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The question is that the motion be agreed to.

**The House divided.**

Ayes .....22  
Noes .....17  
Majority.....5

#### AYES

Banasiak, Mr M  
Buttigieg, Mr M  
Faehrmann, Ms C  
Houssos, Mrs C  
Mookhey, Mr D

Borsak, Mr R  
D'Adam, Mr A  
Field, Mr J  
Hurst, Ms E  
Moriarty, Ms T

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

Pearson, Mr M  
Secord, Mr W  
Veitch, Mr M

Primrose, Mr P  
Sharpe, Ms P

#### NOES

Amato, Mr L  
Fang, Mr W (teller)  
Harwin, Mr D

Blair, Mr  
Farlow, Mr S  
Khan, Mr T

Cusack, Ms C  
Franklin, Mr B  
Latham, Mr M

## NOES

Maclaren-Jones, Mrs  
(teller)  
Mason-Cox, Mr M  
Tudehope, Mr D

Mallard, Mr S  
Mitchell, Mrs  
Ward, Mrs N

Martin, Mr T  
Roberts, Mr R

**Motion agreed to.***Bills***CRIMES (APPEAL AND REVIEW) AMENDMENT (DOUBLE JEOPARDY) BILL 2019****First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by Mr David Shoebridge.**

**Second Reading Speech**

**Mr DAVID SHOEBRIDGE (11:11):** I move:

That this bill be now read a second time.

I start by acknowledging that this Chamber is on Gadigal land, and the three murders that we will discuss occurred on Gumbaynggirr land. I pay my respects to elders past, present and emerging of both of those First Nations. This is the third time that I have presented in this place a bill to reform the laws of double jeopardy. It is the third time that the families whose three children were murdered in Bowraville—families from Tenterfield, Sawtell and Bowraville—have come here and asked members in this place to clear their path to justice. We should be clear that this is the last time, because the chance for justice is now and it will not come back.

I give credit to the families. I do not know how they do it, but every year they come back and look to us and hope that we are in their corner. They go to the courts and hope that finally this year the courts will be in their corner. They go to the police and hope that the police will be in their corner. Year after year, that hope gets dashed, either by initial police action or by the failure of previous Attorneys General to respect them when they asked for applications for retrials. More recently those hopes have been dashed by the courts, which have applied a very narrow technical definition of the law and failed to consider what I believe are the real merits in the case; and also by this place, which had three chances to fix the law and did not.

They come back again because they have hope in the system, but fundamentally they come back because no family ever stops grieving and demanding justice for the murder of their child. I credit those in the Chamber, those who were outside earlier, and those back in Bowraville, Sawtell and Tenterfield who cannot be here today for their ongoing pressure and demand for justice. I also credit the other people who have been working on this longer than I have—and it feels like I have been working on this a long time. I particularly note Larissa Behrendt and the legal team at Jumbunna. I credit the police team that took up the slack, led by Gary Jubelin—not just Gary Jubelin but the whole team led by him. Increasingly I credit the thousands of ordinary people around this State who have joined together and seen an injustice and are looking to us to fix it.

Why are we here? Almost 29 years ago, between September 1990 and January 1991, three Aboriginal children—Colleen Walker-Craig, aged 16; Clinton Speedy-Duroux, aged 16; and little Evelyn Greenup, aged four—were murdered in Bowraville. Initially the Government looked to the families and saw it as a child protection matter. I will not go through the appalling racism the families experienced in those first few months and years; it is recorded in detail in the November 2014 report *The family response to the murders in Bowraville* and it has been recorded in other places. It was obscene and wrong. The failures of that time have been acknowledged by the police and, I believe, by elements of the Government.

None of the families has got over the murder of their children. No family ever would, if they lost a child, a sister, a brother, an auntie, a nephew, a cousin, an uncle. They continue to come here to demand justice. As I speak, people are gathering outside and I know that there is pain all across the State. The families came to the Parliament in 2011 and, in fact, they did not get in. They came in 2012 and it was the same. In 2013 they came and it was the first time that we let them in. That is when members of this House first joined together and said, "We will look into this," and set up the inquiry into the family response to the murders in Bowraville. I credit the House at the time for listening and letting the families in. They came back again in 2014 when the inquiry delivered its report. They came back in 2015, in 2016, in 2017 and in 2018. They are back again today in 2019 and they are demanding the very same thing: that we collectively act to give them a fair chance at getting justice.

In November 2013 this House unanimously adopted a motion calling on the Standing Committee on Law and Justice to inquire into and report on the family response to the murders of Colleen, Evelyn and Clinton in Bowraville. That committee reported a year later in 2014. I give credit to that committee, which was led by Chair the Hon. David Clarke and Deputy Chair the Hon. Peter Primrose. I recognise the work of the Hon. Catherine Cusack, former member Mr Scot MacDonald and current Minister the Hon. Sarah Mitchell. I also recognise Assistant President the Hon. Shaoquett Moselmane for his work on that committee. We worked together and we committed to delivering justice.

At all times, the families' demand has been that they want all three murders tried together. There have been two acquittals in this case previously: two separate murder trials with two isolated prosecutions producing two acquittals for the murder of Colleen and little Evelyn. It was the nature of the separate trials—the failure to bring before a single jury the cumulative evidence of the similar facts in each of the three murders—that led to those acquittals. I have said this before, but I will say it again: Compare this case to the appalling and brutal crimes of Ivan Milat, who is in jail. If Ivan Milat had been tried separately for the eight backpacker murders that he was eventually successfully prosecuted for he would be free. It was the cumulative weight of evidence in the eight cases that eventually persuaded a jury that he was guilty of serial murder. The families in Bowraville want the same for their kids, as any family would.

In the past 30 years, there have been repeated efforts by the families and police to bring before the courts an application for retrial under double jeopardy laws. In this regard I will refer to the observations I made when I initially presented this bill in September 2018 following the decision of the Court of Criminal Appeal to refuse the application for retrial. Since then, a special leave application was brought by the Attorney General to the High Court. I credit him for doing that; I think it was genuine. But on 21 March this year the application was dismissed. I do not know if any members saw the grief of the families, but no-one could witness that and not want to come back and do something.

The High Court agreed with the determination of the Court of Criminal Appeal that the case could not succeed on a legal technicality. The High Court did not look at all of the evidence; it looked at the legal technicalities and said it cannot proceed. The very narrow drafting of the double jeopardy laws that were first passed in 2006 meant that critical evidence, essentially being the parallels between the three cases, was not and could not be considered fresh evidence. In the words of the High Court—and I know they are words that stung the families:

We can find no reason to doubt the correctness of the decision of the Court of Criminal Appeal. I am not intending to critique either of those judgements either. By definition the decision of the High Court is correct at law. That is the effect of having a decision on the law by the highest court in the land. However, it does not end there, because in this Chamber—in fact, right now—we can join together and fix that broken law. That is what this bill seeks to do.

Turning now to the detail of this bill and the detail of the law, the provisions of this amending bill are sought to be inserted in part 8, division 2 of the Crimes (Appeal and Review) Act 2001, which already allows for an application to be made to the Court of Criminal Appeal for a retrial when there has been a previous acquittal. Because it is an exception to a longstanding rule of double jeopardy that prevents the State seeking to prosecute the same individual more than once for the same crime, that law as it stands and as it will not be amended by this bill contains a series of essential checks and balances, all of which I support and all of which I believe the families support. The checks and balances in the New South Wales Act are far more stringent than the checks and balances that apply to the law in the United Kingdom [UK]. The United Kingdom has its own double jeopardy laws which apply to a much greater series of crimes than the crimes that apply in New South Wales. In addition, in the UK the Attorney-General's consent is not required and the matter is not dealt with by its highest criminal court.

What are the checks and balances that will remain in the law even if this bill is adopted? I think it is important we start there. First, for an application for a retrial to succeed it must have the consent of the Attorney General. That is not being changed. Second, it applies only to the most serious crimes on our statute book, being the crimes of murder and other crimes that carry a life sentence. There are no floodgates here. Third, the application must be heard by the most senior criminal court in the State: the Court of Criminal Appeal. Fourth, the application can succeed only if the evidence that was not admitted by the trial judge is not only fresh but also compelling. Fifth, the application can only be granted, even if there is fresh and compelling evidence, if the court also finds that it is in the interests of justice. Relevant to the interests of justice is whether any police officer or prosecutor failed to act with reasonable diligence or expedition in connection with the application for the retrial of the acquitted person. This is not about strapping up a bad case—it cannot be. And, finally, the court must also not make an order for a retrial unless it believes that an accused can be granted a fair trial.

Think of all those hurdles to overcome, all of which will remain if this bill is passed. Can any member in this place seriously stand up and say that their view about civil liberties would prevent this law happening and prevent the families from having a chance at getting justice? I invite any member who believes that to go through



the list. Because I have witnessed this Chamber pass law after law that infringes upon people's civil liberties. I have witnessed this Chamber pass law after law that puts First Nation peoples in jail at a disproportionate rate. This is the only time that First Nation peoples have come here and said, "Toughen up the law a bit for us." They have previously been slapped in the face by this Chamber on a civil liberties argument that I have not heard from senior members in this place other than in relation to this application regarding the double jeopardy laws. What are the changes proposed by the bill? The bill seeks to expand the definition of "fresh evidence" consistent with the original 2015 bill that we presented. It provides for an additional subsection (2A) to section 102 of the Act, which would insert the following provisions:

- (2A) Evidence is also *fresh* if:
  - (a) it was inadmissible in the proceedings in which the person was acquitted, and
  - (b) as a result of a substantive legislative change in the law of evidence since the acquittal, it would now be admissible if the acquitted person were to be retried.
- (2B) Subsection (2A) extends to a person acquitted before the commencement of that subsection.

That is the substantive change. And why have we not done this yet? Again we need to go back through history. In 2014 the report from the Standing Committee on Law and Justice entitled *The family response to the murders in Bowraville* recommended a review of the laws of double jeopardy. It was a good recommendation at the time as it was a highly contested issue at the time. It was right to look at it. That review was undertaken by Justice Wood in 2015. I do not think it is surprising, given his legal pedigree, that he recommended no legal changes be made. Largely since then both the Opposition and the Government have said they rely upon what Justice Wood said as a reason for making no change. Can we please again review what Justice Wood said, what he looked at and what he did not look at?

The 2015 review considered, among other things, the proposed amendment contained in the 2015 bill, which is now repeated in this bill. Justice Wood recommended that the 2015 bill not be adopted. His review acknowledged that in the United Kingdom—where the laws are substantially more permissive even than would be the case with this bill passing—there have only been a modest number of successful applications. In every one of the communications that I have received since then from organisations I normally endorse and support, such as the New South Wales Bar Association, the Law Society of New South Wales and the Australian Lawyers Alliance, they have raised concerns about the changes in this bill. However, not once have they pointed to a single case in the United Kingdom that produced an injustice—not once.

I invite members to go through the UK cases as I have. I will tell members what they will see with those UK cases: Murderers, rapists and violent offenders are behind bars as a result of the provisions in the United Kingdom. On those occasions on which I would have had real concerns about an application succeeding, on each and every case those applications were rejected in the United Kingdom on far lower tests than we have. If any member can identify a case of injustice in the United Kingdom after reviewing the way its laws work, I ask them to do so. Justice Wood did not. At no point in his review did he point to a single case in the UK that produced injustice. However, he said we should not follow its lead. None of the law reform organisations opposing this bill have been able to identify a single injustice in these cases.

Justice Wood's other main rationale for not adopting the change was that the expanded meaning proposed in this bill was not intended when the original provisions dealing with double jeopardy were inserted in the 2006 Act. That was Justice Wood's view. He may be right or he may be wrong, but back in 2006 he said that was not the way the Parliament thought the law should operate. We now have experience to suggest otherwise. Justice Wood formed the view that the 2006 amendments were not intended to allow evidence that had been unsuccessfully tendered to ever be considered as "fresh". That is the very problem in the Bowraville case.

The prosecution had much of the evidence—not all of it—relating to each of the three murders. In 1995 they went to the court and said, "We would like to try these cases together." At that time that was the cases involving the murders of Clinton and Evelyn. In 1995, based upon the law of evidence at the time, the court said no. The evidence in the two cases was considered not to be sufficiently strikingly similar under the very stringent evidentiary tests that applied in 1995. That then led to an acquittal in the case of Clinton's murder and, following that, an acquittal in the case of little Evelyn's murder. If the same thing had happened to Ivan Milat he would be free and none of those families would have had justice.

Now the laws of evidence have changed in this State and across much of the country. Most legal observers—and definitely the prosecution that ran the case in the Court of Appeal recently—now say that if that application was heard under the current rules of evidence it is very likely that the two cases would be heard together and, indeed, the three cases would be heard together. Clinton's case and little Evelyn's case would be allowed to be heard together, as would Colleen's case. It is the cumulative impact that is most persuasive in those cases. Justice Wood may have thought that was not in the Parliament's mind in 2006; I think he overstates the

thinking of this place at that time, because I did not find that distinction referred to in *Hansard*. It can be found in some of the detailed bureaucratic reporting that led to the drafting of the bill but not in the consideration of this House in 2006.

**The Hon. Catherine Cusack:** The intention was clear in 2006.

**Mr DAVID SHOEBRIDGE:** I note the interjection of the Hon. Catherine Cusack. The intention was clear.

**The Hon. Catherine Cusack:** It was thwarted.

**Mr DAVID SHOEBRIDGE:** Justice Wood said that that was never the intention in 2006. He said that it might be the way the laws operate in the United Kingdom—it is—but that it was not the intention of this Parliament. However, I note the interjection of the Hon. Catherine Cusack, who was a member of this Parliament at the time and voted on the laws.

**The Hon. Catherine Cusack:** Correct.

**Mr DAVID SHOEBRIDGE:** Other reasons that Justice Wood proposed for not adopting the reforms then were that there was strong opposition from the legal community to the amendment, and that is true. He said that it may invite Parliament to change the law of evidence to obtain political prosecutions in the future if we fixed the law. I think this Parliament operates badly on occasion, but I have never seen it change the laws of evidence in order to effectuate a political prosecution.

Justice Wood said in 2015 that any change was premature because there had been no applications under the then double jeopardy laws and therefore there had been no court decision on how the provisions were interpreted. The Court of Criminal Appeal has made it clear that these laws do not work, and that interpretation has been endorsed by the High Court. There is no question that these laws do not work. We now have the interpretation. The interpretation is a very narrow one. Justice Wood said it would undermine the principle of finality and that it would undermine the authority of the courts if earlier acquittals were able to be overturned. With all due respect, I believe that the authority of the courts is far more damaged by failing to achieve justice in such cases as this—in failing to see murders properly prosecuted and appropriate evidence brought so that if someone is guilty they can be convicted. Not allowing a narrow additional gateway for a trial is what diminishes the authority of the courts.

Our job, as members of Parliament, is to consider matters that Justice Wood did not consider. Justice Wood did not consider the needs of the victims and survivors to have reasonable access to justice. In fact, none of the victims' voices, none of the families' voices and none of the demands for justice are evident in Justice Wood's report. It is the dry report of a former judge, but with no consideration about those issues of fairness, justice, pain and the obligation of parliaments to think well beyond the narrow compass that we see in Justice Wood's report.

What have the courts said? On 13 September 2018, nine months after reserving judgement, the Court of Criminal Appeal refused the first, and to date the only, application made under the exceptions of double jeopardy in the case of the *Attorney General of New South Wales v XX*. That was the Bowraville case, and the application for the retrials of Clinton's and Evelyn's murder prosecutions. The court held that any evidence that was available to the prosecution at the time of the original trial could not be considered to be fresh evidence on an application for retrial. The court expressly rejected an interpretation that would have allowed evidence to be considered to be fresh if it was previously inadmissible but made admissible due to a later change in the law. Because of that, the application did not even get to first base. Despite hearing a week of evidence about the nature of the compelling and fresh evidence, the court formed no view on it and gave no conclusion on it. The court left that part unanswered. It took the court nine months to knock the case off on a legal technicality.

Because the application was refused, and because this may not be the only case where we have an injustice such as this, the bill also introduces an amendment to section 105 of the Act. Currently section 105 of the Act provides that no more than one application for the retrial of an acquitted person may be made in relation to an acquittal. There can be only one shot at it. This bill proposes to allow for a second application to be made but only in exceptional circumstances. I will outline the proposed amendments to section 105, noting that subsection (1) is a provision that says that no more than one application for a retrial can be made. It proposes to insert after section 105 (1):

- (1AA) Despite subsection (1), the Court of Criminal Appeal may allow a second application for the retrial of an acquitted person to be made under this Division in relation to an acquittal if the Court is satisfied that exceptional circumstances apply.
- (1AB) For the purposes of subsection (1AA), exceptional circumstances are taken to include any substantive legislative change to this Division made since the previous application.

In other words, the fact that the Parliament has revisited the law would be the foundation of a case for exceptional circumstances in the Court of Criminal Appeal. I say again that the work that I have done on this case is tiny compared to the emotional labours of the families and their supporters and others from this place. I again thank them for their work. In relation to the 2018 bill—it is the same as the bill we are debating here—Professor Larissa Behrendt from the Jumbunna Institute for Indigenous Education said:

I endorse this legislation.

I believe it is a chance to bring justice to victims of crime who have fought for almost three decades. In the way the bill has proposed it, there will be limited instances in which exception to the double jeopardy rule would be exercised and the Bowraville cases would be one of them. Of significance is the fact that UK legislation is similarly drafted and it has not led to perverse outcomes or floodgates being opened.

It should be noted that the Report from the Standing Committee on Law and Justice recommended consideration of changes to the double jeopardy legislation. The Court of Criminal Appeal has determined now that the law as it stands is incapable of giving justice to the families and it now falls to the legislature to right this wrong and give the proper redress to the murdered Bowraville children and their families.

I endorse those comments. The last time I brought the matter to this Chamber the Government said to wait until the High Court had given its decision. We have now waited. The court has had its day. It has decided against the families on a narrow legal technicality. We could rest there and say that these families and these communities do not deserve anything more from us, but I do not believe we should. I believe we should change the law.

I believe that this bill is the right way of changing the law but I do not pretend to have the sole legal opinion on this case. That is why I am grateful to other members in this House—I note that the chair of the Law and Justice Committee, the Hon. Niall Blair, is in the Chamber—who have agreed that, at the conclusion of this second reading speech, we can refer this bill to the Law and Justice Committee to have a look at its provisions. That committee considered the original Bowraville case. It went to Bowraville, spoke with families and made the commitment to deliver justice. The committee inquiry will not take 12 months. It will inquire into this bill over the winter period. If the Government has a better way of achieving justice I ask that it be presented to the committee. If there are ways to improve this bill please let us know. If the families want to be heard again about the need to deliver justice, I ask them to come to the committee and tell us why.

I am grateful for the support that I have had from members across the political spectrum in presenting this bill. I am grateful for members agreeing that it could be one of the first orders of substantive business in this Parliament—looking at this matter again, sending the bill to the committee and examining it again after the winter break so that we can work out if we can, collectively, finally deliver justice. I endorse the bill. I thank the families and I thank the House. Let's get this done.

**Debate adjourned.**

#### *Committees*

### **STANDING COMMITTEE ON LAW AND JUSTICE**

#### **Reference**

**Mr DAVID SHOEBRIDGE:** I move:

That:

- (a) the Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill be referred to the Standing Committee on Law and Justice for inquiry and report; and
- (b) on tabling of the report by the Law and Justice Committee, a motion may be moved without notice that the bill be restored to the *Notice Paper* at the stage it had reached prior to referral.

**Motion agreed to.**

#### *Motions*

### **WEAR ORANGE WEDNESDAY**

**The Hon. WES FANG:** I move:

That private member's business item No. 47 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. WES FANG (11:38):** I move:

1. That this House notes that:

- (a) on 22 May 2019, WOW Day, or Wear Orange Wednesday, was held to recognise and thank all SES volunteers across New South Wales and Australia for dedicating their personal time to respond to emergencies and helping communities when they need it most;
  - (b) in 2018, NSW SES volunteers responded to over 35,000 requests for assistance; and
  - (c) WOW Day encourages the community to wear an orange item of clothing and post a selfie to social media with the hashtag #thankyouse as a way of thanking the hard work of our SES volunteers.
2. That this House affirms its support for WOW Day as an important opportunity to acknowledge our NSW SES volunteers.
3. That this House thanks and congratulates the 9,500 volunteers of the NSW SES for selflessly giving up their time to keep our communities safe and responding in times of emergency and natural disaster.

On 22 May 2019 we celebrated Wear Orange Wednesday. It was a day to say thank you to the 9,500 volunteers who make up the New South Wales State Emergency Service, who selflessly give up their personal time to keep communities safe in times of emergency and disaster. The New South Wales SES volunteers are on call 24 hours a day, seven days a week, and Wear Orange Wednesday is just a small way we can show our support for these incredible everyday people who put on their orange overalls to help people at often the most difficult of times.

The SES was founded in the tragic events of 1955, when massive floods struck the Hunter, destroying 20,000 homes and tragically taking the lives of 25 people. Horrific stories were also reported of men hanging on to ropes dangling from a navy helicopter, only to lose their grip. Farmers witnessed livestock, fences and pastures completely destroyed and residents were forced to sleep on remaining roofs for days on end as houses around them began to break apart from the floodwaters. The response to these awful events was courageous yet lacking in coordination. The absence of a dedicated agency meant it was impossible to keep up with demand. It was primarily up to locals to help themselves. It became clear that a special purpose agency was required to coordinate future flood responses. That same year the government of the day established the volunteer-drawn NSW State Emergency Service [SES]. Its purpose was to provide flood rescue services but also coordinate flood warnings, communications, evacuations, housing and feeding of evacuees and relief from hardship.

Today the NSW SES provides the majority of general rescue efforts, especially in rural New South Wales. These situations can be anything from floods, storms, road accident rescues, vertical rescues, bush search rescues and evidence searches. In 2018 the SES responded to more than 35,000 calls for assistance. We must remember that these are volunteers, everyday people who give up their time to help others. They come from all walks of life, bringing with them many skills, interests and backgrounds, but they are united by their desire to help their community. It is the people who have served and those who continue to serve in the SES who make it what it is today.

In December last year the Wagga Wagga SES unit celebrated its sixtieth anniversary with an open day. This was a milestone for the people of the Riverina. I acknowledge Unit Commander Dan Mahoney, deputy commanders Jason McDonnell, Madison Clear, Dale Hersee and Rebecca Squire, along with my good friend, Sandy Butler. Also in attendance were Southern Zone Commander Nichole Priest and NSW SES Volunteers Association President Kim Davis. I also pay tribute to the surrounding SES brigades, including Temora, ably led by Jodie King. Across Australia there are about 40,000 SES volunteers such as the ones I have identified who collectively provide a million hours of their time to help others. Wear Orange Wednesday, in partnership with the NRMA, is a simple way we can acknowledge these amazing individuals. By wearing a splash of orange—or in my case on the day, a fairly vibrant orange polo shirt—and posting a photograph on social media with the hashtag "thank you SES" we can show our gratitude for the work of our local SES volunteers.

As Australians we have always had a strong work ethic, a desire to help those in need and a resilience in tough times. This is the embodiment of the SES. The volunteers of the NSW SES do not seek payment or reward for their service but WOW Day—Wear Orange Wednesday—is a simple way we can share our gratitude for their service. Every day of every year our SES are engaged in helping people. They are trusted members of the community and I thank the 9,500 members of the NSW SES for everything they do to support the people in our State in times when they need it most. We are incredibly proud of them. Importantly, I acknowledge their families and employers, without whose constant support they would be unable to fulfil their roles as proud members of the NSW SES. I thank them for all that they have done and continue to do in the future.

**The Hon. JOHN GRAHAM (11:43):** I speak on behalf of the Opposition in debate on the motion. I thoroughly commend to the House the comments of the Hon. Wes Fang. In particular I support his comments about the 9,500 members of the NSW State Emergency Service in the State and the phenomenal work they do. Sometimes in this Chamber we spend a lot of time talking about business or government agencies performing work. This is a chance to recognise another sector altogether, the volunteer or community sector, without which the State would not function. Sometimes we spend too much time on the first two areas without recognising that

the social fabric of the State is often held together by the volunteer work of many organisations, but no more than these 9,500 volunteers, because they are there at the worst of times. They are there in times of flood and fire, at times when people are dealing with what is ultimately often a personal crisis, a moment of real worry. The honourable member is entirely right, these volunteers have the support of their employers with a lot of back-up behind them, because people know how valuable that work is. This is an important day and has the full support of the Opposition. On this occasion we are in full accord with the Government. I commend the motion to the House.

**The Hon. TAYLOR MARTIN (11:45):** I support this excellent motion by the Hon. Wes Fang. The NSW State Emergency Service is an incredible organisation that stands ready to assist people in our State at what is often one of the worst times in their lives. This could be when their home has been damaged by floods, storms or wind, when rescues are required at car accidents or through misadventure, and also to search for evidence where crimes have occurred. In these situations their distinctive fluoro orange protective wear is something that brings comfort to those needing help. Each year we mark WOW Day, or Wear Orange Wednesday, by painting New South Wales orange to show our support of those volunteers who dedicate their personal time to respond to emergencies and helping communities when they need it most.

Last year in this place I moved a motion regarding the Wyong SES Unit awards presentation. In particular I spoke about Garry Whitaker who received the Australian Government National Medal 3rd clasp for his 45 years of service to the SES. The SES units on the Central Coast and lower Hunter—where I spend my time—do amazing work and I acknowledge the units from Cessnock City, City of Newcastle, Cooranbong, Gosford, Lake Macquarie City, Maitland City, Port Stephens, Swansea-Catherine Hill Bay, Tomaree and Wyong. This week strong winds in the Hunter meant that the SES responded to 175 calls for assistance on Sunday and Monday. The units from Cooranbong, Gosford, Lake Macquarie City and Wyong joined Swansea-Catherine Hill Bay responding to the damage and the SES Volunteers in their orange uniforms were busy with the clean up late in to the night supporting the region. I acknowledge that WOW Day is an important day each year in New South Wales to say thank you to the 9,500 volunteers of the NSW SES for selflessly giving up their time to keep our communities safe and responding in times of emergency. I commend the motion to the house.

**The Hon. WALT SECORD (11:47):** I make a brief contribution in debate on the motion presented by the Hon. Wes Fang. I congratulate him for recognising the hard work of the NSW State Emergency Service volunteers. I also note they respond to 35,000 requests for assistance every year. I support WOW Day, but I have to admit that I have some concerns with the colour of the tie. My spouse, who is a set and costume design expert, saw me on the morning of the day put on the tie and said, "You are not going outside with that shocking orange tie on." But I wore it in the office and I wore it on principle throughout the day. On a personal note I have benefited from the work of the wonderful SES volunteers. In 1999, during the famous eastern suburbs hailstorms that devastated the area, my home was repaired by the SES. They saved us thousands of dollars and it was a wonderful effort. I can personally attest to their hard work. I do have a problem and my spouse has a concern with the orange tie. We are there in spirit and in principle.

**The Hon. SCOTT FARLOW (11:48):** My wife has not had much criticism of orange ties but she certainly hates pink ties. I speak today on the motion regarding the annual Wear Orange Wednesday [WOW] in recognition of our local heroes who make up the State Emergency Service. I thank the Hon. Wes Fang for moving this motion as it enables us to further highlight the significance and importance of the SES within our community. There are currently over 20,000 SES volunteers across the country, with 9,000 currently serving within the New South Wales division.

The SES not only supports our community in times of disaster but also provides a support role to other agencies, particularly the NSW Police Force and Fire and Rescue NSW. The SES is operational 24 hours a day and was established on 1 February 1939. WOW Day, as it is commonly referred to, is held every year to encourage the community to wear orange and thank their local SES volunteers. This year WOW Day was held on Wednesday 22 May 2019, unfortunately not a sitting day so we could not show off our orange. I have always advocated for and supported the SES during my time as a member of this place. In February this year I, along with Premier Gladys Berejiklian, and Tony Issa, OAM, the Liberal candidate for Granville, had the pleasure to announce and secure a \$10,000 grant for the purchase of new equipment to assist with the future efforts of local SES volunteers from the Holroyd branch.

These vital funds assisted the Holroyd branch of the State Emergency Service to purchase an Archangel rescue craft, which enabled them to better support and serve the community in times of need. The men and women from the Holroyd SES branch are just one of the many SES branches that have helped countless people within the community of Granville during devastating storms, winds and intense conditions. We saw that firsthand earlier this year with the storms that went through the Parramatta region. NSW SES volunteers come from all walks of life, bringing with them many different skills, interests and backgrounds. They are united by the purpose of

supporting their communities in times of need. As we all know, nature can cause widespread damage to property and endanger lives. Without the assistance of our SES volunteers livestock, property and people would be left to die.

On behalf of the New South Wales Government we must, as a community, come together to fully appreciate and pay our respects to the mums and dads, brothers and sisters, uncles, aunties and loved ones within our community who put themselves last in times of disaster. We must put our communities first. I encourage everyone across every town and city in New South Wales to show their support for our local heroes, grab some orange and get involved in thanking our SES volunteers for all their efforts regardless of the day of the year. On behalf of the New South Wales Berejiklian Government, I thank all our SES personnel for their help and efforts.

**The Hon. NATASHA MACLAREN-JONES (11:51):** I too support the motion and thank the Hon. Wes Fang for moving it. Wear Orange Wednesday is a chance to show our support for the great work the State Emergency Service does for the people of New South Wales and across the country. There are more than 9,000 dedicated SES volunteers in 258 units across New South Wales who donate their time to help in emergencies. They are on call 24 hours a day, seven days a week, willing, ready and able to help. The New South Wales Government is delivering record funding to ensure the SES has access to the best resources to ensure our communities are safe and our volunteers are supported in their response efforts. In the last budget, \$56.4 million was invested to deliver upgrades to the SES fleet, with 500 new vehicles and marine vessels being delivered to ensure our volunteers are well-equipped to give world-class support to those in need. The Liberal-Nationals Government recognises also the challenges that face the regions of our State and is investing \$42.9 million to replace 30,000 radio terminals across New South Wales.

The enhancement and expansion of coverage to the radio network is another way the New South Wales Government is ensuring the SES volunteers have the best resources at hand. The SES has recently developed strategies to increase the number of volunteers across the State. A new initiative entitled "volunteering reimagined" has seen a 21 per cent increase in SES volunteers. Key components of this strategy include re-categorisation of volunteer roles by introducing more agile and sustainable options to join the New South Wales SES and support service delivery.

The SES is also developing a strategy to increase youth engagement through 28 secondary school cadet programs, with 500 cadets graduating in the previous year. A number of new models of delivery have been successful, including after school programs with SES units as well as a school holiday program. The NSW SES is also investing in its research and disaster response planning. In the event of any severe weather event, plans and strategies tailored to local regions have been created to ensure optimal efficiency in the case of an emergency. We commend all volunteers across New South Wales for all their hard work and for the time that they give. I mention also the hard work of the people in Tathra. I had the opportunity last year to visit Tathra and see the disaster relief network. I commend not only our SES volunteers but also the volunteers throughout the community who did everything during the fires, particularly, the clean-up.

**The Hon. SHAYNE MALLARD (11:54):** I join with other honourable members in supporting this motion brought to the House by the Hon. Wes Fang and thank him for doing so. Wear Orange Wednesday, or WOW Day, is held every year to encourage the community to wear orange and thank their local SES volunteers. It is also an important occasion to raise awareness of the work they do in our community and is an important aid in recruitment to the organisation, which is always an ongoing challenge for volunteer organisations. It is important to have such a day to recognise the hard work and contribution of our SES volunteers. The SES provides emergency assistance to the people of New South Wales 24 hours a day, seven days a week, 365 days a year. Those volunteers sacrifice a huge amount of their time in supporting the community and the approximately 9,500 volunteers across the State make this possible.

NSW SES volunteers come from all walks of life, bringing with them many different skills, interests and background. They are united by the purpose of supporting their communities in times of need through service to their community. In my brief contribution I acknowledge in particular SES volunteers in the Blue Mountains where I live. They have a long and proud history of assisting their community with invaluable emergency responses during floods, storms and other emergencies. I have represented the Minister at a number of Blue Mountains SES events and I have witnessed firsthand the dedication and passion of these volunteers and families. There is no question that the people of this region and this State know that they can depend on the men and women in orange for help and protection during emergencies.

The NSW SES Blue Mountains unit commenced in February 1957 and is one of 42 units that comprise the NSW SES metropolitan zone. It is part of the Nepean cluster with the Penrith SES unit. The NSW SES Blue Mountains unit has 107 active volunteer members who respond 24/7 to storm and flood events. They also regularly provide support to other emergency services such as the NSW Police by participating in land search

operations for missing people. The Blue Mountains volunteers are also involved in flood rescues, storm events and attend vehicle accidents.

They have unique skills in cliff rescues and work alongside the Rural Fire Service, the police, the Police Rescue unit in the Blue Mountains and NSW Fire and Rescue in searches for lost people and for evidence. They assist with bushfires, of course, which is a critical issue in the Blue Mountains. Unit members frequently travel outside the area to assist other SES teams in major flood and storm responses. There have been many, but I particularly recall the 1999 hailstorms in Sydney. They respond to disasters rapidly. I acknowledge John Hughes, OAM, the NSW SES Blue Mountains Unit Commander, and David Jones, Blue Mountains Police Superintendent. I know volunteers do not volunteer in order to receive praise but they truly deserve it. [*Time expired.*]

**The Hon. ROBERT BORSAK (11:57):** I would like to quickly record the support of the Shooters, Fishers and Farmers Party for the motion of the Hon. Wes Fang. I know it is very strange for me to support anything he does but in this particular case—

**The Hon. Walt Secord:** This is a first. You are breaking new ground.

**The Hon. ROBERT BORSAK:** I know. I am breaking new ground in the new Parliament and I hope to be able to crucify him on something else at some stage, but in this particular matter I completely support what the Hon. Wes Fang is doing. I would have thought he would have worn his State Emergency Service tie today. We all have orange ties in our cupboards and we should make sure we wear them on orange tie day.

**The Hon. Sarah Mitchell:** Not me—a scarf.

**The Hon. ROBERT BORSAK:** I beg your pardon; I stand corrected. The honourable Minister is quite right, including orange scarves, and I expect her to wear her orange scarf next time we have orange scarf day. On that note, thank you very much. We support the SES.

**The Hon. LOU AMATO (11:58):** I thank the Hon. Wes Fang for this important motion acknowledging our State Emergency Service volunteers across New South Wales. In recognition of the great work of the SES, the community is encouraged to participate in Wear Orange Wednesday. The NSW SES is a highly trained volunteer-based organisation that works to serve the community in severe weather events. Most of us have a one-time personal experience or at least know someone who has required the services of the SES. Severe thunderstorms, with hail and flash flooding, are serious events that can affect anyone. Families who experience serious damage to their homes due to an extreme weather event know that the first call for assistance they make is to the SES. SES volunteers are part of a team of 9,300 highly trained professionals who are dedicated to serving the people of New South Wales.

SES volunteers come from all walks of life. They share their personal skills and experiences to provide on-the-ground support, to perform operational roles, and to raise community awareness of serious weather events through education. Many SES volunteers attend weekly training in their own time to provide emergency assistance to the people of our State. Many SES personnel receive specialised training to become storm and flood damage volunteers. Storm and flood damage causes almost 10 times the damage caused by bushfires.

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

#### *Visitors*

### **VISITORS**

**The PRESIDENT:** On behalf of all members I welcome to the public gallery student leaders from high schools in New South Wales who are attending the Secondary Schools Leadership Program conducted by the Parliamentary Education Unit.

#### *Questions Without Notice*

### **MENTAL HEALTH**

**The Hon. ADAM SEARLE (12:00):** In directing my question to the Minister for Mental Health, Regional Youth and Women, I refer to comments made this week by Black Dog Institute founder Professor Gordon Parker about the serious deterioration in the availability of public psychiatric care and ask: What administrative steps has the Minister and her Government taken to respond to the hundreds of patients waiting for psychiatric assessment?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:00):** I thank the Hon. Adam Searle very much for his policy question. I very much look forward to answering it. In my second week as the mental health Minister, I met with—

**The Hon. Wes Fang:** Point of order—

**The PRESIDENT:** I do not need to hear the member on the point of order. I will not waste time during questions. If the Hon. Penny Sharpe wishes to take a point of order she should seek the call and then address me. I am happy to give her that opportunity. The next time she gives warnings across the Chamber I will call her to order. The Minister has the call.

**The Hon. BRONNIE TAYLOR:** As I was trying to say, only two weeks ago I met with the peak body for psychiatrists in New South Wales and we discussed this matter. Our psychiatrists perform incredibly important work. It is crucial that the healthcare system looks after them as well as they look after their patients. The challenges of attracting and retaining psychiatrists in New South Wales public sector services are acknowledged by the New South Wales Government, which recognises that the work psychiatrists do is very strenuous and stressful. The New South Wales Government has a range of initiatives underway under the Health Professionals Workforce Plan 2012-22 to improve psychiatry recruitment and retention and to strengthen the broader public mental health workforce under the NSW Health Mental Health Reform.

**The Hon. Penny Sharpe:** Seven years into it and you are failing.

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

**The Hon. BRONNIE TAYLOR:** Currently the Ministry of Health is developing a psychiatry workforce plan that will provide direction to those involved in training, recruiting and supporting psychiatrists in New South Wales to ensure an adequate supply across the State, with attention paid to difficult-to-service locations and subspecialties. The plan will build on the Health Professionals Workforce Plan 2012-22 by identifying specific strategies and actions to support the New South Wales psychiatry workforce. The plan will be developed in close engagement with a range of stakeholders, such as the Royal Australian and New Zealand College of Psychiatrists, to ensure that recommended actions are achievable and are supported.

The plan will examine initiatives that can improve recruitment and retention of junior doctors into psychiatry training, particularly in rural and regional areas that we know are greatly affected. The Government also wants to hear from psychiatrists about how the Government can best support them in their field. That is certainly what I said when I met with the peak body recently. The impact of the initiatives associated with increasing the specialist psychiatrist workforce will not be immediately realised, given that the psychiatry training program takes a minimum of five years.

A total of \$3.4 million has been invested to support psychiatry training networks. While the aim is to review and address the issues of attraction, retention and development of the capability of psychiatrists, general rural and regional workforce issues will challenge the success of strategies targeted at the specialty. In addition to medical workforce enhancements, NSW Health is building capacity in the broader mental health workforce by enhancing multidisciplinary teams and strengthening training opportunities.

**The Hon. ADAM SEARLE (12:04):** I ask a supplementary question. Will the Minister elucidate the answer just given to address particularly her reference to the psychiatry workforce plan? In particular, will she identify what strategies are being developed to ensure the adequate supply of psychiatrists, especially in rural and regional locations, given that we are seven years into the 10-year workforce plan?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:04):** I thank the Hon. Adam Searle for his question. I reiterate that the Government is identifying specific strategies and actions to support the New South Wales psychiatry workforce.

**The Hon. Adam Searle:** What are the strategies that are being identified?

**The PRESIDENT:** Order! The Leader of the Opposition has asked a supplementary question. He is not permitted to ask further questions.

**The Hon. BRONNIE TAYLOR:** The Government will be examining those strategies in detail. As I said, it takes five years to train a psychiatrist. I look forward to updating the Hon. Adam Searle in the future.

#### HERITAGE GRANTS

**The Hon. LOU AMATO (12:05):** My question is addressed to the Special Minister of State. Will the Minister update the House on the New South Wales Heritage grants and what they achieve?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:05):** Yes, I will. I thank the Hon. Lou Amato for his question. I am pleased to inform the House that the New South Wales



Government has protected our State's heritage by providing \$5.8 million worth of grants to local communities. This investment will guarantee the further preservation of some key items of our history in regional and metropolitan areas of New South Wales and our Indigenous past. The Government has awarded funding across approximately 100 local government areas to address diverse heritage concerns, such as Aboriginal cultural heritage, buildings, landscapes, railways, and rural and maritime heritage.

I will highlight some key items that are included in the current round of grants, notwithstanding the importance of all 241 projects that will receive funding. As mentioned earlier this week, the Kinchela Boys' Home received two grants through the program to help to preserve the memories of the Stolen Generations. I am pleased to advise the House that the Old Dubbo Gaol received \$70,000 to preserve the original padded cells which contribute to a holistic understanding of the site. Some of the other projects will restore significant heritage sites, such as the Lindlegreen Barn at O'Connell, the Zig Zag Railway at Lithgow, the Mobile Cooks Galley at Wagga Wagga, the Nubrygyn Inn at Euchareena and Redstone in Telopea.

For more than 40 years the program has successfully delivered outstanding heritage outcomes. There are three competitive grants categories: Aboriginal Cultural Heritage Grants, which support improved knowledge and conservation of gazetted Aboriginal places; Caring for State Heritage Grants, which support the management, conservation and activation of items listed on the State Heritage Register as well as emergency matters, such as essential repairs; and Community Heritage Grants, which support local councils and communities to improve the identification, conservation and understanding of local heritage and to improve cultural participation and celebration through funding heritage studies and advisory services. The grants facilitate continual preservation of our State's physical history and acknowledge the meaning and stories behind it.

### MENTAL HEALTH

**The Hon. WALT SECORD (12:08):** My question is directed to the Minister for Mental Health, Regional Youth and Women in her own capacity and as the Minister for Health's representative. Is the Minister aware of the mapping study and data platform by the Black Dog Institute that show there is not a single mental health worker, psychiatrist or psychologist, nor any other mental health service, available in the entire Wentworth shire in south-western New South Wales? What administrative steps is the Minister and the Government taking to address this lack of support?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:09):** I thank the honourable member for his question. As it is quite specific and refers to a member in the other place, I will take the question on notice and get back to him as soon as possible.

### TEACH FOR AUSTRALIA PROGRAM

**The Hon. MARK LATHAM (12:09):** My question is directed to the Minister for Education and Early Childhood Learning. Why has New South Wales failed to join the successful Teach for Australia program, which is practised in Tasmania, Victoria, Western Australia and the Northern Territory? Given that Teach for Australia recruits high-quality people from outside the teaching profession such as successful businesspeople and community leaders, and targets the needs of regional and disadvantaged schools, would it not be a tremendous boost to teacher quality and school equity in this State? Why are our schools missing out on Teach for Australia?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:10):** I thank the Hon. Mark Latham for his question. I welcome all the school students in the gallery. I hope they enjoy question time. This question may be of interest to them, given that it is on education. I am aware that Teach for Australia is active in other States, although I note that the Australian Capital Territory withdrew from the program at the end of last year. I will keep an open mind when it comes to looking at mechanisms to attract bright people into the teaching profession. As I have said before, we need to ensure that we have the best and brightest in front of our students.

I am aware of some of the criticisms of Teach for Australia, including that it has some issues with poor retention rates. However, I also note that there has been some independent research conducted that concluded that the program is successful at recruiting and retaining academically able graduates. I will seek a briefing on Teach for Australia in the coming weeks to get some more information about the program, how it works in other States and what some of the potential challenges are. It is a good question and goes to the issue we have with attracting and retaining teachers.

We need to ensure that we are open minded. As we know, the workforce looks very different to what it did in decades gone by. It is no longer the norm for anyone in any profession to spend 30 years in the same career. Maybe we should not view it as a bad thing when a bright young person goes into the school system and teaches for five years and then goes somewhere else. We need to ensure that we have teachers that understand teaching in all walks of life. We need to ensure that we find a way to attract the best and brightest into the teaching profession.

We should look at various ways to achieve that. As I said, if someone teaches in one of our public schools for a few years, goes to do something else and then comes back to the teaching profession they will bring more knowledge with them. There is a range of measures that I look at. As the Minister for Education and Early Childhood Learning I want to make sure we have the best and brightest and have good programs to attract good teachers. As I said, I will seek more information on the specifics of Teach for Australia in the coming weeks.

**The Hon. Natalie Ward:** Point of order: My point of order relates to correctly addressing members in the House. The Hon. Walt Secord addressed the Hon. Bronnie Taylor as "Bronnie" from across the Chamber. I ask you, Mr President, to ask him to withdraw his comment.

**The PRESIDENT:** It is not a matter of asking him to withdraw the comment. First, I remind the Hon. Walt Secord that he should address all members by their appropriate titles. Secondly, the member will cease interjecting.

**The Hon. Trevor Khan:** Apologise.

**The PRESIDENT:** I have not asked the member to apologise. I do not need him to say anything. I have reminded the Hon. Walt Secord to address all members by their proper titles and to cease interjecting. He does not need to comment. I remind the Hon. Trevor Khan that he is already on one call to order.

### EARLY CHILDHOOD EDUCATION

**The Hon. MATTHEW MASON-COX (12:14):** My question without notice is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on how the Government is providing quality early childhood education to more children in New South Wales?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:14):** I thank the honourable member for his question. The Government is very committed to ensuring that even more children in New South Wales get the best start in life. Earlier this month I had the great pleasure of announcing the expansion of two grants that support children in early childhood education. Both the Quality Learning Environments and Community Grants programs are offered in recognition of the importance of universal access to quality early childhood education.

Recently the member for Ryde and I visited the Goodstart Early Learning centre in West Ryde. It is a fantastic service that offers both a preschool program and long day care under the one roof. We announced that from this year both the Quality Learning Environments and the Community Grants programs will be opened up to eligible not-for-profit long day care services. More than 1,000 early childhood education services will be able to apply for those grants to further enhance their learning environments. The maximum grant available for the Community Grants program has increased to \$10,000, which enhances the range of supports that can be provided to preschool-aged children under the program.

The Quality Learning Environments program supports the delivery of quality early childhood education by recognising the importance of the physical and educational environment in the learning needs of preschool-age children. I am pleased to say that the team at Goodstart were delighted to hear of the expansion of those grants. While we were there the children were more than happy to demonstrate some of their animal yoga moves. I had a go at a few of them but then remembered my age.

**The Hon. Mick Veitch:** Which one was your favourite?

**The Hon. SARAH MITCHELL:** The snake was pretty interesting, but I am not going to go there—maybe later.

**The Hon. Mick Veitch:** If I can do the bee dance, you can do the animal yoga.

**The Hon. SARAH MITCHELL:** Trust me, it is for the benefit of everyone in the House that I do not demonstrate.

**The PRESIDENT:** Order! I remind the Minister that encouraging members to interject is disorderly.

**The Hon. SARAH MITCHELL:** Since the introduction of the program in 2018 more than 770 services across the State have received grants through the Quality Learning Environments program. Community preschools have been able to fund renovations and repairs, purchase particular infrastructure items and have specialised educational programs and activities. Hundreds of preschools have also benefitted from the Community Grants program, which supports the delivery of quality early childhood education to all children by recognising the additional support that Aboriginal children and vulnerable children may need in order to access preschool education. It is a great program that makes a big difference across the State.

We know that each community across the State has different needs. That is why it is important that the initiatives can be tailored to local communities. Under the Community Grants program some past initiatives have included things such as Aboriginal cultural education training for staff, the establishment of a breakfast club to help children get into an optimum state for when learning commences and transport vouchers to increase school attendance. An increase in the programs is a great thing and we will see some wonderful outcomes. [*Time expired.*]

#### ANIMAL WELFARE

**The Hon. MARK PEARSON (12:17):** My question is directed to the Minister for Mental Health, Regional Youth and Women representing the Minister for Agriculture and Western New South Wales. On 2 April 2018 day-old chicks were buried alive after a truck transporting more than 100,000 vulnerable animals crashed near Yass. On 7 April 2018 the members of the public who found the buried-alive chicks made a detailed cruelty complaint to the RSPCA. On 12 April the then Minister for Primary Industries, the Hon. Niall Blair, told the Chamber that his department had also reported the matter to the RSPCA and it was carrying out investigations. The statutory time period for investigating this incident has now expired. What was the outcome of the investigation into the department's complaint about the burying alive of those newborn animals?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:18):** I thank the honourable member for his question. As it refers to a Minister in the other place, I will take it on notice and get back to him as soon as possible.

#### MENTAL HEALTH

**The Hon. PENNY SHARPE (12:19):** My question is directed to the Minister for Mental Health, Regional Youth and Women in her own capacity and as the Minister representing the Minister for Health. Given the crisis in public health psychiatrists leaving the system and the failure to attract trainees to replace them, and given that the *Health Professionals Workforce Plan 2012-2022* has been on foot for seven years and contains 52 specific actions, will the Minister inform the House how many of those actions have been completed? In particular, how many of the actions in the key section of the plan headed "Grow and support a skilled workforce" have been completed in those seven years?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:19):** I thank the honourable member for her question. I refer to my earlier answer to the first question asked by the Leader of the Opposition. As the question is complex, I will take it on notice. I will respond as soon as possible.

#### NSW WOMEN'S STRATEGY

**The Hon. SHAYNE MALLARD (12:20):** My question is addressed to the Minister for Mental Health, Regional Youth and Women. Will the Minister provide an outline of what the New South Wales Government is doing to create opportunities for women who are looking to start and grow their own business in New South Wales?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:20):** I thank the honourable member for his question. As Minister for Mental Health, Regional Youth and Women, one of my key responsibilities is to boost the economic opportunities available to women. This involves facilitating access to careers, including business ownership and operation, where women are under-represented. Less than one-third of small business owners are women. This is slowly changing, but more work needs to be done. The New South Wales Government is committed to addressing hurdles women may face in starting and growing their own businesses by assisting them to: navigate the complexities of establishing a business; access capital following a career break to raise children; overcome isolation from sources of capital and other supports, especially in rural and regional areas; and access a social network of like-minded female business owners.

Increasing access to entrepreneurial opportunities is a key action under the NSW Women's Strategy 2018-2022, released last year. As part of the year-one action plan of the strategy, Women NSW worked with the Sydney School of Entrepreneurship [SSE] to create a speaker series for women interested in starting their own business. SSE is a collaboration between 11 New South Wales universities and TAFE NSW. It is a fantastic program which aims to drive the next generation of Australian entrepreneurs. The speaker series of three forums drew on female role models, including NSW Women of the Year Award winners, to empower more women to take a risk and start their own business.

I look forward to continuing this work with SSE as part of the year-two action plan of the NSW Women's Strategy. In March 2018 the Government committed \$5.85 million towards a free online financial literacy and start-up course that provides mentoring, networking and coaching to women who want to start and grow their own business. The program will be delivered by TAFE NSW. This Government has always been a champion for small

business. In 2018, Easy to do Business was launched. The service provides a business concierge to help navigate the government permits required to open a business.

In addition, the Government established the NSW Small Business Commissioner to provide assistance for small businesses through Business Connect. Business Connect provides a range of helpful services. One of them is the Small Business Friendly Councils Program. Business Connect provides workshops, networking opportunities and resources that help New South Wales councils to support their local businesses. I look forward to continuing to work with my ministerial colleagues to ensure women in New South Wales have the opportunity, support and confidence to take risks to start and grow their own businesses.

### **PUBLIC SCHOOLS AWARDS PROGRAM**

**The Hon. MARK LATHAM (12:23):** My question is directed to the Minister for Education and Early Childhood Learning. Is the Minister aware of the new policy of Westmead Public School in western Sydney to abolish all end-of-year student awards from kindergarten to year 2 and other achievement certificates and prizes throughout the school? Shouldn't New South Wales school education recognise and reward excellence as a matter of course, thereby encouraging all students to strive for better results? When will the Government introduce a statewide policy requiring schools to acknowledge the achievements of our best students?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:24):** I thank the honourable member for his question. He indicated that a particular school at Westmead has made decisions about its end-of-year awards program. I think that was the terminology he used. There are more than 2,200 public schools in New South Wales. I am not aware of the specific decisions made by that school. I will seek further information about that. In my role to date as the Minister for Education and Early Childhood Learning, I have visited many schools. A significant part of the program in the overwhelming majority of those schools is recognition of student achievement through awards. I will seek advice in relation to the specifics of the school that the honourable member mentioned, and more generally if necessary, and come back to him with further information.

### **EMERGENCY SERVICES LEVY**

**The Hon. PETER PRIMROSE (12:25):** I direct my question to the Parliamentary Secretary for Cost of Living. What specific actions are the honourable member and her Government taking to prevent the increased cost of living in drought-ravaged rural and regional communities that will result from the Government's refusal to cover the first 12 months of the increased cost to councils of the Emergency Services Levy, forcing already cash-strapped councils either to cut vital services or to increase their fees and charges?

**The Hon. CATHERINE CUSACK (12:25):** I thank the honourable member for his question. As he is aware, the question traverses several portfolios and responsibilities in government. I personally report to the Minister for Customer Service, the Hon. Victor Dominello. However, I will take the question on notice, make inquiries of the relevant Ministers and provide a response.

**The Hon. PETER PRIMROSE (12:26):** I ask a supplementary question. Will the Parliamentary Secretary elucidate regarding what agencies, such as Local Government NSW, have been consulted to date?

**The PRESIDENT:** Order! I do not propose to go through satisfying the three requirements of a supplementary question. That is clearly a new question; it did not in any way deal with the answer given by the Parliamentary Secretary. It is either a repetition of the original question or an addition to it. More importantly, it does not seek an elucidation of any part of the answer provided. The supplementary question is out of order.

### **FASTER PAYMENTS POLICY**

**The Hon. TAYLOR MARTIN (12:27):** My question is addressed to the Minister for Finance and Small Business. Will the Minister inform the House how the New South Wales Government is leading the way when it comes to getting businesses paid faster?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:27):** I thank the honourable member for his great question, which indicates that he is aware of the issues facing small business.

*[Opposition members interjected.]*

**The Hon. Scott Farlow:** Point of order: My point of order relates to interjections from members of the Opposition. The Minister had spoken only the first few sentences of his response and was not able to continue because of the loud interjections from members opposite.

**The PRESIDENT:** I remind all honourable members that under the new sessional orders Ministers are required to be directly relevant. When a Minister is not, I am certain that a point of order will be called. The

difficulty I have is if I cannot hear the Minister's first or second sentence it will be impossible for me to rule. I ask that interjections cease so that if a point of order is taken I can make a determination.

**The Hon. DAMIEN TUDEHOPE:** Cash flow is king for small businesses. Some in this House know that the ability of small business owners to pay suppliers, staff and even themselves and invest in their business is reliant on good cash flow. According to the NSW Business Chamber, the inability to access finance and maintain reliable cash flow is the most common reason for business failure and the biggest barrier to innovation in Australian small and medium businesses. Significantly, small businesses should not be the banks for large businesses and the Government should be a model debtor when it comes to paying bills. As a government, we should be leading the way in making sure businesses that contract with us get paid in a timely manner—and I am proud to say that we are leading the way.

Last year the Government reduced the time it took to pay bills to businesses for goods and services with a value of up to \$1 million to 20 days. The Government thought this was a good time frame for businesses to get paid but a good government asks, "Can we do better?" And the answer to that question is yes, we can do better. Under our Faster Payments Policy, by December of this year we will reduce the time frame in which we pay small businesses to just five days. This commitment is an Australian first. Just last week I was pleased to note that the Queensland Government has committed to following our lead: From July government agencies in that State will reduce invoice payment times for small businesses from 30 days to 20 days. As the saying goes, imitation is the highest form of flattery.

This Government is backing small business. Whether it is reducing red tape, cutting taxes or encouraging investment and jobs growth, we are doing our bit to support hardworking mums and dads around the State. As I have 30 seconds remaining, I will complement the answer given by my colleague the Hon. Bronnie Taylor in respect of the work that is being done to promote women in business throughout this State. The Business Connect program to which she referred is making great headway in helping businesses across the State— [*Time expired.*]

**The PRESIDENT:** If the Minister had continued, I would have indicated that he was straying from direct relevance to the question asked of him. If the Minister wishes to refer to another Minister's answer, he needs to link it in a directly relevant way to the question he has been asked.

#### SCHOOL CURRICULUM

**The Hon. MARK BANASIAK (12:32):** My question is directed to the Minister for Education and Early Childhood Learning. A New South Wales Curriculum Review E-brief stated that "Premier Gladys Berejiklian and education Minister Rob Stokes voiced the need for a greater focus on English, mathematics and science" so that we can equip students to contribute to Australian society in the twenty-first century. Is the Minister aware that Department of Education Secretary Mark Scott made a similar announcement at an education dinner in 2016? Why has it taken the secretary three years to action this?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:32):** I thank the honourable member for his question on the curriculum and particularly the curriculum review in New South Wales. As members may be aware—and I think the honourable member who asked the question would certainly be aware—this Government is undertaking the first comprehensive review of the curriculum in 30 years. Extensive public consultation has been undertaken. The Premier and the former Minister launched the review in May last year, as I think the question directly alluded to. Public submissions were invited from 3 September to 30 November 2018. We have received more than 2,100 submissions during that public consultation. In addition there were 14 roadshows across regional and metropolitan New South Wales. Across New South Wales more than 50 roundtables, focus groups and meetings were held with key stakeholder groups from the education sector and also from the community more broadly.

Professor Geoff Masters, who is leading the review, is preparing an interim report which will include community aspirations and concerns regarding the future of the New South Wales curriculum. It will identify possible reform directions, including issues with overcrowding and decluttering, particularly in primary schools. The interim report is also informed by relevant research and understanding of good educational practices, including the experiences of other education jurisdictions. This will provide an opportunity for the education sector and the broader public to provide feedback on proposed reform directions to inform the final report. Any recommendations that are agreed to by the Government will be implemented over the medium to long term to ensure that teachers and schools have the time and resources that they need to make any changes. The work in relation to this curriculum review is well underway. The interim report is due shortly and I am looking forward to receiving it. More information will be forthcoming about that process and what is contained within that review as the weeks and months progress.

**EMPLOYEE PERFORMANCE AND CONDUCT DIRECTORATE**

**Ms ROSE JACKSON (12:35):** My question is directed to the Minister for Education and Early Childhood Learning. How many children—some as young as six years old—have given evidence about their teachers without parental consent to the New South Wales Department of Education's Employee Performance and Conduct Directorate, or EPAC? Has the education department contacted the parents of all of the children involved to notify them of this?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:35):** I thank the honourable member for her inaugural question. I will use the proper terminology today. The Government is committed to protecting students in public schools across the State. As some members will be aware, former Crown Prosecutor for the State of New South Wales Mr Mark Tedeschi, AM, QC, has been commissioned to conduct a review into the operation of the Employee Performance and Conduct Directorate [EPAC] within the Department of Education. The review is focused on how employee performance and conduct functions are managed and whether improvements can be made to operational efficiency and to the timeliness of outcomes. It will also look at opportunities to enhance independence and procedural fairness. The review is not looking into the outcomes of individual cases and will not reconsider or overturn the outcomes of any previous investigations.

In February 2019, key stakeholders were invited to make a submission to the review and a submission form was published. Submissions have now closed and Mr Tedeschi is currently reviewing those submissions and conducting additional meetings with key stakeholders. He is also examining how similar investigative functions are managed by other agencies within and outside New South Wales in educational and other professional settings. Recommendations will be delivered with the final report to the secretary by 30 June this year. There is always room for improvement, so I look forward to reviewing the report and considering its recommendations.

In relation to any interviews that may take place with students, parents must be contacted to grant permission for their child to be interviewed by EPAC officers. Principals, however, sometimes obtain statements from students about an incident at school before deciding to refer a matter to EPAC. Investigations of reportable conduct—including physical or sexual abuse, ill-treatment or neglect of students by employees—are oversighted by the Ombudsman's office and investigations of corrupt conduct or maladministration are oversighted by the ICAC. Privacy restrictions mean that EPAC officers are limited in the information they can provide to parents or complainants.

**Ms ROSE JACKSON (12:37):** I ask a supplementary question. How many children were involved in discussions with EPAC officers? I ask the Minister to elucidate on the report she will receive from Mr Tedeschi in June this year. What will the Government do with that report?

**The Hon. Trevor Khan:** Point of order: That is not an appropriate supplementary question. It was merely a repetition of the first question.

**The Hon. Penny Sharpe:** To the point of order: The question is clearly in order. The member asked for an elucidation on the number of children who had been interviewed. She asked the Minister also to elucidate on what happens to the report that the Minister mentioned after it is completed.

**The PRESIDENT:** There were two parts to the supplementary question. When I first heard the question I was of the view that both parts did fulfil the three requirements, the second part more so than the first part. The supplementary question is in order and I will allow it.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:39):** As I said in my original answer, parents must be contacted to grant permission for their child to be interviewed by Employee Performance and Conduct directorate officers. Again as I said in my original answer, the report is being presented to the secretary. When I receive the report, I will review it and consider any recommendations that will improve the EPAC directorate policy.

**The Hon. Mark Banasiak:** Mr President—

**The PRESIDENT:** As this procedure is new, if I can use that expression, I would be grateful if members would indicate that they are seeking to ask a second supplementary question so that I know they are not seeking to ask a fresh question.

**The Hon. MARK BANASIAK (12:40):** I ask a second supplementary question. In her answer the Minister elaborated that there were privacy concerns about parents being told about incidents. Will the Minister elucidate on how it is a breach of privacy for parents to know what is going on with their children in schools?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:40):** As I said in my original answer, and I will repeat again, parents must be contacted to grant permission for their child to be interviewed by Employee Performance and Conduct directorate officers. Principals, however, sometimes obtain statements from students about an incident at school before deciding to refer a matter to EPAC. I have also been given advice that privacy restrictions mean that EPAC officers are limited in the information they can provide to parents or to complainants. My assumption is that that might be while a case is ongoing. I will receive clarification around that from EPAC and come back to the member with the information he requires.

#### INDIGENOUS AUSTRALIANS CONSTITUTIONAL RECOGNITION

**The Hon. WES FANG (12:41):** My question is addressed to the Aboriginal affairs Minister. Will the Minister update the House on how the New South Wales Government is working with the Federal Government towards recognition and reparation of Indigenous Australians?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:41):** The re-elected Morrison Government has pledged to achieve an outcome on recognition for Indigenous people. I acknowledge and congratulate the Federal Government on the enormous first step it has taken towards this by appointing the Hon. Ken Wyatt, member for Hasluck, as the Minister for Indigenous Australians, the first Aboriginal person to be responsible for that portfolio and the first Indigenous Australian to be sworn into the Federal Cabinet. I look forward to working with the new Minister to ensure the best outcome for the First Peoples of New South Wales.

In November 2018 the Commonwealth Parliament's Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples reported on the significance of the Uluru Statement from the Heart and supported establishing, through co-design, a First Nations voice to Parliament. I am sure all members of the House are aware the First Peoples of Australia have been calling for a treaty for many decades. The New South Wales Government is undertaking many elements consistent with modern agreement making and other jurisdictions are using learnings from New South Wales. These include agreement making, truth telling and healing for Stolen Generation survivors.

In the view of the New South Wales Government it is important that any process leading towards treaty or treaties or constitutional change at a Federal level involving matters to do with Australia's First Peoples should appropriately be led by the Commonwealth Government. The New South Wales Government, however, is doing its part through the Opportunity Choice Healing Responsibility Empowerment Plan, referred to as OCHRE, working in partnership with First Nations communities to achieve better, more sustainable outcomes. Local decision-making enables negotiation of joint agreements between regional alliances and the New South Wales Government on community-led priorities and aspirations. OCHRE acknowledges the ongoing impacts of past government policies and practices and the need for healing within Aboriginal families and communities. As time is limited, I should also refer to the reparations scheme introduced in 2017 and the languages bill introduced under my predecessor, the Hon. Sarah Mitchell. Both of those were very crucial steps towards— [*Time expired.*]

#### DOMESTIC AND FAMILY VIOLENCE

**Ms ABIGAIL BOYD (12:44):** My question is directed to the Minister for Mental Health, Regional Youth and Women. Given that women are disproportionately impacted by domestic and family violence, and based on the assumption that the Minister, as the Minister for Women, has been working with the Minister for the Prevention of Domestic Violence on these issues, which of the 49 recommendations in the NSW Women's Alliance's Safe State platform for the prevention of domestic, sexual and family violence will be implemented in this term of government?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:45):** I thank the member for her question and acknowledge the seriousness of her question, which relates to domestic violence in our State—an issue that is concerning and distressing to so many people. As the member would know, domestic violence does not come under my portfolio but rather that of the relevant Minister in the other place. I will seek an answer to her question and get back to her.

#### THE HILLS SHIRE COUNCIL

**The Hon. ANTHONY D'ADAM (12:46):** My question is directed to the Leader of the Government and Aboriginal affairs Minister. What steps has the Minister taken to encourage Liberal councillors at The Hills Shire Council to introduce Welcome to Country protocols in their local government proceedings, given that they again officially rejected the practice on 28 May?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:46):** I hear the question asked of me by the Hon. Anthony D'Adam and I thank him for it. It refers to something that apparently happened on 28 May. It is now 30 May. In the intervening day and a half since The Hills Shire Council might have met and considered this matter I have not been briefed on what was said at that meeting. I reserve my right to answer the question—

*[Opposition members interjected.]*

**The PRESIDENT:** The Minister will resume his seat. Members will come to order.

**The Hon. DON HARWIN:** As I was saying, I reserve my right, given recent events, from making any comments about The Hills Shire Council. However, I make the general point that it is important in the reconciliation of all Australians with our Indigenous past and our First Peoples that we begin public functions by acknowledging country. I encourage all organisations to adopt that practice.

### **RURAL AND REMOTE TEACHERS**

**The Hon. TREVOR KHAN (12:48):** My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister explain how the Government is attracting teachers to our rural and remote areas?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:48):** I thank the Hon. Trevor Khan for his question and note his passion for rural and remote areas across New South Wales. It is no secret that the challenges faced by students, parents, teachers and school communities across rural and remote New South Wales can be very different to the challenges faced by schools in the city. Country principals that I speak with have often told me about the difficulties they face in not only getting permanent teachers but also getting the casual staff they need to keep their schools running smoothly.

The New South Wales Government has introduced a range of benefits and incentives to attract and retain high-quality teachers in public schools across rural and remote New South Wales. These benefits and incentives form part of the Department of Education's Rural and Remote Strategy. The Rural and Remote Strategy is a comprehensive plan to improve student learning in our rural and remote schools across the State. It contains a variety of measures, including strengthening early childhood education, giving students access to a broad range of opportunities and better supporting schools to meet local student needs.

From 1 January this year permanent teachers, including assistant principals, head teachers, deputy principals and principals, at 155 eligible rural and remote schools are receiving a Rural Teacher Incentive with a value of between \$20,000 and \$30,000. In addition, all permanent teachers at an eligible incentive school who have maintained proficient status or equivalent for at least six years will qualify for a \$10,000 experienced teacher benefit. These incentives are in addition to existing benefits and incentives available to permanent teachers in rural and remote schools, which include an annual \$5,000 retention benefit available to permanent teachers and principals working at remote schools and remote Connected Communities incentive schools with 12 months or more of continuous service; a rental subsidy of between 50 per cent and 90 per cent paid to teachers living in rental accommodation in rural and remote schools; and a \$10,000 recruitment bonus payment, which can be paid for successful permanent appointments to hard-to-fill teaching positions. Other benefits include two to five days of additional personal leave—

**The Hon. Trevor Khan:** Point of order: My point of order relates to the activities of the Hon. John Graham, who constantly interjects. He has obviously taken over the role of the former member the Hon. Lynda Voltz.

**The PRESIDENT:** I uphold the first part of the point of order with respect to the continual interjection. I call the Hon. John Graham to order for the first time. I am not yet satisfied as to the second part of the point of order. I will give the member the benefit of the doubt.

**The Hon. SARAH MITCHELL:** Benefits include a locality allowance, a 10-week trial prior to confirmation of permanent appointment, and sponsorship for professional development. Temporary teachers may also be eligible for rental subsidy, recruitment bonus and locality allowance as well as permanent appointment to a position after 12 months. In addition, the department specifically targets teachers who want to make a difference in a rural or remote location, particularly those with experience, through its Rural Experience Program. Attending university can be costly for regional students, which is why the Government is also providing 60 teach.Rural scholarships each year for talented HSC students commencing teacher education studies who are prepared to teach in rural and remote locations. The scholarships provide successful recipients with up to \$50,000 for an equivalent



up-front course contribution fee, a \$6,000 appointment allowance on completion of study and \$500 per week during rural practicum placements.

**The Hon. Walt Secord:** I seek to ask a supplementary question.

**The PRESIDENT:** As I have indicated before, I will spend some time dealing with matters of this nature so that my ruling is clear to all members.

**The Hon. Walt Secord:** To assist the House, I can provide the supplementary question.

**The PRESIDENT:** It would assist me if the member resumed his seat. As members are aware, Standing Order 64 has been amended by the recent sessional orders. Standing Order 64 (5) states:

At the discretion of the President:

- (a) one supplementary question may be immediately put by the member who asked a question to elucidate the answer, and
- (b) one further supplementary question may then be immediately put by another non-government member to elucidate the same answer.

According to those words in Standing Order 64, the following can be stated. The first supplementary question can be asked only by the member who first asked the question and no other member. The second supplementary question can only be asked if the first supplementary question has been asked by the member who asked the question. I state that as Standing Order 64 (5) (a) and (b) uses two specific words: "and" and "one further supplementary question". The term "and/or" is not used, nor is "any member". It is clear that the Hon. Walt Secord is out of order in seeking to ask the first supplementary question. If the member who asked the question had asked a supplementary question, the Hon. Walt Secord could then have sought the call to ask a second supplementary question.

#### **GLOBE WILKINS PRESCHOOL**

**Mr JUSTIN FIELD (12:55):** My question is addressed to the Minister for Education and Early Childhood Learning and is in relation to the Globe Wilkins Preschool and the future of early learning services at Wilkins Public School. Will the Minister update the House on the lease renewal and tender process, especially given the significant uncertainty facing the preschool, which has a unique place in that community including for Indigenous children and families. Will the Minister guarantee a future for the Globe Wilkins Preschool?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:55):** I thank the honourable member for his question in relation to Globe Wilkins Preschool. I think this question came up in the previous Parliament. As the Minister for Education and Early Childhood Learning I am well aware of this matter. In recent weeks, I have had meetings with Ms Jenny Leong, the member for Newtown, Ms Jo Haylen, the member for Summer Hill, and the shadow Opposition spokesperson for education in relation to these matters. Members may be aware that student numbers at Wilkins Public School are growing and the school needs the rooms that are currently occupied by the preschool. A tender process is underway and, I believe, will be completed soon. I am awaiting information from the department, which will provide further advice on the opportunities that are available going forward.

I am well aware of the concerns of the local community. I can indicate that members of the community have contacted me. I have given an undertaking to the three members I mentioned earlier that I am happy to visit Wilkins Public School and Globe Wilkins Preschool to talk to the school and preschool communities about where we go from here. However, I would like information and an update on the tender process before that happens. I am very happy to have made that commitment to speak to the school community. Some parents approached me at a forum earlier this year. They are very passionate about their preschool, and I completely understand that. They want to see the service continue. As I said, I am happy to spend some time with them and to look at the options going forward once I have received further information.

#### **THE HON. CATHERINE CUSACK**

**The Hon. PENNY SHARPE (12:57):** My question is directed to the Parliamentary Secretary for Cost of Living, the Hon. Catherine Cusack. Given Prime Minister Scott Morrison's proposal to increase the maximum penalty for online trolling from three years to five years imprisonment, why does the Parliamentary Secretary continue to employ a political adviser who trolled the member for Port Stephens during the election campaign?

**The Hon. Don Harwin:** Point of order: My point of order is that Parliamentary Secretaries in this State do not have any staff by virtue of their positions as Parliamentary Secretaries. They have staff only in their capacity as members of this House. It has never been in order to ask questions of members about secretaries/research assistants. It is a precedent that should be set. This has nothing to do with her duties as Parliamentary Secretary.

**The Hon. Walt Secord:** It has everything to do with her duties.

**The PRESIDENT:** Is the Hon. Walt Secord speaking to the point of order? If so, I would be grateful if he sought the call, as a courtesy to me.

**The Hon. Walt Secord:** To the point of order: This question has everything to do with the member's parliamentary duties, everything.

**The Hon. Trevor Khan:** To the point of order: The Hon. Walt Secord just belled the cat. What is necessary under Standing Order 64 (2) is that it relate to the duties as Parliamentary Secretary.

**The PRESIDENT:** I have Standing Order 64 (2) in front of me. I believe I should—

[*A member interjected.*]

Order! It is bad enough when members interject from both sides of the Chamber or make hand gestures, but I will not accept it when I am giving a ruling. I believe I have shown that I am entitled to the courtesy of all members to listen to me when I give a ruling. I think that is fair. Standing Order 64 (2) clearly states:

Questions without notice may be put to Parliamentary Secretaries relating to public affairs with which the Parliamentary Secretary is officially connected, to public affairs connected with the portfolio of the Minister to whom the Parliamentary Secretary is connected, to proceedings pending in the House, or to any matter of administration for which the Parliamentary Secretary is responsible.

The list of Parliamentary Secretaries provided by the Government describes the Hon. Catherine Eileen Cusack, MLC, as the Parliamentary Secretary for Cost of Living. The question in no way refers to any aspect of cost of living, nor does it refer to any aspect of a Minister to whom the Parliamentary Secretary is officially connected. For a question to a Parliamentary Secretary to be a valid question it needs to either be related to her position regarding cost of living or be shown to be officially connected to a Minister to whom the Parliamentary Secretary is connected. The Hon. Penny Sharpe's question in no way satisfies any of those requirements. The question is out of order.

**The Hon. DON HARWIN:** If honourable members have further questions I invite them to place them on notice.

**The PRESIDENT:** I will now leave the chair. The House will resume at 2.45 p.m.

#### *Announcements*

### **NATIONAL RECONCILIATION WEEK**

**The PRESIDENT (14:45):** I would like to take a moment to acknowledge that this sitting period falls within National Reconciliation Week. National Reconciliation Week is nationally celebrated each year and is bookended by two significant anniversaries in our history; the anniversary of the 1967 Australian referendum on 27 May and the High Court decision in *Mabo and Others v Queensland (No. 2)* on 3 June 1992.

This week we learn about, commemorate and celebrate Aboriginal and Torres Strait Islander Australians and their culture, and how they make up Australia's national identity. I acknowledge this year's theme; Grounded in Truth: Walk Together with Courage. I encourage all members, and indeed the public, to continue to reflect on the shared history of all Australians and how we as a nation can continue to walk the journey of reconciliation together.

Jointly with the Speaker of the Legislative Assembly, I reiterate the statements we made at this Parliament's opening and our renewed commitment to support Aboriginal and Torres Strait Islander peoples in their efforts to strengthen and share their culture and heritage, and our commitment to create a future that celebrates and values every person in New South Wales. As a symbol of that commitment, the Aboriginal and Torres Strait Islander flags have both flown in the Parliament's forecourt this week.

#### *Private Members' Statements*

### **COMMERCIAL FISHING INDUSTRY**

**The Hon. MARK BANASIAK (14:47):** As I slowly trudged back to my lodgings last night with a belly full of bangers and mash from the members' dining room, weary from another busy day in the Legislative Council, I wandered past one of the local establishments. At first I thought, "Gee, that's funny, it's still open." Then I realised there were a few hours left before Gladys' and the killjoys' nightly nanny state curfew kicked in. I watched and admired people enjoying their last few hours of personal freedom.

I saw a sign above the establishment that read, "Premier, we need you to give an 'F'". The "F" referred to a ferry service to Woolloomooloo. I initially thought Woolloomooloo probably does, given that it is just around the corner from other ferry stops. I could not understand why it did not already exist. It got me thinking about

what else the people of New South Wales would like the Premier to give an "F" about. Immediately my mind was drawn to fishermen and the consumers who benefit from a vibrant commercial fishing industry.

The 2018 annual report of the Sydney Fish Market cited the New South Wales Government's Commercial Fisheries Business Adjustment Program as the cause for the decline in supply, and, ultimately, profitability; reforms that promised that no commercial fisherman would be left worse off. As I travelled around the State during the election campaign, the enormity of that furphy became apparent.

How can we have a vibrant commercial fishing industry when fishermen have to prenominate their operating days? What if the weather does not suit? According to this Government, that is just too bad. How can we have a vibrant commercial fishing industry when commercial fishermen are made to forfeit shares, only to have to buy them back at a premium? How can we have a vibrant commercial fishing industry when a large quantity of those shares do not exist? How can we have a vibrant commercial fishing industry that enables consumers to purchase top quality locally-sourced seafood when the inaction of this Government has resulted in the annual exportation of more than 87 per cent of our commercial catch and the importation of a similar percentage of noticeably inferior products, which expose us to biosecurity risks such as white spot disease? Exports are important to our economy, but we have clearly got the balance wrong when it comes to our seafood industry. If we allow this Government to implement these reforms we will have no commercial fishing industry at all. Perhaps this is what the Coalition and its "conservation branch" want.

### DRUG AND ALCOHOL TREATMENT

**The Hon. WALT SECORD (14:50):** As the shadow Minister for Health, I speak again on the need to improve drug and alcohol treatment in New South Wales, especially in regional areas. I have often said that illicit drug use requires a broader policy response than solely policing. We cannot simply arrest our way out of the scourge of drugs, particularly the plague of ice. It is also a health challenge. We all agree that we want to get people off drugs and into meaningful employment and a healthy life. However, that is a complex task and one that requires a combination of family, community and public support. Any member who has tried to make significant lifestyle changes will know this is true of breaking any addiction. And we also know from years of statistics that addicts are far less able to make a sustained recovery if they do not have access to the proper support services. Therefore, investing in those services is not about supporting those who are addicted.

Sadly, service providers say that their waiting lists for treatment are longer than they have ever been; there has been no significant increase in bed capacity in the past 20 years ago. That is why I am supporting a community-based campaign to deliver a 15-bed rehabilitation facility and an eight-bed detox unit at Dubbo. Locals, including all 10 Dubbo regional councillors, from across the political spectrum are calling for a treatment and rehabilitation facility there. On 7 and 8 March I visited the region and was hosted by local barrister and Country Labor Dubbo Regional Councillor Stephen Lawrence, retired judge John Nicholson, SC, and Aboriginal community activist, Frank Doolan, also known as "Riverbank Frank". They were all united in the call for a rehabilitation facility in Dubbo.

Mr Lawrence spoke about the Central West experiencing crime rates at three to four levels higher than the State average in some categories due to drug-related activity. He also introduced me to two gentlemen—Joe and Jason—and I heard first-hand their accounts of their inability to access treatment services. They felt so strongly about the need for these services that they identified themselves publicly as people struggling with addiction. I sincerely thank them for sharing their experiences. They talked about how hard it was for people with addictions to travel hundreds of kilometres away to get treatment. They also said that one of the hardest things about getting help was leaving their family behind. The great distance was one of the reasons that stopped them from getting into rehabilitation sooner. We know that family support is vital to successful rehabilitation.

Finally, I welcome Dubbo Regional Council's offer to provide land for the facility and hope that the State and Federal governments honour their various commitments to the Central West. On 8 March, Dugald Saunders, who has since been elected as the State National MP for Dubbo, said, "My support for a drug court and a residential rehabilitation centre in Dubbo or the region is as strong as ever." And on 9 April, Federal Health Minister Greg Hunt and Nationals Federal member Mark Coultan promised to provide \$3 million in Federal funding for that facility. I sincerely hope that Mr Hunt, Mr Coultan and Mr Saunders are all people of their word. I thank the house for its consideration.

### GREYHOUND WELFARE AND INTEGRITY COMMISSION

**The Hon. ROBERT BORSAK (14:53):** I recently received a communication from a constituent who related his experiences with the Greyhound Welfare and Integrity Commission. He states:

While we all appreciate the need for strong regulation within our sport, the Greyhound Welfare and Integrity Commission are a bunch of absolute muppets—and I mean that with the upmost respect to muppets.

I have always had this impression of Greyhound Welfare and Integrity Commission since the former racing minister Paul Toole created this bureaucratic burden on the industry.

I have since had several first-hand experiences with the Commission's incompetence. Recently, two representatives from the Commission turned up at my home for a pre-organised kennel inspection. While introducing themselves, the representatives proceeded to inform me that they were wearing body cameras and that everything I said was being recorded.

My reply was to point out "why is there any need for body cameras".

The Commission inspectors replied "it's an initiative of Greyhound Racing New South Wales."

I then asked how an invasion of privacy was a 'good initiative' and told them that this is the only sport in the country where the governing body hates its participants.

The inspection of all the dogs' microchips and treatment records proceeded without incident.

In another incident, one of my trainers in Nowra was recently contacted by the Commission inspectors who requested a kennel inspection, as they were in the area.

My trainer declined as she was at work. While she was trying to re-schedule an inspection date suitable for both parties, the inspectors indicated that it was important because she had EIGHT race dogs in her care.

She said there must be some mistake as she currently has only ONE race dog.

The inspectors proceeded to name dogs that would most likely have died from natural causes, and others that had been moved on.

She asked the inspectors, how can errors like this happen ... as I have always used the OZ chase computer system to inform the governing body of all the dog's movements.

The inspectors logged onto the system apparently controlled by GRNSW and confirmed her information to be correct.

In a third incident, the Greyhound Welfare and Integrity Commission sent me out the required "pink card" after I registered a bitch for breeding.

Four days later however, I received another card and a letter saying to use the new card supplied as the microchip number was printed incorrectly—the microchip number on the replacement pink card was identical to the 'pink card' originally issued.

Then, in the last two months the Greyhound Welfare and Integrity Commission have sent me three stickers to correct misprints and incorrect dates to attach to my licence until it is renewed in July.

If the Greyhound Welfare and Integrity Commission is making the same errors industry-wide, it makes for a lot of wasted paper and postage costs. Clearly, the Government is totally ignorant of what is required to regulate the industry. It is wasting money in the wrong areas due to the commission's incompetence. Or perhaps that incompetence is deliberate, to support the Government's ultimate aim of closing down the greyhound racing industry once and for all. This is becoming more and more evident with over-excessive policing, unrealistic rules and all government money going to welfare. There is no promotion, no incentives—prize money or breeding—and no-one with any idea how to run the sport and make it sustainable in New South Wales.

#### **TRIBUTE TO ROBERT JAMES LEE HAWKE, AC, A FORMER PRIME MINISTER OF AUSTRALIA**

**The Hon. JOHN GRAHAM (14:56):** I speak on the longest serving Labor Prime Minister of this country, Bob Hawke, who served from 1983 to 1991. Since he died on 16 May 2019, plenty of ink has been spilt writing about Bob Hawke, his personality and his achievements. I will not go into those matters but I will place some personal observations on the record. For those who wish to examine the historical record, I thoroughly recommend the obituary by Troy Bramston that appeared in *The Australian* on 17 May. I recommend the obituary in its entirety, apart from one matter with which I quibble. The obituary refers to what I regard as the greatest decision of the Hawke-Keating Government. The obituary says:

The social policies were also transformative ...

I agree. It goes on to say that school retention rates more than doubled. I regard that as the greatest decision of the Hawke-Keating Government; however, I do not regard it as a social policy. It was one of the great economic decisions of any Federal Government. It was transformative. At a time before Tony Blair and Bill Clinton focused on education and the power and economic importance of human capital, that policy made an incredible difference to the lives of citizens of New South Wales. I recall the impact it had where I went to school, where kids left school not in year 12 or at the end of year 10; they walked out the school gate at 15 because they could.

That is what Hawke and Keating changed. That was the greatest decision, in my view: changing the lives of people and changing the nature of the Australian economy. There is more work to do in that area, though, and I encourage the Government to continue to focus on school retention rates, which are appallingly low in the west of the State. I last saw Bob over the past few years at the Woodford Folk Festival. I was so pleased that my kids were able to see him in full swing: entertaining the crowd, singing *Waltzing Matilda* with a whole lot of citizens of Australia singing along. What a beautiful thing to have this vibrant former Prime Minister, much loved by all, still doing such things right up to the last years of his life.

### GREYHOUND RACING INDUSTRY

**Ms ABIGAIL BOYD (15:00):** Often in this Parliament we are told that we cannot make progress on an issue because of the impact that that progress will have on existing jobs in a particular industry. It seems to be assumed that once jobs are created in an industry, we cannot ever then seek to curb it or shut it down regardless of how unproductive it has become or how much harm it is causing to people, the environment or the economy. Good economic management requires governments to look further into the future than the next election. It requires governments to listen to the advice of experts, to hear the calls for transition, and to act early to ensure that people can move from one industry to another.

That is at the heart of a productive economy: a nimble workforce supported by its Government. It is no excuse to fail to close down an unproductive industry simply because the Government has failed to do the legwork required to ensure that workers are retrained and new industries stimulated in affected areas, so that there are new jobs to go into. Frequently, this self-serving argument is raised in the context of environmentally destructive industries, such as the fossil fuels industry. But we also hear it in the context of socially destructive and cruel industries, such as the greyhound racing industry.

In 2016, on the back of the hard work of the late John Kaye and Mehreen Faruqi, this Parliament passed laws to shut down the greyhound racing industry. Less than two months later, cowardice prevailed and those laws were reversed, with many of the excuses relying on the fact that the Government had failed to provide a just transition for the workforce. The result of that decision is the continuation of an odious, inhumane industry that kills thousands of innocent dogs and puppies every year in the most cruel and depraved ways. It has not stopped. The failure to plan for the transition of workers in the greyhound racing industry is no excuse for allowing that cruelty to continue.

I ask both the Government and the Opposition: If that decision was not made in order to protect their mates in the gambling industry, why not simply ban gambling on greyhounds? Gambling, profits and animals are a toxic combination. If the Government seriously thinks there is no problem with the breeding practices within the greyhound racing industry, then give government support to greyhound sanctuaries that will house the tens of thousands of puppies that would otherwise be murdered at the hands of breeders. We will see what happens when the Government finds itself responsible for that number of animals. Perhaps then it will realise just how absurd it is for breeders to breed so many dogs in order to find the select few who will run fast enough to win them the big bucks at the races.

The people of New South Wales have not forgotten the footage of live-baiting first shown on *Four Corners* and they have not forgotten the horrific findings of the Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales. Now is the time for the Government to acknowledge the need for the greyhound racing industry—an industry driven by gambling—to be shut down and to chart out a just transition for workers. The systemic cruelty in the industry and the need for it to be shut down has not gone away and it will not go away. No more excuses.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I did not interrupt Ms Abigail Boyd to deal with the interjections because it would have used up her time. However, during the giving of private members' statements I will insist that members be heard with a degree of courtesy. I call the Hon. Robert Borsak to order for the first time.

### BLUE MOUNTAINS RURAL FIRE SERVICE

**The Hon. SHAYNE MALLARD (15:03):** Surely there will not be many interjections on this topic: the Rural Fire Service. On 10 May this year I was pleased to represent the Hon. David Elliott, Minister for Police and Emergency Services, as well as the Hon. Stuart Ayres, Minister for Jobs, Investment, Tourism and Western Sydney, at the Rural Fire Service Blue Mountains District medals presentation. The Blue Mountains District medals presentation was held to celebrate the dedication and commitment of the district's longest serving members and we should acknowledge them.

Special guests in attendance on the night were NSW Rural Fire Service Assistant Commissioner Rebel Talbert, representing Commissioner Shane Fitzsimmons—she is a very talented assistant commissioner and popular with the volunteers; Superintendent David Jones, district manager, Blue Mountains RFS, not to be confused with another David Jones who is with the Blue Mountains State Emergency Service; Ms Trish Doyle, member for Blue Mountains; Councillor Mark Greenhill, OAM, Mayor, Blue Mountains City Council; Councillor Chris Van der Kley, Deputy Mayor, Blue Mountains City Council; and Chief Superintendent Jayson McKellar, AFSM, Rural Fire Service Regional Manager East.

The Blue Mountains RFS is highly regarded and steeped in a proud history spanning more than 100 years. There are members of 23 brigades in the Blue Mountains district and they protect thousands of residents in the

area's villages from fire and assist in many other emergency situations. There are in fact 30,000 homes in the Blue Mountains within 100 metres of highly combustible bushland—my home is one of those. We really appreciate the RFS being on the front line in that danger zone. RFS members understand the value of community spirit and the importance of looking out for your neighbours. Without them our local areas would not be as safe as they are today.

These members often work in incredibly horrible conditions, whether fighting bushfires; conducting hazard reduction burns, which we have all noted in the last week or two; or attending to motor vehicle accidents as they often do along the highway. They are also involved in storm recovery; searches for lost bushwalkers; tragically, retrieval of bodies; and work with the police in other areas. In the Blue Mountains they are very important to us because of the bushfire threat—not unique to the Blue Mountains but very much a focus there. It is important we have a robust and well-trained RFS to fight against natural disasters.

These members do their job quietly and never ask for praise, rewards or accolades. These members deserve to be celebrated and honoured. The Blue Mountains district medals presentation honoured 27 members for their dedication and hard work, which included 15 national medals and 13 long service medals. In total, the recipients represented 791 years combined of volunteer service across the Blue Mountains. I acknowledge three members in particular, who each received 50-year service awards; they are Alan Spears, Dennis Hancock and William Marks. I put on the record my thanks on behalf of the Government and the Parliament for their continued service to protect the community over 50 years.

### TRIBUTE TO JEAN VANIER

**The Hon. GREG DONNELLY (15:06):** Jean Vanier, the founder of the L'Arche communities, died on 7 May 2019. His first community, established in August 1964 in Trosly-Breuil village, north of Paris, came about when he invited two men with learning disabilities—Raphael Simi and Philippe Seux—to share a small rundown house with him. The initiative was his response to what he had seen in a local mental institution:

Huge concrete walls, 80 men living in dormitories and no work. I was struck by the screams and atmosphere of sadness.

As *The Economist* reflected in its obituary on Vanier:

Their families and the world had abandoned them. They cried out to be looked on with kindness, called by their name, not despised, but loved. He already knew they would return that love, for he felt it whenever he was among them. And to love was to be with God.

Today there are more than 150 L'Arche communities in 38 countries around the world, where more than 10,000 people with and without learning disabilities create places of welcome and joy, sharing life together. L'Arche communities consist of a small number of households integrated into a local neighbourhood. Homes usually consist of four to six people, with and without intellectual disabilities. These people live in a family-like environment where each person contributes as he or she is able, helping with chores or cooking or perhaps bringing the gift of helping others to slow down and be more present to the moment.

There are five L'Arche communities and three groups in the process of forming in Australia. L'Arche in New South Wales has three homes in Sydney with 11 core members and a varying number of dedicated assistants from across Australia and around the world. Their first home in Burwood was established in 1983. L'Arche's second house was established in Merrylands and they have a third in Campsie. From the early picnic group gatherings in 1980 through to the vibrant and growing community across three houses in Sydney today, L'Arche communities continue to set an outstanding example to us all regarding how to respect, support, care for and live as one with those who have learning disabilities. Jean Vanier, may your soul rest in peace.

### WARRAGAMBA DAM

**Mr JUSTIN FIELD (15:09):** Members will be aware that I have been quite active over the past 12 months working with the community in the Give a Dam campaign opposing the plans to raise the Warragamba Dam wall by as much as 17 metres. There are a number of problems with that particular proposal, one of which is the questionable flood mitigation value of the project, which will leave western Sydney with a false sense of security when it comes to floods. It will also potentially flood as much as 4,700 hectares of the World Heritage-listed Blue Mountains National Park. Even worse, it will potentially destroy some of the remaining Aboriginal cultural heritage areas that tell part of the creation story for the traditional custodians of the land of the Burratorang Valley.

In the past couple of months I have had the great pleasure of having Taylor Clarke, a young woman who comes from that community, working in my office. I take a moment to tell her story. Taylor is a proud Gundungurra woman from Warragamba whose family are the custodians of the Burratorang Valley. In the 1950s the families of the Burratorang Valley were forced, without consultation, to leave their homes for the construction of the original Warragamba Dam wall. Warragamba Dam provides, of course, a water supply for Sydney that we

have all undeniably benefitted from. Many of those families left the region and dispersed, but Taylor's family stayed in Warragamba and have lived there ever since.

Taylor's family were originally upper Burragorang people. By staying close, they have maintained a connection with their ancestral land. They are still there as the custodians of that land today. I have had the fortune of hearing their stories and feeling the connection that Taylor and her mum, Kazan Brown, have to that country. Taylor has told me and others who I have taken up to look out over that valley from the amazing lookout at Burragorang the Dreamtime story of Gurangatch and Mirragang and of how Gurangatch carved out the unique river systems to the Burragorang Valley.

Waterholes sacred to the story of Gurangatch and Mirragang will be inundated if plans to raise the Warragamba Dam wall go ahead. So much of that story was lost when the original dam wall was constructed and that valley was flooded for the last time. Only a few of the sites that tell that creation story remain. Some of those will be lost if this plan, which we have supported in this place, goes ahead. Sacred caves, carvings, burial grounds and other sites will be lost. We need to stand with Taylor and the Give a Dam campaign to oppose the raising of the Warragamba Dam wall—for our wild rivers and the untouched valleys; for Taylor and her family; for the living, breathing history and culture of this beautiful and sacred place that I know so many people in this House have taken the time to enjoy. That is what is at risk of being lost.

### EMERGENCY SERVICES LEVY

**The Hon. PETER PRIMROSE (15:12):** One publication that I really look forward to reading every month is *The Farmer* magazine, published by the NSW Farmers. My research officer and I read and discuss the various articles, especially those regarding the portfolios that I take particular interest in: local government and communities, and regional roads. This month's magazine includes an article about the promises made by the New South Wales Liberals and Nationals during the election campaign. In particular, one article looks at drought assistance. Chris Groves, Vice President of NSW Farmers and the chair of the drought task force, says:

Whatever comes in the form of drought relief must be across the community in some areas because it's also the businesses that are doing it hard, not just the farmers. Even the bigger businesses in towns are doing it very hard now. When farming is bad, everything is bad.

Mr Groves draws a distinction between direct drought relief and State investment necessary to have infrastructure such as water security projects and the rebuilding and refurbishing of timber bridges that are necessary for regional New South Wales to grow. The article also notes initiatives to help relieve the financial hardship and cost-of-living pressures on communities due to the drought. These include the waiving of a number fees and charges such as the wild dog border fence fees. So I find it hard to wrap my head around the fact that at the same time as some of these fees are being waived the same New South Wales Liberal-Nationals Government is imposing an unexpected and sneaky increase in the emergency services levy on these same local councils and insurance policyholders in drought-ravaged communities.

Local councils like Lachlan Shire Council have been told they have to pay a massive 24 per cent increase in the coming financial year, without any consultation or any ability to realistically plan for this additional cost in their budget. Like NSW Farmers, when it comes to drought relief and investment, I support bipartisanship. There is also strong bipartisan support for the expanded workers compensation coverage for our firefighters. These communities are already doing it tough. They were not consulted about this additional cost and the already cash-strapped councils are now calling on the Government to cover the cost of the first 12 months of the additional and unexpected State Government levy. The only other option councils have is to raise fees and charges in communities, and increase the cost of living accordingly, or to cut spending on local roads and infrastructure. That is just not fair for drought-ravaged communities.

### MAGGIE'S RESCUE

**The Hon. EMMA HURST (15:15):** On 20 May I attended Maggie's Rescue at Marrickville to celebrate the great work of volunteers, foster carers and the Maggie's Rescue team. Maggie's Rescue is a registered animal welfare charity. It is a co-operative of compassionate and committed carers who rescue and rehome companion animals. Maggie's FOSTER TO ADOPT program has been designed to create a nurturing and loving temporary home for animals in need until a permanent home is found.

Maggie's Rescue is committed to offering the best solutions for abandoned animals in our community by connecting with other rescue organisations, councils and government bodies to develop and support programs that end the cycle of lost and abandoned animals. The organisation is also committed to educating our community on the benefits of desexing companion animals. It provides discounted or no-cost desexing when funds permit. But the most important goal of the organisation is to find needy companion animals permanent homes with families who will commit to loving them for the whole of their lives. I thank Maggie's Rescue staff and volunteer foster carers for their work.

## NATIONAL RECONCILIATION WEEK

**The Hon. COURTNEY HOUSSOS (15:16):** This week is National Reconciliation Week. I note the earlier comments of the President. Every year on 26 May Australia observes Sorry Day—a day to recognise and acknowledge the members of the Stolen Generations. This year is the twenty-first National Sorry Day, 22 years since the "Bringing them home" report was tabled in the Federal Parliament.

National Reconciliation Week is bookended by 27 May, the anniversary of the 1967 referendum, and 3 June, the date of the High Court judgement in the Mabo case. They are all deeply significant dates in the history of reconciliation with First Nations people. I remember years of pleading on National Sorry Day with the Federal Coalition Government of the time to acknowledge the wrongs done in the name of the government of this land, and to say sorry. It was a significant step on the journey of healing, and a moment of pride for me as a Labor member, when Prime Minister Kevin Rudd made the Apology on 13 February 2008—on the first parliamentary sitting day of the new Labor Government. I also note that it was this Parliament, under Premier Bob Carr, that was the first in Australia to apologise to the Stolen Generations.

This year the theme of National Reconciliation Week is "Grounded in Truth: Walk Together with Courage". Not long after my election to this place I was a member of the inquiry into reparations for the Stolen Generations. That was a deeply moving experience, and I acknowledge the contributions of all members from all sides of the House. It reminded us of the direct role of the State Government in taking children from their families. The stories were heartbreaking. The way that children were treated while in the care of this State was sickening. If we are truly to walk together we need practical healing measures to end intergenerational trauma. But symbolism is also important. We should fly an Aboriginal flag on the Sydney Harbour Bridge and we must begin to negotiate a treaty with the Aboriginal people. We must truly reconcile with, and walk together with, our First Nations people.

### *Motions*

#### WEAR ORANGE WEDNESDAY

**Debate resumed from an earlier hour.**

**The Hon. LOU AMATO (15:19):** SES volunteers work with their local communities to raise awareness of storm risk and work with the media to promote storm awareness and safety. SES volunteers develop local community education programs and activities on storm safety, organise local displays on storm awareness and deliver or assist with the presentation of talks to local community members on storm awareness, and safety preparedness and responses. SES volunteers assist with the development and delivery of local storm-safe resources, and the doorknocking or letterbox dropping of information and resources for local communities. They maintain storm response equipment. They lead response teams to secure damaged roofs and roof tiles. I thank all of the SES volunteers who give their time to serve the people of New South Wales. I thank the Hon. Wes Fang and other members who took part in debate on this important motion recognising the wonderful contribution of our SES volunteers.

**The Hon. WES FANG (15:20):** In reply: I acknowledge the contributions of the Hon. John Graham, the Hon. Taylor Martin, the Hon. Walt Secord, the Hon. Scott Farlow, the Hon. Natasha Maclaren-Jones and the Hon. Shayne Mallard. I acknowledge the contribution of the Hon. Robert Borsak and thank him for his very kind words about me. I draw to his attention that the tie I am wearing is at least decorated with orange dots. I also acknowledge the contribution of the Hon. Lou Amato. I commend the work of the SES in protecting the people of New South Wales. I commend the motion to the House.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** The question is that the motion be agreed to.

**Motion agreed to.**

### *Bills*

#### LIQUOR LEGISLATION AMENDMENT (REPEAL OF LOCK-OUT LAWS) BILL 2019

##### First Reading

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Robert Borsak.**

##### Second Reading Speech

**The Hon. ROBERT BORSAK (15:23):** I move:

That this bill be now read a second time.



I am pleased to reintroduce the Liquor Legislation Amendment (Repeal of Lock-Out Laws) Bill 2019 on behalf of the Shooters, Fishers and Farmers Party. It is the same bill that I introduced late last year. The Government managed to wriggle out from under that issue last time, and basically ran us out of time to have it debated and voted upon. But that will not be the case this time. Gladys and the killjoys banged their drums and made a lot of noise about this issue during the campaign and more recently. Frankly, we have had enough of the Premier's spin. This Government either supports a repeal of the lock-out laws or it does not. It is as simple as that. We do not need a Government-stacked committee to tell every member what we already know.

The bill is straightforward. It amends the Liquor Act 2007 and the Liquor Regulation 2018, and repeals the provisions that prevent patrons from entering licensed premises in the Sydney CBD and Kings Cross precinct after 1.30 a.m. The 1.30 a.m. lockout laws were introduced in response to the 2012 death of Thomas Kelly and the 2013 New Year's Eve assault and subsequent death of Daniel Christie. They are two tragic and unnecessary deaths. The assailants in both attacks had criminal histories for numerous assaults and other offences. They should have been in jail but had been given good behaviour bonds by the courts.

Members who were present in the previous Parliament will remember that in January 2014 the Government recalled Parliament to introduce legislation prohibiting people from entering licensed premises in the Sydney CBD and Kings Cross precincts after 1.30 a.m. The legislation was passed in one day and was in force soon after. It has been just over 4½ years since this Parliament brought into law the 1.30 a.m. lockout laws. It is definitely not an issue that this Parliament should take lightly. The community was shocked and outraged by those tragic deaths and demanded from us that something be done, and we did. We all voted for the law at the time. The introduction of the Kings Cross Plan of Management in December 2012 changed the Kings Cross precinct considerably. It is no longer the late-night destination it had been historically. Many late trading venues have closed and the precinct continues to change towards having a balance of commercial businesses, residential development and late-night destinations.

According to the Bureau of Crime Statistics and Research, alcohol-related assaults in the Kings Cross precinct and the Sydney CBD were already falling in the five years prior to the introduction of the lockout laws. In fact, assaults on licensed premises were at a record low, down 46 per cent since 2008. In 2013 Sydney was rated the safest and friendliest city in the world. That was prior to the imposition of the lockout laws. Many members will feel a little uncomfortable with this bill and some might genuinely believe the lockout laws should be left as they are, but I am sure that there are many others who would like to revisit this issue. Those latter members may fear the public backlash from sections of our community. I am not here to tell members how they should vote. I am here to put the argument that I truly believe this issue must be revisited by the Parliament.

Young people regularly approach me and say that one of their biggest grudges is the lockout laws. Businesses have been decimated in the Kings Cross precinct and the Sydney CBD since the lockout laws came into effect. Foot traffic in Kings Cross has fallen by 84 per cent and 176 licensed premises have closed in the Sydney CBD and Kings Cross precinct since the restrictions were brought in. Each of those venues represents lost jobs, less live music and less choice for locals and international visitors. For example, one hotel in Kings Cross previously employed over 50 staff, as well as security guards and responsible service of alcohol marshals. More than 30 DJs played at the venue seven nights per week. There were live bands with sound technicians and one level of the building housed a community radio station for local, independent live music acts. After the restrictions nightly patronage dropped more than 80 per cent. Three levels of the venue are now closed, including the level run by the community radio station. Staffing hours have decreased by a third and wages have fallen. Live music is no longer financially viable at the venue and DJ entertainment is now provided only on weekends.

That scenario is being repeated right across every venue in the Sydney central business district and the Kings Cross precinct. The Shooters, Fishers and Farmers Party founding statement is about freedom—freedom of choice. I know that this Liberal-Nationals Government shares those values and believes in small government. I implore the Government and Opposition to think rationally in considering what is the intention of this bill. Visitors to Sydney can only go to the Opera House or visit the art gallery and take photos so many times. In most global cities patrons can enter venues up to 24 hours per day. They include Melbourne, London, Paris, Berlin, Tokyo, Hong Kong and Amsterdam, to name just a few. Even Singapore—the quintessential nanny state of the world—allows patrons to visit licensed venues until 4.00 a.m. Sydney patrons are locked out at 1.30 a.m. I have no doubt that we can have a better system in place without having to lock people out of venues and stifle the liveliness of what is one of the best cities in the world in which to live. We should remember that lockouts are lifted every New Year's Eve.

The deployment of additional police officers engaged in high-visibility operations, combined with 24-hour train and bus services to remove the crowds from the Sydney central business district and Kings Cross precinct, would, in my opinion, be a far more sensible approach than locking people out. More taxi ranks and allowing for an additional service charge might also entice more taxis to offer their services and get people home.

As far as licensed venues are concerned, closed-circuit television systems, identification scanners, the requirement that a responsible service of alcohol marshal is always present at any particular venue and well-maintained security features are just a few of the measures that all venues should have in place.

We want people to be safe but, at the same time, we want people to enjoy themselves. I do not think we should collectively punish everyone for the one or two bad apples in the barrel. The bill does not do anything other than repeal the 1.30 a.m. lockout laws. As I said earlier, this is a sensitive issue for young people and for many business owners in the Sydney CBD and the Kings Cross precinct. I am not only talking about the licensed venues. Foot traffic has dropped 80 per cent since the lockouts were introduced and many small businesses have either closed or will close sooner or later. It has also limited employment opportunities for many young people. I am sure that every member in this place knows at least one young person who started their career serving behind a bar here in the Sydney CBD or the Kings Cross precinct. Many of those opportunities are no longer there. Once again, I implore all members to take the emotion out of the debate and to look at the bill and what I am proposing from a rational point of view. I commend the bill to the House.

**Debate adjourned.**

### *Committees*

## **REGULATION COMMITTEE**

### **Reference**

**The Hon. JOHN GRAHAM:** I move:

That private members' business item No. 65 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. JOHN GRAHAM (15:32):** I move:

1. That the Regulation Committee inquire into and report on the impact and implementation of the:
  - (a) Liquor Amendment (Music Festivals) Regulation 2019; and
  - (b) Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019.
2. That the committee report by 6 August 2019.

This motion is to refer the Government's contentious music festival regulations for inquiry to the Regulation Committee of the House. Members are aware that there are two disallowance motions sitting on the *Notice Paper* which also relate to these regulations. After discussion with the members, I am confident that at this stage a majority have very grave doubts and would support removing those regulations. But we are proceeding to an inquiry to have the public discussion to try to get the Government to change its approach on these issues. To date no Minister has sat down with festival industry representatives to discuss these issues. That is what we are trying to make happen. We are attempting to have this industry treated like any other industry would be and able to have a dialogue as to how it is regulated.

These are important issues, so important that it is essential that government and industry work together rather than not talk to each other. That is the goal and the reason we are referring the matter to an inquiry. Why do we need to act? Firstly, it is because major touring companies have said that artists will avoid Australia. They will avoid Sydney, Melbourne, Adelaide and Perth if there are concerns about Australian festivals and music fans will miss out around the country. Secondly, it is because the industry said that if this is not implemented properly a third of festivals might go from New South Wales. Thirdly, it is because we have already lost hundreds of music venues. We simply cannot afford to lose our festivals as well.

Those are some of the concerns driving this move to hold an inquiry and the Regulation Committee is ideally suited to sort through this complex area. What evidence has already been put on the public record? The bipartisan music industry inquiry has already looked at the state of festival regulation and raised real concerns about the challenges experienced by festival operators, particularly the amount of regulation they already struggle with and how late that regulation hits them, often in the days or even the day before the festival is held. These are significant hurdles for existing festivals. These are not the Opposition's views; these are the bipartisan views of the Legislative Council members who considered this question.

That is the evidence before the House and the evidence on which we rely when we ask that the matter be referred for inquiry. What are the relevant principles as we examine these regulations? Firstly, we want to keep people safe. We accept that we need to keep fans safe at music festivals. Secondly, we want more festivals, not fewer festivals in New South Wales and certainly not a third fewer festivals. We want dialogue. The music festival

sector should be dealt with in the same way that the Government deals with the farming sector, the mining sector or any other industry. It should be consulted, but that has not occurred with the Ministers of this Government.

Fourthly, one of the key things referred to in the regulations relates to the type of music featured at a music festival. The music inquiry was clear. We are not going to accept different genres of music being regulated differently. We will not agree to the situation that currently exists in New South Wales venues where jazz is preferred in some venues but pop music and disco are outlawed in a range of venues. The committee thought this was ridiculous yet the regulations introduce the same principle into the regulation of music festivals. We will not agree to that. Fifthly, we seek transparency. Any regulation and any costs should be up-front, should be explained and should be transparent. Those are the principles upon which we will approach this debate. I commend the motion to the members. I ask them to consider the matter and make their own judgement about these important regulatory issues for the music industry in New South Wales.

**Ms CATE FAEHRMANN (15:38):** I support the motion of the Hon. John Graham to refer the regulations for inquiry. These regulations should have been put before the music industry and the festival industry for them to be able to have their say. We know that these festival licence conditions have been brought upon the industry as a result of the Premier's response to what were two very tragic drug overdoses at the Defqon.1 Music Festival last September. The Premier set up an expert panel that did not include representatives from the music industry. We know that groups like the Australian Festival Association were not consulted to any degree as to what is necessary, given the scale of these regulations and the impact that these new licence conditions have had already on the music industry.

In fact, what we have seen from this Government is not just the regulations but what seems to be an attempt to close down the music festival industry by stealth. User-pays policing has been imposed on certain music festivals which has resulted in them closing. For example, Mountain Sounds on the Central Coast was slugged \$200,000 a few weeks out from its festival as a result of its closure. Tropical Fruits in northern New South Wales was set to cop a huge fine one week before its festival. The Premier wanted to impose music festival licence conditions but by stealth the police also looked at the applications, choosing to charge \$100,000 or \$200,000 for whatever it is they do at festivals.

Indeed, some of the stuff they do at festivals actually increases the risk to young people's lives at festivals as opposed to keeping them safe. In January this year the member for Sydney, Alex Greenwich, and I hosted a festival crisis meeting for festival organisers. At that meeting they told us just how much these regulations were going to hurt their industry. They urged public consultation. They urged the Government to consult with them, to go back to the drawing board and to come back with something that worked. This motion will do that and I support it.

**The Hon. NATASHA MACLAREN-JONES (15:41):** The Government does not oppose the motion.

**The Hon. JOHN GRAHAM (15:41):** In reply: I welcome the comments made by Ms Cate Faehrmann and the Government Whip. I particularly applaud the Government on taking this approach to support an inquiry into its regulations. It is a significant change in direction from the way this has been dealt with by Government Ministers to date and I acknowledge the approach that has been taken. I am confident that if we take the same approach that members of this House took during the music inquiry we can sort through these issues. I know how much support there is amongst members of the House for having a viable music industry in New South Wales and keeping musicians in work.

However, we have to sort through the difficult issues about keeping people safe at these festivals. I acknowledge the approach taken by the Government. I thank Ms Cate Faehrmann for her comments. She has been actively involved in this issue for some time, along with Alex Greenwich and a range of other members who have indicated their strong support. I am pleased that this will be the subject of an inquiry. It will be a short inquiry. It is proposed that it will report back by 6 August. This is an opportunity for members of the public to have a say on this issue. Music festivals give considerable enjoyment to the citizens of New South Wales, so if they have a view this is their chance to put their views direct to the Parliament. I commend the motion to the House.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The question is that the motion be agreed to.

**Motion agreed to.**

*Bills***STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2019****First Reading**

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

**The Hon. SARAH MITCHELL:** I move:

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

**Motion agreed to.**

**The Hon. SARAH MITCHELL:** I move:

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

**Motion agreed to.**

*Documents***BROKEN HILL PIPELINE****Production of Documents: Order**

**Mr JUSTIN FIELD:** I move:

That private members' business item No. 62 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr JUSTIN FIELD (15:45):** I seek leave to amend private members' business item No. 62 outside the order of precedence for today as follows:

1. Omit "35 days" and instead insert "42 days".
2. Omit "1 July 2014" and insert instead "1 January 2014 to 30 June 2016".
3. Omit , "Treasury, the Treasurer, the Minister for Regional NSW, Industry and Trade and the Minister for Water, Property and Housing".
4. Omit paragraph (a).

**Leave granted.**

**Mr JUSTIN FIELD:** Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 42 days of the date of passing of this resolution the following documents created since 1 January 2014 to 30 June 2016 in the possession, custody or control of the Department of Planning and Industry:

- (a) all documents relating to the assessment of the 19 project options referred to in the June 2016 Department of Primary Industries document entitled, "Pipeline to secure Broken Hill's water";
- (b) the final business case for the Murray River to Broken Hill Pipeline; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I thank the House for granting leave for me to make those amendments. I acknowledge the assistance of Minister Pavey's office, which worked with my office throughout today to agree on the wording of a motion that the Government was prepared to support. I do not intend to speak for long because these issues have been widely canvassed in this place. For new members to this place and others who are interested, feel free to look at the words on record that were made in this Chamber by my former colleague Mr Jeremy Buckingham.

*[Members interjected.]*

I acknowledge the view that has been put by members of the Government and the Hon. Mick Veitch, who has said plenty on this matter. However, I have moved this motion for the people in the local community around Broken Hill and Menindee. A huge investment of \$500 million has been made in this regional water security project. It is a very significant amount and the community has a right to know to the fullest extent how the ultimate decision was arrived at. Many in the community did not want this project. I do not think anyone denies the importance of water security for Broken Hill but many people in the community did not think it was the right option. Mr Jeremy Buckingham tabled a petition of 13,000 people calling for this pipeline not to go

ahead. I acknowledge his work and his tireless advocacy for the Darling River and communities who rely on a healthy river—

*[An Opposition member interjected.]*

And the Barkindji and Wilcannia Weir—all members would acknowledge Mr Jeremy Buckingham's work contributed greatly to getting an outcome there. No-one contests that Broken Hill should have a reliable water supply. The question is whether the decision determining the option for a 270 kilometre pipeline from Wentworth on the Murray north to Broken Hill was the right one, on what basis the decision was made, what were the other options and what are the consequences of that decision on the future of the Menindee Lakes, the Darling River more broadly and the community who live along there. That is the basis of this call for papers. I thank the Government for its support and assistance in the wording of the motion. I am sure the House will agree to the motion today. I commend the motion to the House.

**The Hon. BEN FRANKLIN (15:48):** The Government recognises the importance of providing water for the town of Broken Hill. This was a significant project that had widespread benefits to the town and the broader local community through jobs creation. Given its significance, the Government is willing to share the requested documents. The Government thanks Mr Justin Field for amending the scope of the call so that our agencies were not unnecessarily caught up in time-consuming activities. They can continue to focus on providing long- and short-term solutions to the terrible situation regional New South Wales finds itself in. I commend the motion to the House.

**The Hon. MICK VEITCH (15:49):** I lead for the Opposition on this motion. I want to put on the record the respect I have for a number of people in the far west of New South Wales who have been advocating for some time to have these documents revealed. In keeping with the bonhomie in the Chamber around this motion, the Opposition will also support the call for papers proposed by Mr Justin Field.

**Ms CATE FAEHRMANN (15:49):** The Greens will support Mr Justin Field's motion because that is what we do.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The question is that the motion be agreed to.

**Motion agreed to.**

### *Bills*

## **INDUSTRIAL RELATIONS AMENDMENT (CONTRACTS OF CARRIAGE) BILL 2019**

### **First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Adam Searle.**

### **Second Reading Speech**

**The Hon. ADAM SEARLE (15:51):** I move:

That this bill be now read a second time.

I am pleased to introduce the Industrial Relations Amendment (Contracts of Carriage) Bill 2019. In all respects, this is the same bill that was introduced into the last Parliament in the other place by Mr Greg Warren, the member for Campbelltown, my parliamentary Labor colleague and friend. The object of the bill is to amend the Industrial Relations Act 1996 to include contracts for the transportation of bread, milk or cream for sale or delivery for sale as contracts of carriage under that Act. As a result, any such contract will be subject to the provisions of chapter 6 of the Industrial Relations Act 1996. This will enable the independent umpire, the Industrial Relations Commission of New South Wales, to make determinations providing for the remuneration of the carrier and any conditions under the contract and to exercise dispute resolution powers in relation to the contract.

The bill is the culmination of the hard work undertaken by many people and organisations, including years of struggle by the hardworking truck drivers and other workers the bill seeks to assist. I acknowledge the efforts of my colleague in the other place the member for Campbelltown, Greg Warren. I acknowledge also the tireless work of the Transport Workers' Union, which has been a steadfast advocate for the rights of all truck drivers for decades, including those drivers affected by the loophole that this bill seeks to close. As Mr Greg Warren mentioned in his second reading contribution in the other place, I note the contribution made by a former member of this House, Mr Charlie Lynn, who assisted in raising the issues in the bill with Mr Warren.

As I have said, the bill is the same as the bill that was introduced by the member for Campbelltown in the other place. He had been championing the case of two of his constituents who drove trucks exclusively

delivering bread. These constituents had experienced deteriorating pay and other conditions, such as working hours, and had not even been able to find out how their pay was calculated. Because they were contractors, they had no legal rights to bargain or to secure fair pay and conditions for their work. There are thousands of workers in New South Wales in this position.

Of course, with the growth of so-called gig workers, an increasing number of workers in this State and nation are working not as employees but as contractors who are not subject to any formal legal regulation other than common law contracts. In November 2017 the issue of the two drivers who are constituents of the member for Campbelltown was covered on ABC's 7.30. Many workers in that situation are also being forced to work for extended periods without proper rest breaks, pay for and maintain their own trucks, provide their own insurances and accident and workers compensation insurance and cover all on-costs, superannuation and other expenses. As I said, this is becoming more commonplace in our society.

We should pause and reflect on that fact that we are part of a society, not just an economy. All workers should have legally regulated minimum work conditions. In *The 7.30 Report* coverage of the issue, the New South Wales Government stated that it would, "explore the issues raised by the drivers, including the possibility of legislating changes." The member for Campbelltown and the Opposition welcomed that indication by the Government. However, the Government did not support the Opposition's bill in the other place and, as far as I can discern, has taken no action on the issue to date. I look forward to hearing the Government's contribution to the debate. I assume that contribution will be made by the Leader of the Government in his capacity as the public service and employee relations Minister, which I assume is the Government's version of what used to be the industrial relations portfolio.

In New South Wales we are fortunate to have some of the strongest industrial relations protections for truck owner-drivers in Australia. The controversy regarding the member for Campbelltown's constituents was resolved, at least in part. Notwithstanding the fact that chapter 6 of the Industrial Relations Act covers the overwhelming majority of owner-drivers who are engaged as contractors and specifically empowers the Industrial Relations Commission to take certain actions, many people fall outside of those protections because of the exemptions that are found in section 309 (4) (d) of the Act.

As I said, the legislation empowers the Industrial Relations Commission in two important ways. First, it allows the commission to make and approve contract determinations and contract agreements, which are essentially the equivalent of the award and enterprise agreements that cover employees. Secondly, it allows for the commission to resolve disputes in the transport industry—an important protection afforded to many other workers in New South Wales. In 1993 when I was a graduate trainee in the former Department of Industrial Relations, Employment, Training and Further Education, one of the first tasks I was assigned was to assist on Hilda Rolfe's inquiry into and report on the operation of chapter 6 of the Act. There was an issues paper, *Driving Forces*, and then the final report, *Driving Forward*, which reviewed the underpinnings of chapter 6, whether it should be retained and how it came to be. The report recommended that chapter 6 should be retained because of its important social function in regulating work for people who are not employees.

In 1959 the industrial relations legislation was amended to deem certain people in the transport industry as employees—essentially people who drive taxis or trucks. In 1967 the Liberal Askin Government and then Minister Willis referred the Industrial Relations Commission to look into, consider and report on the operation of those deeming sections and whether they should continue in force and were fit for purpose. In 1970 the commission reported that the deeming provisions were not really working and that there should be further legislative change. Nothing happened until 1979 when the Wran Government and the then relevant Minister, the Hon. Pat Hills, created what is now chapter 6. It was then part 8A.

Chapter 6 created industrial coverage for taxicabs and hire cars, persons operating as bailors and bailees and lorry owner-drivers who owned and drove only one vehicle under a contract of carriage with a principal contractor. That ensured that they could have their remuneration and conditions of engagement reviewed and determined by the tribunal. Since that time chapter 6 has enjoyed support from all sides of politics. In its submission to the Federal Government's review of the road safety remuneration system the New South Wales Government said, "The provisions in chapter 6 constitute a well-established and robust regime for the regulation of pay and conditions in the transport industry."

However robust and well established those provisions may be, there is a significant number of owner-drivers who are exempt from the provisions of chapter 6. Those exemptions are found in section 309 (4) of the Industrial Relations Act, which lists a number of different types of owner-drivers that are not covered by the chapter 6 protections provided in the Act. The most notable exemption of those listed is 309 (4) (d), which exempts owner-drivers engaged in a contract "for the carriage of bread, milk or cream for sale or delivery for sale". The exact reasoning behind this exemption is unclear. Some believe it stems from a time when the delivery of bread and milk directly to people's homes, rather than to supermarkets and other stores, was considered an

essential service. Whatever the case may be, the workers involved in the delivery of those goods should be afforded the same basic industrial rights as those delivering other products.

People employed in other essential services, such as nurses, firefighters and police officers, have industrial rights and protections and so should workers involved in the delivery of bread, cream and milk. This bill is brief—only a couple of lines long—and simply deletes part of the existing legislation but its effect would be significant. It would remove section 309 (4) (d) from the Act and deliver basic industrial rights and protections to the workers involved in the delivery of bread, cream and milk—rights they have gone without for far too long. The bill would not make any other substantive changes to the industrial relations system in New South Wales or to the operation of chapter 6. It simply goes to the heart of the ethos of the labour movement and the Labor Party—the ethos of a fair go for everyone.

It is a fundamental cornerstone of any fair society that all citizens should be treated equally under the law. This bill seeks to resolve the situation we currently face in New South Wales where a driver delivering bread, cream or milk from a producer to a supermarket does not enjoy the same industrial rights and protections as a driver doing the same exact same thing with a truck full of meat, vegetables or many other products. This will make a difference in the lives of many who currently do not have a framework of industrial protection yet deserve it, just the same as others. As the member for Campbelltown pointed out in his second reading speech on the bill in the other place—and as many members here, including the Hon. Daniel Mookhey would know—truck driving can be an incredibly dangerous line of work. The inherent danger and risk involved in truck driving is precisely why it is so important that all truck drivers have strong, rigorous industrial rights and protections.

The dangers of truck driving are not limited only to the truck drivers themselves. When inadequacies in the industrial relations system force drivers to work longer hours, cut corners and take unnecessary risks to make ends meet, the safety of all road users is put at risk. If pay is inadequate and workers have to pay for all their expenses and running costs themselves, the cost pressures may result in drivers not servicing their vehicles or changing their wheels as often as they ought to. That may have consequent impacts on the safety of the vehicle, just as extended work hours without proper rest, resulting in fatigue, can put at risk not only the drivers but also other road users.

Of course, this bill will not instantly resolve all industrial issues faced by truck drivers, but it will enable owner-drivers engaged as contractors for the delivery of bread, cream and milk to formally engage in the industrial relations system of the State. That will protect and improve the working conditions of those drivers, which will in turn improve road safety for all road users. It is a simple question of whether all truck drivers deserve to be treated equally and fairly under the industrial laws of this State. I urge the Minister and his Government to do the right thing by those honest, hardworking bread, cream and milk delivery drivers by supporting this bill. It will not only put in place a tried and tested framework of protection that will benefit the lives of thousands but also ensure that there is an equitable process for all, while improving the safety of roads. Regardless of what side of politics we come from, we can all agree that every citizen deserves to be treated fairly and equally under the State's laws, including industrial relations laws.

**Debate adjourned.**

### *Motions*

## **CLIMATE CHANGE**

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 43 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (16:05):** I move:

1. That this House notes that:
  - (a) climate change is an existential threat to humanity with its severe effects already being felt around the world;
  - (b) the Special Report of the United Nations Intergovernmental Panel on Climate Change [IPCC] found that to avoid a more than 1.5 degrees Celsius rise in global warming, global emissions would need to fall by around 45 per cent from 2010 levels by 2030, reaching net zero by around 2050;
  - (c) the Australian Government's Quarterly Update of Australia's National Greenhouse Gas Inventory from September 2018 shows an increase of 0.9 per cent from the previous year; and
  - (d) last week the United Kingdom Parliament supported a motion declaring a climate emergency.
2. That this House acknowledges that:

- (a) climate change is having a devastating impact on New South Wales with more extreme weather events including bushfires, floods and 99.5 per cent of New South Wales drought declared;
  - (b) our last summer was the hottest summer ever recorded with nine places in New South Wales experiencing blisteringly high temperatures with 48.2 degrees Celsius recorded in Whitecliff and the Oxley Highway near Wauchope melting from the extreme heat;
  - (c) in 2018, the Rural Fire Service declared the earliest fire danger period on record by several weeks, as climate change causes severe fires to start earlier and last longer;
  - (d) up to 62,400 homes in New South Wales are at potential risk of inundation from sea level rise at a cost of up to \$18.7 billion; and
  - (e) the 2018 Lancet Countdown on Health and Climate Change has stated that "the delayed response to climate change over the past 25 years has jeopardised human life and livelihoods".
3. That this House declares a state of climate emergency and calls on the Government to prepare a comprehensive plan of action to urgently transition New South Wales to achieve net zero emissions by 2040, including through decarbonising our economy, phasing out coal and gas and switching to 100 per cent renewable energy.

World scientists have come to an agreement that in order to preserve life on this planet as we know it we need to limit global temperature increase to 1.5 degrees Celsius, and that in order to do so we must reduce our emissions by 45 per cent by 2030. We must act within the next decade, otherwise we risk the future of life on earth. Other parliaments are heeding this warning. This month the United Kingdom became the first country to declare a climate emergency. A week later, it was followed by Ireland. Globally, 588 local governments have declared a climate emergency, including eight in New South Wales. The Australian Capital Territory has become the first State or Territory to declare a climate emergency in Australia.

Now is the time for the New South Wales Parliament to do the right and courageous thing to become a world leader by declaring a climate emergency to signal to the rest of Australia and to the world that we take climate change seriously and are willing to take action to secure the future of all Australians. Yet, members opposite are still scoffing at the mere mention of climate change. The Governor's address to this place a couple of weeks ago outlining the Government's program for the next four years did not mention climate change once. Meanwhile, last summer Australia smashed through previous temperature records. January of this year was the hottest month ever recorded; temperatures were 2.9 degrees above average. Blisteringly high temperatures of 48.2 degrees Celsius were recorded in Whitecliff, Albury hit a record high of 45.3 degrees and Menindee suffered four days in a row over 47 degrees.

It is almost the end of autumn and Sydney has only had one day this month below the long-term May average maximum of 19.5 degrees, while the rest of the month hovered close to three degrees above average. That puts Sydney on track for its fifth month of above average temperatures this year. This is the new normal. The CSIRO predicts that Australia will experience temperature increases of up to five degrees Celsius by 2090 if we continue business as usual. The research shows that Australia will warm faster than other countries, which gives us all the more reason to act and to act now. This type of warming will also have a devastating impact on the Australian economy. Perhaps if I mention the word "economy" that will make members opposite listen..

On current trends, the accumulated loss of wealth resulting from the impact of climate change on agriculture and labour is projected to exceed \$19 billion by 2030, \$211 billion by 2050 and \$4 trillion by 2100. It will cost us far more to do nothing than to take action on climate change. If we do not address the climate emergency, we will see our coastline change drastically, losing towns and cities before the end of this century. In New South Wales alone, up to 62,400 homes are at risk of future sea level rise. Water reservoirs in the rest of our State, like Lake Menindee and Keepit, threaten to run dry, and the Barwon-Darling river system has almost ceased to flow. Still the Government refuses to accept the role of climate change in this drought.

Emergency services are calling the alarm on climate change. They are deeply worried about the Government's inaction. Here in New South Wales fire season started in the middle of winter last year. In the past 12 months there were only two in which no fires raged across our State. The State experienced double the number of bushfires last July than in the previous July. This permanent state of emergency means that volunteer services like the State Emergency Service are running out of resources and burning out volunteers.

The Parliament's failure to acknowledge the impact of climate change betrays the lived experience and sacrifices of these volunteers who put their lives at risk to protect our homes and our lives. I call on this Government to listen to the scientists who are so desperately trying to warn us to do the right thing for future generations. They will be left to deal with the self-interest and greed that is so evident in Government members. I am calling on this Government to take responsibility and to acknowledge that we are clearly in a climate emergency, which poses a threat to each of us and to our children and grandchildren. I am urging all members to support this motion to declare a climate emergency and to call on the Government to prepare a comprehensive



plan of action to urgently transition New South Wales to achieve net zero emissions by 2040, including through decarbonising our economy, phasing out coal and gas, and switching to 100 per cent renewable energy.

**The Hon. BEN FRANKLIN (16:10):** Members would be well aware that I have expressed my concerns about climate change on many occasions, both in this place and outside.

**The Hon. Scott Farlow:** We know that.

**The Hon. BEN FRANKLIN:** I acknowledge that interjection. However, this Greens motion contains some fundamental issues of concern to the Government. First, the motion notes one thing and then calls on the Government to do another. That is in black and white if members wish to read it. It states that the Special Report of the United Nations Intergovernmental Panel on Climate Change [IPCC] found that emissions would need to reach net zero by around 2050, yet it later calls on the Government to achieve net zero emissions by 2040. In effect, The Greens are calling on the Government to listen to the science but then fail to listen to it themselves.

I know that climate change, energy and the environment are close to the hearts and minds of many people across the State. However, they also have a number of expectations with regard to energy and energy supply. When people go to switch on their lights at night, they expect them to go on. When they turn on their heater in the winter or their air conditioner in the summer, they expect to do so and not be required to pay an extraordinary and unreasonable cost. People can also rightfully expect that the decisions that governments make are respectful of future generations and are cognisant of environmental impacts.

These expectations underpin three key factors in government decision-making. First, governments must ensure that energy is reliable; secondly, they must ensure that it is affordable; and, thirdly, they must protect the planet for future generations. It is fair to say that all members of the House are or should be concerned about the impact of a changing climate on our communities because it affects everyone. It might affect people living and working on the coast or farmers experiencing drought and water scarcity in the west of New South Wales.

This motion also calls for the end of gas and coal exploration in New South Wales. Let us be clear: While the grid is transitioning, which it is, energy sources such as gas will be needed to firm up the generation from renewables. That should be good news for every member who wants to ensure that all citizens have access to reliable energy when they need it and who wants to see a reduction in emissions. The Government does not support this motion. It will listen to the science, take a technology-neutral approach and will maintain continuity of Government policy to provide certainty to the market.

**The Hon. ADAM SEARLE (16:13):** As the Leader of the Opposition in this Chamber and as the shadow Minister for Energy and Climate Change, I will make a contribution to debate on this motion. I move:

That paragraph 3 of the motion be amended by omitting all words after "net zero emissions by" and inserting instead "2050, including a transition to as close to 100 per cent renewable energy as possible".

I and my party take the issue of climate change very seriously. We know it is real and that it is having a devastating effect on many countries, regions and communities. We also know that it is not merely an environmental catastrophe; it is also an economic catastrophe. Various international reports reveal that the countries suffering the worst consequences of climate change are amongst the poorest nations in the world. Apart from self-preservation, there is a real social justice need to address climate change.

On the point made by the Hon. Ben Franklin, Labor also is guided by the science. Consistent with the special report of the United Nations Intergovernmental Panel on Climate Change, Labor took to the recent State election a policy objective of reaching net zero emissions by 2050, which is why I proposed the amendment to paragraph 3 of the motion. We do not take issue with paragraph 1. We do not take issue with most of paragraph 2, although I do not know whether some of the facts cited are correct; I assume that they are. But in relation to paragraph 3, we think that zero emissions by 2050 is an achievable, sensible goal that is guided by the science.

We also share the objective of decarbonising the economy, but we cannot simply pass a motion to amend the world. It will take investment, time and hard work to get there. We think a 2050 deadline is better and more beneficial to the economy, as well as the environment. The policy we took to the election had an objective of 50 per cent renewable energy by 2030, increasing to close to 100 per cent by 2050. The technology exists to get us to 100 per cent renewable energy but it will take time, money and investment to get there. For example, we know that using electrolysis powered by solar energy, we can create hydrogen which, when burned as a gas, will create zero emissions gas—so-called "green gas"—which can operate, for example, gas-fired peaking plants. At the moment, the cost of that process is prohibitive. We need technological solutions to be able to make it affordable so that instead of using liquefied natural gas to drive our gas peaking plants, we use hydrogen. We are not in a financial position to do that. Labor cannot support the motion as it is. I urge all honourable members to support the amendment— [*Time expired.*]

**Mr JUSTIN FIELD (16:16):** I support the motion moved by Ms Cate Faehrmann. We are in a climate emergency. The Tory Government of the United Kingdom just declared that we are in a climate emergency. We can acknowledge facts but keep open the options for how we deal with the emergency. We do not need to hide behind—I will not say "weasel words". I acknowledge what has been said here today. I acknowledge the technological challenge and the challenge for communities that need to transition. There will need to be a transition; we will use some of the coal and gas that is in the ground now. That will happen, but we do not need more. I do not support Labor's amendment. We knew 10 years ago that we could transition within 10 years if we used the technology that we have today. It is hard but we are in an emergency.

My son is three years old. He loves penguins. His name is Banjo and he can name seven species of penguins by sight from pictures in a book. The first one he learned, of course, was the emperor penguin Mumble—he loves *Happy Feet*. He waddles around the House—it is the cutest thing in the world. It is wonderful. I am going to take him to see emperor penguins one day. So how did I feel last month when scientists reported that one of the two emperor penguin colonies in the world has collapsed because there is no ice left in parts of the Antarctic where they live? One of two emperor penguin colonies just collapsed. There is every chance I will never ever get to take my son to see emperor penguins in his life.

We are in a climate emergency. We are facing a mass extinction crisis right now. We rely on the species that inhabit this planet. They stabilise the ecosystems that provide the air that we breathe and the water that we drink. They support the soil quality that sustains the food we eat. Without them we are not here. It is one ecosystem. We cannot deny that we are in a climate emergency because it is convenient or because members want to talk about the challenges of technological change. We are all in this together; and when I say "all", I mean all. We are in it with all species as well.

We are in a climate emergency. People far more conservative than those in this Chamber are prepared to acknowledge that and to recognise the challenge and work together. Last night I spoke about the challenges and opportunities of transitioning in the Hunter Valley. Today we do not need to agree on the timing. We do not need to agree on exactly what coal-fired power stations or mines we close tomorrow. But we do need to acknowledge that the transition needs to happen. It needs to happen with all of us and we need to think about it now. The costs of not doing that work get far greater: economic costs, social costs, ecological costs, the cost that I will never get to take my son to see an emperor penguin in the wild. I support the motion.

**The Hon. ROBERT BORSAK (16:19):** I could probably conservatively be called a climate change sceptic. Of course, the reality is that I am sceptical about everything. I do believe climate change happens; I really do. But I do not believe that there is any evidence anywhere—the discredited Intergovernmental Panel on Climate Change [IPCC] modelling on all of that proves it—that humans actually cause any of the so-called climate change that people such as The Greens and their other fellow travellers like to push around in elections and other places like that. The Federal election produced a result for a conservative Government that was looking at, I think, 24 per cent renewables by 2030.

To tell the truth, I do not even support that because I am not willing to see an impost of taxation. I am not willing to see the destruction of jobs, the destruction of economies, the destruction of governments' ability to use the taxes from extractive industries—the coal industry—to pay for hospitals, doctors and all of the services, education and otherwise, that we see year in, year out. To listen to these good people talk about training and retraining—we are going to take 25,000 coalminers in the Hunter Valley and we are going to train them to do what? What are we going to train them to do?

*[An Opposition member interjected.]*

I will acknowledge that. Are we going to train them to get the dole? What are we going to train them to do? It is that sort of thing that I really just cannot come to grips with. We are seeing an absolute rort now being executed through the slow destruction of the Australian economy as governments start to roll over in relation to these things. We have seen coalmines being stopped. We are seeing water and dams being stopped. Climate change, as it is envisaged by The Greens, is totally unreal. Everyone who is logical—everyone who has not seen the climate disaster occur in the past 15 or 17 years—understands that. What really needs to happen is for this Government and the Government in Canberra to completely abandon all of the so-called IPCC BS that they have been running with. We do not need a coal industry that is not supported by Government. We need all the bodgie taxes removed from the industry.

**Ms ABIGAIL BOYD (16:22):** I support the motion of Ms Cate Faehrmann. I am astounded by the short-term economic thinking of this Government. If we concede that change is needed, it is up to responsible Government to prepare for that change early and well. I hear an incredible disrespect for the people of New South Wales. They are quite capable of change. They are capable of adjusting. They are capable of innovation and creativity if they are given support from the Government. If the Government steps up and supports the transition

from the ageing and polluting fossil fuel industry to renewables, this State could be a leader in renewable energy. This is not just a challenge; it is also an opportunity. It is appalling not to give the people of New South Wales a clear path of transition to renewables. It is appalling not to respect that they have the skills and ability to make the changes required.

Members may not see it in this Chamber, but climate change is most definitely impacting on the people of New South Wales. Like Mr Justin Field, I have children who understand this very well. Every day they say to me, "What are you doing about our future?" So I cannot believe what I hear from people who say that they do not even believe that climate change is real; I thought we had passed that point. We represent the people of New South Wales. They want change, they want a future for their children and their grandchildren and they want us to start planning for it.

**Ms CATE FAEHRMANN (16:24):** In reply: Where do you start with a statement like "climate change is unreal"? Yes, the climate emergency is pretty unreal when you look at the predictions coming down the line. As I noted in my opening statement, when you look at events this past summer—all of the broken temperature records, all of the ongoing fish kills, the extinction of species—what is increasingly unreal is that we have members in this place who are still denying that we are well and truly in a climate emergency. In terms of the 2040 versus 2050 net emissions reduction scenario, the United Nations models different scenarios. It looks at the least likely and most extreme scenarios and comes up with an average—essentially a compromise between thousands of scientists. What we do in The Greens is look at the science.

When it comes to avoiding catastrophic climate change we need to look at the 2040 scenario, because it is extremely likely that if we do not achieve net zero emissions by 2040 the melting of permafrost will increase. We are hearing from scientists that this is happening now. If we do not move to net zero emissions by 2040 we will see feedback loops; scientists are warning us that we will get to turning points that are beyond repair. That is what a climate emergency is about. You cannot compromise with the science. While we agree with the United Nations on the 1.5 degrees Celsius target, we believe the way to get there is by putting in place plans to meet the worst-case scenario. As I said, many scientists are telling us that we are going to reach warming of more than 2 degrees Celsius much sooner than predicted. Therefore, The Greens cannot support the Labor Party's amendment. I urge the House to support our motion.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** Ms Cate Faehrmann has moved a motion, to which the Hon. Adam Searle has moved an amendment. The question is that the amendment be agreed to.

**The House divided.**

Ayes ..... 13  
Noes ..... 24  
Majority ..... 11

**AYES**

Buttigieg, Mr M  
Graham, Mr J  
Mookhey, Mr D

D'Adam, Mr A  
Houssos, Mrs C  
Moriarty, Ms T

Donnelly, Mr G (teller)  
Jackson, Ms R  
Moselmane, Mr S  
(teller)  
Secord, Mr W

Primrose, Mr P  
Veitch, Mr M

Searle, Mr A

**NOES**

Amato, Mr L  
Borsak, Mr R  
Faehrmann, Ms C  
Field, Mr J  
Hurst, Ms E  
Maclaren-Jones, Mrs  
(teller)  
Mitchell, Mrs  
Taylor, Mrs

Banasiak, Mr M  
Boyd, Ms A  
Fang, Mr W (teller)  
Franklin, Mr B  
Khan, Mr T  
Mallard, Mr S  
  
Roberts, Mr R  
Tudehope, Mr D

Blair, Mr  
Cusack, Ms C  
Farlow, Mr S  
Harwin, Mr D  
Latham, Mr M  
Martin, Mr T  
  
Shoebridge, Mr D  
Ward, Mrs N

## PAIRS

Sharpe, Ms P

Mason-Cox, Mr M

**Amendment negatived.**

**The PRESIDENT:** The question is that the motion be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.****The House divided.**

Ayes .....5  
 Noes .....32  
 Majority.....27

## AYES

Boyd, Ms A

Faehrmann, Ms C  
(teller)

Field, Mr J

Hurst, Ms E

Shoebridge, Mr D  
(teller)

## NOES

Amato, Mr L

Banasiak, Mr M

Blair, Mr

Borsak, Mr R

Buttigieg, Mr M

Cusack, Ms C

D'Adam, Mr A

Donnelly, Mr G

Fang, Mr W (teller)

Farlow, Mr S

Franklin, Mr B

Graham, Mr J

Houssos, Mrs C

Jackson, Ms R

Khan, Mr T

Latham, Mr M

Maclaren-Jones, Mrs  
(teller)

Mallard, Mr S

Martin, Mr T

Mason-Cox, Mr M

Mitchell, Mrs

Mookhey, Mr D

Moriarty, Ms T

Moselmane, Mr S

Primrose, Mr P

Roberts, Mr R

Searle, Mr A

Secord, Mr W

Taylor, Mrs

Tudehope, Mr D

Veitch, Mr M

Ward, Mrs N

**Motion negatived.***Documents***TABLING OF PAPERS**

**The Hon. SARAH MITCHELL:** I table the following papers:

- Annual Reports (Statutory Bodies) Act 1984—Reports for year ended 31 December 2018, together with financial statements—  
 Charles Sturt University  
 Macquarie University  
 Southern Cross University  
 University of New England  
 University of New South Wales  
 University of Newcastle  
 University of Sydney  
 University of Technology, Sydney  
 University of Wollongong  
 Western Sydney University

I move:

That the reports be printed.

**Motion agreed to.**

*Bills***PUBLIC FINANCE AND AUDIT AMENDMENT (NORTHERN BEACHES HOSPITAL) BILL 2019****First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Walt Secord.**

**Second Reading Speech**

**The Hon. WALT SECORD (16:42):** I move:

That this bill be now read a second time.

As Deputy Leader of the Opposition and shadow Minister for Health, I am proud to introduce the Public Finance and Audit Amendment (Northern Beaches Hospital) Bill 2019. This is the Opposition's first bill relating to health since the March election. The object of the bill is to authorise the Auditor-General to conduct performance audits of the Northern Beaches Hospital. It achieves this by amending the Public Finance and Audit Act 1983. The long title of the bill is "A bill for an act to amend the Public Finance and Audit Act 1983 to authorise the Auditor-General to conduct performance audits of the Northern Beaches Hospital". It is a very long title, but the bill is simple; it addresses what the Auditor-General highlighted as a major block to transparency and openness involving the Northern Beaches Hospital. In her annual report on the NSW Health cluster dated 12 December 2018 the Auditor-General said:

*The Public Finance and Audit Act 1983 does not provide the Auditor General with a mandate to provide independent assurance about service delivery outcomes and financial accountability in these arrangements ("follow the money" powers). As such, our audits can only consider the project management processes of the Ministry and the relevant health entities. We are unable to comment on any aspect of the performance or operations of that hospital. Put simply, the Auditor-General wants the power to lift the cloak of secrecy surrounding the Northern Beaches Hospital. Due to the hospital's status as a public private partnership the Auditor-General is unable to deliver a full and proper financial audit of it. That denies the northern beaches community and New South Wales taxpayers the transparency that they deserve and which the communities expect. That is despite the New South Wales Government and the New South Wales taxpayer providing \$600 million to construct the hospital, and a further \$2.14 billion to its private operators over the life of the contract to operate the hospital until 2038. We are talking about \$2.64 billion in taxpayers' funds and the Auditor-General is unable to look at any of that. The privatised Northern Beaches Hospital must be subject to the same scrutiny and held to the same standards as all other New South Wales hospitals.*

In New South Wales there are 80 emergency departments and about 220 hospitals. The need for transparency is all the more urgent as the Northern Beaches Hospital has lurched from crisis to crisis. From the moment the hospital opened its doors and began accepting patients on 30 October 2018 there have been problems at the hospital. To give a depiction of what was happening at the hospital, on 19 November when the Premier unveiled the plaque marking the grand opening even the plaque fell off the wall. One need not be a suspicious person to see that it was a sign of things to come at the Northern Beaches Hospital. There is a level of concern rippling through the New South Wales medical community. Doctors, nurses, health and hospital workers reported a litany of problems. It might be funny to you, Minister Tudehope. You might laugh at the hospital but residents—

**The Hon. Shayne Mallard:** Point of order: The Hon. Walt Secord is directing his comments to the Minister at the table. He should direct his comments through the Chair.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** I uphold the point of order. The member will direct his comments through the Chair. I remind members that interjections are disorderly at all times. The Hon. Walt Secord has the call.

**The Hon. WALT SECORD:** Doctors, nurses, health and hospital workers reported a litany of problems at the Northern Beaches Hospital but the Premier and the Minister for Health and Medical Research dismissed them as "hiccups" and "teething problems" and promised that the Northern Beaches Hospital would "herald a golden standard of public-private partnerships of health care in New South Wales". That was a fine aspiration. This bill will help to get to the bottom of whether that was achieved or not.

In the meantime there have been reports of a lack of basic medical supplies at the hospital. In the very first days there was a lack of slings, bandages, intravenous lines, medical swabs, saline bags, needles, washcloths, alcohol rub and maternity pads—and even a lack of insulin. Doctors and nurses had to procure medical supplies from other hospitals. At the time there was not even a fully functional blood bank. There have been cancellations of elective surgery. Several patients have personally made contact with my office. The Northern Beaches Hospital contacted them to list them for surgery and then forgot to list them for surgery. On other occasions their surgeries were cancelled at the last minute after they had fasted for a day and a half.

There is more. There have been problems with maternity services. There have been lengthy waits for patients arriving by ambulance. Medical staff advised ambulances to take patients to Royal North Shore Hospital rather than the Northern Beaches Hospital. The impact on the staffing of the hospital has been serious. There have

been mass resignations and sackings in the senior leadership of the hospital, including the chief executive officer, the head of medical services, at least two anaesthetists and other medical staff. Things became so dire that the Australian Salaried Medical Officers' Federation of NSW wrote to NSW Health pleading with the Berejiklian Government to properly staff the facility. There are reports of unsupervised interns being in charge of up to 60 patients. The NSW Nurses and Midwives' Association has expressed similar reservations and concerns.

But worst of all, a clear picture is emerging of a two-tier system at the hospital, with preference given to private patients over public ones. That is unacceptable for many reasons, including the fact that the hospital relies on public funds of \$2.64 billion. What right do the managers of the hospital have to de-prioritise service to the taxpayers who fund it? As a matter of principle the provisions in the bill should apply to all State-funded private entities—but that is a debate for another day. I note that the member for Davidson, who is now the Speaker of the Legislative Assembly, recommended in his role as chair of the Public Accounts Committee that there should be the introduction of so-called "follow-the-money powers" for the Auditor-General. I hold the member for Davidson in high regard. I am familiar with him due to our cooperation in the NSW Parliamentary Friends of Armenia.

The bill would give the New South Wales Auditor-General increased power to check how billions of taxpayers' dollars will be spent and are spent by organisations that have won lucrative contracts from the State Government. Currently if the State Government awards a contract to a private organisation, the Auditor-General is powerless to investigate how that money is spent, even if there are suspicions that it is being misspent or misappropriated. The Public Accounts Committee and the New South Wales and Commonwealth auditors-general, including the New South Wales Auditor-General, as well as the Shadow Treasurer, have all recommended that new powers be granted to ensure that public money is properly spent by private organisations. My Northern Beaches Hospital bill is in line with the spirit of those recommendations.

There have also been concerns about the finances and financiers behind and associated with the hospital. I point to community concerns expressed about the Cayman Islands connection—but, again, that is a discussion for another day. It seems that connections to the Cayman Islands are emerging in the Liberal-Nationals Coalition—but I digress. Returning to the bill at hand, unfortunately the Northern Beaches Hospital itself and its management philosophy to date highlight the differing approaches to Health by Labor and the Coalition. Labor supports a strong public health system, whereas the Liberal Party and The Nationals support a privatised American-style model. If members opposite think that is hyperbole I draw them to the words of Federal health Minister Greg Hunt, who used his maiden speech in Parliament to lobby for a United States-style health insurance model. He stated:

The next expansion in private health coverage is, I believe, through employer incentives for the inclusion of health care in workplace arrangements—perhaps through creative ways of excluding employer health care from the fringe benefits tax regime.

We have seen how that model has only increased the disparity of access to health care in North America, with the poor not only getting poorer but sicker too. Labor not only finds this morally wrong but also believes that investing in health makes good economic sense by protecting the health of communities, reducing forward treatment costs, and protecting workforce participation. In contrast, the Liberal-Nationals believe that every public need can be answered only by the private sector. That is not the reality and it misunderstands the role of government in essential services such as health. Going to a doctor or hospital is not a lifestyle choice; it is an essential service and the provision of health care is a core function of government. There are problems and injustices when clinicians are instructed to triage for profit. Clinical standards and the care of patients cannot be set by commercial contracts, yet that is what is occurring under the Liberal-Nationals Government at the Northern Beaches Hospital.

Supporting public health is in Labor's DNA. It is Labor that created public health, Medicare and the Pharmaceutical Benefits Scheme. Labor has a proud record on rural, regional and coastal health. Between 1995 and 2011 Labor rebuilt or upgraded nearly every major hospital in New South Wales while governing a strong economy and maintaining the State's triple-A credit rating. Labor showed—indeed, proved—that a strong economy and a fair society are not mutually exclusive. Public health is not a cost; it is an investment. That is the approach that Labor will always bring to public health. I will conclude with the specifics of the bill.

**The Hon. Damien Tudehope:** It took a while to get here.

**The Hon. WALT SECORD:** I remind you that you are in the Legislative Council, not the Legislative Assembly. There are certain rules and etiquettes.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** Order! Interjections are disorderly at all times. Responding to interjections is also disorderly.

**The Hon. WALT SECORD:** Clause 1 sets out the name of the proposed Act. Clause 2 relates to the commencement of the proposed Act, which would occur on the date of the assent of the proposed Act. Clause 3 amends the Public Finance and Audit Act 1983 to give effect to the object set out in the overview. The main

change relates to schedule 1, which is the amendment of the Public Finance and Audit Act 1983 No. 152. It involves inserting after division 2A, the following as division 2B:

**38J Auditor-General may conduct performance audit of Northern Beaches Hospital**

- (1) The Auditor-General may at any time conduct a performance audit of the Northern Beaches Hospital.
- (2) The performance audit may be conducted only to the extent that it assesses the activities of the Northern Beaches Hospital in relation to achieving the relevant public purpose—

which means the purpose which the Northern Beaches Hospital receives money from the State directly or indirectly—

- (3) The purpose of the performance audit is to determine whether the Northern Beaches Hospital is carrying out those activities effectively and doing so economically and efficiently and in compliance with all relevant laws.
- (4) The Northern Beaches Hospital may be audited under this section only if the activities of the hospital in relation to achieving the relevant public purpose cannot be audited under any other provision of this Act.

New section 38K relates to the report of the actual performance audit. It states that the Auditor-General is to report to each of the following as to the result of a performance audit of the Northern Beaches Hospital under new section 38J to the chief executive officer, the New South Wales health Minister and the New South Wales Treasurer. It states also that the report must include the reasons for conducting the audit. Furthermore, it states that the Auditor-General must give the subject of the report at least 28 days' notice before releasing it publicly so they can make submissions and comments as well as providing them a summary of any findings and proposed recommendations in relation to the audit.

Finally, new section 38L relates to the tabling of reports into the Northern Beaches Hospital. These are normal provisions relating to reports such as the Auditor-General reports to Parliament. In conclusion, it is my assessment that the Northern Beaches Hospital is a mess and the Auditor-General should have the power to investigate. That assessment is shared by many in the northern beaches community. I refer to the work of people like Parry Thomas. Those opposite may disagree. The Government may claim otherwise. We should not be managing our hospitals on opinion but on evidence.

The Auditor-General can provide that evidence. Evidence of good performance in services, in projects and in contracts is obtained through objective audit. The objective audit can be provided by the Auditor-General. We are talking of more than \$2.4 billion in taxpayers' funds. An objective audit is needed at the Northern Beaches Hospital. This bill will be the first step in that process and if Government members have even the slightest confidence that their defences of the Northern Beaches Hospital are even half true, then they would be supporting this bill. If they have nothing to hide at the Northern Beaches Hospital, then I would expect that the Government would vote with us on this bill. If they have nothing to hide, then they would support this bill. I thank the House for its consideration and commend the bill to the House.

**Debate adjourned.**

*Adjournment Debate*

**ADJOURNMENT**

**The Hon. DAMIEN TUDEHOPE:** I move:

That this House do now adjourn.

**WOMEN'S AND GIRLS' EMERGENCY CENTRE**

**The Hon. SHAOQUETT MOSELMANE (17:00):** I am delighted in my first adjournment speech for the Fifty-Seventh Parliament and in National Reconciliation Week to be able to say a few words about the Women's and Girls' Emergency Centre [WAGEC] situated in Redfern. It is an organisation that Vincent De Luca and I, along with many kind-hearted supporters of White Ribbon, have assisted in the past couple of years. Last year we raised \$70,998 during a White Ribbon event that I hosted in the Strangers Dining Room. Much of the credit must go to Vince De Luca for his tireless work in this space. The money raised on the night was split three ways between White Ribbon, Brewarrina Safe House and the Women's and Girls' Emergency Centre, with each getting \$23,666. In 2017 we raised \$54,043, again split three ways, with each getting just over \$18,000. We look forward to raising more money for these organisations. I hope members will join us in the Strangers Dining Room at NSW Parliament on Thursday 21 November 2019.

Many of my parliamentary colleagues attended last year's event. They are too numerous to name them all but they included the Premier, President Ajaka, Jenny Aitchison and many kind-hearted White Ribbon supporters. The money needed by these and many other humanitarian organisations could not have been raised

without them. I hope members will join us this year to support White Ribbon and these two Aboriginal organisations. As recently elected Assistant President, I am honoured to have pledged to donate all the moneys I receive from the Assistant President position above that of my current pay as Opposition Whip. I will donate \$1,000 to the Women's and Girls' Emergency Centre and I will donate the other \$5,000 to various charitable organisations each year throughout the four years that I am in the position. Why did we choose the Women's and Girls' Emergency Centre? We did so because WAGEC is a non-government, not-for-profit charitable organisation that proudly delivers a range of crisis and early intervention accommodation and support services to women, children, young people and families who are experiencing or at risk of homelessness and/or domestic and family violence.

WAGEC has been operating across inner-city Sydney and the inner west for 42 years. Every night WAGEC accommodates 200 women and children in crisis refuges and medium-term support housing. The centre provides safety and support to women and children when they need it most. WAGEC operates crisis refuges, medium-term support housing, rapid response and outreach support for mums with kids as well as single women. The centre offers a specialist domestic violence support service after hours to provide intensive and targeted support when women and kids are leaving violent situations. The centre works towards a safe future for all women and families by providing enriching activities for children and young people, parenting groups to support mothers, therapeutic programs such as art and music therapy, and opportunities for women to engage in study and training to enable them to upskill and re-enter the workforce.

WAGEC provides case management services that involve the provision of holistic emotional and practical support, goalsetting, advocacy, service referral and coordination. WAGEC works with the community to provide training, capacity building and community development activities, and advocates for the rights of women and children. WAGEC believes that violence against women and children is even more serious and believes that an Australia that is free of violence against women and their children is an Australia where women are not only safe, but also respected, valued and treated as equals in private and public life.

Gratitude must go to the founder, the late Jeannie Devine, who in 1977 established the Women's and Girls' Emergency Centre Inc. to help homeless women in inner Sydney. Sadly, Ms Devine passed away in 1996, but the good work of the centre continues. It is people like Jennie and all those at the Women's and Girls' Emergency Centre at Redfern to whom we pay homage for the wonderful humanitarian work that they do. I hope members can join us on Thursday 21 November 2019 at the Strangers Dining Room in the New South Wales Parliament. I look forward to your support.

## EDUCATION SYSTEM

**The Hon. MARK BANASIAK (17:05):** Peel back the veil of governmental glossy brochures and staged photography of the Premier and Ministers at schools in affluent areas and you realise that all that glitters is not gold. In fact, the state of our education system is a debacle. It all comes down to an arrogant dismissal of ground floor feedback from teachers, School Administrative and Support Staff [SASS], parents and community, and the inability to stick with a policy or approach for more than five minutes. There is really only one place to begin, so I will start there—NAPLAN—which has been a key indicator of the failings of the Department of Education. Touted to be able to pinpoint students' progress in literacy and numeracy, it is now used as a political football to rank schools and denigrate our great teachers.

Teachers and schools warned the department and the Government that it would be misused right back at the beginning when it was divided into English Language and Literacy Assessment and the Secondary Numeracy Assessment Program. The Government and the department arrogantly ignored those warnings and pushed on. NAPLAN is absolutely no indicator of a student's progress. It is merely a test in time. It does not allow for factors like lack of engagement, stress, or the kids simply having a bad day. If the Government were serious it would have listened to teachers 10 years ago, and every year since then, and taken a holistic approach to gathering the data and using it effectively. There are already mechanisms in schools to achieve this such as the literacy and numeracy progressions that are longitudinal. They just need to be properly resourced.

This Government's attempts to tie NAPLAN to HSC attainment is another classic example of its poor leadership, a lack of insight into how our kids learn, and flip-flopping on policy. Once again the Government has failed to listen to feedback by teachers, parents and the community. When the department realised over two-thirds of students would not meet a certain level of proficiency, it simply stopped, dropped and rolled away from the fire to save themselves from being burnt. This totally contradicts the department's own research on high expectations in education, which can be found in the paper *What works best: Evidence-based practices to help improve NSW student performance*. The most recent failings with the online connectivity just show how out of touch the department and Government are with school resources. Once again they were given feedback by schools and teachers regarding the infrastructure issues and were told that schools were not ready. For example, it was taking students 40 minutes just to log in, only to drop out a few minutes later.



In the past eight years the Department of Education has changed its name three times—from the Department of Education and Training to the Department of Education and Communities, then became NSW Public Schools, and now we are back to the Department of Education. How much has that pointless rebranding cost our kids? What indication is it to the rest of us? When the Department of Education cannot even identify itself, how can the department identify the issues within the education system with so much white noise happening in their offices? Kids need consistency to learn and teachers struggle to be consistent when their employers lack essential guiding knowledge. Instead of lifting standards, a toxic environment has been created, headed up by the department itself.

If our teachers are the front line, that is where the support should go—not to armchair experts who have never spent a day in the classroom. There appear to be very few support mechanisms in place for teachers who are dealing with this toxic culture. I say that with absolute confidence because I was a teacher for 15 years and my claim is fortified by the excessive number of testimonials from bullied teachers that are piling up on my desk. The Berkeley Vale Public School has had 43 teachers leave in four years. The Tamworth High School has had 37 teachers leave between 2014 and 2019. Each teacher at the Tamworth High School cited one principal as the main reason they had to leave—every teacher, all 37. Yet that principal remains. This culture is all laid bare in the book *The Life Breakers*, which is written by a brilliant teacher about herself and other brilliant teachers who have been systematically bullied to the point of severe depression and anxiety. Then they were paid by the department exorbitant amounts of taxpayers' money to never speak of it again—not even to family and friends—because in most cases the department will admit fault in relation to mental illness, but will not take responsibility for the cause.

Awarding-winning teachers who were highly regarded cannot work now because of mental illness directly attributable to that culture. That does not make sense until we consider the relationship between the department and the Employee Performance and Conduct [EPAC] unit. Although the unit is required to investigate, the unit does not have trained investigators. Therefore interviews largely are conducted over the phone, generally with the principal, and, as a result, the findings generally side with the principal. This disenfranchises teachers to report the bullying at all. As a result there is no incentive for either the department or EPAC to review their practices. This problem should be addressed by the Minister for Education and Early Childhood Learning.

A number of testimonials I received are addressed to the Minister. She is aware of the bullying and the toxic culture that exists. It is up to her to address these systemic failings. I am happy to help her if she will take her head out of the sand and listen. However, I cannot help feeling concerned when the Minister is quoted as saying her "door is always open to the local member, teachers and parents", yet my colleague in the other place, Helen Dalton, is still waiting on a meeting—or even a reply—about an inquiry relating to the Wade High School and the Griffith High School experiencing excessive reductions in attendance since 2017. Instead the Minister plays political games without speaking to our member and goes straight to the media. Our kids deserve better than an education Minister who plays political games. Our kids deserve a system that supports brilliant teachers, not one that breaks them.

## LIBERAL PARTY

**The Hon. TAYLOR MARTIN (17:10):** Tonight I pay tribute to the candidates, members and supporters of the Liberal Party who, over the past six months or more, donated their time to our party and our cause. Having a State and a Federal election just eight weeks apart put enormous strain on our volunteers. But, as usual, they rose to the occasion. The Liberal Party is a grassroots organisation and does not rely on a seemingly endless number of paid union officials to campaign for us. Rather, we rely on volunteers—people with ordinary jobs, ordinary responsibilities, but extraordinary passion to help us fly the flag. Those people are the heroes of our party.

My area, the Hunter and Central Coast, is filled with electorates that are held by the Labor Party with few exceptions: But for our members and supporters, that is a mere obstacle. They are always more than willing to stand up and ensure that their voices and their issues are heard. They also know that their efforts in their local areas are a large part of the reason that we were able to elect eight Coalition members to the Legislative Council and recently elected three Coalition members to the Senate. While at both elections across the region the incumbent in each electorate was returned, we still managed to achieve some incredible outcomes. I want to highlight these tonight.

In Charlestown, Jenny Barrie, her campaign manager, Jason Pauling, and their team managed to achieve a positive swing to the Liberal Party and also secured \$25 million in funding for the Lake Macquarie Regional Indoor Sports Facility. In Gosford, Sue Dengate, her campaign manager, Jack Wilson, and their team achieved a swing of more than 5 per cent and also secured \$4 million in funding for a new wharf at Woy Woy. In Lake Macquarie, Lindsay Paterson, his campaign manager, Councillor Kevin Baker, and their team ran a good

campaign against Greg Piper. The news that the Speers Point Public School and the Wangi Wangi Public School would receive upgrades is a great outcome for the local community.

In Maitland, Councillor Sally Halliday, her campaign manager and deputy mayor, Mitchell Griffin, and their team achieved a positive swing—no doubt off the back of the Maitland Liberals' successful campaign over a number of years to have a new hospital right there in Maitland. In Newcastle, Blake Keating, his campaign manager, Brad Luke, and their team ran a strong campaign off the back of the Government's significant investment in the revitalisation of Newcastle. I know they were particularly excited by the light rail, which opened in February. In Port Stephens, Jaimie Abbott, her campaign manager, Matthew Newman, and their team—which included the Hon. Catherine Cusack of course—put up a good fight for the seat and managed to secure a significant number of commitments for the region. I also acknowledge that during the campaign Jaimie gave birth to her first child, Harvey. I am sure all members acknowledge that that is quite an effort in itself and deserves admiration.

In Swansea, Dean Bowman, his campaign manager, Graeme Rogers, and their team managed to achieve a positive swing to the Liberal Party and keep up the pressure about the foul state of Lake Macquarie's bins. That agenda is being driven by the Labor Party and its members on the council. In The Entrance, Brian Perrem, his campaign manager, Stephen Kirkham, and their team ran an incredible campaign in the electorate where some particular unions focused an enormous campaign effort. Brian secured a significant number of commitments for the region including funding for lifts at five train stations across his part of the Central Coast, but especially at Tuggerah. The funding commitment was so popular that the Labor Party immediately copied it. In Wallsend, Mr Nick Trappett, his campaign manager, Hannah Eves, and their team ran a very good campaign—and, it must be said, in a very short time too.

The electorate and region as a whole will benefit from the re-elected Berejiklian Government's \$780 million commitment to expand and upgrade John Hunter Hospital. In Wyong, Ying Shu Li-Cantwell, her campaign manager, Andrew Gregory, and their team put up a good fight off the back of the plans for the new hospital at Wyong being released. Their efforts should be commended. I acknowledge my friend in the other place the member for Terrigal and new Government whip, Adam Crouch, his campaign manager, Simon Levy, and their team on a win with a swing of 3.3 per cent. For the first time ever the Liberal Party won the Copacabana booth, which was no doubt an indictment on the games the Labor Party's candidate is playing in the local council. It seems the Labor Party has not learnt its lesson.

In the brief time I have left, I acknowledge the Federal candidates and campaign managers across the Central Coast and Hunter, who all achieved swings towards them. I congratulate Jilly Pilon and Brendan Rogers in Dobell; Nell McGill and Graeme Rogers, who backed up for Shortland; Katrina Wark and Blake Keating, who ran a good campaign in Newcastle; Sachin Joshi and Mel Power in Paterson; and Lucy Wicks and Sam Giddings in Robertson on their win, with a swing of 3.3 per cent. As the Prime Minister said on the night of the Federal election, it was a victory for quiet Australians.

### BOOM GATE GALLERY

**The Hon. WALT SECORD (17:15):** As the shadow Minister for the Arts, I speak on my recent visit to the Boom Gate Gallery. Established in 1992, the art gallery at the Long Bay Correctional Centre in Malabar has a unique artist profile. All the works are created by inmates, most of whom are serving major sentences for major crimes. It is an art gallery with a difference, which is evident on many of the canvases. The subjects depicted in the works range from views of the inside of the cells, Dreaming, religious themes and landscapes drawn completely from memory. Some of the works carry the names of the artists but some carry only a number, indicating that the artist is in protective custody or in a special unit. It is a clear reminder of the back stories of the artists, their ongoing lives and the struggles they seek to convey to us through a brief glimpse into their lives inside Long Bay. It is an interesting gallery, and while I am not an art curator I felt that some of the works were outstanding and revealed real developing talent.

I also note that more than 80 per cent of the works exhibited were created by First Nation inmates. That is a reflection of the unique contribution of Indigenous culture to Australian art but it is also a sad reflection of the disproportionate representation of Indigenous people in our nation's prisons. While the Boom Gate Gallery is a source of insight to visitors, it is also an important part of the inmates' rehabilitation process. Finding productive and constructive ways to express ourselves is imperative to functioning in society. Our creativity is part of that, whether in wider society or inmates' cells.

In that sense the Boom Gate Gallery reminds me of another program that was brought to my attention recently. The Bell Shakespeare company runs an educational program in juvenile detention centres, where half of the inmates are First Nation peoples. Recently I saw a documentary on the program which reported on when Bell Shakespeare took *Macbeth* into a prison. Both the Boom Gate Gallery and the Bell Shakespeare program serve an important rehabilitation role. That is why I am alive to concerns held by staff at Long Bay that the Boom Gate

Gallery will face cuts and a reduction in services, especially the art classes, due to the impending merger of government departments. Staff have informally expressed their concerns to me about that.

The Boom Gate Gallery does its best to contribute financially. It has sold hundreds of works over the years and 16 per cent of revenue goes back to cover the administrative costs and the cost of art supplies for the inmates. Many inmates will take classes and paint but never exhibit. The value of this exercise to rehabilitation should be clear. In summary, I ended my visit convinced of the value of the Boom Gate Gallery. The staff have a deep desire to help the inmates rehabilitate and understand themselves, their lives and their crimes. In the upcoming budget I encourage the Berejiklian Government to protect and support this very modest investment in the rehabilitation of Long Bay inmates.

#### **RURAL FIRE SERVICE VOLUNTEER OLIVER MARUDA**

**The Hon. ROBERT BORSAK (17:18):** In 2016 allegations were brought against a young Senior Deputy Captain of the Rural Fire Service, Oliver Maruda. Oliver had taken the afternoon off and was in his private vehicle on his way to his station to assist in a hazard reduction burn. In order for Oliver to get to his station he was required to drive through the hazard reduction burn area. Along the way he was stopped at multiple checkpoints. First he was stopped at the traffic checkpoint and was advised the road was closed to the public. The contractor noted that Oliver was in high visibility uniform and asked if he was part of the burn. Oliver replied "yes" and was told to drive on with caution. Oliver proceeded with his windows up and lights on. He was stopped approximately 10 more times along the way. Each time Oliver made himself known and waited patiently until he was flagged to pass. The last checkpoint involved the National Parks and Wildlife Service. The safety officer stated that Oliver was not authorised to be on the fireground. He took Oliver's details and advised him to continue on.

When Oliver eventually reached his fire station in full firefighting gear he was advised by the station's inspector, George Sheppard—and I will have more to say about him in the future—that he was not to enter the fireground because a charge had been made against him. He was told to sit and wait until the police arrived. When Oliver asked why, he was quite simply shut out. At no point was Oliver asked for his version of events and he was not made aware of the charges made against him. It was not until that evening when Oliver was taken to the police station that he was told what he had allegedly done.

Someone made a complaint against him for speeding through the park. In fact, such speeds could not be reached on such a road on a perfect day, let alone under the conditions that existed on that particular day. No action was taken by police. Three months after the event Oliver's captain, Jon Russell, contacted the police station to find out what was happening with the charge. Mr Russell was told by a senior constable that police were not present on the day, no-one was hurt, no-one other than police can judge speed and police were not interested. The constable also noted that, "It appears the RFS has issues within". However, five months later Oliver was contacted by police and subsequently charged for dangerous driving. The matter is still ongoing and Oliver's life has been turned upside down.

The issues that have arisen from this case touch on many of the issues that were brought up during the recent parliamentary inquiry I chaired on bullying and harassment in our emergency services. There is blatant bullying by those in charge: intimidation, harassment, discrimination and lack of procedural fairness. Oliver was refused ex gratia assistance from the RFS. One of the reasons provided for the refusal was that the criminal proceeding did not relate to his official duties. The RFS also claimed that Oliver did not make a full disclosure of events in his application for assistance.

I question what happened in the three months between the event taking place and the police disregarding it and charges being laid. What made the police change their mind and charge Oliver? I smell a rat and sense that this is more evidence of a boys' club that promotes its own at the cost of others. Jon Russell, the captain of the station that Oliver was a member of, has said that the ensuing three-year battle has caused many volunteers to discontinue with the RFS and has deterred a number of interested people from joining. Our emergency service volunteers have enough stress to deal with without the added pressure of bullying and harassment.

In the committee findings it was clear that our emergency services personnel have little faith in the current policies and procedures for dealing with complaints about their respective agencies. Oliver's case supports that entirely. There was absolutely no support offered to him. As I said, there will be more to come on this. Oliver's story is part of a tangled web woven by those whom we have placed in charge. The first recommendation made by the committee I chaired is that an independent, external complaints management oversight body for workplace bullying, harassment and discrimination be established across all five emergency service agencies. Oliver's story is one of many. It is not acceptable that the health and safety of those who volunteer their free time to ensure our communities' safety is put at risk because of bullies.

### **PREMIER'S VOLUNTEER RECOGNITION PROGRAM**

**The Hon. NATASHA MACLAREN-JONES (17:23):** I speak on the Premier's Volunteer Recognition Program as part of National Volunteers Week. From 20 to 26 May 2019 National Volunteer Week was held to say thank you to the six million Australians who volunteer their time for their local communities. This year Volunteering Australia will celebrate 30 years of National Volunteer Week. Established in 1989, National Volunteer Week was the first collaborative attempt to promote volunteering. It is the largest national celebration of volunteers and gives communities a chance to highlight the work their volunteers do and to say thank you. Volunteers make an extraordinary contribution to Australian society.

Volunteers are the lifeblood of our communities. They come from all walks of life—working people, students, professionals, young people and retirees—and they come from every town across New South Wales. New South Wales volunteers are tireless in their efforts to support those in need, with more than 2.1 million people contributing to 240 million hours of work annually. They volunteer in schools, hospitals, across our beaches and in our national parks. People who participate in their communities are healthier and happier, have greater trust and wellbeing and live longer.

Historically the event has focused mainly on the recruitment of more volunteers for our community. However, with the outstanding number of people already volunteering across the State, it has now become an incredible opportunity to celebrate the selfless work they do. The week-long celebration included breakfasts, morning and afternoon teas and luncheons as well as open days, award ceremonies, picnics, forums and training sessions. Most importantly, it is an opportunity to thank those who give up their time to better our community.

The Liberal-Nationals Government recognises the incredible contribution our volunteers make to our State. In 2015 the Premier's Volunteer Recognition Program was introduced. Since the program's inception, more than 28,000 New South Wales volunteers have been recognised for the work they do. The Government is also committed to building a stronger community and the NSW Volunteer Strategy provides the framework through which that can be delivered. The second volunteer strategy was launched in 2016 and built on the original strategy, which was developed in 2012. With more than 2,200 consulted as part of the process to develop the strategy, it is fair to say that it has been successful in delivering its objectives.

The focus of the NSW Volunteering Strategy aims to make it easier for people to volunteer. As I said, our volunteers are the backbone of our community. The strategy has six key priorities: to expand participation in community through volunteering; to create digital media avenues; to develop and maintain media campaigns and local opportunities to engage in volunteering; to design and develop new volunteering options; to build capacity in volunteer organisations to innovate and to design best-practice models; and to enhance programs to recognise the positive contribution that our volunteers make. Volunteering is a great way to get involved in the local community. It can help students gain a sense of belonging in their community and help them to develop skills and knowledge for a future career. The New South Wales Government's Shape Your Future program helps to place students in volunteer programs across the State.

Timebanking is another incredible community program created to increase volunteering even more in our community. This great program allows the voluntary exchange of services between members. Everyone can be part of it because everyone has something to give. The program allows for the transfer of skills between people in their local communities. It is a simple initiative between volunteers where people trade services. The services can range from dog walking to language tuition or even household duties. Timebanking has helped to build networks throughout the community thanks to the sharing of skills amongst individuals. It assists people in the community who may need a helping hand and those with a particular skill should take part in this incredible initiative. The one in three people in New South Wales giving their time, skills and energy to help others all deserve recognition for their contribution to community life. National Volunteer Week is an opportunity for us all to thank them.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 17:27 until Tuesday 4 June 2019 at 14:30.**