



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Thursday, 6 June 2019**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Thursday, 6 June 2019**

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

**The PRESIDENT** read the prayers.

## *Motions*

### **ITALIAN REPUBLIC DAY**

**The Hon. LOU AMATO (10:01):** I move:

1. That this House notes that:
  - (a) on Sunday 26 May 2019 the forty-sixth annual Italian Republic Day was held at Club Marconi, Bossley Park;
  - (b) the celebrations were commenced at 11.00 a.m. with the commemorative mass;
  - (c) entertainment was provided by and included:
    - (i) James Liotta;
    - (ii) Arturo;
    - (iii) Tony Sergi;
    - (iv) Tony Mazell;
    - (v) Danni Da Ros;
    - (vi) Cosima De Vito;
    - (vii) De Bellis Showband;
    - (viii) live broadcast by Paolo Rajo;
    - (ix) dance performance by Barbara Easton Dance Studio;
    - (x) Italian Made Social Motoring Club (Italian car display);
    - (xi) Ducati (motor bike display);
    - (xii) roaming entertainment by Fratelli Del Sud and Circus Solarus;
    - (xiii) Pinky & Kozi, face painting and balloonist;
    - (xiv) WSW Football Clinic;
    - (xv) fireworks display;
    - (xvi) hot roasted chestnuts;
    - (xvii) carnival rides; and
    - (xviii) petting zoo and pony rides.
  - (d) the following distinguished guests attended the celebrations:
    - (i) Father Anthony Fregolant, Mount Pritchard Catholic Church;
    - (ii) Senator Concetta Fierravanti-Wells, representing Prime Minister Scott Morrison;
    - (iii) the Hon. Lou Amato, MLC;
    - (iv) the Hon. John Sidoti, MP, Minister for Sport, Multiculturalism, Seniors and Veterans;
    - (v) Nick Lalich, MP, member for Cabramatta;
    - (vi) Guy Zangari, MP, member for Fairfield;
    - (vii) Chris Hayes, MP, member for Werriwa;
    - (viii) Hugh McDermott, MP, member for Prospect;
    - (ix) Nicholas Caré, Chamber of Deputies, Parliament of Italy, and CEO, Italian Chamber of Commerce in Sydney;
    - (x) Francesco Giacobbe, Senator, Senate of the Italian Republic;
    - (xi) Vince Foti, President Club Marconi;

- (xii) Vince De Luca, OAM, Councillor Northern Beaches Council;
- (xiii) Tony Mustaca, OAM, Councillor Willoughby Council;
- (xiv) Paul Azzo, Councillor Fairfield City Council;
- (xv) Del Bennett, Councillor Fairfield City Council;
- (xvi) Peter Grippaudo, Councillor Fairfield City Council;
- (xvii) Dai Le, Councillor Fairfield City Council;
- (xviii) Joe Molluso, Councillor Fairfield City Council;
- (xix) Frank Carbone, Mayor Fairfield City Council; and
- (xx) Francesco Giacobbe, Senator, Senate of the Italian Republic.

2. That this House acknowledges:

- (a) the great community work of Club Marconi; and
- (b) the special friendship that exists between Australia and Italy.

**Motion agreed to.**

*Commemorations*

**D-DAY ANNIVERSARY**

**The PRESIDENT (10:08):** As honourable members are aware, 6 June 2019 marks the seventy-fifth anniversary of the Allied landings in Normandy, known as D-day. I take this opportunity to share with members a statement that will also be read in the Legislative Assembly. From the deck it was still too dark to see the shore, but we could make out an endless line of ships to right and left and, high above us, the metal wings of the aircraft shining in the sun. As it grew lighter, the big guns of the fleet began to fire over us. I had heard nothing like those huge shells. It was as if trains flew through the air. So wrote Major Henry "Jo" Gullett, later a member of the House of Representatives, in his memoir about the moments before the Allied landings on the coast of Normandy, which took place on this day 75 years ago. The D-day landings were the largest seaborne invasion in history and a watershed in the course of the Second World War. With most Australian forces engaged against the Japanese in the Pacific, relatively few Australian personnel were involved in the D-day landings. Their contributions, however, were diverse and crucial. Over 2,000 Australian airmen flew bombing sorties over the beaches or transported airborne troops across the French coast, and at least 500 Australian sailors and soldiers took part in British operations, gaining experience ahead of the amphibious operations planned for the Pacific.

Dozens of Australian women, meanwhile, were among the transport corps and medical units that came ashore in support of the infantry. Fourteen Australians died during the D-day landings. Two were sailors. Twelve were airmen. Among them were 28-year-old Pilot Officer Roland Ward from Coogee and 22-year-old Flight Sergeant Malcolm Burgess from Vaucluse. The pair were aboard an Avro Lancaster four-engine bomber targeting Saint-Pierre-du-Mont in support of the American landings at nearby Omaha Beach. Ward was the pilot. Burgess was the tail gunner. Their aircraft was hit by flak and caught fire. Only one member of their crew was able to bail out of the stricken plane. Ward and Burgess are buried alongside one another in the British Commonwealth War Cemetery in Bayeux, France. Lest we forget.

*Announcements*

**BALLOT PAPER FOR 2019 PERIODIC ELECTION**

**The PRESIDENT (10:10):** Since 1995 ballot papers for periodic Legislative Council elections have been signed by members elected, and then framed and included in a collection of framed ballot papers on the wall in the corridor near the procedure office on level 8. We would like to add to the collection by framing this year's periodic Legislative Council election ballot paper with the signature of each member elected next to their name as it appears on the ballot paper. A blank ballot paper is in the office of the Clerk, room 840. I encourage each of the 21 members elected at this year's periodic election to visit the office of the Clerk and add their signature to the ballot paper.

Members who visit the office to sign the ballot paper and who are returning members, and other members of the House, also may wish to take the opportunity to sign and add a message to the memorial that has been prepared to present to the family of the former manager of members' entitlements and former Clerk at the table of the Legislative Council, Mr Stuart Lowe, who passed away on 25 February 2019 after a long illness.

*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 (10:11):** I move:

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

1. Private members' business item No. 64 outside the order of precedence standing in the name of the Hon. Mark Latham relating to religious freedom.
2. Private members' business item No. 69 outside the order of precedence standing in the name of the Hon. Adam Searle relating to an order for papers regarding Country UC Ltd and Cooma UC Incorporated.
3. Private members' business item No. 50 outside the order of precedence standing in the name of the Hon. Taylor Martin relating to a motion of condolence regarding Mr Milton Morris, AO.
4. Private members' business item No. 4 inside the order of precedence standing in the name of the Hon. Penny Sharpe relating to the Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill.
5. Private members' business item No. 71 outside the order of precedence standing in the name of Ms Abigail Boyd relating to an order for papers regarding the sale of the Vales Point Power Station and Eraring Energy.
6. Private members' business item No. 83 outside the order of precedence standing in the name of the Hon. Walt Secord relating to a referral to Portfolio Committee No. 2 - Health to inquire into and report on the operation and management of the Northern Beaches Hospital.
7. Private members' business item No. 5 inside the order of precedence standing in the name of Reverend the Hon. Fred Nile relating to the Mining Amendment (Compensation for Cancellation of Exploration Licence) Bill.
8. Private members' business item No. 87 outside the order of precedence standing in the name of Mr Justin Field relating to land clearing and biodiversity laws.
9. 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.
10. Private members' business item No. 75 outside the order of precedence standing in the name of the Hon. Emma Hurst relating to the establishment of a select committee to inquire into and report on the use of battery cages for hens in the egg production industry.
11. Private members' business item No. 1 outside the order of precedence standing in the name of the Hon. Mark Latham relating to the Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill.
12. Private members' business item No. 63 outside the order of precedence standing in the name of the Hon. Peter Primrose relating to the local council emergency services levy.
13. Private members' business item No. 76 outside the order of precedence standing in the name of Mr David Shoebridge relating to an order for papers regarding the final report of the Independent Pricing and Regulatory Tribunal entitled *Review of the Local Government Rating System*.
14. Private members' business item No. 48 outside the order of precedence standing in the name of the Hon. Mick Veitch relating to the Crown Land Management Amendment (Reservation and Vesting of Crown Land) Bill.
15. Private members' business item No. 77 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to World Environment Day.

In the spirit of ensuring that we get through everything today, we have agreed that the items at paragraphs 1, 2, 3, 5, 6, 8, 10, 12, 13 and 15 will be debated as short form motions. I commend the motion to the House.

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

**Motion agreed to.**

*Motions***RELIGIOUS FREEDOM**

**The Hon. MARK LATHAM:** I move:

That private members' business item No. 64 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK LATHAM (10:15):** I move:

That this House calls on the Government to:

- (a) support the basic human right of New South Wales workers to express political, cultural and religious opinions in their private time, away from their place of work, without suffering employment penalties;
- (b) support Article 18 of the International Covenant on Civil and Political Rights, covering the right of each citizen to have freedom of religion;
- (c) condemn Rugby Australia for its denial of religious freedom to Israel Folau and the edict it has sent to other Christian rugby players that they too are not welcome in the game;
- (d) condemn Rugby Australia for the way in which it has redefined the *Bible* as a form of vilification and "hate speech"; and
- (e) develop leasing practices for its sporting grounds and facilities that ensure all New South Wales residents are eligible to participate in sporting codes and games, and that none are excluded due to their political, cultural or religious opinions.

As the President pointed out at the beginning of our proceedings, 75 years ago today young men from across the Free World stormed the beaches of Normandy to fight for the liberty of all mankind. The great social Democrat and American President Franklin Roosevelt said at the time that they were fighting "to preserve our Republic, our religion and our civilisation". How then in 2019 are so many Australians worried about the loss of religious freedom in our country in peacetime? How then in 2019 do we look at Israel Folau and his case and wonder how a football player, a resident of New South Wales, lost his job and his religious freedom for saying things from the *Bible* that have been said for thousands of years, especially when he said them well away from his workplace?

In 1944 the Free World fought a dictatorial state. Today we are fighting dictatorial corporations that purchase, through sponsorship, supreme influence and control of sporting codes such as Rugby Australia. In their propaganda the big corporate chiefs preach diversity but what they are actually doing is trying to impose uniformity. They are trying to say that people need to talk like them, think like them and agree with them. They are imposing that uniformity on people who lack the power and resources to fight back. It is a classic insiders-outsiders struggle for freedom. How do we know this? We know it from the written evidence of Raelene Castle, who is the head of Rugby Australia.

The evidence was presented to the code of conduct hearing that ultimately led to the sacking of Israel Folau. At paragraph 49 of Castle's written evidence she refers to the 10 April Folau social media post. She submitted, "That evening I telephoned Ms Vanessa Hudson, chief customer officer at Qantas, knowing that the post would be very concerning to Qantas. Only days earlier Rugby Australia had commenced contract renewal negotiations for Qantas' sponsorship of Rugby Australia, the Wallabies, and the men's and women's Sevens teams. The post could not have come at a more sensitive time for Rugby Australia's commercial team. I told Ms Hudson that Rugby Australia was taking Mr Folau's post very seriously. I sent her a draft of the statement that Rugby Australia planned to release the next day. Ms Hudson impressed upon me that Qantas wished to see the matter resolved swiftly."

From the very beginning Qantas had the inside running. Qantas had the statement of Rugby Australia before it was released to the public. It was big corporate power purchased—at the expense of an individual in a sporting code. Then at paragraph 54 of her written submission, Ms Castle states, "A number of Rugby Australia's partners"—which I thought might have been romantic or married partners of the players but, no: corporate partners—"approached me directly at a meeting to express their concerns about the Folau matter. These partners included Qantas, ASICS, Vodafone, Accenture, Fox Sports, Jaguar, Land Rover and Koala. In consultation with Mr Cameron Murray, Rugby Australia's chief commercial officer, I calculated that based on the comments and complaints I had received personally at least \$10 million of annual contracted sponsorship revenue was at significantly greater risk of withdrawal or non-renewal as a result of Mr Folau's conduct."

In that paragraph the head of Rugby Australia is putting a commercial value on the religious freedom of Israel Folau. That is what this code and these arrangements have come to. Finally, at paragraph 57 she submits, "Later on 11 April 2019 I called Ms Hudson from Qantas. I updated her on the situation and told her that confidentially Rugby Australia would be working towards a process to seek to terminate Mr Folau's contract and that Ms Hudson can share that position with Qantas chief executive Mr Alan Joyce. Ms Hudson texted me later that day saying that she'd only shared the update with Mr Joyce and he was appreciative of the transparency and he said that a speedy resolution by Rugby Australia was paramount."

That is the evidence I wish to put before the House. It shows that the fix was in from the beginning. Qantas knew that Folau was going to be punted; Qantas knew that he would be sacked. And it did not happen by direct communication in a conversation between Castle and Joyce. Castle was acting as the servant or as the slave of Joyce inside her organisation. She knew what he wanted without even talking to him. That is how pervasive

and intensive the corporate influence is. She knew what he wanted without even having a direct conversation with him. That is the problem and that is why my motion should be carried.

**The Hon. ADAM SEARLE (10:21):** I move:

That the motion be amended by:

1. Omitting the words "calls on the Government to" and inserting "supports" in the introductory paragraph.
2. Omitting the word "support" in paragraph (a) and (b).
3. Omitting paragraphs (c), (d) and (e).

In speaking briefly to the motion let me make it clear that Opposition members very much support human rights and their protection. We also support religious freedom in this country. However, on this occasion we do not support getting involved in what is essentially an employment dispute involving a footballer and a football code. There may be many legitimate complaints about the way Rugby Australia has handled the matter. In a lot of media coverage the treatment of Israel Folau has been compared with the treatment of other footballers for other transgressions. Many instances involving public drunkenness or even violence have been treated more leniently than Mr Folau is being treated, but that is essentially an employment dispute. Whether or not it should be elevated to a matter of freedom of religion or conscience is a matter of perspective and dispute.

Rather than focusing on the things that divide us we propose that we focus on the things that unite us in this House—and that is the support of human rights and of religious freedom. This is not like the dark days of the Second World War when practising one's religion was oppressed by the State. That is not the case and to elevate this matter to that level when it is in fact an employment dispute about which people will legitimately have different views is to elevate it too highly. Our amendments put the debate on a more balanced footing.

There is no doubt that for a long time employers have sought to discipline their employees even for matters that occur outside the workplace when they feel that the activities of the worker involved reflect adversely on the company or the employer. As Labor members we can have a view about that, but that is the established jurisprudence. As a legal practitioner and barrister I have been involved in a number of matters for workers where things that happened completely unconnected to the workplace but were of some notoriety caused the employer to sanction that worker—sometimes appropriately and other times not. If we were having a debate about industrial relations and the appropriate setting of employment law we might be having a different discussion, but this is an employment dispute. We support religious freedom in this country.

**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) (10:24):** I apologise for my remarks on behalf of the Government being brief today but I am not well. Nevertheless, as a person who grew up amongst people of religious faith I am a strong believer in the rights of all people of faith to preach, witness and practise their religion. That is very important and I am sure there is not a member of the House who does not agree that it is a crucial part of the country in which we live and of the freedoms we enjoy. I find it difficult to disagree with the Leader of the Opposition in his characterisation of parts of paragraphs (c) and (d), and arguably (e), as employment matters which frankly would cause the House some jeopardy if we were to buy into them without all of the facts. It is obviously a matter of enormous public interest and there is plenty of contestation about what should happen. The prudent thing for us today is to support the important principle of religious freedom and to take the opportunity to discuss the other parts of the motion. The Government's position is that it will support the Opposition's amendments.

**The Hon. GREG DONNELLY (10:26):** The Federal election was only three weeks ago this Saturday and the dust is still settling. It is too early to be able to claim one has been able to fully assess all the reasons why the Coalition won and the Labor Party lost. However, comments made to the media by senior Federal Labor MP Chris Bowen within days of the loss bear repeating. He said:

I have noticed as I have been around during the election campaign and even in the days since ... how often it has been raised with me that people of faith no longer feel that progressive politics cares about them.

Other senior Labor figures have made similar reflections after the election defeat; some on the record, some off the record. It is one thing to say you "notice" the concerns of people of faith, but it is an entirely different thing to have and maintain policies over time that not only respect but also protect the religious interests of people. Honourable members are aware of the Israel Folau matter. It has received a lot of coverage in the media. The famous Australian rugby union player had his contract with Rugby Australia terminated on 17 May 2019 for posting on his private social media account—in his own time—a meme stating that various groups of sinners, including homosexuals, were destined for hell unless they repented and put their trust in Jesus Christ. In a media statement he issued on the same day his contract was terminated he said in part:

I am deeply saddened by today's decision to terminate my employment and I am considering my options.

As Australians, we were born with certain rights, including the right to freedom of religion and the right to freedom of expression. The Christian faith has always been a part of my life and I believe it is my duty as a Christian to share God's word. Upholding my religious beliefs should not prevent my ability to work or play for my club and country.

In my view Rugby Australia should be condemned in the strongest possible terms for its harsh, unjust and unfair treatment of Israel Folau by terminating his contract of employment. Being able to express one's views on religious issues is a fundamental part of religious freedom under international law. As well as a possible breach of contract claim that may be litigated before the New South Wales Supreme Court there may be a possible remedy for dismissal under section 772 of the Commonwealth Fair Work Act 2009. I encourage Israel Folau to pursue legal action against Rugby Australia—as I am sure many other Australians do—for the termination of his playing contract. I hope, along with those other Australians, that he is successful in his action against that organisation.

**The Hon. LOU AMATO (10:29):** As a champion for free speech I support the Hon. Mark Latham's important motion. Israel Folau expressed his right to speak freely about his own personal convictions. In response to expressing his opinions Mr Folau suffered ridicule and loss of employment. His opinion did not involve any act of violence or aggression against anyone, nor did it cause financial loss or hardship for a single person. In fact, one could argue that his statement was made with a genuine loving heart. Mr Folau sincerely desires for all people to experience salvation and enjoy the rewards of eternity with their god. Obviously there are many who do not subscribe to the same faith or belief system as Mr Folau and that is quite okay. If you do not believe in hell then how could you possibly be offended by his statement—a statement that he has the right to express in a just and free society? Do members honestly believe that Mr Folau was treated justly? Did he suffer ridicule, condemnation and financial loss because he had an opinion about the example of a just society?

I personally think the whole affair is a complete miscarriage of justice. Mr Folau is entitled to practise his faith, just as others are entitled to practise their atheism. If we continue on this path of sanctioning people for having an opinion that is different to our own we will lose what we cherish so much about our great country—diversity. Diversity of opinion is a cornerstone of our multicultural society. I wholeheartedly support it. I support opinions that are different to my own. I welcome others' opinions and the contribution they make to the diversity of our great nation. I thank the Hon. Mark Latham for his support of Israel Folau and his commitment to free speech and expression.

**The Hon. SCOTT FARLOW (10:31):** Unlike the Hon. Mark Latham I am a Christian and I thank the member for introducing this motion to the House. I will say that as a Christian I do not believe that Israel Folau's words are the means by which the *Bible* talks of our Christianity and our Christian love. In saying that, Israel Folau is quoting the *Bible*. I have news for everyone in this Chamber: From a Christian perspective, we are all going to hell, whether we are a drunk, a homosexual, an adulterer, a liar, a fornicator, a thief, an atheist or an idolater. We are all going to hell, except for Christ. That is the message of the *Bible* for those who choose to be Christian. Of course, there are people of many other faiths. There are people of the Islamic faith, people of the Hindu faith, people of no faith and people of the Buddhist faith, and they all deserve to express their faith freely. Mr Folau should be able to as well.

The persecution of Christians has occurred from the time that Christianity began—the time of Christ. I do not think the man who stands on the corner of George Street outside of Town Hall talking about the end being near comes down from his office at J. P. Morgan in his lunchbreak, but many Christians in our country are concerned that their faith is under attack. In terms of the Hon. Mark Latham's motion, I think it is clear that we support religious freedom in this country. It is clear that we recognise the right of all religious faiths to profess what they believe. I have had this concern for some time. During the same-sex marriage debate I expressed concern about Israel Folau's first chastising by Rugby Australia.

In saying that, I do not support all of the motion moved by the Hon. Mark Latham. I do have concerns particularly with paragraph (e) of the motion, which calls on the Government to develop leasing practices. I think that is a step too far. But I do support the tenets of the motion. I do support what the motion seeks to achieve, which is to stand by the right of people of all faiths to express their faith outside of the workspace and to not face consequences within the workplace for their faith. Many in Australia hold that concern at the moment and we in this place need to stand up for that concern.

**The Hon. WES FANG (10:34):** I support the freedom of religion. I have spoken before about how I am not a religious man. However, I do recognise that many in this State are. As a product of a fantastic multicultural society in Australia, my family covers a broad spectrum of religious beliefs. That is embraced and accepted. I have proudly defended the right of people of other religions to practise their faith here when ill-informed people have sought to restrict or blame them for whatever they feel they have taken offence to. Many of us have a friend on social media who wants to restrict immigration for certain religions or curb practices and traditions because they are "ruining the Australian way of life". I am often the other friend that we all have—or should have—who defends

the right of people to practise religion freely in this country because we are a tolerant nation that welcomes and embraces diversity and free speech.

It is now time to defend Christianity. I have become increasingly uncomfortable with the duplicity of some who embrace the need for freedom of religion for others while—pun intended—demonising the Christian faith. In the specific case that we are talking about today, while we will never know for sure, I cannot help but think that had the post been based on the beliefs of another religion, those who objected would perhaps have espoused their disagreement with an understanding and acceptance of freedom of religion and freedom of speech. Somewhere along the line we have become attuned to taking offence rather than voicing disagreement, particularly when it involves Christianity. I cannot in good conscience stay silent when I have always been prepared to defend freedom of speech and freedom of religion.

I do not agree with the sentiments of Israel Folau or his post, but I have a right to voice my disagreement, as do others. We should speak out, push back and explain why it is wrong. Debate is healthy. An increasing culture of offence and the silencing of those we disagree with is, I believe, lessening our society. If one's employment has now become contingent upon whether someone takes offence to a publically displayed religious belief then we are all on a very slippery slope in society. That is not a good direction for this State or nation to take.

**The Hon. PENNY SHARPE (10:36):** I support paragraphs (a) and (b)—those retained in the amended motion—of the motion moved by the Hon. Mark Latham. The right to practise religion is deeply personal and incredibly important to many people in our community. It is something that we must support and respect, which is why the first two paragraphs of the motion are right. I believe in religious freedom as strongly as I believe in all basic human rights. I come here as someone without belief, but I have had the amazing privilege in this job and throughout my life of working with people of all different faiths. We have found common ground and I respect the peace and love that they seek to find through their faiths—that is incredibly important.

I dislike this debate because it often gets turned into those who believe against those who do not and that we do not agree. I fundamentally reject that. The issue around freedom of speech is important and is something that we need to address. People should be able to speak freely. But they also need to understand that there are consequences. You cannot say whatever you like. There is a reason why this Parliament has had a very long debate on changes to hate speech laws. With that right come responsibilities. We have to understand that. The issue of Israel Folau is essentially a workplace contract dispute. I listened carefully to the comments of the Hon. Mark Latham and I think there are issues. But I am not going into the Israel Folau contract dispute.

Finally I put on record one particular voice that has not been spoken about in this debate so far: the voice of young people who are gay, lesbian, trans, intersex or bisexual. I put on record what happens to them and the impact this speech has on them. I speak today for kids who come from faith-based families that do not support the way they are. They struggle more than anyone else. It was easy for me. I came from a non-religious background and I was able to come out and I was able to be gay. That has been okay.

Some of those kids really struggle, and comments such as these have an impact. We have to remember that in this debate. There are kids who are harming themselves. There are kids who are killing themselves—who have killed themselves. You cannot pretend that there are not consequences of this. The way that we deal with these matters in relation to contract law and workers is important, but we also have to fundamentally understand that people have a right to freedom of religion and that is incredibly important. But we must understand that there are kids of faith who cannot find anyone because their families reject them because of that faith, and they need to find a way through that. We have to be conscious of that.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:39):** I support the motion. I start by saying that I think it is sophistry to suggest that parts of this motion are employment-related issues. To lose your job because you express a religious view on social media is nothing less than an attempt to silence you. In fact, that goes to the heart of what free speech is. It is not a matter of the construction of Israel Folau's contract, what he is allowed to do or whatever it is. This man has lost his job because he has a particular belief. Once you take the view that people can lose their jobs because of what they say or do, in those circumstances we are heading down the slippery slope of silencing people of belief. Benjamin Franklin once said:

Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech.

That sentiment was echoed by George Washington, who said:

... the freedom of Speech may be taken away—and, dumb & silent we may be led, like sheep, to the Slaughter.

The heart of the debate this morning is this House saying that no-one should be subjected to a circumstance where their job is under threat because of something they believe, and that expressing their views on social media and privately should be protected by us all. It is saying to all those people who are *Bible*-believing Christians that, in fact, you now must temper what you say in relation to your set of beliefs under the duress of potentially being

fired from your employment. I can think of nothing more fundamental than the obligation of this Parliament to enshrine that belief. In fact, the first two paragraphs of the motion go towards enshrining it, and I support those paragraphs. There is a lot more I could say on this issue. I am disappointed that this is a shortened debate because I am sure lots of members would like to say more in relation to it and to the impact on the Judaeo-Christian basis of our society. But in the circumstances, I use this as an opportunity to say that we ought be standing here in solidarity with all people who are of belief and their rights.

**The Hon. MATTHEW MASON-COX (10:42):** I associate myself with the motion brought by the Hon. Mark Latham and I stand with Israel Folau. I have been closely following this issue in the media, the outrage it has caused among some people and the response from Rugby Australia in relation to the actions that have been taken. I cannot help but think, particularly on this day—the seventy-fifth anniversary of D-Day, as some people have mentioned—how our young men and women fought for freedom on the beaches of Normandy and what they would think if they saw us here today debating the right to religious freedom and the right to express a view about your religion in the public square. I have become very concerned about the growing intolerance of a range of our commentariat and, indeed, what I would generally ascribe to the progressive or left-wing view in terms of what is acceptable to express in the public square. It has been going on particularly on social media, such as Twitter—an echo chamber, if you will, perpetuating its vile and intolerant views. It is about time we start to shine a light on some of these issues.

I am pleased to be able to speak to this motion today. When I woke up this morning I saw *The Daily Telegraph's* headline "The war on truth" and could not help but reflect that this debate was coming on this morning. On page 5 of *The Daily Telegraph* the one and only Australian Rugby League Commission chairman, Peter Beattie, was having a Voltaire moment. He made the point in relation to a small group of Aboriginal rugby league players that they had the right to be silent and not sing the national anthem, and that he respected that right because they—in the words of Voltaire—had a view and they had the right to express it even though we might not agree with that view. This is a case in point, obviously, in relation to Israel Folau. In the short time left, I cannot help but think of the hypocrisy of Mr Peter Beattie in relation to Israel Folau, particularly when he said— [*Time expired.*]

**The Hon. MARK LATHAM (10:45):** In reply: I particularly thank the six members who spoke for the motion in positive terms. To address the point made by the Leader of the Opposition in saying that he did not want to get involved in an employment dispute: What was the Labor Party born for? What was the Labor Party formed for?

**The Hon. Adam Searle:** You are mischaracterising what I said.

**The Hon. MARK LATHAM:** They say that they are not interested in employment disputes. I have heard a lot of rhetoric in first speeches about the true meaning of the Left. There used to be a golden rule: If one person—just one person—had his or her rights wiped, all of us went to the barricade. That is what I am saying: Here is one individual who has been badly treated—by Qantas, in effect—and the House should be defending his rights and his religious freedom. The evidence I have read out and the material presented by Raelene Castle shows beyond doubt that Israel Folau was sacked by Qantas. That is what has happened. The problem is that institutions of civil society—sporting codes—have now been purchased holus-bolus by big companies. Big capital owns the sporting codes that used to be run by working men and women who would gather around parks and grounds to form associations in civil society to get together and play the game they loved. That is now controlled by big capital.

Sponsorship means that the people running the codes do what the sponsors want. In this case, we know the views of Mr Joyce, we know the dictatorial attitude he has on these matters, and we know that he is behind the rubbing out of Israel Folau. That is more reason to defend this citizen of New South Wales. For those who say they believe in class analysis, here is the test: Do they vote for Qantas or do they vote for the worker, the employee, who has been rubbed out? Do those who came here and said, "I am union! Solidarity forever," vote for Qantas or do they vote for the citizen, the employee, who has been rubbed out? In this debate, will those who said they come here to defend the downtrodden vote for Qantas or will they vote for the employee who has been rubbed out for no other reason than articulating his religious views well away from the workplace? He did not have the post on his jumper when he ran out at Allianz Stadium. He did not have the post on his post-match interview record when he spoke after a Wallabies win or loss. It was well away from the workplace.

This is the excessive use of big corporate power in our society. You have to get the balance right. I am not opposed to the private sector; people would know that. But we need the correct balance between private sector, public sector and civil society. It is not just Rugby Australia; I will raise a matter later in the day concerning the National Rugby League. When these important sporting associations are taken over by the power of big money, big capital and sponsorship and act as slaves and servants of the corporate interest, then we have lost so much in

our society. This is not just about religious freedom; it is about one of the important institutions in civil society. On all those grounds the motion should be supported and I reject the amendment.

**The PRESIDENT:** The Hon. Mark Latham has moved a motion, to which the Hon. Adam Searle has moved an amendment. The question is that the amendment of the Hon. Adam Searle be agreed to.

**The House divided.**

Ayes .....26  
Noes .....6  
Majority.....20

**AYES**

Blair, Mr	Boyd, Ms A	Buttigieg, Mr M
Cusack, Ms C	D'Adam, Mr A	Donnelly, Mr G (teller)
Faehrmann, Ms C	Fang, Mr W	Field, Mr J
Franklin, Mr B	Graham, Mr J (teller)	Harwin, Mr D
Houssos, Mrs C	Hurst, Ms E	Jackson, Ms R
Mallard, Mr S	Martin, Mr T	Mookhey, Mr D
Moriarty, Ms T	Pearson, Mr M	Primrose, Mr P
Searle, Mr A	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Veitch, Mr M	

**NOES**

Amato, Mr L	Banasiak, Mr M	Borsak, Mr R
Latham, Mr M (teller)	Mason-Cox, Mr M	Roberts, Mr R (teller)

**Amendment agreed to.**

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

**Motion as amended agreed to.**

*Documents*

**COUNTRY UNIVERSITIES CENTRE**

**Production of Documents: Order**

**The Hon. ADAM SEARLE:** I move:

That private members' business item No. 69 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (10:59):** I seek leave to amend private members' business item No. 69 outside the order of precedence by omitting "Department of Planning and Industry" and inserting instead "Department of Industry".

**Leave granted.**

**The Hon. ADAM SEARLE:** Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Industry, TAFE NSW or the Deputy Premier and Minister for Regional New South Wales, Industry and Trade:

- (a) any correspondence from any representative of Country UC Ltd or Cooma UC Incorporated relating to the seeking or approval of any award or grant of funds by the Government to Country UC Ltd or Cooma UC Incorporated;
- (b) any correspondence to any representative of Country UC Ltd relating to the seeking or approval of any award or grant of funds by the Government to Country UC Ltd or Cooma UC Incorporated;
- (c) any correspondence from any member of Parliament relating to the seeking or approval of any award or grant of funds by the Government to Country UC Ltd or Cooma UC Incorporated;
- (d) any correspondence to any member of Parliament from the Government relating to the seeking or approval of any award or grant of funds by the Government to Country UC Ltd or Cooma UC Incorporated;

- (e) any advice prepared on behalf of the Government relating to the seeking or approval of any award or grant of funds by the Government to Country UC Ltd or Cooma UC Incorporated;
- (f) any other document relating to the seeking or approval of any award or grant of funds by the Government to Country UC Limited or Cooma UC Incorporated; and
- (g) 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 will not weary the House by reciting why this call for papers has been put to the House. Honourable members will recall question time on 29 May, and indeed the following take note debate. Let me make this very clear: We are not seeking to target any person, particularly not any person who is a member of this House. What we are doing is seeking to understand through the call for papers the decision-making process of government and the probity and integrity of those processes.

For the benefit of members, it is quite clear that there is an issue here. The Deputy Premier, who then was the relevant Minister for Skills, made a decision to give an \$8 million grant to a charitable body to expand its operations, which were then based in Cooma in his electorate of Monaro. The grant was to assist it to expand to a number of other locations in regional New South Wales. There was no tender process and, as the Hon. Daniel Mookhey said in his take note contribution, in order to deal with a direct application or approach of that nature, the business or body being dealt with has to either provide a monopoly service or some unique service. As far as we can see the Country Universities Centre and the other entity in the resolution satisfies neither of those criteria. Why did the Minister and the Government approve an \$8 million grant to this body in particular to provide the services it provides?

We know it is based in his own electorate. We know the person controlling the body is connected to The Nationals. Obviously it is a matter of record that that person is also related to a member of this Chamber. That is just an additional feature. The crucial issue here is why the \$8 million grant was given to this body in particular without a tender process, and what assessment was made by the Government. It may be said that \$8 million is not a lot of money for some people. Maybe in a budget of some \$70-plus billion it is a small percentage, but nevertheless it is in fact a significant amount of public money, taxpayers' money. The people of New South Wales have a right to understand why this body, above others that could have been delivering this service, was chosen. Was it because it was based in the Minister's electorate? Was it because he knew the people involved? Or was there some other reason? The call for papers seeks the documents referred to for that purpose to interrogate the integrity of the process of government in making this public money available in the way that it has. I hope honourable members will support the call for papers.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (11:03):** I speak on behalf of the Government on this motion for the production of papers which we will not be supporting. As the Leader of the Opposition said in his address, over the last couple of weeks the Opposition has asked more than 10 questions relating to the Country Universities Centre [CUC], none of which have provided any real evidence or basis for any of the allegations made. It is clear from this motion that Labor is not focused on the outcomes for rural and regional students; it would rather resort to a desperate political ploy. If it did have any sense it would recognise the value that local communities and students place on the Country Universities Centre.

These centres are helping students gain a university degree that may not have been otherwise possible. They are providing students from regional and remote areas with improved learning experiences and they are seeing more students become the first members of their family to study for a university degree. These are worthy outcomes that I thought those opposite would support. One would think they would support a person such as Hannah Schultz, a Broken Hill local in her final year of an education degree through Swinburne University of Technology, which she completes via distance education. Last year Hannah received a Certificate of Academic Excellence for receiving top marks in one of her courses while studying full time, working part time and raising baby twins. These are the sorts of people whom these centres are supporting. Hannah is also the recipient of a teach.Rural Scholarship from the Department of Education. This is what Hannah had to say:

It can be a challenge, but over the past 12 months my grades have improved through the assistance and the support available at the Country Universities Centre Far West.

What a ringing endorsement. Instead of trying to score cheap political points by destroying the reputation of the CUC, I would encourage those opposite to support students in our regions having the opportunity to engage in higher education closer to home. The Leader of the Opposition mentioned a centre located in Cooma, which is true. I also encourage the Opposition to think about and support the CUC facilities in other communities, such as Narrabri, Moree, Grafton, Griffith and Leeton. Anyone who is passionate about education knows how regional communities are benefiting from greater access to education. I encourage all members to oppose this motion and not reward what is frankly a desperate attempt by the Opposition to impute the reputation of a great community organisation.

**The Hon. WES FANG (11:05):** I also speak against this unnecessary motion for the production of papers. Labor has made it clear that it is so lacking in ideas to improve the lives of people in this State that it would rather subject this House to a cheap political stunt. It has resorted to a baseless smear campaign designed to impute the reputation of an organisation that is providing better outcomes for rural and regional students. It has resorted to gutter politics and this is a clear sign of desperation to make up for its lack of leadership. Where is your leader? Unlike those opposite, this Government is committed to delivering the highest quality of education for everyone, regardless of their background.

**The Hon. Adam Searle:** Point of order: My point of order is relevance.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I am reading the motion now for that very reason. I remind all members that there is an expectation that one will be relevant to the motion before the House. This is not a motion, for instance, condemning the Country Universities Centre; it is a call for papers. I invite the Hon. Wes Fang to consider the terms. I will not rule him out of order and sit him down, but I invite him to address the motion.

**The Hon. WES FANG:** Those opposite are running this baseless smear campaign against the Country Universities Centre and their call for papers is—

**The Hon. Adam Searle:** To the point of order: The honourable member has clearly not heard the invitation from the Deputy President. He is not addressing the motion. He is in fact attacking the Opposition for something which, as far as I can see, is not in the motion. There is no attack on this body. It is a call for papers.

**The Hon. WES FANG:** To the point of order: The call for papers is clearly targeting a member of this House. It is clearly targeting that relationship with the Country Universities Centre. To raise that issue is not outside the realms of the motion.

**The Hon. Adam Searle:** Further to the point of order: The observations made by the honourable member have no factual foundation. There is no mention of any member of this House in the call for papers. The fact is it is a call for papers directed to two bodies and government agencies. He is not coming within cooee of addressing the call for papers motion.

**The Hon. Sarah Mitchell:** To the point of order: The motion clearly states that it is asking for correspondence relating to any member of Parliament. That would include members of this House.

**The Hon. Adam Searle:** Further to the point of order: A call for papers is not an attack. The fact that members of Parliament may or may not have written in calling for those papers is not an attack on any person. Members opposite must be very sensitive about what these papers may reveal to clutch at straws in such a fashion.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I note the member's time has expired.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (11:08):** On the last occasion that there was a call for papers in this manner the Hon. Mark Latham articulated precisely the circumstances in which his party would support these calls for papers, some of which went to the legitimate forensic purpose that the call for papers was addressed to. The call for papers is, in one sense, analogous to the issue of a subpoena. The Hon. Mark Latham articulated very well that this place should not become a receptacle for all the papers of government. The debate in respect of the Country Universities Centre has been conducted in the manner of a smear of the Minister's husband. On this occasion, the purpose for which these papers have been called is a fishing expedition to continue that smear. On that basis, the Government will be more principled than to embark on this process of multiple calls for papers for the purpose of continuing that smear.

Further, in considering these calls for papers, members must be cognisant that it takes a significant amount of resources to comply. I am not saying this on the basis of not wanting to be transparent; there are sometimes legitimate forensic purposes to call for papers. In circumstances where the Government is asked to utilise its resources in this way, simultaneously we are saying those resources will not be used for some other purpose. That should occupy our minds at the time that these sorts of motions are moved. I oppose the motion. It is a continuation of a desire to continue a smear.

**The Hon. ADAM SEARLE (11:11):** In reply: I thank the honourable Minister and other honourable members for their contribution. I assure members of the House of the legitimate forensic purpose—if, in fact, that be the test for these matters, which I am not entirely sure about. I refer members to my take note debate address on 29 May 2019 in this place. The Opposition seeks papers for the legitimate forensic purpose of determining why the Government gave an \$8 million grant to this particular entity, without a tender, 40 days after it was incorporated or formed. That is the beginning and the end of it. There is no attack on the work done by the body. I take the point made by the Minister about the desire to give people in rural and regional Australia access to

higher education. That is an objective that all members in this place support. Let me be very clear: There is no imputation against, or attack upon, the work being done by Country UC Limited.

This call for papers is directed to the Government and the administrative processes by which it applied \$8 million of taxpayer funds to an entity that just happens to be based in the then-Minister's electorate and just happens to be run by someone well known to him. That is a matter the House has the right to inquire into. It is not a smear campaign; it is a search for information. I urge honourable members, in the spirit of transparency of government, to support this motion. I conclude on this point: It is a bit rich for the Minister to make the point about the diversion of government resources. How was the modern call for powers paper revived in this Chamber? It was revived by those opposite and by the crossbench, holding the government of the day to account when it refused to produce papers. I remind those opposite of that matter and the many matters they pursued during the time of the Labor Government.

**The Hon. Damien Tudehope:** We did it properly.

**The Hon. ADAM SEARLE:** You might claim it was done properly. These are always matters for debate—matters of degree and balance and judgement. Ultimately, it is determined by the will of the House.

[*Business interrupted.*]

#### *Visitors*

### VISITORS

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I welcome to the gallery year 11 students from high schools in New South Wales who are attending the Young Women's Leadership Seminar conducted by Parliamentary Education .

#### *Documents*

### COUNTRY UNIVERSITIES CENTRE

#### Production of Documents: Order

[*Business resumed.*]

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

**The House divided.**

Ayes .....20

Noes .....17

Majority.....3

#### AYES

Banasiak, Mr M  
Buttigieg, Mr M  
Faehrmann, Ms C  
Hurst, Ms E  
Moriarty, Ms T  
Searle, Mr A  
Shoebridge, Mr D

Borsak, Mr R  
D'Adam, Mr A  
Graham, Mr J (teller)  
Jackson, Ms R  
Pearson, Mr M  
Secord, Mr W  
Veitch, Mr M

Boyd, Ms A  
Donnelly, Mr G (teller)  
Houssos, Mrs C  
Mookhey, Mr D  
Primrose, Mr P  
Sharpe, Ms P

#### NOES

Amato, Mr L  
Fang, Mr W (teller)  
Harwin, Mr D  
Maclaren-Jones, Mrs  
(teller)  
Mason-Cox, Mr M  
Tudehope, Mr D

Blair, Mr  
Farlow, Mr S  
Khan, Mr T  
Mallard, Mr S  
Mitchell, Mrs  
Ward, Mrs N

Cusack, Ms C  
Franklin, Mr B  
Latham, Mr M  
Martin, Mr T  
Roberts, Mr R

#### PAIRS

Moselmane, Mr S

Taylor, Mrs

**Motion agreed to.***Condolences***THE HON. MILTON ARTHUR MORRIS, AO, FORMER MEMBER FOR MAITLAND AND A FORMER MINISTER OF THE CROWN**

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

That private members' business item No. 50 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. TAYLOR MARTIN (11:23):** I move:

1. That this House notes with sadness the death of Milton Morris AO, former member for Maitland, on 27 February 2019.
2. That this House notes that:
  - (a) Mr Morris was member for Maitland from 3 March 1956 until 29 August 1980; and
  - (b) Mr Morris served as Minister for Transport, Minister for Lands, Minister for Forests, and Minister for Decentralisation and Development in the Askin, Lewis and Willis governments.
3. That this House passes on its condolences to Mr Morris' family and friends and the Maitland community members who remember his passion for the region.

I pay tribute this morning to the Hon. Milton Arthur Morris, AO, who was a giant of the Liberal Party, but most importantly, a giant of Maitland. Milton passed away on 27 February 2019. He represented the electorate of Maitland in the other place for 24 years from 3 March 1956 until the 1980s. He served as Minister for Transport, Minister for Lands, Minister for Forests and Minister for Decentralisation and Development in the Askin, Lewis and Willis governments. Premier Gladys Berejiklian described him as embodying the spirit of civic responsibility with his commitment to improve the lives and make a difference for people in this great State.

Mr Morris made his mark in the Transport portfolio, which he served in for almost 10 years in the sixties and seventies. During this period as Minister, Mr Morris introduced mandatory seatbelt laws, breathalysers, L- and P-plates and speed radars on New South Wales roads. This led to the death toll from car accidents dropping from 1,300 in 1965 down to 700 when he finished as the Minister—a remarkable statistic considering the number of vehicles registered in the State more than doubled from 750,000 to over two million in that period. This is a legacy that we in this Chamber can only hope to come close to achieving in our term. His legacy is the tens of thousands of people who are still living and loved by their families, and the hundreds of thousands of people who still have their parents, children, family and friends in New South Wales.

In the Transport portfolio, Mr Morris also saw the planning and initialisation of major construction work on the eastern suburbs railway line. This was a project that had been envisioned for decades. Plans had come and gone and construction in some parts had even started in the decades prior, but had stopped. It is doubtful that if not for Milton Morris—Mr Maitland—who had a love of trains, that the project would ever have been a reality. As the Minister for Transport and Roads in the other place noted yesterday:

The last time we saw government build a new rail tunnel under the city was 50 years ago, thanks to him. It is very pleasing we are now doing that today.

When Mr Morris entered Parliament in 1956, it was a vastly different time. In his first speech in the Legislative Assembly he said:

Another matter that will require our urgent attention is described in a word that has been coined in recent years, "automation". It is the name given to what we might call the exciting realities of the new advances in mechanisation.

I cannot help but wonder what Mr Morris would have thought of the new driverless Sydney Metro that is already operating between north-west Sydney and Chatswood, which will soon be going under the city. While Mr Morris made his mark on this State, he was first and foremost the member for Maitland. He loved his electorate and given he was elected on nine separate occasions, his electorate loved him as well. I listened with interest to the member for Ku-ring-gai who spoke yesterday about his memories of Mr Morris as a "Liberal colossus" in that member's pro-Liberal household. In Mr Morris' obituary, his former press secretary wrote that on his days in his electorate office he would wear a frayed sports coat so "the Minister" did not intimidate the little old ladies who came to see him with their problems. I am also told that he would regularly visit the schools to talk to the students. After school he would stand at the gates and the students would then introduce Mr Morris to their parents.

Unfortunately, I never had the opportunity to get to know Mr Morris personally, but I know that he was well loved by the Maitland Liberals and his community. When reading through the comments section in the local

papers about his death, it seemed that everybody had a fond memory of Mr Maitland. I offer my condolences to his family, children and grandchildren, as well as his friends, but also to his long-term staffer Kay Sharp. I acknowledge the final words of *The Maitland Mercury* editorial regarding the passing of Milton Morris, AO, which are relevant in this Parliament where he served as a Minister:

Despite all he accomplished and the many lives he improved, it will undoubtedly be difficult for Mr Morris' family, his city and his region to accept that he is no longer with them in body, but we can but hope our leaders carry on in his spirit.

**The Hon. ADAM SEARLE (11:28):** On behalf of the Labor Opposition, I acknowledge the passing of the Hon. Milton Morris and pay tribute to his remarkable legacy and associate the Labor members of this House with this motion of condolence. Milton Morris was referred to colloquially as Mr Maitland, so clearly was he identified with the community he served for so many years. Yesterday much was said about Milton in the other place. There were many positive reflections on his lengthy parliamentary career, the landmark legislation that came into effect during his time as the Minister for Transport and the lives he saved through his vision and tenacity. His was a proud record.

Mr Morris first joined the Parliament in 1965 as the State Liberal member for the seat of Maitland and retained the seat for a record term of 24 years. He was returned at nine consecutive elections. During his tenure in Parliament he was Minister for Transport for a record term of 10 years between 1965 and 1975. I think he is the longest serving transport Minister of this State. He is remembered as the Minister who halved the road toll in a 10-year period, while the number of registered motor vehicles more than doubled. He introduced the compulsory wearing of seatbelts, brought in the use of P-plates and a points licence system, brought in radar speed detection and the breathalyser, oversaw the construction of Sydney's eastern suburbs railway and introduced double-decker trains. He is also remembered for allowing women to become bus drivers and for granting Maitland's first ever female taxidriver, Una Farley, her licence. His proud record saved tens of thousands of lives.

Milton also served as Minister for Lands and Minister for Forests in 1975 and as Minister for Decentralisation and Development in 1976. He was so effective as a politician that in 1977 he received telephone calls from nearly half the State Liberal members in Parliament asking him to stand for either the position of leader or deputy leader of his parliamentary party. He did not entertain the notion because his first commitment was to the people of Maitland. He said in *The Maitland Mercury*, "The cold facts are that to be leader of the parliamentary party I'd have to live in Sydney and there would be considerably less appearances in my electorate than would suit me." What a gentleman!

His holding of the Transport portfolio was the realisation of a family dream. Both sides of his family had strong links to the railway. It is appropriate that he was the highest railway authority as Minister for Transport. Upon Milton's election in 1978 the then Opposition Leader, John Mason, said that he asked Milton to name any job in the Shadow Cabinet but Milton declined because he wanted to be free-ranging and not tied down to any specific responsibility. Mr Mason said in *The Maitland Mercury*, "His words of counsel and his advice are carefully weighted and heavily relied on. I don't know of any member whose words are more closely listened to." Part of the reason for this is that Milton was renowned for working with whomever he needed to so as to achieve outcomes for his electorate and the State.

A journalist in the *Newcastle Herald*, Helen Gregory, wrote in 2011, "Morris ensured that local MPs announced any transport matters in their own electorates. He decided to let the Labor member for Newcastle and good friend Arthur Wade make the announcement about the installation of traffic lights at the Nineways in Broadmeadow. It was the first time traffic signals had been used to control the number of roads that converge at that site." The Liberal Party and the local branch complained about the important announcement being left in the hands of a local member. The then Premier, Robert Askin, drew Morris aside after a Cabinet meeting to inform him of the complaints. Mr Morris said, "The day the Liberals win the Newcastle seat they will make the announcements. The local member in these days is supreme." He was truly a gentleman and showed true respect for all local members and their electorates regardless of their political affiliation.

Milton was justifiably proud of his ability to get things done without unnecessarily making enemies. Part of his success and enduring respect was fairness. He treated members of Parliament equally as representatives of their constituencies, irrespective of persuasion. In 1994, in the *Hunter Valley News Weekend*, he reflected, "One of the deteriorations and sad turns in politics today is the bitterness, rancour and personal attacks which are now resorted to in Parliament." Milton Morris is an exemplar of an age of politics that has passed but we have so much to learn from him and his like. [*Time expired.*]

**Reverend the Hon. FRED NILE (11:33):** I knew the Hon. Milton Morris on a personal level outside the Parliament from his work in the churches in Newcastle and Maitland. He was a very active Christian and lived his faith in every way. He had a great reputation with the people of Newcastle and particularly the people of Maitland. He was very active in the Mayfield Baptist Church and was a leading member of that church. He often

accepted positions of chairman of various organisations. He was very supportive when I was a director of the Australian Festival of Light Community Standards Organisation and was chairman of the advisory body of that organisation. Milton Morris often took on leadership roles in addition to his parliamentary role and his role as a Minister for Transport. I state for the record my very warm memories of Milton Morris. May God bless him.

**The Hon. BEN FRANKLIN (11:34):** I speak to the condolence motion of the Hon. Milton Morris, who was an exemplary Australian politician and long-serving member for Maitland from 1956 to 1980. Joining the Liberal Party in 1954, he held various portfolios including the Minister for Transport from 1965 to 1975. As my colleagues said earlier, he was instrumental in introducing many of the road safety measures in use today including the breathalyser, radar speed traps and the requirement to wear seatbelts. Potentially he can be remembered in this Parliament for having saved more lives in this State than any other individual. Because of that, his contribution should be marked accordingly.

Born in April 1924 in Mayfield, New South Wales, Milton Morris joined the Royal Australian Navy before moving to the part-time Volunteer Defence Corps serving as an anti-aircraft gunner. Known as "Mr Maitland", Mr Morris was preselected for the seat by the Liberal Party after the retirement of Mr Walter Howarth and would go on to hold it over the next 25 years, becoming Maitland's longest serving member—a record that stands to this day. He became Minister for Lands and Minister for Forests, and Minister for Decentralisation and Development before resigning his seat in 1980 to contest the New South Wales Federal seat of Lyne for the Liberal Party. It was a three-cornered contest and while Mr Morris beat the Labor Party on preferences I am delighted to say that he fell just short of the National Country Party candidate and wonderful public servant Bruce Cowan.

While Mr Morris never contested another election he said he had no regrets in his political career. In 2008 he told *The Maitland Mercury* that if given the chance again he would "... jump at it, I loved every minute of it." It highlighted his love of representing people and his community in Parliament and was testament to a career and contribution to politics that he saw as both a service and a privilege. Throughout his political career he was awarded many honours. In 1988 he was awarded the Officer of the Order of Australia for his contribution to politics, youth and the community. In 1989, for his service to Poland and its people, Mr Morris was given the Officer's Cross of the Order of Poland. In 1993 the Thalaba Baptist Church asked the retired politician to do a service, which led to a 25-year tenure at the church. I acknowledge the remarks of Reverend the Hon. Fred Nile in that spiritual space.

Morris celebrated 66 years with his wife, with his four children, 18 grandchildren and 18 great-grandchildren. He was officially farewelled by the Maitland community, remembered as a man of integrity and mentor to many. The New South Wales Premier, Gladys Berejiklian, said in her eulogy that he "embodied the spirit of civic responsibility with his commitment to improve the lives and make a difference for people in this great State." I offer my condolences to his family. May he rest in peace.

**The Hon. MATTHEW MASON-COX (11:37):** I pay tribute to a titan of the Liberal Party, a man whom I was not fortunate enough to know personally but whose legacy affects all of us and our families. We all live in a safer New South Wales as a result of the far-reaching reforms that Milton Morris oversaw. Indeed, he was a man whose vision was far ahead of his time. It is people like that who deserve to be celebrated. I was particularly moved by the comments of the Hon. Adam Searle and the bipartisan nature of this acknowledgement and tribute to the service of a great man of the Liberal Party.

As anyone who has children of driving age would appreciate, I recently have been through many hours in the car with a learner driver and have now gone through 120 hours of supervision twice. Last Monday my daughter Clare was successful in obtaining her driver licence. As I was waiting at the motor registry office, my fingers twiddling, saying to myself, "I hope I don't have to console her again", I could not help but reflect on the contribution of Mr Morris. When we were driving around Queanbeyan, in the final hours of parental supervision, we were pulled over by the police for a breath test. That was all put in place so many years ago by this great man. I could not help but share that with the House. To remember him and his legacy is very important not only to the Liberal Party but also to this Parliament. I, too, thank the Hon. Taylor Martin for bringing the motion to the House. I pass on my sincere condolences to his family. May he rest in peace.

**The Hon. CATHERINE CUSACK (11:39):** I make a brief contribution in honour of Milton Morris. I first heard from Morris, I think, in 1985 when I was elected Young Liberal President. I received a letter from him congratulating me and giving me some positive advice about how I could conduct myself in that role. He was famous in the Liberal Party. He wrote many, many letters, all of them positive and revering the institution of Parliament and politics. I acknowledge the comments that have been made. We all wear hats as politicians but we are also privileged to wear another hat as parliamentarians. They are quite different roles and we have a duty to do our best in both of those roles.

Milton was such a diligent and thoughtful parliamentarian. He was a humble man, humble about being in this place, which explains people's respect and love for him. I knew him vicariously through my mentor the Hon. Virginia Chadwick and former Senator John Tierney, whom many of us know. Not many political representatives for the Liberal Party come from the Hunter. These gallant representatives always emphasised that those in the Hunter worked together. The Hunter is a very parochial place and Milton pioneered that ethic across party lines. Maitland is a very competitive seat. A lot of effort and money is spent in winning a marginal seat like Maitland. The contest is always heated, as it was recently. Milton had the capacity to be positive with everybody, respecting their roles as representatives and parliamentarians. That ethic has been terrific in the Hunter and for the Hunter. I place that on the record and say how proud I am that Milton represented my party in this place.

**The Hon. TAYLOR MARTIN (11:42):** In reply: I acknowledge the contributions made by my colleagues in the upper House: the Hon. Adam Searle, Leader of the Opposition; Reverend the Hon. Fred Nile, Leader of the Christian Democratic Party; the Hon. Ben Franklin; the Hon. Matthew Mason-Cox; and the Hon. Catherine Cusack. I acknowledge also those who spoke on a condolence motion for Mr Morris in the other place yesterday including the Premier, the Minister for Transport and the members for the electorates of Charlestown, Heffron, Keira, Ku-ring-gai, Maitland, Port Stephens, Strathfield and Terrigal. I extend our condolences to the Morris family and his friends on behalf of this House. I commend the motion.

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

**Motion agreed to.**

#### *Bills*

### **PLASTIC SHOPPING BAGS (PROHIBITION ON SUPPLY BY RETAILERS) BILL 2019**

#### **First Reading**

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

#### **Second Reading Speech**

**The Hon. PENNY SHARPE (11:44):** I move:

That this bill be now read a second time.

I am proud to introduce, for the second time, a bill to ban single-use plastic bags in New South Wales, the Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2019. Nearly 1,000 days ago I introduced a similar bill to this Parliament and unfortunately Government members at that time decided that they could not support it. Time has since passed and we are in a newly elected Parliament, so it is time to put the question afresh. When introducing the previous bill I said that it should not have taken this long to address the issue, yet more than 2½ years later no progress has been made by the Government when it comes to plastic bags and very little is being done around plastic pollution. At the time of that bill one Australian State and two Territories had implemented a ban on single-use plastic bags. Now every State and every Territory has introduced a ban, all except one of course—New South Wales.

**The Hon. Sarah Mitchell:** Hear, hear!

**The Hon. PENNY SHARPE:** "Hear, hear", I hear the member opposite say. It is embarrassing that New South Wales has not progressed on this matter; 1,000 days ago we could have been one of the leading States in this area. As members know, there has been a national process around dealing with plastics. This is not a radical, Left or Right issue; this is something that has been pursued through the ministerial council for several years. Prior to the previous environment Minister, New South Wales was leading the discussion but because we were too embarrassed to take action on this very small but important issue we now lag behind every other State. We have a new Parliament and a new environment Minister who so far has shown some promise in at least taking an interest in the environment.

The bill is brief and simple. As with the previous bill, it will reduce waste and landfill and lessen the other negative environmental impacts of plastic bags, including their often fatal interaction with marine life such as turtles, dolphins and whales. The bill before the House was initially drafted based on the successful Australian Capital Territory ban and has since been updated with an eye towards the latest laws introduced by Queensland. The bill provides that retailers cannot provide single-use, lightweight polyethylene bags with a thickness of less than 35 microns to their customers. These bags would be banned, as they cause significant damage and are more likely to be littered than other forms of plastic bags. The penalty for providing such bags is up to 50 penalty units or \$5,500.

Retailers would be able to provide or charge for alternative reusable bags which have a much smaller environmental impact and are less likely to enter the litter stream. The bill does not prevent the supply of any of the following bags, and this is important because people always ask me: a plastic bag that is an integral part of the packaging in which goods are sealed prior to sale; barrier bags such as those dispensed from a roll that is intended to be used solely to carry unpackaged perishable food; bin liners; and heavy retail bags typically used by clothing and department stores. As I said last time, in case anyone missed it, that also means nappy bags and dog poo bags would still be allowed.

**The Hon. Damien Tudehope:** That is the best bit.

**The Hon. PENNY SHARPE:** Gotcha. One update to the previous bill is the inclusion of so-called biodegradable bags as prohibited bags if they meet the specification of being lightweight bags with a thickness of less than 35 microns. We have found through research that while there is some labelling of these bags that they are biodegradable, they are not biodegradable in the ocean or waterways. They are still causing as much damage in relation to microplastic as everything else. The bill has been updated to reflect that. The bill provides for a six-month transition period during which a retailer and community education campaign would be required to ensure compliance and support the increased uptake of reusable shopping bags by the community.

Another new inclusion in this bill is a review of the laws after two years. There will be people who do not agree with the intent of the bill or who believe it will affect people's lives in significant ways that should not be contemplated. To those people I say we can give it a trial and review the laws after two years to ensure they are meeting their objectives. I understand that for some small businesses this is an impost and it will take time to transition. That is why the transition period has been included. We are not seeking to make this difficult for smaller retailers. Many of the large retailers have already moved this way. We want to get plastic out of the environment; that is the intent. This is a way to work together to do that and the bill reflects this intent.

The bill also stipulates that a retailer must not give to a person information about the composition of a plastic bag that the retailer knows or would reasonably be expected to know is false or misleading. There are a whole lot of dodgy bags currently on the market that are promoted as being biodegradable when they are exactly the same plastic bags as all the others. We need to stop that from occurring. Similarly, a manufacturer or distributor of plastic bags who sells, supplies or otherwise provides single-use plastic shopping bags to another person must not represent that the bags are not single-use plastic shopping bags if they know that they are single-use bags. This also carries a penalty. Given the previous bill was not supported, perhaps people are wondering why Labor would bring it back again. The fact is that the spread and threat of plastics in Australia and around the world has only become worse.

For example, the Gulf of Carpentaria is the location of some of our nation's most remote beaches, yet Indigenous rangers have reported that it is now being inundated with some of the highest densities of rubbish in the world. In 2018 rangers in eastern Arnhem Land collected 2½ tonnes of rubbish, 500 kilograms more than in 2017 and roughly five times more than in 2016. Taronga Zoo estimated that one-third of all marine turtles have eaten plastic. It stated that the turtles mistake plastic bags for food and their ingestion can cause significant internal organ damage. Taronga Zoo stated that of the seven species of sea turtles six call Australia home. Sadly, three of those seven species are listed as endangered and three are listed as vulnerable. Taronga Wildlife Hospital has treated over 350 marine turtles since 1984, many with plastic-related illness.

More than eight million tonnes of plastic enter our ocean on an annual basis and this is set to increase. Every 11 years the amount of plastic we are producing doubles. I have not made up these facts; this is what Taronga Zoo found in its research. I acknowledge that all those plastics are not simply single-use plastic bags. There is substantial work that should be done in the immediate future to develop a plan to phase out all single-use plastics. We can do more and we should do more. Plastic has been a very useful material but our use of it has been excessive. We need to remember that every single piece of plastic that has been made still exists and has not broken down. It is in landfill and litter and increasingly it is finding its way into our food chain through fish and other animals eating it.

Banning single-use plastic bags not only will have an immediate positive impact on wildlife and the amenity of the natural environment but also will ensure that the community is part of the solution. Many people in the community are overwhelmed by the task of tackling the issues around climate change and the degradation of our environment. Across the State there are local plastic-free groups. I pay tribute to them in my contribution today. Communities are taking action but there is a role for government to support those efforts to make a big impact. I have said before that banning single-use plastic bags is a small but important step. More than 61 million bags are given out in New South Wales every year. Let us think about that. There are alternatives that are far less harmful to the environment. There is a way for the community to contribute to looking after our environment, as many community members already are.

Prior to the recent voluntary action of major supermarkets in New South Wales, 61 million bags were littered in the State annually. That figure is now estimated to be around 10 million bags. More than 70 per cent of the rubbish entering our oceans is identified as plastic, most of it contributed from plastic bags. The CSIRO estimated that 124 billion individual pieces of visible plastic are littering the Australian coastline, ranging from a few thousand pieces of plastic per square kilometre to more than 40,000 pieces of plastic per square kilometre. By 2050, 95 per cent of all seabirds will have plastic in their stomachs.

Plastic bag litter impacts marine life directly through entanglement and ingestion as well as indirectly through chemical effects. Once in the ocean plastic begins to break down into increasingly small pieces and enters the food chain. When ingested the plastic can cause marine species to choke, cause them to starve from a false sense of being full or cause inflation that prevents them from diving for food, which results in starvation. If not properly disposed of plastic kills up to one million seabirds, countless fish and 100,000 sea mammals each year. When those animals decay the plastic is released and spreads back into the environment, causing further harm. The cycle simply continues.

In New South Wales the next step is obvious and simple because it has been done and we know that it works. A review of the plastic bag ban in the Australian Capital Territory reported increased popular support for the ban and a reduction in the amount of bag waste appearing in litter audits conducted by Keep Australia Beautiful. The review found a 36 per cent decrease in the amount of plastic bag waste sent to landfill in the first two years, and that it was supported by more than two-thirds of Canberra grocery shoppers. My mum was not thrilled but she is quite used to it now. I am pleased she has her bags in the back of her car. Those supporting the ban said they did so for environmental reasons and agreed the ban had a positive effect on the environment. The review also reported a high degree of retailer compliance with the ban.

Using information from major retailers in the Australian Capital Territory, the estimated 171 tonnes of plastic bags that were being sent to landfill was reduced by hundreds of tonnes after the ban. In South Australia the move to ban the bag is estimated to have led to 400 million fewer plastic bags being used in that State every year. According to the Ehrenberg-Bass Institute for Marketing Science at the University of South Australia, more than nine in 10 shoppers now take reusable bags to do their shopping, compared to about six in 10 before the ban took effect. The majority of shoppers understood and supported the ban and adjusted their behaviour to take their own shopping bags or paid for bags when needed. There is broad support for this ban.

In July 2015 OmniPoll revealed 63 per cent of Australian residents and 64 per cent of New South Wales residents supported a ban on single-use plastic bags from supermarkets and stores in New South Wales. In States that have implemented a ban it has been found that shoppers quickly adjusted to taking their own bags and paying for bags when they needed them. The results are clear and positive. The change is down to the good work of organisations like the Boomerang Alliance and Clean Up Australia, among others, and the years of ongoing campaigning to get the issue to this point. I acknowledge the contribution of the late Ian Kiernan. His love for the ocean, his care for the environment and his desire to see the community take powerful action is a lesson for us all. The question is whether the Government is going to take this seriously and look at implementing a ban.

Previously the Government said there was no need for a ban because the large supermarkets had voluntarily stopped supplying single-use plastic bags. But if we could remove 100 per cent of littered plastic bags, why stop at the 80 per cent used in the supermarkets? When we can reduce the number of littered plastic bags from 10 million to zero, why stop at 10 million bags being littered each year? That is the standard that the Government must confront. I hope that the new Minister for Energy and Environment, who has so far shown great interest in taking action to save our environment, will take this matter seriously and move on plastics. We have an obligation to protect the environment for future generations. When it comes to protecting the environment there are some very hard decisions to make. There are many different stakeholders and there are winners and losers in all of this. The banning of single-use plastic bags is one of the easiest things that we can do that will make an immediate difference. The community is ready and business is willing. I commend the bill to the House.

**Debate adjourned.**

*Business of the House*

#### **WITHDRAWAL OF BUSINESS**

**Mr DAVID SHOEBRIDGE:** I withdraw private members' business item No. 76 outside the order of precedence. The Standing Order 52 motion related to the Office of Local Government and others regarding the Independent Pricing and Regulatory Tribunal report. The Government has kindly agreed to provide the report within the next week.

*Documents***VALES POINT POWER STATION AND ERARING ENERGY****Production of Documents: Order**

**Ms ABIGAIL BOYD:** I move:

That private members' business item No. 71 outside the order of precedence be considered in a short form format.

**Ms ABIGAIL BOYD (11:57):** I seek leave to amend private members' business item No. 71 outside the order of precedence on the *Notice Paper* by omitting the words "Department of Planning and Industry" and inserting instead the words "Department of Industry."

**Leave granted.**

**Ms ABIGAIL BOYD:** Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Treasurer, the Treasury, the Department of Premier and Cabinet, the Minister for Energy and Environment or the Department of Industry:

- (a) all documents relating to, and including, the contract for the sale of Vales Point Power Station to Sunset Power International Pty Ltd and a joint venture between Vales Point Investments Pty Ltd and Waratah Energy Pty Ltd;
- (b) all documents relating to, and including, the contract for the sale of Eraring Energy to Origin Energy; 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.

This Standing Order 52 motion concerns two coal-fired power stations sitting on the shores of Lake Macquarie that were sold by the Government during its sell-off of State-owned electricity generation businesses between 2012 and 2015. First, I address Vales Point. Vales Point is arguably Australia's most urban power station, situated in amongst residential areas and overshadowing parts of Lake Macquarie, which is popular with swimmers, boat enthusiasts and fishers. Built in 1978, this ageing power station has been involved in a string of regulatory issues. The community was disappointed the New South Wales Government did not tighten the Vales Point licence conditions at the end of last year to require it to install technology that is commonly used in other countries that would reduce its air pollution by up to 98 per cent.

In 2015 the Government wrote down the value of Vales Point by more than \$370 million and sold it for just \$1 million to Sunset Power International, owned by Trevor St Baker and Brian Flannery. The then Treasurer, Gladys Berejiklian, was reported as having said that the \$1 million price tag was actually above the station's true value and that the sale would save the State from ongoing losses and liabilities associated with Vales Point's scheduled shutdown in 2021.

Less than two years later, Sunset Power International valued Vales Point Power Station at \$730 million—730 times the amount it purchased the station for—and extended its operational life until at least 2029. At the time it was reported that Sunset Power International claimed the uplift in value was due to increasing wholesale electricity prices and lower coal prices. Two years after the investment, Sunset Power International shareholders extracted almost \$40 million of that windfall straight into their pockets. The facts surrounding the sale of Vales Point Power Station not only point to the obvious failure that has been this Government's privatisation of significant public assets, but also raise questions about the terms of the sale by the Government to Sunset Power International. Given the Government's ongoing failure to adequately regulate Vales Point Power Station, those questions must be answered.

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

*Members***REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS**

**The Hon. DON HARWIN:** I advise the House that the Hon. Bronnie Taylor is not present for questions today. In her absence, if members have questions to ask of her or of the Minister she represents, they should be referred to the Hon. Sarah Mitchell.

*Questions Without Notice***BEFORE AND AFTER SCHOOL CARE FUND**

**The Hon. ADAM SEARLE (12:00):** My question is directed to the Deputy Leader of the Government and Minister for Education and Early Childhood Learning. How much of the \$20 million allocated to the State Government's Before and After School Care Fund for the 2015 to 2018 period has, in fact, been spent?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:01):**

I thank the honourable member for his question about the Before and After School Care Fund. In 2015 the Government established the \$20 million Before and After School Care Fund as part of its election commitment to provide up to 45,000 additional before and after school care places in government and non-government primary schools. Between March 2015 and March 2019, there has been a net increase of 62,402 approved before and after school care places in New South Wales. In terms of the specific expenditure of the fund and the exact amount that has been spent, I will take that detail on notice, as I do not have the exact up-to-date figure with me in the House.

**SYDNEY FILM FESTIVAL**

**The Hon. SHAYNE MALLARD (12:02):** My question is addressed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on the Sydney Film Festival?

**The Hon. Walt Secord:** I missed that.

**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) (12:02):** So did I, but I hear it went well. There is every reason for all members to be excited about last night's opening of the 2019 Sydney Film Festival. Films will be screened at 10 venues across Sydney—including the State Theatre, the Cremorne Orpheum Picture Palace, the Ritz Cinema in Randwick and the Casula Powerhouse Arts Centre—giving opportunities for people throughout Sydney to attend this great festival. Now in its sixty-sixth year, the Sydney Film Festival is a must-see event on Sydney's cultural event calendar. I am pleased to say that Government support worth more than \$5 million over the next four years has been secured for this landmark event, which is a considerable increase.

**The Hon. Anthony D'Adam:** Is that all?

**The Hon. DON HARWIN:** No, it is not all. Through that support the festival will receive approximately \$1.2 million annually. On top of that, it will receive a further \$355,000 to expand the Travelling Film Festival to regional centres in New South Wales. That will provide the Sydney Film Festival with the certainty needed for planning its annual programming and touring schedule across the State, which this year will include a regional tour along the North Coast to Newcastle, Port Macquarie and Sawtell; along the South Coast to Wollongong, Huskisson—what a great little cinema that is, "Husky Pics"—and Ulladulla; and, in the State's west, to Tamworth and Wagga Wagga. It means that audiences will continue to enjoy some of the best films being produced here in New South Wales, across Australia and around the world. Of the 67 Australian films featured in this year's festival, 22 films have had support from the New South Wales Government through Create NSW. That is a great result.

Importantly, the Sydney Film Festival provides a platform for screen practitioners with disability to showcase their rich talents through the Screenability program. Supported by Create NSW, Screenability is an international program spanning drama and documentary and offering unique views on life through stories told by screen makers with disability. We should all feel proud of our homegrown filmmakers in New South Wales and the content they produce. I extend to them my personal congratulations and, no doubt, the congratulations of all members of the House. This year, as one of 13 global UNESCO Cities of Film, the Sydney UNESCO City of Film Prize will be awarded. It will provide invaluable recognition to a screen producer based in New South Wales—a trailblazer whose work represents innovation and imagination. I am proud of what we are doing. It is the Government's ability to manage a strong economy that allows us to support such important cultural festivals as the Sydney Film Festival.

**BEFORE AND AFTER SCHOOL CARE FUND**

**The Hon. WALT SECORD (12:05):** My question is directed to the Minister for Education and Early Childhood Learning. Given the Minister's previous answer and the education department's response to an 8 April Government Information (Public Access) Act [GIPAA] freedom of information application that stated only \$9.6 million of the \$20 million allocated to the fund was spent over the 2015 to 2018 period, what are the reasons behind this discrepancy?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:05):** I thank the member for his question, which mentioned a discrepancy. In my previous answer I said I was going to take that question on notice to get an exact figure. I did not mention a figure. If the member has got one through the GIPAA process, then that is the figure and I do not think there is a discrepancy.

**DOMESTIC VIOLENCE AND COMPANION ANIMALS**

**The Hon. EMMA HURST (12:06):** My question is directed to the Minister representing the Minister for Mental Health, Regional Youth and Women. Studies such as *Emerging Research on Animal Abuse as a Risk*

*Factor for Intimate Partner Violence* have found that in households with domestic violence and abuse there is also a high probability of animal abuse. It has also been found that up to 48 per cent of women delay leaving or have returned to violence out of fear for the welfare of their companion animals. What domestic violence services are available to accommodate female victims of domestic and family violence together with their companion animals?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:07):** I thank the Hon. Emma Hurst for the question she has asked of me on behalf of the Minister for Mental Health, Regional Youth and Women. It is an important question about what is probably an overlooked issue in domestic and family violence. The Minister whom I represent acknowledges the member's advocacy on behalf of animals since joining this House. I note that while the statistic mentioned in the question is from a 2007 study, it is of some significance and the New South Wales Government is taking steps to address the issue. In round one of the Government's \$20 million Domestic and Family Violence Innovation Fund, we have delivered funding for the Safe Families program.

Commencing in July 2017, RSPCA NSW in partnership with Dignity developed and piloted Safe Families to support an increased number of refuges to accommodate victims of domestic and family violence together with their pets. The package includes pet enclosures, food, veterinary support and training for refuge staff in basic pet care. By supporting refuges to accommodate victims and their pets together, Safe Families removes a barrier faced by victims with pets in accessing safe accommodation and improves the capacity of the domestic and family violence system to respond to the needs of victims with pets. Safe Families will support the NSW Domestic and Family Violence Blueprint for Reform 2016-2021 reform of the domestic and family violence system to develop flexible, client-centred services that respond to different types of client need.

**The Hon. EMMA HURST (12:08):** I ask a supplementary question. I thank the Minister for her answer and ask her to elucidate on the Safe Families program. How much accommodation will be available for victims of domestic violence with their companion animals?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:09):** I thank the honourable member for her supplementary question. Given that it has asked for more detail, and I am answering on behalf of another Minister, I will take the question on notice—as I am sure the member would expect—and seek advice on the question as soon as possible.

**The PRESIDENT:** That is a good example of a supplementary question.

#### STUDENT MENTAL HEALTH

**The Hon. WES FANG (12:09):** My question is addressed to Minister for Education and Early Childhood Learning. Will the Minister update the House on how the Government is supporting the mental health of New South Wales students.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:09):** I thank the honourable member for his question. I am proud that the New South Wales Liberal-Nationals Government is providing an unprecedented investment in the mental health of our students, having committed to the biggest program of support in over two decades. Since 2015 we have provided more than \$290 million in funding for mental health programs in our schools, along with developing prevention programs to build student resilience. Earlier this year we announced an additional investment of \$88 million to provide a full-time psychology position as well as a full-time youth worker in government secondary schools across New South Wales.

Student support officers will provide an approachable access point for students who might be experiencing a range of issues such as bullying, stress, and peer and family conflict. Where there are serious concerns, they will be escalated to the on-site school counsellor or school psychologist at the school. Recruitment of the additional 100 school counselling staff and 350 support officers needed to make this possible will start next month. This means that for the first time every high school will have two dedicated experts, making it easier for students to access a qualified mental health professional when they need support.

We especially want to ensure that our young people in isolated, rural and remote communities have better access to mental health support services. The impacts of the drought have played out in homes, families and communities, making mental health a key challenge facing young people, particularly in regional New South Wales. We have looked for new ways to provide counselling support in these communities, and as part of our mental health in schools program we are investing in an additional team of experts to work with students and teachers in regional and remote schools. This team will be supported by technology, allowing face-to-face discussions between students and counsellors, as well as onsite visits using fly-in fly-out teams to help strengthen interpersonal relationships.

The Department of Education is also partnering with leading mental health organisations to support schools in delivering best practice early intervention mental health support. Students will have access to evidence-based programs to build their resilience, help-seeking behaviours and mental health literacy. We are not only expanding mental health services for our high schools—our primary school students have not been forgotten in this initiative. Teaching skills to build resilience and manage anxiety, stress and bullying is critical for students to thrive at any age, which is why we are also partnering with the Buildcorp Foundation to deliver the Smiling Mind program in 400 government primary schools.

We know how vital it is that our young people receive the support they need when they need it most, which is why we are ensuring that our students have access to preventative and timely mental health support in schools. As Minister, I think this is an incredibly important initiative, particularly our commitment to students who might need extra support in school. Everyone in this House should support this initiative. The Government is very proud of it.

#### ST LUKE'S CATHOLIC COLLEGE NAPLAN RESULTS

**The Hon. MARK LATHAM (12:12):** My question is directed to the Minister for Education and Early Childhood Learning. Is the Minister aware of the decision of St Luke's Catholic College at Marsden Park in western Sydney to abolish exams and grades as per the principal's statement on ABC television that, "We don't do grades here at St Luke's because we do not believe competition is the best way to learn." Is the Minister aware of St Luke's 2018 NAPLAN results, where the school was either below or substantially below comparable schools in year 3 reading, grammar and numeracy, and year 5 reading, writing, grammar and numeracy—poor outcomes? While the Parliament supports strong and fair funding of Catholic schools in New South Wales, do the schools not have a responsibility to meet public expectations with regard to testing, grading, student competition to achieve excellence and using test results to identify students falling behind?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:13):** I thank the Hon. Mark Latham for his question. The question specifically related St Luke's Catholic College. Obviously that is a non-government school. As the member would be aware, I have no direct control over this school as Minister. Parents are able to make choices about the school that they want their children to attend. If parents have concerns with the schooling at a non-government school they should raise these concerns with either Catholic Schools NSW or the Association of Independent Schools of New South Wales. In relation to the importance of testing and the importance of celebrating student achievement, I can say that the New South Wales Government is a firm believer in both.

**The Hon. MARK LATHAM (12:14):** I ask a supplementary question. The Minister mentioned that she has no control over the non-government school. Could she furnish the House with some of the figures as to State Government funding for capital works at the school over the years and any other financial support that has been provided to the school?

**The Hon. Trevor Khan:** Point of order: Whilst the question referred to part of the answer that was given, there was a disjuncture between that part of the answer and the substantive supplementary question that the member was asking, notwithstanding that it was a good question.

**The Hon. Mark Latham:** To the point of order: The point of any supplementary question is to gain additional information relevant to the Minister's previous answer. Clearly the Minister said that she regarded herself as having no control over the school. It is then relevant to ask, under the mechanisms of public policy and funding, what are the arrangements by which the Minister might have some control. I think it is standard practice in any form of public administration that in funding an organisation you expect to have some regard and control over outcomes.

**The Hon. Damien Tudehope:** To the point of order: There is an assumption behind the question which says, "Because I contribute money, which may well be in the public interest, I also dictate the policy relating to that school." I submit that the question is out of order because it has an underlying premise that is not connected with the policy position of the Government.

**The Hon. Scott Farlow:** To the point of order—

**The PRESIDENT:** I do not propose to spend any more time on this.

[*Government members interjected.*]

**The PRESIDENT:** Order! When I indicated that I do not want to take any more time on this, I meant that I do not want any more requests to speak to the point of order and that I do not want any interjections. As I have indicated previously, a supplementary question needs to satisfy three aspects: it must relate to the original

question, it must relate or arise from the answer and it must seek to elucidate a part of the answer. I believe the supplementary question meets all three aspects. The supplementary question is in order.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:17):** I thank the honourable member for his supplementary question. As he may be aware, the teaching practices of Catholic schools is a matter for the Catholic Schools Association. That is why I have indicated in my response that if parents or any member of the community have concerns about those practices that is the body best to approach.

#### BEFORE AND AFTER SCHOOL CARE FUND

**The Hon. PENNY SHARPE (12:17):** My question is directed to the Minister for Education and Early Childhood Learning. Given the Minister's pledge in 2017 that the Before and After School Care Fund would create an extra 45,000 places in out of school hours care throughout New South Wales, will she explain why only 24,316 places have been created?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:18):** I thank the honourable member for her question in relation to our before and after school care commitment, which the Government made in 2015. The Government wanted to increase the availability of before and after school care places for families. As I said in my earlier answer, during that period we had a net increase of 62,402 approved before and after school care places in New South Wales. The Government made the \$20 million Before and After School Care Fund available. It was open and available for services to apply for money to assist them in the establishment of services and increase places. There was an increase in the number of places; that was the intention of the policy.

#### STATE ECONOMY

**The Hon. MATTHEW MASON-COX (12:19):** My question is addressed to the Minister for Finance and Small Business. Will the Minister inform the House of how the construction boom in New South Wales is driving the New South Wales economy?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:20):** I thank the honourable member for his question and his interest in the strong construction industry and the strong economy of New South Wales. Recent data from the Australian Bureau of Statistics—as recent as 23 May—shows that construction across New South Wales is continuing to boom, helping to drive economic growth and create jobs. The value of non-residential construction work has risen by 24.4 per cent through the past year—the strongest growth in five years. Non-residential construction has also been boosted by growth in office building approvals, with office vacancy rates low in Sydney. Strong employment growth in professional and financial services will drive even more demand. The report showed that non-residential work rose by 9 per cent in the March quarter in 2019, whilst engineering work done also rose by 2.7 per cent in that quarter. The total construction work in New South Wales for the March quarter shows an overall increase of 1.7 per cent through the year.

**The Hon. Scott Farlow:** Point of order: While I was very interested in the Minister's answer, unfortunately I could not hear it because of the level of interjections from those opposite. I ask them to be called to order.

**The PRESIDENT:** There has been some disorderly conduct on both sides of the Chamber, including after the point of order was taken. I remind all members that interjections are disorderly. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** Importantly this data underpins New South Wales as the jobs powerhouse of our country and with the lowest unemployment rate in the country. New South Wales is unlike the other States, which have increased taxes in their recent budgets. Recently Victoria has done exactly that. This is just the way Labor does it. On this side of the House we are creating the right conditions for construction to thrive, for businesses to grow and for jobs to be created. We are investing \$90 billion in new infrastructure projects to benefit the people and communities across the State. The metro train system, WestConnex, new roads and bridges in regional New South Wales, are all projects—

**The Hon. Taylor Martin:** Name them.

**The Hon. DAMIEN TUDEHOPE:** I am happy to do that—that are boosting the economy and creating jobs. We know that when business grows so does the State and the health of the budget, which means we can ensure that children receive the best education possible and our older members of society receive the best health care, no matter where they live.

**The Hon. John Graham:** This would make a good hostage video.

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

**The PRESIDENT:** The Minister will resume his seat. The Clerk will stop the clock.

**The Hon. Wes Fang:** While I was listening to the wonderful answer that the Minister was giving, I was struggling because of the interjections from the other side, particularly from the Hon. John Graham. I ask that he be called to order.

**The PRESIDENT:** If I call the Hon. John Graham to order I would have to call the Hon. Wes Fang to order because he interjected first earlier. I will not call anyone to order at the moment, but I will start calling members to order from both sides if there are any more interjections. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** This Government is driving the construction boom across the State and in the process is creating job opportunities and growing our communities. As to the interjection of the Hon. John Graham, it assumes of course that I would want to take him hostage.

**The PRESIDENT:** I remind Ministers that they should not respond to interjections at any time whatsoever.

### CATHOLIC SCHOOLS FUNDING

**Reverend the Hon. FRED NILE (12:24):** My question is directed to the Minister for Education and Early Childhood Learning. Is the Minister aware of the recently published report by Catholic Schools NSW entitled *The Case for Catholic Schools*, which relies on modelling by Ernst & Young? Does the Minister agree that the modelling finds that funding support for Catholic schools delivers considerable savings to governments for both recurrent and capital expenditure—for example, \$1.69 billion recurrent savings to the New South Wales Government in 2018? Does the Minister agree that the funding of support for Catholic schools delivers considerable savings for both the Government's recurrent and capital expenditure? What can the Government do to give further help to the Catholic education sector to continue to provide much-needed relief for the State's educational infrastructure? [*Time expired.*]

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:25):** I thank Reverend the Hon. Fred Nile for his question, which refers to a report from Catholic Schools NSW that I have not seen. The member has just provided me with a copy.

**The Hon. Mick Veitch:** A bit of lunchtime reading.

**The Hon. SARAH MITCHELL:** A bit of lunchtime reading, thank you. Given it is now only just in my hand, with the indulgence of Reverend the Hon. Fred Nile and that of the House, I will take the remainder of the question on notice, look at the report and come back to him with a response.

### BEFORE AND AFTER SCHOOL CARE FUND

**The Hon. JOHN GRAHAM (12:26):** My question is directed to the Minister for Education and Early Childhood Learning. Is the Minister confident that all protocols were followed in the distribution and allocation of Before and After School Care Fund grants which were capped at up to \$30,000 per provider?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:26):** Obviously the process for this grant goes through the department. I have never had a question raised in relation to the protocol that is followed, so I have no reason to question that. If there are any concerns that any members may have in relation to that process I am happy to hear them.

**The Hon. JOHN GRAHAM (12:27):** I ask a supplementary question. Would the Minister care to elucidate her answer about the protocols, given that three schools in Bronte, Randwick and Waverley received respectively \$180,000, \$230,000 and \$180,000 under this program?

**The Hon. Don Harwin:** Point of order: My point of order is that there is so much new substance that it is not seeking an elucidation of an aspect of the answer. I would submit it is not in order as a supplementary question.

**The PRESIDENT (12:27):** I believe the supplementary question is in order for the following reason: The Minister did touch on the fact that she was not aware of it, and that if there was any information she was happy to hear it. On that basis, I believe it is appropriate to allow the supplementary question because the member was giving further information that could be elucidated. I indicate that it is up to the Minister how she answers the question or the supplementary question.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:28):** I thank the honourable member for his question in relation to three communities receiving more money. I will provide some more information on notice. I am able to update the House that as the process of the Before and After School Care Fund was underway—particularly given some research that we did into where we knew

hotspots were in the community where there was more demand; through a Deloitte report, is my recollection—the before and after school care team had consultations with community groups about ways that we could expand opportunities under that fund. That process was handled by the department. My understanding is that is the material that the honourable member is referring to, but I will seek some more information and clarity around that and come back with an answer.

**The Hon. WALT SECORD (12:29):** I ask a second supplementary question. In her answer the Minister referred to "hotspots". Would she elucidate what made Randwick, Waverley and Bronte hotspots?

**The PRESIDENT:** Order! If the Leader of the Government and the Deputy Leader of the Opposition want to have a private discussion they can do so outside the Chamber. The Minister has the call.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:29):** In my answer I referred to the Government report in relation to before and after school care. As I said, it indicated that there were certain areas—particularly around Sydney—where there was increased demand for those services. One of those was the eastern suburbs.

### HERITAGE GRANTS

**The Hon. TAYLOR MARTIN (12:30):** My question is addressed to the Special Minister of State. Would the Minister update the House on the status of heritage grants, particularly on the Central Coast and in the Hunter?

**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) (12:30):** Heritage is our legacy from the past. It is what we live with today and what we pass on to future generations. The Government is committed to protecting our heritage, particularly in the regions the honourable member mentioned. The Government is ensuring that heritage across New South Wales is conserved and protected through the Heritage Grants Program. As I previously informed the House, \$5.8 million has been awarded to 241 projects across the State.

**The Hon. Scott Farlow:** Point of order: I am trying to listen to the Leader of the Government's answer, not the Hon. Penny Sharpe's interjections. I ask you to call her to order.

**The PRESIDENT:** I will not call her to order on the basis of her interjection when the Minister was speaking. However, I will call her to order because of her interjection when the Parliamentary Secretary was taking a point of order. I call the Hon. Penny Sharpe to order for the first time.

**The Hon. DON HARWIN:** The Government has allocated \$20,000 for urgent works to prevent weather damage at the historic Stroud House. Built in 1827, the house is one of Australia's oldest Georgian manor houses and was a homestead for the well-known Australian Agricultural Company. Some \$100,000 has been allocated to restore the Scone Civic Theatre. That is a great project. It is the last remaining theatre designed by architects Crick and Furse. The funding will be used to complete the works to the external facade and take the grand building closer to opening once again for use by the community.

Lake Macquarie City Council is receiving \$40,000 towards interpretative signage and a walking trail at the former RAAF Base Rathmines, which is well known to my family. My father did nasho at Rathmines. The Rathmines RAAF seaplane base played a pivotal role in the defence of Australia in World War II. That is certainly well worth mentioning today of all days. It was the largest seaplane base in the Southern Hemisphere and was vital in the war against Japan. The grant will ensure that future generations continue to hear the stories of the spirit, courage and determination of the generation that fought in the Second World War and the contribution they made to our peace and security.

Finally, I mention the \$120,000 being provided to projects in the Cessnock local government area, including \$31,000 towards a project that will help to identify Aboriginal places and sites. Another \$48,000 has been awarded to a community cultural participation project in the Gosford local government area through which the Aboriginal community, elders, cultural tutors and schools will gather for a series of workshops, school events and performances to enhance understanding and connection to Aboriginal land, culture and peoples—a very worthwhile project. Awarding these grants will help our local communities to preserve our precious heritage sites. Heritage provides us with a sense of continuity and belonging in the places we live, which is absolutely crucial.

### RODEO ANIMAL WELFARE

**The Hon. MARK PEARSON (12:34):** My question is directed to the Hon. Sarah Mitchell, representing the Minister for Agriculture and Western New South Wales. The New South Wales Code of Practice for the Welfare of Animals Used in Rodeo Events was approved on 30 April 1988, over 31 years ago. It states:

The Code is based on knowledge available at the time of publication and should be reviewed at intervals of no longer than two years to maintain the highest possible standards.

It also requires the phasing out by 20 June 1989 of calf roping. When was the last time the code was reviewed and has calf roping been phased out as required under the code?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:34):** I thank the member for his question in relation to calf roping at rodeos. We all pronounce "rodeo" differently, but it will look the same in *Hansard*. The member has sought an answer from me on behalf of a Minister in the other place. Given the very specific nature of the question, I will take it on notice and come back with a response.

#### BEFORE AND AFTER SCHOOL CARE FUND

**The Hon. TARA MORIARTY (12:35):** My question is directed to the Minister for Education and Early Childhood Learning. Given the Minister's previous answers in relation to the \$30,000 cap, why does her department's response to a Government Information (Public Access) Act application on 8 April show that three providers in the Waverley and Randwick local government areas were awarded grants up to seven times larger than the rules allow?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:36):** I believe I addressed that issue in my earlier answer.

#### SUSTAINABLE SCHOOLS PROGRAM

**The Hon. TREVOR KHAN (12:36):** My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister outline how the Government is encouraging New South Wales children to reduce, re-use and recycle?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:36):** I thank the honourable member for his question. I am sure all members can agree that we need to look after our natural environment to ensure that it is there for future generations. One of the most fundamental principles in that endeavour is to reduce, re-use and recycle. It was with that in mind that in March the New South Wales Government announced the Sustainable Schools Program to provide support to students to develop sustainability initiatives. The program provides schools with grants of up to \$15,000 to develop and implement strategies that help students to make their school cleaner whilst learning about energy and the environment, drawing on the principles of reduce, re-use and recycle. The grants encourage students to develop innovative and hands-on solutions to make their school environments more sustainable. The measures can include preserving water, planting more trees, reducing energy consumption and encouraging more recycling.

Many schools have already implemented their own strategies, and the funding will provide greater support to students to develop creative programs to improve their school's sustainability. The program will provide \$10 million in funding over the next four years, with annual grants of \$15,000 available to schools. The Government has ensured that the principles of environmental education and sustainability are embedded across the New South Wales curriculum. It is important that students are provided the opportunity to develop the knowledge and skills to investigate and understand issues of environmental and social sustainability. The Sustainable Schools Program builds on that.

In this State we have built a culture where schools work with local councils, communities and other providers to support environmental education and to participate in community events and initiatives. Schools take part in programs such as the Green Innovation Awards and local P&Cs organise the collection of containers for the Return and Earn scheme, with the funds raised being reinvested into the school. It was only yesterday that I reflected on the involvement of the school community in designing the new facility at Penrith Public School and the inclusion of natural elements from the school's surrounds.

That aligns with the introduction of our environmental design in schools manual, which, with our record infrastructure build, ensures that schools are designed to fit with their local environment, including by maximising natural light and improving airflow in classrooms as well as designing playgrounds that best utilise tree canopies to reduce temperatures. It is encouraging to see students actively engaging with that process. The Sustainable Schools Program will further enhance their understanding of and appreciation for their local environment. The New South Wales Government is committed to enhancing sustainable practices. The Sustainable Schools Program will ensure that our children are taught how to care for our environment and protect it for future generations to enjoy.

#### IMMIGRATION

**The Hon. ROD ROBERTS (12:39):** My question is directed to the Leader of the Government. Is the Government still committed to its election promise of halving the immigration intake in New South Wales to ease

congestion and overdevelopment in Sydney? Since the 23 March election, what action has the Government taken to implement this policy through representations to the Coalition Government in Canberra?

**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) (12:40):** I assure the honourable member that the Premier's clear commitment to reduced immigration is still the Government's policy, but it is a matter for the Federal Government. In respect to the second half of the question, I will take it on notice and get a precise response for the honourable member on what actions the Premier has taken to advance the policy.

#### BEFORE AND AFTER SCHOOL CARE FUND

**The Hon. ANTHONY D'ADAM (12:40):** My question is directed to the Minister for Education and Early Childhood Learning. Given that it is the Federal regulator, the Australian Children's Education and Care Quality Authority, which sets the maximum number of places allowed for each provider of out-of-hours school care, is the Minister confident that all grants from the Government's Before and After School Care Fund created places within the approved limit for each provider?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:41):** As I said earlier in question time, I am not aware of any information that would make me question that, but if there are any other parts that members want to give, I am happy to hear them. I put on the record that the fund was administered by a steering committee comprising representatives from the Association of Independent Schools NSW, Catholic Schools NSW and the NSW Department of Education. The advice I have is that the steering committee ensured that all applications were assessed against the criteria that required grant applicants to demonstrate demand for the places for which funding support was requested.

Grant applicants were also assessed against their ability to secure an approved service provider and their access to a site that could accommodate the additional places. The fund was delivered in three phases. In each phase the scope was broadened to ensure that the fund maximised the potential for grant funding to be available to eligible applicants. As I said earlier, research indicated that there were pockets of high demand. The department accordingly conducted focus group meetings to explore additional means of providing support for addressing barriers to unmet demand for before and after school care.

#### MY COMMUNITY PROJECT INITIATIVE

**The Hon. SHAYNE MALLARD (12:42):** My question is addressed to the Minister for Finance and Small Business. Will the Minister update the House on the New South Wales Government's My Community Project initiative?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:43):** Members on my side of the House are always looking at ways to deliver better outcomes for our communities. We know that the people in our communities are best placed to know what they need. That is where the My Community Project initiative comes in. It is an innovative funding program that is all about local ideas, local projects and local decisions. People and groups can participate by submitting ideas such as new playground equipment, sports facilities, paths or ramps to improve access, or even a community garden. We asked people to think about their community needs, develop that idea with a local sponsor such as a school or charity, and then tell us how funding can help turn their concept into reality. A total of \$24.4 million is available across the State for projects valued between \$20,000 and \$200,000.

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

**The Hon. DAMIEN TUDEHOPE:** As part of the eligibility criteria, successful projects must make communities more livable, cultural, accessible, safe, revitalised or healthy. The community will decide on the successful projects. People must be 16 years of age to vote and can only back projects in their own electorate. Voting is conducted online through Service NSW or in person at the nearest Service NSW centre. The Service NSW initiative is certainly delivering for the people of this State. More than 1,800 community groups and individuals have completed applications for the groundbreaking My Community Project program. There has been a great response to the program across the State—from Barwon to Bankstown and Wagga Wagga to Wollongong. I am looking forward to the fantastic ideas that have been developed. Completed applications will be assessed for eligibility and viability before voting commences in mid-July. The winners will be announced in September.

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

**The Hon. DAMIEN TUDEHOPE:** My Community Project is made possible by the NSW Generations Fund, which is a sovereign wealth fund established in the 2018-2019 budget that is aimed at helping to maintain debt at sustainable levels and support local community wellbeing. Thanks to the strong financial management of

the New South Wales Liberal-Nationals, we have the funds available to partner with the community to deliver projects that will make a real difference for people across the State. *[Time expired.]*

#### **BEFORE AND AFTER SCHOOL CARE FUND**

**The Hon. COURTNEY HOUSSOS (12:46):** My question is directed to the Minister for Education and Early Childhood Learning. Given the Australian Children's Education and Care Quality Authority [ACECQA] approved a maximum 250 out of school care places for students at St Columba Anglican School at Port Macquarie, why did her department's response to a Government Information (Public Access) Act application on 8 April show that a grant to the school under the Before and After School Care Fund created 500 places—double the amount it was approved to provide?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:47):** The honourable member has asked me a specific question about a particular school that was funded under the grant program out of which many schools across the State received funds. The member has asked about the department's process in relation to that and referred to information from ACECQA. I do not have any of that information in the House with me. I will take the question on notice and come back to the member with an answer.

**The Hon. COURTNEY HOUSSOS (12:47):** I ask a supplementary question. In the Minister's answer reference was made to the fact that it was a specific question about one particular school. Can the Minister guarantee that no school across New South Wales is currently receiving funding under the fund for additional places above what they are allowed to provide under their ACECQA approvals?

**The Hon. Scott Farlow:** Point of order: First, supplementary questions are not allowed when a question has been taken on notice. Secondly, it is a new question.

**The PRESIDENT:** There is no reason why a member cannot ask a supplementary question simply because a Minister took a question on notice, but I am always intrigued to hear how a member will attempt to have a Minister elucidate that answer. I must say that on most if not all occasions they fail to do so. The Hon. Courtney Houssos has failed to seek elucidation of part of the answer given by the Minister. The supplementary question is out of order.

#### **POWERHOUSE PRECINCT AT PARRAMATTA INTERNATIONAL DESIGN COMPETITION**

**The Hon. LOU AMATO (12:49):** My question is addressed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Would the Minister provide information on the representation of Australian architects in the international design competition for the Powerhouse precinct at Parramatta?

**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) (12:49):** On 9 May I announced the six finalist design teams shortlisted for the landmark new Powerhouse Precinct at Parramatta. This is the first of a two-stage international design competition launched in January 2019. The competition welcomed submissions from both Australian and international design teams and attracted 74 submissions from 529 firms across 20 countries. A highly qualified shortlisting jury led by Naomi Milgrom, AO, reviewed and evaluated the submissions. The jury ultimately selected a range of top architects from Australia and around the world to proceed to stage two of the competition.

The competition jury was incredibly impressed by the enthusiasm and rigour of the submissions and was pleased with the high calibre of designers to choose from. I am particularly thrilled that our six finalist teams include Australian-led teams. The finalist teams are: AL\_A from the United Kingdom with Architectus from Sydney; Bernardes Architecture from Brazil with Scale Architecture from Sydney; BVN Architecture from Sydney with Carlo Ratti Associati from Italy; CHROFI from Sydney with Melbourne artist Reko Rennie; Moreau Kusunoki from France with Genton from Sydney; and Steven Holl Architects from the United States with Conrad Gargett from Sydney.

The level of global interest generated by the design competition has more than justified our excitement in moving forward with this important project. I welcome the next exciting stage of the competition—an intense design period for the chosen finalist teams. In stage two the shortlisted teams will conduct a site visit in June 2019 and receive detailed briefing information on the project. They then will have three months to develop their concept designs for the new museum precinct in Parramatta. The designs produced by shortlisted teams will be publicly exhibited and showcased as a gallery of images online. Announcement of the winning team and design is expected in late 2019.

I have immense faith that this will lead to the transformation of one of Australia's oldest and most important cultural institutions while also setting an international benchmark in cultural precinct design. This is

backed up by an impressive and highly experienced group of professionals in the competition jury. The Powerhouse precinct is one of the largest cultural infrastructure projects being undertaken in Australia. By incorporating public spaces, a pedestrian bridge and the new museum, the new Powerhouse precinct will further enrich the heart and soul of Parramatta.

#### SEXUAL CONSENT

**Ms ABIGAIL BOYD (12:52):** My question is directed to the Minister for Education and Early Childhood Learning, representing the Minister for Mental Health, Regional Youth and Women. Submissions in response to the Attorney General's review of section 61HE of the Crimes Act 1900 closed on 1 February 2019. Would the Minister provide an update on the Law Reform Commission's review of the concept of sexual consent under the Crimes Act and the Government's intention in relation to it?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:53):** I thank Ms Abigail Boyd for her very serious question about an important issue. As she indicated, I am representing the Minister for Mental Health, Regional Youth and Women in the absence of the Hon. Bronnie Taylor. I will take the question on notice and refer it to the Minister to come back to the member with a response.

#### CREATE NSW

**The Hon. MICK VEITCH (12:54):** My question is directed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Given the Government's announcement of eight new super departments, will the Minister guarantee that no jobs will be lost within Create NSW and that no programs will be cut?

**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) (12:54):** I am absolutely determined to ensure that arts and culture keep going from strength to strength in this State. There is record infrastructure spending on arts and culture that has never happened before. I also understand and recognise that buildings are important, but what goes on in them is just as important. I am absolutely determined to make sure that the value of funding through our arts and film programs is not only preserved but also enhanced. That is my absolute commitment.

In his question the member referred to machinery of government changes. From 1 July eight clusters will deliver the work of government. Functions that currently are undertaken by the finance, services and innovation, industry, planning and environment, family and community services and justice clusters will transition to the customer service, planning and industry and stronger community clusters. The responsibilities that I have as a Minister will be part of the Department of Premier and Cabinet clusters. The leadership structures are currently being worked through and will take effect by 1 July 2019. The realignment to eight clusters will streamline management structures and support a reduction in public sector senior executive expenses by 10 per cent a year from 2019 to 2020.

That was a specific election commitment. There is no secret about that. It is a specific commitment we made. Given that the Government made the commitment I cannot say to the Hon. Mick Veitch what he has sought. We have made it quite clear that we are reducing public service senior executive expenses. I make it equally clear that when we said that we also said that it would not affect frontline services. In arts and culture that means that the value of funding programs needs to be preserved. In my view, given the process I led of reviewing the sector through Arts 2025 that began last year, my commitment is to more funding going to the so-called front line, which in this case is arts organisations. [*Time expired.*]

#### QUALITY SUPPORT PROGRAM

**The Hon. NIALL BLAIR (12:57):** My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House about the extension of the Quality Support Program?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:57):** I thank the Hon. Niall Blair for his question. The Government is committed to providing high-quality early childhood education throughout New South Wales. We know that the quality of an early childhood education service is a key factor in the benefit that children can receive from participating in early childhood learning. We are committed to boosting quality across the sector. In February I announced an additional \$2.5 million investment in the Department of Education's Quality Support Program to assist services rated as "working towards" the National Quality Standard to boost quality. It takes the total commitment to the program to \$5 million to June 2020.

The National Quality Standard sets a high national benchmark for early childhood education and care and includes seven quality areas: educational program and practice, children's health and safety, physical

environment, staffing arrangements, relationships with children, collaborative partnerships with families and communities, and governance and leadership. The aim of the program is to reduce regulatory risk and enhance children's safety, drive quality and continuous improvement and ensure that all services meet or exceed the National Quality Standard. That will lead to improved outcomes in early childhood education for children and their families.

So far we have had an exceptional response rate with high demand for places. This further commitment will enable an additional 150 eligible service providers to participate across the State. This investment means families and carers will have more opportunities to access the best education and care for our State's youngest learners. Helping all young children engage in well-coordinated, high-quality, play-based learning under the Early Years Learning Framework is our central focus.

As well as its regulatory obligations the Government acknowledges the international consensus that participation in a high-quality early childhood education program significantly improves a child's cognitive and social abilities, and helps to prepare them for further learning at school. The next phase of this program will target long day care and family day care services in New South Wales which are currently rated "working towards the National Quality Standard" on the basis of not meeting six or more elements of the National Quality Standard. Priority will be given to services which have not previously participated in the program. As you can see, we are committed to seeing services continuously striving towards those consistently high standards and we are continuing to build on this to ensure that all children, no matter where they are in the State, are attending high-quality services.

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

#### BEFORE AND AFTER SCHOOL CARE FUND

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:00):** Earlier in question time the Hon. John Graham asked me a question about three specific schools in Waverley, Randwick and Bronte. I am advised that under phase three of the fund, which opened on 31 May 2017, community groups with unique needs were able to apply for grants greater than \$30,000. After a period of community consultation, Waverley, Randwick and Bronte public schools were granted funding to support the creation of flexible learning spaces to allow the expansion of the places that they could offer for outside school hours care.

*Questions Without Notice: Take Note*

#### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. COURTNEY HOUSSOS:** I move:

That the House take note of answers given to questions this day.

#### BEFORE AND AFTER SCHOOL CARE FUND

**The Hon. COURTNEY HOUSSOS (13:01):** I begin by saying that before and after school care is a vitally important service for working families. This is the care that is provided, often on school grounds, between about the hours of 7.00 a.m. or 7.30 a.m. until nine o'clock when school commences and at the conclusion of the school day, generally from around 3.00 p.m. until 6.00 p.m. This is often provided on or close to the school grounds. In 2015 the Government announced a program, a \$20 million fund—

**The Hon. Trevor Khan:** Point of order: Mr President, my understanding is that this is a debate to take note of answers.

**The Hon. Walt Secord:** Context.

**The PRESIDENT:** Order! The Hon. Walt Secord is not helping the Hon. Courtney Houssos. He is making it much harder for her.

**The Hon. Trevor Khan:** I understand this is a new process but in my submission the debate must be directed towards the answers given by the Minister, not be a general dissertation on a particular subject. What the member is doing at this stage is more a generalised form rather than directed to the answers given.

**The PRESIDENT (13:03):** I indicate this to members: A member is entitled to comment in a take note debate on the answers given by the Minister. Logically, a member should be allowed to refer to the question and can even refer to parts of the question, and indicate which parts of the question she feels the Minister has not sufficiently answered. A member can also comment if they feel there is some other aspect in a Minister's answer that is not appropriate or if they want to support a Minister's answer. I believe the Hon. Courtney Houssos is

starting to deviate well outside of simply referring to aspects of the question which must be then linked to the answer being given. The member has the call.

**The Hon. COURTNEY HOUSSOS:** In the limited time I have left, I will refer to the Minister. Under the 2015 program we discovered—the Minister may not have had the information with her today—that a Government Information (Public Access) Act [GIPAA] application from April showed that of the \$20 million fund only \$9.6 million had been expended. That is less than half of the funds available. The same GIPAA, which the Minister referred to in her answers at the end of question time, showed that there was \$200,000 extra of a \$30,000 cap provided to three schools within the State seat of Coogee. The Minister referred to the hotspot today in her answer. It was a political hotspot for the Government but it does not account for the fact that this is a challenge that is faced right across the State and it puts families under huge pressure. It is actually mums who are not returning to work. This Government has promised that it will roll out before and after school care for every school student in the State. This program has provided less than 10 per cent of the places that will be required. [*Time expired.*]

#### BEFORE AND AFTER SCHOOL CARE FUND

**The Hon. JOHN GRAHAM (13:05):** I also refer to the answers given by the Minister for Education and Early Childhood Learning and put the view that we have been left with more questions at the end of those answers. I have to correct my colleague. The Minister referred to hotspots—plural. Well, only one hotspot was revealed today and that was in one very specific area of the State: Bronte, Randwick, Waverley, all in the one area. There was no plural here. It was one single hotspot and correctly my colleagues observed it was in a key marginal seat, so there was no need for the plural. What were those facts? They were \$180,000, \$230,000 and \$180,000 to those schools. They are delivering the same number of places as schools such as those in Crookwell, which only got \$20,000, or Nowra, which only got \$30,000. They are just two examples.

The answer that the Minister gave was that this might be related to research that had been done by Deloitte but we heard at the end of question time that in fact this was about flexible learning spaces and that we had discovered some unique needs in this part of the State. I can assure the Minister these needs are not unique to Bronte, Randwick and Waverley; they are needs that parents and families experience right across the State. The answer the Minister has now given could not be in accordance with the guidelines that were referred to earlier in question time. We would like the Minister to spell out how these significant amounts of money, six or seven times what other schools are getting, in breach of the guidelines that were referred to that the Minister answered about earlier in question time, came about. How did this money come about? What is the research the Minister referred to? She should present that research to the House in order to make it clearer what is going on here. At the end of this question time there are many more questions than there were answers.

#### BEFORE AND AFTER SCHOOL CARE FUND

**The Hon. WALT SECORD (13:07):** I will be very brief. I support the comments by my colleagues the Hon. John Graham and the Hon. Courtney Houssos. The Minister in her reply has an obligation to the Chamber to explain. These decisions were made under her watch; it was under her previous portfolio which continues until now. It was under her watch. She was the Minister. She has serious questions to answer. There was a cap in place. The cap was \$30,000 but three grants were provided to three organisations up to seven times over the cap. She claimed that it was a hotspot—Bronte, Waverley, Randwick. Communities deserve and want before and after school care but what they also want when they pay their taxes or when they apply for a grant is that the allocation is fair and based on need. I live in the eastern suburbs and I know there is a need but the community wants a fair allocation. Seven times the cap—this occurred under her watch and we secured this information through a freedom of information request. It beggars belief that she was unaware of it. She would have been consulted about this application. She would have known and there is only one conclusion to reach: She cooked the books.

**The PRESIDENT:** Order! I will not accept an imputation of that nature from a member to a Minister. The Hon. Walt Secord will withdraw that last statement.

**The Hon. WALT SECORD:** I withdraw the comment "She cooked the books."

**The PRESIDENT (13:09):** The Chair has the discretion to give a member the call. I have noticed that during debate on the take note motion, the adjournment and, on at least one occasion, a private member's statement, a member will wait until the last few seconds before their time expires to throw in an imputation because they have already said what they wanted. If that practice continues it will be difficult for the Chair to give such members the call. Members should take that into account.

**BEFORE AND AFTER SCHOOL CARE FUND****POWERHOUSE PRECINCT AT PARRAMATTA INTERNATIONAL DESIGN COMPETITION**

**The Hon. PENNY SHARPE (13:10):** I will address two answers. In relation to the matter of before and after school care, my colleagues have covered the concerns around the way grants were allocated. However, my concern is that there are 20,000 fewer places than were promised through the program, which was supposed to increase the number of places for children in out-of-school-hours care. The Minister needs to explain as soon possible why the program, which was supposed to deliver 45,000 places, has delivered only 24,316. I have quite a lot of experience with out-of-school-hours care. I have had kids in out-of-school-hours care and my partner has been on committees for out-of-school-hours care. This is a complicated issue. Schools are constrained by their own facilities. I do understand that it can be difficult to deliver the places that are promised, but we are talking about 20,000 fewer places than were promised under the program.

The Minister needs to explain that. The Government Information (Public Access) Act request and the Minister's lack of answer and explanation really flag how the Government is going to deliver on its promise to provide before and after school care at every school in New South Wales in a reasonable period of time. It is a very challenging commitment and this side of the House will continue to watch it carefully. Parents are desperate for these kinds of facilities. In the future the Minister needs to explain why delivery has been so slow and whether the Government is going to be able to meet that commitment.

I also raise the issue of the Powerhouse Museum. There has been a lot of debate in this House about the museum. I refer the Hon. Don Harwin to his role as the Minister responsible for heritage. Willow Grove and the St George's Terraces are on the site of the Powerhouse Museum. During the election it became clear through the Parliamentary Budget Office that this Government has already banked \$60 million to do a deal with a developer to redevelop the site of Willow Grove and the terraces. The Minister provided an update on the design competition for the museum but I think he still needs to tell us whether he going to knock down those buildings.

**TAKE NOTE OF ANSWERS TO QUESTIONS**

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:12):** Obviously these issues were addressed in question time and I took some questions on notice. I will provide responses in due course. With regard to the fund, I will reiterate what I said earlier in question time: The fund was administered by a steering committee comprising representatives from the Association of Independent Schools of NSW, Catholic Schools NSW and the Department of Education. The steering committee ensured that all the applications were assessed against the criteria that required grant applicants to demonstrate the demand for places for which funding support was requested. The fund was delivered in three phases and in each phase the scope was broadened to ensure that the fund was maximising the potential for grant funding to be available to eligible applicants. Finally, the Hon. John Graham asked a question about the Deloitte report being made public. It is public and is available online.

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

**Motion agreed to.**

*Written Answers to Supplementary Questions***DROUGHT ASSISTANCE**

In reply to **the Hon. MICK VEITCH** (5 June 2019).

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business)**—The Minister provided the following response:

The New South Wales Government is committed to supporting our regional communities during one of the worst droughts in our State's history.

Already around \$1.5 billion in drought support measures have been provided to allow farmers to purchase fodder and make on-farm improvements to droughtproof their property. Further measures are being developed to support our farmers during this time.

The New South Wales Government also recognises that the drought is negatively affecting "off-farm businesses" in addition to farm based businesses.

The New South Wales Government is providing support and advice to these "off-farm businesses".

Regional businesses can take advantage of payroll tax reductions, with the payroll tax threshold lifted from \$750,000 to \$850,000 this financial year, and set to increase to \$1 million by 2021/22.

The New South Wales Government estimates that this threshold increase will mean 40,000 businesses in New South Wales will save up to \$5,450 this financial year and up to \$13,625 by 2021.

The \$30 million Business Connect Program is a dedicated and personalised service that provides practical advice and training to support New South Wales small businesses, especially in our regions.

Since January 2017, 21,000 businesses have been supported by the Business Connect Program. The initiative has provided 100,000 hours of face-to-face support and delivered 1,340 business skills and training events.

In addition, the Small Business Commissioner has provided advice, guidance and support to regional businesses during this time on matters such as retail lease issues, facilitated discussions on taxation relief through Revenue NSW and the Australian Taxation Office, and provides on-the-ground health checks in order to raise awareness of support that is available to businesses.

Recently the NSW Small Business Commissioner and her team visited councils, business chambers and many businesses in the Tamworth, Gwydir, Liverpool Plains and Narrabri local government areas. This visit provided significant insight into the vast and varied impact the drought is having on regional communities.

Further, I will be joining the NSW Small Business Commissioner and her team in the near future on several regional visits to speak with more businesses and hear firsthand the issues facing them during this time of drought.

In addition, the New South Wales Government is calling on metro communities to visit and spend time in our regional areas to support our local businesses, particularly in the upcoming July school holiday period.

**The PRESIDENT:** I will now leave the chair. The House will resume at 3.00 p.m.

#### *Committees*

### **REGULATION COMMITTEE**

#### **Chair and Deputy Chair**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I inform the House at a meeting held this day the following members have been nominated as chair and deputy chair of the committee:

Chair: The Hon. Mick Veitch.

Deputy Chair: Ms Abigail Boyd.

### **PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE**

#### **Chair and Deputy Chair**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I inform the House at a meeting held this day the following members have been nominated as chair and deputy chair of the committee:

Chair: The Hon. Tara Moriarty.

Deputy Chair: The Hon. Robert Borsak.

### **PORTFOLIO COMMITTEE NO. 3 - EDUCATION**

#### **Chair and Deputy Chair**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I inform the House at a meeting held this day the following members have been nominated as chair and deputy chair of the committee:

Chair: The Hon. Mark Latham.

Deputy Chair: The Hon. Matthew Mason-Cox.

### **PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT**

#### **Chair and Deputy Chair**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I inform the House at a meeting held this day the following members have been nominated as chair and deputy chair of the committee:

Chair: Ms Cate Faehrmann.

Deputy Chair: The Hon. Mark Pearson.

#### *Private Members' Statements*

### **CORPORATE POLITICAL INFLUENCE**

**The Hon. MARK LATHAM (15:01):** Earlier in the day I indicated that Qantas had effectively sacked Israel Folau. I said I would give a second example of excessive corporate control of sporting codes. It comes from the ruling of Justice Melissa Perry in the Federal Court on 17 May in relation to the matter concerning Jack de Belin from the St George Illawarra football team. Justice Perry's ruling states:

In a telling piece of evidence, on 20 February 2019 Mr Greenberg received an email from Mark Fitzgibbon, the CEO of NIB which is one of the principal sponsors of the NSW State of Origin Team ... Mr Fitzgibbon attached what he described as a photograph of Mr de Belin in the previous day's "Tele" wearing his team jersey with the "NIB" logo prominently displayed. In his email,

Mr Fitzgibbon essentially communicated his view that the photograph illustrated that the brand risk to NIB as a major sponsor was no longer acceptable and Mr de Belin should be stood down pending the outcome of the charges.

Of course, Jack de Belin was stood down. They are serious charges. If he is guilty, he should spend a lot of time in jail. But at the moment the presumption of innocence applies—other than with his employer, National Rugby League [NRL]. He has been stood down with a clear inference of wrongdoing. We need to make the point that while market forces are essential in a free society, there is not a market solution to every social problem or situation. Not all parts of life are suited to raw market forces or corporate control. What we have here are companies trying to take control of these sporting codes through sponsorship. The weak-kneed sports administration has ceded control. There are major ramifications for public policy and the State Government.

The major sponsor of these sporting codes would be the New South Wales Government. Extensive resources go into building facilities and other financial supports to the codes. Perhaps it is time for the Government to develop a code of practice whereby, if a company is taking control of a sporting code—developing its political correctness, virtue signalling or closing down freedom of speech or freedom of religion—the State Government should say it is unacceptable in a free society. Furthermore, in the case of de Belin, if the rule of law, the criminal justice system or the presumption of innocence is in any jeopardy, that should be part of a code of practice. The presumption of innocence must be respected in every circumstance. I think this development has major ramifications for the New South Wales Government.

In the case of Mark Fitzgibbon at the NRL, you can tell the weak-kneed nature of the administration, because he had a clear conflict of interest. He is a former Knights board member, a sponsor of the Knights and his son plays for the Knights. He has the power, with the big money of a corporation, to rub out a player from another team. How is this allowed to happen? The working man's code has come to this. It is time for the Parliament and the Government to give thought to what mechanisms or safeguards can be in place to ensure freedom of speech, freedom of religion and, of course, the all-important principle of the presumption of innocence.

#### PICNIC TRAIN

**The Hon. WES FANG (15:04):** On the wall in my office is a photo of me and my dad on a steam train—Steam Locomotive 3642, to be exact. The Heritage Express happened to be operating from Wagga to Uranquinty and travelling past our old family home in the village on 31 August 2013, which was my father's sixty-third birthday. It seemed a fitting way to celebrate his birthday; it turned out to be his last and it was the last time that he would travel to our home of over two decades. The photo of Locomotive 3642 is a wonderful reminder of that fantastic day, which is forever etched in my mind. Over the weekend of 1 and 2 June, hundreds of local Wagga residents gathered for a one-off special tour of the Riverina on the historic Picnic Train.

In 1953 the Picnic Train, formerly New South Wales Government Locomotive 5917, was the last steam engine train commissioned for service in Australia. After hauling freight for 19 years, the locomotive was withdrawn from service. However, rather than sitting idly by, in October 2015, 5917 began its new life providing heritage tours of the South Coast, complete with an American-made, open-windowed passenger carriage dating back over 90 years. By 2018 such was the popularity of the Picnic Train concept that destinations such as Robertson, the Hawkesbury, Gosford, Orange and Rylstone were added to its itinerary. The diesel electric Blue Zephyr was brought on whilst 5917 underwent extensive updates.

After completing a rebuild from the ground up, thanks in part to a grant from Transport Heritage NSW of \$50,000, the newly restored 5917 Picnic Train pulled into Wagga station to a crowd of cheering onlookers and passengers. Among those passengers were Steven Cook, his nieces, Beth and Annie, and nephew, Max. After hearing the train all afternoon, they enjoyed a glimpse of 67 years into the past. With many young people having never before witnessed a steam-powered locomotive, the sheer sight and sound of a thundering engine was an opportunity that was too good to miss. This was especially true for young Max, whose grandpa used to drive steam trains. Max was particularly excited to see 5917 roar into town.

Over the course of the weekend the Picnic Train left Wagga Wagga station and took passengers for an hour-long ride to Harefield, Uranquinty or a slightly longer trip to Cootamundra. The general public received a unique historic experience that would not be soon forgotten. Although this was a one-off trip, I sincerely hope that the popularity shown by local Riverina residents encourages the organisers to bring back the Picnic Train in the near future.

#### TRIBUTE TO ERNEST JOHN KOTLASH

**The Hon. PENNY SHARPE (15:07):** Labor has lost one of its most beloved members. I am not talking about former Prime Minister Bob Hawke—we all feel his loss. Today I reflect on the life of Ernest John Kotlash and send my condolences to his family. On 28 April, before he could vote for Labor's candidate for Gilmore, Fiona Phillips, Ernest John Kotlash passed away, aged 81, at his home overlooking St Georges Basin. I pay my

condolences to his family: his wife of 60 years, Val; his son, John; and the rest of his family, Vicky and Shirley. I also pay my condolences to the Labor members of the South Coast, all of whom are deeply feeling the loss of a close friend and Labor true believer. Ern was the founding member of the Jervis Bay-St Georges Basin Labor Party branch. He was awarded a McKell Award from the Labor Party, which is only given to those for the most meritorious service.

Ern was much more than that. He was a loving family man. He was married to his wife, Val, for over 60 years. They started their married life together driving around Europe on a scooter. There were some wonderful photos at his memorial service of the two of them doing that. He was the father to two lovely children, John and Jill. Jill passed away from cancer a number of years ago. John has followed in his father's tradition as a school principal. Ern Kotlash was an educator, first and foremost. He spent many years as a school inspector. There are many very funny stories about his work. He was passionate about kids, about their potential and the need for them to be involved in every school that they were involved in. He was famous for once busting down the door of a high school in Illawarra to ensure that kids with disabilities were able to access that school. There was a protest because people thought he was going to come in and take over from the department. He got on the phone to the secretary and said, "These kids deserve an education. They're coming in and I'm letting them", and they were able to stay. Ern had opened up disability education in mainstream classes across the Illawarra.

Ern was many other things. He was a builder: he built his own boats and his own house. He was a philosopher, a poet, a singer. Anyone who spent time with Ern knows that he would sing a tune at the drop of a hat. The local choir sang at his memorial service. Ern was an environmentalist and believed that we need to take direct and urgent action on climate change. He had a love of nature. Ern urged us all the time to do better. He was a great family man and a Labor stalwart, a mentor to many and a very good friend to people such as myself and any candidate who was fortunate to run for the Labor Party. Ern was always the one who would say, "Enough is enough; it's time to do the right thing". We miss you, Ern. To Val and John, we are very sorry for your loss. Ern, I am so sorry that you did not get to see Fiona Phillips elected as the member for Gilmore because I know that is what you really wanted.

### SAFE SCHOOLS PROGRAM

**Reverend the Hon. FRED NILE (15:10):** I speak in relation to the radical, fluid gender so-called Safe Schools courses. A major reason the public often is cynical about the political process is because people have a perception that politicians say one thing but what actually happens is a different story. Another reason is that despite the goodwill and good work of many of us, decisions are often filtered through bureaucratic processes which interfere with the intention and objectives of policy reform of the Government. I raise one example today.

The public has repeatedly raised concerns about the radical nature of some educational programs, such as the so-called Safe Schools initiative. So dire are their concerns, the Government has made repeated declarations that no such program would feature as part of the educational curriculum in New South Wales schools. I have no reason to disbelieve the good faith of the current Minister for Education and Early Childhood Learning. She does great work in an often very difficult job. Her work with stakeholders who represent people of faith is particularly commendable. However, my constituents have passed on information to me that does not seem to confirm what we are being told is the case.

Recently I was handed a copy of a letter that was sent to parents of students who attend Greystanes High School. The letter, dated 17 March 2019, advertised what was described as a "Rainbow Mufti Day" and stated that the event was to be an annual affair. The day is scheduled to fall on a Friday. This event is reminiscent of similar campaigns in other parts of the world where in many countries, even Poland, activist groups are trying to propagandise gender ideology under the radar. The letter I have referred to was co-signed by the deputy principal, the student representative council coordinator and—members may be surprised to hear—the school chaplain. The last signature is particularly ironic but is not at all out of character for those activist groups that use these issues to drive a wedge and divide society.

I recently read a report by David de Carvalho, Chief Executive Officer of the NSW Education Standards Authority, which was published in the term one issue of *Parent & Citizen*. I table that. On page 6 of the report Mr de Carvalho describes the institution of a new program "Personal Development, Health and Physical Education". In describing the program, it is noted that issues relating to sexuality are to be addressed. In light of this information, those who have opposed the introduction of gender ideology in schools through nice sounding programs such as Safe Schools should ask themselves whether these programs are being underhandedly inserted into the curriculum.

### FRIENDS OF TOMAREE HEADLAND

**The Hon. TAYLOR MARTIN (15:13):** I bring to the attention of the House the Friends of Tomaree Headland, a community-led organisation that is based in Port Stephens. The Friends of Tomaree Headland includes as participating groups Tomaree Business Chamber, Nelson Bay RSL Sub-Branch, Destination Port Stephens, Port Stephens Historical Society, Shoal Bay Community Association, EcoNetwork, Marine Parks Authority and Tomaree Ratepayers & Residents Association. Earlier this year the Friends of Tomaree Headland outlined its community vision, which will leverage the location's outstanding natural and heritage assets to create a significant visitor attraction for Port Stephens.

Tomaree headland is a beautiful place. The \$6.7 million announced last year, which the New South Wales Government has committed to invest in upgrades to the 23 kilometre Tomaree coastal walk, is an important part of the vision outlined by the Friends of Tomaree Headland. The funding will go towards enhanced visitor experiences for the iconic Tomaree headland including improved access, walking tracks and visitor amenity. Selected sites of the World War II fortifications—the gun emplacements, the command post and the radar site—on Tomaree headland will be interpreted for visitors to the park. The Friends of Tomaree Headland see further opportunities including a military museum; a visitor centre showcasing the Worimi people, military, marine and European history; an upgrade of the Tomaree Lodge site; reinstating the jetty and the baths; a picnic area; and nature-based tourism. It also envisages new amenities, parking and additional access. The Friends of Tomaree Headland convener Peter Clough is already making progress on the group's vision. I look forward to working with Mr Clough and the Friends of Tomaree Headland to see their vision become a reality.

### Q FEVER

**The Hon. MICK VEITCH (15:15):** In its February edition *The Farmer* magazine had a series of articles about Q fever. I recommend the articles to all honourable members. Q fever is a bacterial infection that can cause a severe flu-like illness. For some people Q fever can affect their health and ability to work for many years. The bacteria spreads from animals, mainly cattle, sheep and goats. Even people who do not have contact with animals may be infected. A safe and effective vaccine is available to protect people who are at risk. Screening is also required to identify who can be vaccinated. Examples of people who could contract Q fever are: abattoir and meatworkers; livestock and dairy farmers; shearers; wool classers and sorters; pelt and hide processors; stockyard and feedlot workers; veterinarians, veterinary nurses, assistants, students and others working with veterinary specimens; wildlife workers working with high-risk animals such as Australian native wildlife; agricultural college staff and students; laboratory workers; animal shooters and hunters; dog and cat breeders; and people whose work involves regular mowing in areas frequented by livestock or wild animals.

In 2017 the NSW Ombudsman held a roundtable involving NSW Farmers, the medical profession and Q fever victims. Between 2002 and 2012 there were 177 workers compensation claims for Q fever in New South Wales, with costs totalling more than \$3.5 million. In March 2018 the New South Wales Government committed \$475,000 to improve the Q fever vaccine and raise awareness of the condition. During the election campaign NSW Labor said it would fund 8,000 vaccinations for at-risk rural and regional residents in New South Wales who are currently not covered under employer schemes and would run the program for two years. Approximately 4,000 tests would be done each year. Labor also committed to extending funding for the current research program being conducted so that people under the age of 15 could be vaccinated.

Why is this important? It is important because sometimes in the hurly-burly of election campaigns these sorts of issues are forgotten. The Government did not match Labor's commitment. I am offering the hand of bipartisanship to the Government. This issue needs to be taken seriously. We need to work together to address the issues of Q fever in society. I am happy to work with the Government to come to a resolution around this issue. Why is it important to me? I live with Q fever and I have had it for quite some time. I contracted it when I was a shearer and it can be a debilitating illness. Australia has the highest rates of Q fever in the world, with most cases in New South Wales and Queensland. Most people with Q fever suffer flu-like illnesses and fatigue syndrome which leaves them exhausted, depressed and unable to work. This is a debilitating illness. We should all work together to counter Q fever.

### NON-COMMERCIAL KANGAROO KILLING

**The Hon. MARK PEARSON (15:18):** In August last year the New South Wales Government changed the rules to make it easier to shoot kangaroos for non-commercial purposes. As a result of the changes, those carrying out the shooting no longer need a licence to kill. The few checks and balances that were in place to ensure a minimum level of accountability by shooters and the welfare of the animals have now gone. The changes brought in by the Government have created a culture of anything goes when it comes to killing these gentle, native wild animals. My office has been inundated with accounts from distraught members of the public who have witnessed the horrific treatment of these animals and their young since the changes came into effect. We have heard how

killing sprees happen everywhere and all the time. The latest report came in this week. A New South Wales citizen told of the people living opposite who are:

... intent on wiping out every kangaroo on the place. Shooting almost every night ... Yesterday I witnessed them run down a kangaroo with their tractor, pin the animal against the fence and kill the animal before picking up the carcass in the front bucket of the tractor and dumping it in a ditch. It's tragic—there was a lovely big mob of kangaroos down there. I have been onto the police and basically received a "Oh, well, it's his property and he can kill kangaroos if he likes" response.

Another report told of a kangaroo found with:

... multiple festering and stinking injuries resembling gunshot wounds to both shoulders, left bicep and forearm, left side ribs, chest and left rump. Wounds were maggoty; he was also being eaten alive by European wasps (on the wounds). Prognosis by the vet—"poor".

We have received gruesome images also from wildlife carers who are called out to rescue injured young joeys with bullet entry points in the neck and chest or in the abdomen via thighs, kangaroos shot in the base of the tail and then run over, kangaroos with jaws shot out, kangaroos shot with arrows, and joeys left to die in the pouch of their shot mother. These are the images we can find words to describe. Other scenes are so horrific that they are beyond description, except to say that they would have caused immense suffering and slow and painful deaths. It is difficult to avoid the view that the Government's changes to the rules for the non-commercial killing of kangaroos have encouraged a complete disregard for the welfare of one of our most cherished native animals and is vindicating what is becoming a virtual genocide of this species. I call upon the Government to review the current administrative regime allowing the indiscriminate wounding and killing of kangaroos on private property. The suffering caused to individual animals is unacceptable.

#### KEVIN YOUNG

**The Hon. NIALL BLAIR (15:21):** I take this opportunity to acknowledge and congratulate Mr Kevin Young on a fantastic career. Mr Kevin Young became managing director of Sydney Water in 2011. He has accumulated a wide range of knowledge and experience. He obtained a civil engineering degree with honours from the University of Newcastle and a Master of Business Administration. He is a Fellow of Engineers Australia and a Fellow of the Australian Institute of Company Directors. Kevin has over 40 years' experience working for the private sector and government authorities in Australia and overseas.

During Kevin's eight years as the managing director of Sydney Water he has overseen enormous improvements and has reshaped the organisation with a focus on customer service. When I was water Minister between 2015 and 2017 I had the pleasure of working with Mr Young. He instilled a culture of customer service and oversaw a great deal of investment in new infrastructure and growth, particularly throughout Sydney. On his watch over \$2.2 billion was allocated to new infrastructure projects and the upgrading of existing assets. What stood out to me was his commitment to other communities, particularly through his work with WaterAid Australia. He did a lot of work in South-East Asia to ensure that his expertise and knowledge that he applied to overseeing the operations of Sydney Water was applied also to bettering the lives of people who live in countries and communities that are far less fortunate than communities in New South Wales. I am pleased I had the pleasure of working with Mr Young. At the time the Hon. Walt Secord was the shadow Minister for Water.

Although I cannot comment on what it would be like to work for Mr Young, I can say that during his time with Sydney Water relative stability has been maintained throughout the organisation and a lot of improvements were made to the network of our water assets under Sydney Water's control. It was a real pleasure for me as the Minister to deal with Sydney Water. I state for the record that I commend Mr Young for his service. I also commend him on a number of interesting initiatives he led, particularly when we drove down prices for Sydney Water customers. One initiative he led was "Keep Wipes out of Pipes", for which Sydney Water won international awards. As the Minister responsible for water, the Hon. Don Harwin also worked with Mr Young. I state for the record my appreciation of Mr Young's fine service and wish him well in his next venture.

**The Hon. Don Harwin:** Hear, hear!

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

**The Hon. TARA MORIARTY (15:24):** I wish to make a few remarks about the Hon. Bob Hawke, MP, and his legacy, particularly in relation to health care. On 16 May 2019 we lost an Australian legend. We lost a man who brought Australia together, a man who outlawed sex discrimination in the workplace, a man who handed Uluru back to its traditional owners, a man who introduced the family allowance supplement to ease childhood disadvantage. Hawke was an inspirational leader to all sides of politics and to all walks of life. He was of course leader of the Labor Party and subsequently Prime Minister of Australia from 1983 to 1991.

His entire career was dedicated to making Australia a more egalitarian society and he changed systems and structures in Australia to create opportunity and level the playing field for working people. The Hawke-Keating Government was a truly reforming government in the interests of the Australian people. Hawke brokered the accord, established Landcare and the Australia-Pacific Economic Cooperation and floated the Australian dollar. His Government introduced superannuation schemes for all workers and deregulated the financial sector. But arguably his greatest achievement was the introduction of Medicare.

It meant that no matter who you were, your gender, your income or where you lived, you had access to health care. Medicare changed the face of Australia. It created an equitable society, giving every Australian access to a world-class healthcare safety net. Before Medicare medical expenses could push families into poverty. Prior to Medicare there was a choice between getting the help that you needed and putting food on the table. I would like to say that is no longer the case but for families across regional and rural New South Wales access to quality health care is challenging. Over time our universal healthcare system has been chipped away. It is vitally important that we recognise and advocate for its continued existence. All Australians, no matter their financial situation or where they live, should be able to access the medical attention and advice they need. We need to ensure that that is the case into the future.

Former Prime Minister Julia Gillard once said, "Every policy aimed at splitting Australians into ever smaller groups, sharing neither hospitals nor social services, is a policy that weakens our community." She was right. All we have to do is look at the state of regional hospitals across New South Wales to see this Government's abandonment of Hawke's and Labor's legacy of a fair healthcare system for all. Recently I had the opportunity, along with my colleagues the Hon. Walt Secord and the member for Eden Monaro, Mike Kelly, MP, to meet with mothers at the Yass hospital to hear from them about their experiences of being forced to travel more than an hour to give birth in Canberra or even further in Queanbeyan or Goulburn because of a lack of maternity services in their local area.

At the Goulburn hospital almost a quarter of patients wait over four hours in emergency. Bowral hospital, which the Government tried to privatise in 2016, would have left the closest hospitals over an hour away in Goulburn, Wollongong or Campbelltown. It is just not good enough. It is time the Government took action and invested in health care across regional New South Wales. I believe in Hawke's and Labor's commitment to Medicare and the principle of universal health care. Everyone in New South Wales should have the right and the ability to access the health care they need, not just affordably but, equally as importantly, where they live.

#### WALGETT IGA FIRE

**The Hon. ROD ROBERTS (15:27):** I will describe briefly the current situation in Walgett, which is a drought-ravaged tiny rural community in the far-flung north-west corner of New South Wales. Walgett is situated near the junction of the Barwon River and the Namoi River. Probably at the best of times it would be described as a socially disadvantaged town. It is a centre that relies on wool, wheat and cotton for its main sources of income. I assume that most members would be aware, but for the benefit of those who are not, the population of this very small community is two and a half thousand. It has one supermarket which, unfortunately, recently burnt down.

Those who are fortunate enough to live in cities or bigger regional centres have the choice of Coles, Woolworth, Aldi or other convenience stores. These poor people had only the one supermarket but it has burnt down. I place on the record my support, sympathy and empathy for the people of Walgett. I note that the Hon. Adam Marshall, in his role as Minister for Agriculture and Western New South Wales, has offered government support and services to those people. The closest supermarket is at Lightning Ridge, although I do not imagine it would be much of a supermarket and it is 80 kilometres away. People, including the elderly, who do not have private transport and rely on public transport have little hope of getting between Walgett and Lightning Ridge to get their milk and bread. I place on the record my support and that of all members in this House for the people of Walgett, who are suffering.

#### POLICE POWERS

**Mr DAVID SHOEBRIDGE (15:30):** If there were a scheme that got it wrong most of the time, that brutalised people and produced no overall positive, it would be hard to justify massively expanding that scheme. And yet here we are with the New South Wales drug dog scheme and the unprecedented expansion of strip searches of members of the public. We have seen a staggering 47 per cent increase in the number of police strip searches in the past four years, not as a result of law changes—nothing this place has done—but because of more aggressive policing and what appears to be a culture of impunity within the NSW Police Force. Police know that this does not work, not because they themselves have been carefully collecting and monitoring the results but because we and others have obtained the information and have told them.

We know that in 2017-18 there were more than 5,400 strip searches. That is a 47 per cent increase in just four years. In the great majority of cases nothing was found. In just that one year 3,400 mainly young people were targeted, stripped naked in front of strangers and humiliated for no purpose. Data obtained by Redfern Legal Centre, as part of its excellent Safe and Sound campaign, show that 296 minors, young people, were strip searched in just two years, the youngest being just 10 years old. Young adults aged between 18 and 25 were subjected to 4,011 strip searches in the same period—41 per cent of the total 9,891 strip searches across New South Wales. Let us make no mistake about this, strip searches can be enormously traumatic. This is especially the case for people who have previously been victims of abuse. In those cases the searches can be highly damaging, re-traumatising events.

It is extremely hard to see how the strip searches of children as young as 10 can be justified, particularly given the likely impact on those children and on the relationship they and their peers will have with the police. Strip searches should not be standard practice. It is unacceptable for commuters to be intimidated by strip search tents at Central station, for young Aboriginal people to be regularly strip searched at Redfern station and for festival goers to be targeted when they are heading out to listen to some music with their friends. The information we have received from police suggests that police are not advised at all. There is nothing in their documents about how traumatic strip searches can be, especially on young people. The scheme produces harm. It erodes civil liberties, traumatises children and re-traumatises victims of sexual assault. It is time it sniffed off.

#### *Documents*

### **VALES POINT POWER STATION AND ERARING ENERGY**

#### **Production of Documents: Order**

##### **Debate resumed from an earlier hour.**

**Ms ABIGAIL BOYD (15:33):** The second part of this motion relates to Eraring Power Station, which is Australia's largest coal-fired power station. Like Vales Point, it sits on the shores of Lake Macquarie in a residential area and, similar to Vales Point, has been the subject of a string of regulatory issues, including excessive ash dust and the discovery of asbestos waste being used to cap its ash dams. The community was similarly disappointed to see the New South Wales Government refuse to tighten Eraring's licence conditions to require it to install pollution-reduction technology.

Eraring was sold to Origin Energy in 2013 for just \$50 million in an arrangement that saw the Government actually paying Origin \$300 million to break a coal supply contract. Although justified by then Premier Mike Baird as being necessary given the Government's previous arrangements with Origin Energy, the Government's ongoing failure to adequately regulate Eraring Power Station again raises questions around the full terms of that sale. The latest controversy involving Eraring Power Station involves the emergency closure of Myuna Bay Sport and Recreation Centre, following the Government's receipt of a report from Origin Energy in relation to the risk of a breach of its ash dam. That issue is being looked at closely, not just by The Greens but also by the member for Lake Macquarie, Greg Piper, and members of the Opposition.

Given the importance of the safe operation of both of these power stations to the residents of Lake Macquarie, the Central Coast and the Newcastle and Hunter region, given the value of Lake Macquarie to the people of New South Wales as a tourist and sports and recreation hub and given the interests of the public in ensuring the proper management of the State's assets and finances, I ask members to support this call for papers.

I seek the leave of the House to amend private members' business item No. 71 outside the order of precedence standing in my name on the *Notice Paper* for today by omitting "14 days" and instead inserting "21 days".

**Mr David Shoebridge:** You are so reasonable.

**Ms ABIGAIL BOYD:** I do so in an attempt to be reasonable. Thank you, Mr Shoebridge.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** As the motion has already been moved, another member will have to move the amendment.

**Mr DAVID SHOEBRIDGE (15:35):** I move:

That the motion be amended by omitting "14 days" and inserting instead "21 days".

**The Hon. SCOTT FARLOW (15:35):** This is an incredibly broad order that goes back to a transaction that was undertaken in 2015. Every decision we have taken is in the best interest of taxpayers. We have helped reduced debt in all our transactions. That is why New South Wales currently has negative net debt, which means that we can invest in more schools and hospitals. This transaction resulted in the State transferring trading risks and significant liabilities, such as the costs associated with decommissioning, to the purchaser. At the time of the

transaction Vales Point Power Station had not made a profit as a standalone asset since 2012-13. As a result, Delta Electricity had written down the value of its physical assets in its accounts. Therefore the divestment was appropriate at that point in time, given the conditions of the market and Delta's financial position at that time.

The Vales Point Power Station was sold above its retention value in November 2015. Every transaction we have undertaken has ensured that we are able to make record investments in schools, hospitals, roads and rail—nearly \$90 billion worth of infrastructure investment over the next four years alone. We can only do this because the Government has ensured that the State's balance sheet is in a strong position. We have swapped old assets for the schools and hospitals that the people of this State deserve. This transaction helped the State minimise its liabilities and enabled us to invest in the assets that the State needs. The sale of Vales Point means that New South Wales was no longer exposed to significant liabilities, such as the costs associated with decommissioning, estimated to be in the tens of millions.

Vales Point was effectively left stranded as an asset on our balance sheet as it did not have access to the retail businesses that the previous Labor Government sold under its flawed gentrader deal. Labor's gentrader deal saw the State selling the energy produced from power stations to the private sector but left the electricity generation assets in government hands. The Government is free from exposure on our balance sheet. These transactions have now ensured that we can make record investments in schools, hospitals, roads and rail. Every transaction we have undertaken is in the best interests of the people of New South Wales. The people of New South Wales have benefited from every transaction. We have spent the last eight years swapping bad assets for new schools, hospitals, roads and rail.

This call for papers under Standing Order 52 is very broad and relates to a transaction that was undertaken back in 2015. This request for documents dating back to the beginning of the last Parliament will take up the valuable time of government departments which are already collating information for the House from the last sitting week. Government departments, including Treasury and the Department of Premier and Cabinet, are already spending time on the GO NSW Equity Fund Standing Order 52 request. Now members of the House want to take up valuable department resources to look for documents from 2015 to find information on a transaction that has ensured that the Government is able to make more investment in schools, hospitals, roads and rail. This transaction was successful as it freed the Government from Labor's gentrader transaction issues where the State was exposed to significant liabilities. If this did not happen the State would be in a worse financial position than it is now. Some members of the House do not value the importance of New South Wales' strong financial position. For these reasons we oppose the motion.

**The Hon. ADAM SEARLE (15:38):** The Opposition strongly supports this call for papers. I take issue with the Hon. Scott Farlow's claim that Vales Point Power Station was a stranded asset and that it was sold above its retention value. Clearly there was something wrong with the Government's calculations. The asset was sold for \$1 million, but only a few short years later its new private owners have it valued at over \$730 million. The station's electricity is being sold into the market for 30 per cent to 40 per cent more than when it was in government hands. The privatisation of the electricity generation assets has, more than any other measure taken by the current Government, driven the 60 per cent increase in the price of electricity, which the homes and businesses of this State are paying for. We should have access to these documents so we can see the truth of these transactions and whether they were at any point in time value for money.

This Government has sought to shroud these transactions in a cloak of secrecy, even years after they took place. These documents should be in the public realm because there is no commercial in confidence issue. These are essentially monopoly assets—at least they were at the point they were sold—that were sold to private concerns. The people of this State were at one end of the transaction. They have the right to know what undertakings the Government gave on their behalf. We hear that the low price of the sale was a product of netting out the rehabilitation or decommissioning costs. There is a persistent rumour that the Government still retains significant rehabilitation burdens for at least the Vales Point Power Station. Rather than let that be a matter of controversy or rumour, the Government should let us see the truth in the documents. The Opposition strongly supports this call for papers. We urge all honourable members to support the motion to shine a light on these dodgy transactions.

**The Hon. TAYLOR MARTIN (15:41):** As is always the case with Standing Order 52 motions, an order for the production of documents uses significant amounts of public service resources. The sale of Vales Point Power Station has already been well canvassed by members of the Legislative Council Select Committee on Electricity Supply, Demand and Prices in New South Wales during the last session of Parliament. I can only say that this motion has more to do with The Greens' anti-coal agenda than any pursuit of additional knowledge that is not already in the public domain. I acknowledge that in her earlier contribution the new Greens member, Ms Abigail Boyd, seemed to give her approval of a technology that has the potential to reduce pollution from coal-fired power stations. When she came into this place I was reliably told that she was a "Red Green", but she may well be starting the "Brown Green" faction. Nevertheless, I was shocked. It was the first time in the two years

that I have been in this place that I have heard a contribution from The Greens that supports our current coal-fired fleet—a reliable technology. I welcome The Greens' new-found endorsement of coal-fired power.

During the inquiry Delta Electricity representatives described the significant liabilities that the New South Wales Government is no longer responsible for because they were included as part of the sale. The sale included liabilities such as the \$30 million employee entitlement liabilities, a significant decommissioning liability worth upwards of \$8 million and, of course, the working capital needed to keep the business going on a day-to-day basis, which could cost anywhere between \$20 million and \$30 million. The New South Wales Government would have been holding an extraordinary risk as an owner of an ageing asset that would have reached the end of its working life in the next decade. During that inquiry we also heard that at the time of the sale electricity prices were selling into the market in the area of \$30 to \$40 per megawatt hour. This afternoon the price in New South Wales is \$117 per megawatt hour.

At the time the power station was running at a loss. The sale was an excellent divestment for the Government. When the station was sold no-one anticipated the closure of Victoria's Hazelwood Power Station—a coal-fired power station—less than two years later under a Victorian Labor Government nor the higher prices that have flowed since. Finally, I make the point that the new owners are investing significant capital into extending the working life of Vales Point Power Station. The whole of the Central Coast and the Hunter looks forward to the station producing wonderful amounts of cheap, reliable baseload power right up until 2049—all without taxpayer subsidies.

**The Hon. JOHN GRAHAM (15:44):** I support the motion. I will add to the discussion a couple of facts that arose out of some direct evidence that company representatives, to whom the asset was sold, gave to the Select Committee on Electricity Supply, Demand and Prices in New South Wales. I put a couple of those facts on the record because I think they are relevant. As the Hon. Adam Searle said, this power station—a significant asset—was sold for \$1 million. People can barely buy a home in Sydney for that amount of money, but these guys got a power station asset for \$1 million. It is now valued at \$730 million. They turned up to Parliament and confirmed that the valuation was \$730 million. How much did they make in the last year for that \$1 million by selling electricity into the market? They turned up to Parliament in front of the committee and said they cleared \$90 million in the first year.

I do want to be fair to the Government and to the owners because we did get some information about the costs that were not factored into that \$1 million headline price. The company gave evidence that there was only \$30 million worth of employee entitlement liabilities, a decommissioning liability of about \$8 million and working capital for the business of maybe \$20 million to \$30 million. If you add all of those figures up it amounts to \$58 million to \$68 million. The company cleared that in the first year of operation. It had \$90 million in profits in the front door already.

The reason for the discrepancy between those two figures is that despite the fact that the Government said its technical closure date was 2029, the Government slated it for closure—it is reported—in 2021. That is the reason for the write down. Turning that around has generated this profit. The company is now out in public claiming that it may consider the option of keeping Vales Point Power Station operating until 2049—not 2021, under which the Government sold it for and under which we got \$1 million. The company is going to keep the money rolling in and profit going until 2049. This was a bad deal for the taxpayers of New South Wales. We expect to see the documents for it. Debt was not reduced and schools and hospitals were not purchased for this \$1 million. We want to see the documents.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:47):** Earlier I questioned the integrity of the manner in which Standing Order 52 production of papers motions are being used to pile documents on this House in some sort of fishing expedition. It really goes to the integrity of how these orders for the production of documents are being sought. This motion orders the production of these documents, which go back five years, within a period of 14 days. No query was made of the Treasurer's office about whether 14 days was a reasonable time frame in which the documents could be produced. There was no discussion. The motion states that the Government has 14 days to produce them. This has occurred against a background where every member of this House supported a motion to make it a contempt of Parliament that could result in the censure of a Minister to not comply with one of these orders. The fit up is on in this process. This is part of the fit up.

**Mr David Shoebridge:** Point of order: The member is casting aspersions on the mover of the motion. He clearly is alleging that there is mal-intent in bringing the motion and has described it as a fit up. It is unworthy of the Minister, but it is also a breach of the standing orders to cast aspersions on a member.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** If the Minister wishes to make a reflection on another member he will do so by way of a substantive motion. I draw the Minister back to discussing the motion as it is, rather than the intention behind it.

**The Hon. DAMIEN TUDEHOPE:** It goes to show that this is symptomatic of a potential abuse of process. The point I make is this: There needs to be clarity around—[*Time expired.*]

**Ms ABIGAIL BOYD (15:50):** In reply: I thank the Hon. Scott Farlow, the Hon. Adam Searle, the Hon. Taylor Martin, the Hon. John Graham and the Hon. Damien Tudehope for their contributions to this debate. It is clear that there are a great number of outstanding questions about these transactions. We appreciate the comments from the Hon. Damien Tudehope in relation to the time given, which is why we have sought to extend it by a week. Effectively though, we are talking about documents we assume to be stored electronically—and only two of them. I will mention one further issue. My understanding is that, as was reported at the time, the Australian Labor Party referred the sale of Vales Point Power Station to the Auditor-General. I have made inquiries and although the Auditor-General received that request, to my knowledge, it was never reported. I cannot find any report; the Auditor-General cannot find any report. I think this has been going on for a few years. Let us get the documents and clear it up.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** Ms Abigail Boyd has moved a motion, to which Mr David Shoebridge has moved an amendment. The question is that the amendment of Mr David Shoebridge be agreed to.

**Amendment agreed to.**

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

**Division called for.**

**Call for a division, by leave, withdrawn.**

**Motion as amended agreed to.**

#### *Committees*

### **PORTFOLIO COMMITTEE NO. 2 - HEALTH**

#### **Reference**

**The Hon. WALT SECORD:** I move:

That private members' business item No. 83 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. WALT SECORD (15:53):** I move:

1. That Portfolio Committee No. 2 - Health inquire into and report on the operation and management of the Northern Beaches Hospital, and in particular:
  - (a) the contract and other arrangements establishing the hospital;
  - (b) changes to the contract and other arrangements since the opening of the hospital;
  - (c) ongoing arrangements for the operation and maintenance of the hospital;
  - (d) standards of service provision and care at the hospital;
  - (e) staffing arrangements and staffing changes at the hospital;
  - (f) the impact of the hospital on surrounding communities and health facilities, particularly Mona Vale Hospital, Manly Hospital and Royal North Shore Hospital;
  - (g) the merits of public private partnership arrangements for the provision of health care; and
  - (h) any other related matter.
2. That the committee report by the first sitting day in 2020.

Members have already asked me why Portfolio Committee No. 2 - Health does not simply self-refer this issue, as it has the power to do so. The answer is clear, and this process and this route is based on legal advice. Put simply, if there are questions as to the compulsion of any witnesses or demands for commercial documents, then a referral by a vote of the House proves the strongest possible pillar to our inquiry. A vote with the backing of the House will hold more weight than a self-referral if there is any resistance to the aims of this inquiry. That may be very important when it comes to dealing with the private hospital operator Healthscope and foreign investment firm

Brookfield. I put it to members that, for the reasons I will outline, a critical matter such as this—one that deals with significant corporate interest—requires a strong pillar. Hence I ask members to support the motion so New South Wales communities have the opportunity to see the transparency they desire.

Turning to the broader reasons for the inquiry, I will be brief as I have already spoken on the problems at the Northern Beaches Hospital three times this year alone. Members would be aware of the problems there, but the motion we are debating is about another important principle. It is about openness, transparency and the expenditure of public funds and therefore goes to the heart of the purpose of this Chamber. This is a Chamber of review; it was founded to examine and scrutinise the decisions of executive government. While all government decisions have community impact, few are more serious than those in the area of health. If there is a case for a health facility warranting examination by a Legislative Council inquiry into expenditure, it is the Northern Beaches Hospital and the private-public partnership model.

Sadly, from the moment the hospital opened its doors, the project has lurched from crisis to crisis. Patients, doctors, nurses and health and hospital workers have reported a litany of problems at the Northern Beaches Hospital. Premier Gladys Berejiklian and Minister Brad Hazzard said that they were just "hiccups" and "teething problems". Whether this attitude is brave or completely out of touch remains to be seen. They also promised that the Northern Beaches Hospital would "herald a golden standard of public-private partnerships of health care in New South Wales". That is a fine aspiration, but this inquiry will help to get to the bottom of whether that aspiration has been achieved. There have been reports of a lack of basic medical supplies at the hospital. In the first days there was a lack of slings, bandages, intravenous lines, medical swabs, saline bags, needles, washcloths, alcohol rub and maternity pads—even a lack of insulin. Doctors and nurses had to procure— [*Time expired.*]

**The Hon. NATASHA MACLAREN-JONES (15:57):** The New South Wales Government has ensured that, after 16 years of neglect by those opposite, we have embarked on unprecedented spending on health infrastructure for our hospitals, community health centres and multipurpose service centres across the State. The record speaks for itself: more than \$10 billion for new and rebuilt hospitals in the first eight years of government and almost another \$8.5 billion being spent in the next four years. There is nothing more complex in a State government build than a twenty-first century hospital. Whenever a hospital is redeveloped or a new hospital is built, there are issues relating to the development of a new culture and new synergies.

This motion is born out of the cynicism of those opposite. The fact is that for 16 years Labor did nothing to build a new hospital for the Northern Beaches. It has constantly attacked, rather than supported, the staff at this hospital. Honourable members may see this motion put forward and look at it through another prism, but clearly Labor's prism is one focused on diminishing the hospital, its staff and its model of delivery of care. The motion is aimed at using the Northern Beaches Hospital as a political football.

On 30 October 2018 the new state-of-the-art hospital at Frenchs Forest was opened as part of a \$600 million health services redevelopment. In opening the hospital, the New South Wales Government successfully delivered the first major investment in public health infrastructure for the Northern Beaches in decades. As recently as last weekend, the Minister for Health and Medical Research spoke to a number of staff who expressed satisfaction that finally the media had ceased reporting negatively on the hospital. The staff felt not only that they were being positively supported but also that their work was appreciated.

The Government would like to take this opportunity to acknowledge the hard work of the staff, particularly those who transitioned from Manly and Mona Vale hospitals, and those who continue to provide care for the people of the Northern Beaches. It should be acknowledged that every new hospital has settling-in challenges, and everyone is genuinely interested in patients and staff. We must ensure that we are providing support to address those issues that have been raised. This motion does not support the work there. Any evaluation of a hospital in New South Wales also needs to be considered in light of the fact that hospitals are currently experiencing exceptionally high levels of demand. It should never be forgotten that New South Wales is acknowledged as leading Australia in the delivery of health services to patients through its hospital system—and Northern Beaches Hospital is part of that system. Northern Beaches Hospital has informed us that as at 1 May, 904 babies have been born at the hospital. I thank our fantastic nurses, midwives and doctors. There have also been 29,860 emergency department presentations, 17,566 outpatients, 7,578 theatres cases and 20,895 admissions. There has been a significant increase in the number of beds from the 31 beds, five birthing suites and six special care nursery cots that were available at Manly and Mona Vale hospitals. The hospital is a great win for our community. There has also been an increase in the number of staff from 1,037 to 1,650. [*Time expired.*]

**Ms CATE FAEHRMANN (16:00):** The Greens support the motion moved by the Hon. Walt Secord. We have been receiving communication from residents in the Northern Beaches who are concerned about the sale of the hospital and about the loss of some of the treasured hospitals in that part of the world. Friends of Northern Beaches Maternity Services are concerned about the services being provided at the hospital. People have raised

concerns about the accident and emergency department that was lost as a result of the closure of Mona Vale Hospital. People have raised concerns about the distances they have to travel.

Residents are concerned but an inquiry such as this will enable greater transparency around the contracts. The very good investigative journalist Michael West has asked some serious questions of the Government that have not been answered. Those questions are about the recent sale of Healthscope—so soon after the Northern Beaches Hospital was opened—to a company that has much of its investment based the Cayman Islands. The Government will not answer questions about what Healthscope sold. Was it the future cash flows from our patients in health funds? The Government has not answered any questions about Healthscope. Quite a few privatised hospitals, under Healthscope, have been sold to a much bigger operator but we do not know what the ramifications are. There are a lot of questions to be answered because these matters appear to be very fishy indeed. This is exactly the type of thing that the new upper House committees, with their increased powers, should be able to investigate for the people of New South Wales. I am looking forward to this inquiry and to the upper House supporting it.

**The Hon. WALT SECORD (16:03):** In reply: I thank the two members for their contributions. I note that the Northern Beaches Hospital was set up as a private-public partnership. It was the subject of major public expenditure—\$600 million up front, and a further \$2.14 billion for the private operation over the life of the hospital. It is not only the Labor Party that wants to examine the workings and operation of the Northern Beaches Hospital; the community of the Northern Beaches also wants this to happen. If the inquiry is supported I would like the committee to take evidence from the community on the Northern Beaches, health and hospital representatives, unions, public-private partnership experts, Healthscope, Brookfield Capital Partners, past and present medical staff, and even taxation experts such as Michael West. In conclusion, I commend the motion to the House. If this motion is supported, I would like the committee to report in early 2020.

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

**Motion agreed to.**

#### *Bills*

### **MINING AMENDMENT (COMPENSATION FOR CANCELLATION OF EXPLORATION LICENCE) BILL 2019**

#### **First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by Reverend the Hon. Fred Nile.**

#### **Second Reading Speech**

**Reverend the Hon. FRED NILE (16:06):** I move:

That this bill be now read a second time.

The Mining Amendment (Compensation for Cancellation of Exploration Licence) Bill 2019 seeks to correct serious injustices that arose during the terms of the previous two Parliaments. In 2012 and 2013 the Independent Commission Against Corruption [ICAC] conducted Operation Acacia, which concerned the granting of the Doyles Creek exploration licence to Doyles Creek Mining Pty Limited, which at the time of the inquiry was a wholly owned subsidiary of NuCoal Resources Limited. Following these inquiries ICAC issued reports with respect to Operation Acacia, in which findings of corrupt conduct in the grant of Doyles Creek exploration licence were made. Importantly, there were absolutely no findings of corrupt conduct against the directors of NuCoal in relation to either the creation or the granting of the relevant exploration licences.

In December 2013 ICAC issued a further report dealing with Operation Acacia. Within this third report ICAC recommended that "special legislation to expunge" the licences be considered to be enacted which "could be accompanied by a power to compensate any innocent person affected by the expunging" and that "relevant decision-makers take into the account issues of procedural fairness". In January 2013 the New South Wales Parliament implemented one aspect of ICAC's recommendations and cancelled the Mount Penny, Glendon Brook and Doyles Creek exploration licences. This was done through the Mining Amendment (ICAC Operations Jasper and Acacia) Act 2014—the cancellation Act. Contrary to the advice of both ICAC and Bret Walker, SC, the cancellation Act denied any claim for compensation for the shareholders. Instead, the legislation cancelled the licence without the due process afforded under the Mining Act 1992, without any public hearing or any right of appeal, without recourse to normal rule of law measures, including the legal system and courts, and without just compensation. It removed any right to compensation that NuCoal would otherwise have had. It also absolved the Government of liability for the corrupt conduct of its Ministers and employees and required NuCoal to provide

the Government with all the confidential exploration data that the companies had paid for. That meant that shareholders in NuCoal suffered significant financial disadvantage because of the passage of the Act.

Nearly 3,000 innocent NuCoal mum-and-dad investors lost a considerable value of their investment as a result of the introduction of the cancellation bill. I have met with a number of those people and the cases they have presented to me are absolutely compelling. According to a briefing note provided to me by NuCoal, the company's share value fell from 0.65c to 0.026c, resulting in a loss of hundreds of thousands of dollars for some of the mum-and-dad investors. The shareholders had every reason to believe that their savings would be safe, that the company had completed all due diligence, and that they had made an investment which would contribute to the wealth of the State and the nation.

At the time that the licences were removed the Government argued that shareholders should have been made aware of the alleged corruption. But that assessment by Premier O'Farrell was plainly wrong. Any potential shareholders would have relied on an independent probity report by O'Connor Marsden & Associates, which raised no issues whatsoever. There was no way, realistically, that any person investing in NuCoal—up to the point when the ICAC report into Operation Acacia was finally handed down—could have been expected to be aware of any probity concerns. Now, because of the cancellation bill, and through no fault of their own, many face the prospect of their investments being worth a tiny fraction of what they originally were.

The point is that NuCoal's shareholders were innocent of any wrongdoing and should not have been punished. The bill sets in train a fair process for fair compensation. It does not seek to set an amount, or select who should be compensated, or under what terms that compensation should be paid. It does not seek to direct a specific outcome. Rather, the bill establishes a scheme that parties who have been unjustly adversely impacted as a consequence of the ICAC investigations and what followed in their wake may seek recourse to. The scheme is outlined in the operative part of the bill, namely item [3], which creates a new section 7A in the Mining Act.

New section 7A (1) establishes the purpose and scope of this legislative reform by recognising that those affected by the cancellation of the relevant licence are to be entitled to fair compensation after an open and impartial process of assessment. New section 7A (2) creates an obligation on the part of the Minister to appoint an independent arbitrator who will preside over the assessment process. The section also stipulates that the appointment should be made before the end of this calendar year, which I think is eminently reasonable. In the interest of keeping the appointment as impartial as possible while also requiring that the arbitrator be qualified, new section 7A (2) also requires that the appointee should not have been employed by the ICAC; however, the Minister has a wide element of discretion as to what he believes makes a candidate qualified for the job.

New sections 7A (3) and (4) assert that a claimant can make a claim for compensation to the independent arbitrator and has a right to make a submission and be heard within a reasonable period of time. New section 7A (5) requires that the independent arbitrator outline what information will be considered when determining a claimant's claim, and that this be published on a public website so that claimants can prepare their submissions. New section 7A (6) provides a wide discretion on the part of the independent arbitrator to establish a procedure for assessing the claims and to have the procedure published on a publicly accessible website.

A concern has been raised by stakeholders that the discretionary power is too wide. I do not think so. In fairness to the Minister and his independent arbitrator appointee, and in light of the context of this legislation, I have full confidence that any process for arbitration and assessment will be fair, equitable and just. For the abundance of caution, I make it clear that it is the intention of the drafter of the bill that this process indeed be fair, equitable and just. The bill is intended to right a wrong. It is imperative that this crucial aspect of the process be free of any defects that might cause a member of the public—let alone those persons who may be prospective claimants—to lose confidence in its rightness. I trust that whoever will be appointed will do the right thing and therefore the discretion will allow them to establish whatever process is seen as most effective and efficient to that end.

New section 7A (7) directs the independent arbitrator, when establishing the process for assessment, to turn their attention to and make provision for certain procedural matters. They include the manner in which the procedure is commenced, submissions are made, claims are determined and the rights of appeal exercised, and also establish a limitations period for claims to be lodged. They also include compliance with any other laws that the independent arbitrator may feel are appropriate under the circumstances to bind himself by, and any other matters that the independent arbitrator may feel are necessary in the interests of fairness, equity and justice.

New section 7A (8) outlines the powers of the independent arbitrator—namely, to determine entitlements to compensation, the amount of compensation payable and any conditions of payment. New sections 7A (9) and (10) establish a claimant's right to be represented in the process through a third party. That is necessary as we envisage that some claimants may not be, in legal terms, "sophisticated parties". In other words, because the

purpose of the bill is to provide justice and relief to mum-and-dad investors, they may not be in a position to deal with their claim, lodgement and submission in person.

New section 7A (11) states that compensation shall be payable out of "money to be provided by Parliament or that is otherwise legally available". That section follows the Letona precedent. I believe that it is a fair and open way to work out the competing claims for compensation. By relying on an independent arbitrator, the Government, the companies, and, most importantly, the shareholders can have confidence that the outcome will be equitable and just. Moreover, the principle that governments should not impinge upon private property rights without fair compensation will be restored and reaffirmed. The injured parties have been waiting for justice now for a number of years. The bill will start the process of rectifying a wrong. Finally, I acknowledge my chief of staff, Edwin Dyga, for his work in coordinating the drafting of the bill with the Parliamentary Counsel's office. I commend the bill to the House.

**Debate adjourned.**

### *Committees*

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

##### **Reference**

**Reverend the Hon. FRED NILE:** I move:

That:

- (a) the Mining Amendment (Compensation for Cancellation of Exploration Licence) Bill 2019 be referred to the Standing Committee on Law and Justice for inquiry and report; and
- (b) on tabling of the report by the Standing Committee on Law and Justice, 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*

#### **LAND CLEARING AND BIODIVERSITY LAWS**

**Mr JUSTIN FIELD:** I move:

That private members' business item No. 87 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr JUSTIN FIELD (16:18):** I move:

1. That this House notes that:
  - (a) media reports in the week commencing 4 June 2019 revealed Office of Environment and Heritage satellite mapping data, obtained by *The Sydney Morning Herald* under a GIPAA request, showed 2016-17 native vegetation land clearing rates had significantly increased across New South Wales compared to the four previous years;
  - (b) this increase in clearing of native vegetation occurred immediately prior to the introduction of new biodiversity conservation and native vegetation management laws which commenced in August 2017;
  - (c) there is no way for this House or the community to know the extent of native vegetation clearing since the laws came into force due to the unavailability of more recent data; and
  - (d) critical aspects of the Government's 2017 Biodiversity Reform package that were intended to protect environmental values and ensure oversight to minimise ecological impacts from land clearing and forestry remain incomplete, including:
    - (i) a finalised Native Vegetation Regulatory Map to determine where the new codes and clearing rules apply;
    - (ii) a Native Vegetation Panel to assess applications for land clearing not covered by code or exemption; and
    - (iii) the ability to declare Areas of Outstanding Biodiversity Value, to ensure these areas will be protected.
2. That this House calls on the Government to:
  - (a) commit to greater transparency and up-to-date reporting on native vegetation clearing in New South Wales; and
  - (b) report to the Legislative Council by 30 June 2019 on a time frame for completion and implementation of the incomplete aspects of the biodiversity reform. Two years ago the Government introduced a new scheme for regulating land clearing and biodiversity in New South Wales. The impact of those laws on our environment

and the sustainable agricultural use of land was the subject of much debate in this House and in the community. It continues to be a subject of public contention today. I am not here to debate those laws; at the late night sitting in 2016 I spoke in debate on that bill and my concerns about its long-term impact. This motion calls on the Legislative Council to ask that the Government detail its plan to finalise a number of critical elements of the reform package that remain outstanding. Those elements are critical to the integrity of the scheme and should minimise the unintended consequences of the reforms. They will provide certainty both for landowners on how the law applies to their land and also to public servants in the Office of Environment and Heritage and Local Land Services [LLS] whose role is to enforce the law and ensure the continued welfare of the rural landscape.

There remain three incomplete elements of the Government's biodiversity reform package. The first is the Native Vegetation Regulatory Map that determines where the new land clearing laws apply. Some mapping has occurred, with parcels of land across the State identified as regulated land. Under the new rules regulated land is where clearing can occur under self-assessable codes or with the approval of the Native Vegetation Panel. We will come to that panel in a moment. The rest of the land is either excluded land, such as national parks, or exempt land where clearing can occur without the need for any approval.

While some parts of New South Wales have been mapped and are clearly identified as regulated land on a publicly available map, a considerable amount of land is unmapped on the public website. That is problematic for landowners, who are forced to make their own determination on how the new laws might apply to their land. Are those landowners safe to assume that if their land is omitted from the public maps it is therefore unregulated and opened for clearing? Many who are watching how the law is being applied are asking that question now. The requirement for landowners to self-categorise their land risks them falling foul of the laws. It also undermines the ability of the Government to ensure the biodiversity outcomes it claims the laws can ensure. Unfortunately, it also opens the door to abuse and contributes to mistrust in an already complex and convoluted system.

The second incomplete element is the Native Vegetation Panel. That independent body was established under the Local Land Services Act 2013 and was given significant remit in the 2016 bill. The role of the panel is to determine applications to clear native vegetation that would otherwise not be permissible under the various codes. The LLS website says that the panel was established in July 2018 and consists of a chair, a person with expertise in economics, agricultural economics or land production systems and a person with expertise in ecology or the protection and conservation of biodiversity. The website states:

The Panel cannot grant approval to a proposal that, in the Panel's opinion, is likely to have serious and irreversible impacts on biodiversity values that would remain after any measures proposed to be taken to avoid or minimise that impact.

Strangely though, the existence and role of the panel remains unclear. Stakeholders are not sure whether the panel has been appointed or if it is currently considering applications. The Environmental Defenders Office recently published advice that the public information register indicates that no applications have been made to the panel. That suggests that all clearing under the Act has been conducted under the self-assessable codes. This motion seeks an update from the Government on the status of the panel, whether members have been appointed, who they are and what land clearing applications have been assessed.

The third incomplete element is the Areas of Outstanding Biodiversity Value [AOBV] declarations. While the new land clearing laws essentially enable significant clearing, the Act provided some pathways for protection of critical habitat on private land through identifying AOBVs. I acknowledge that some critical habitats previously identified under the Threatened Species Conservation Act 1995 have been listed in that way, including the Gould's petrel habitat off Port Stephens and the little penguin population in Sydney's North Harbour. However, those protections existed before the Act came into place and seemingly nothing has been added to the list since the introduction of the new laws. There seems to be no process for community members to nominate those critical areas for protection and currently there has been no take-up of the opportunity to protect some parcels of land in perpetuity. One wonders if that might be related to the incomplete mapping.

I urge those members who supported the Government's legislation in 2016 to support this motion to make sure that the legislation is implemented in full. I understand why some members did not support the biodiversity reforms: I did not either. However, I ask them to please support this motion to ensure that those few areas of protection in the legislation—which the Government championed, I might add—are followed through with to their fullest.

**The Hon. BEN FRANKLIN (16:23):** I thank Mr Justin Field for bringing this motion before the House. The motion is about the environment, data and transparency. They are very important areas. All members will agree that our State has some of the most beautiful landscapes and pristine natural areas in the country. I am sure I speak for everyone when I say that we want our unique native environment to be protected. The Government will achieve that through increasing the footprint of our national parks; increasing the biodiversity in our national parks and conservation areas; and investing in targeted conservation projects of threatened native species such as the koala and the brush-tailed rock-wallaby through the \$100 million Saving our Species program.

The motion is about the Government's 2017 biodiversity reforms. At this point it is worth reminding members that in 2014 an independent review found that Labor's native vegetation laws were not producing good outcomes for landholders or the environment. The Government took that review and committed to implementing all 43 recommendations. We repealed Labor's laws and delivered on our commitment to bring in new legislation. In 2016 the then Minister, the Hon. Niall Blair, described our reforms as "transformative for the farming sector and for the State's biodiversity" and "a watershed moment". He said the reforms were, "... an integrated legislative package that will bring down the curtain on two decades of government that fuelled antagonism between the farming sector and the environment movement."

Those descriptions remain true today. As the Minister for Energy and Environment noted in a radio interview earlier this week, the clearing referred to in Mr Justin Field's motion occurred under the old laws—old laws that resulted in, to again quote the Hon. Niall Blair, "abysmal biodiversity outcomes". The Government is working to fully implement the reforms and most of the significant elements are in place. In regard to the call in the motion for transparency and up-to-date reporting of data, I am advised that the Minister for Energy and Environment has indicated his desire for more regular reporting of data. We take this issue seriously and the Minister will look at it further as data is compiled, but the motion is too constrictive. It is inappropriate to put a firm timeline in place because it will reduce flexibility and may end up promoting perverse outcomes. Government members are committed to ensuring positive outcomes for landholders and the environment across New South Wales. The Government does not support the motion.

**Ms CATE FAEHRMANN (16:26):** I support the motion moved by Mr Justin Field calling for the Government to complete the various final elements of its so-called biodiversity conservation reform package. In budget estimates hearings last September I asked the environment Minister quite a few questions about the missing elements of the package. I asked her about where the Native Vegetation Regulatory Maps were up to.

**The Hon. Penny Sharpe:** She wouldn't know.

**Ms CATE FAEHRMANN:** Exactly. I acknowledge the interjection by the Hon. Penny Sharpe that the Minister would not know. It was a rather alarming exchange with the environment Minister at the time. She could not tell me the reasons for the delay at all. We are now in June. The hearing was in September last year—in fact, it was on Threatened Species Day. On that day the World Wildlife Fund and the Nature Conservation Council released a report for which they had to do their own mapping after examining satellite imagery to determine the extent of clearing that had been going on in some of those areas that are essentially unregulated. What they found was alarming indeed.

The report said that 5,246 hectares of koala habitat around Moree and Collarenebri had been cleared—14 hectares per day, much of it native species habitat. According to their data, 247 native species habitats had been destroyed. The Minister said in response to my questions at the time that only two of the five levels of Native Vegetation Regulatory Maps had been released at that point; still only two have been released now. We know that farmers are still self-assessing in vast areas of the State. Many of them do not want to self-assess. People need certainty so that they can ensure they are making the right decisions. It is a disgrace that the Native Vegetation Panel is not up and running. To be honest, I do not think the Government wants to finalise these elements. [*Time expired.*]

**The Hon. NIALL BLAIR (16:29):** I thank Mr Justin Field for moving this motion. In relation to finalising the regulatory maps, I warn members opposite to be very careful what they wish for. The reason the maps have not been finalised is that the data is inaccurate. Do members opposite want someone to receive a map in the mail that is inaccurate because the algorithms are wrong and then have them do whatever they want because of the colour coding on it? That would cause a perverse outcome and a worse environmental effect. Members opposite should not say that it would be a win for farmers, because the maps may be incorrect. It will be a loss for the environment if those maps are incorrect. That is why they have not been released. This House should not be pushing for their release. Very capable people in our agencies are responsible for those maps, but the problem is with the algorithms that develop the maps and with the satellites that take the pictures that make it difficult to pick up and accurately map the native species that should be preserved.

**Ms Cate Faehrmann:** They're clearing now. They're clearing anyway.

**The Hon. NIALL BLAIR:** If they are clearing anyway it should be reported to the agencies. The data that the motion is talking about is from the old native vegetation legislation.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I call Ms Cate Faehrmann to order for the first time.

**The Hon. NIALL BLAIR:** Farmers have a pathway—they can make contact with Local Land Services and engage with those staff to come onto the farm and step them through the process. That is better than the

alternative of having maps turn up in the mail and farmers going ahead and doing what they want. God forbid if the map is wrong. That is why this needs to be done carefully. That is why the maps need to be right and accurate. In relation to the data and the clearing, let us look at the outcomes. Not every native plant should be listed as the same in the data. Invasive native species need to be addressed. I invite anyone to stand in a monoculture of invasive native species and tell me what biodiversity is there.

Farmers are being penalised for something that is contributing to the degradation of biodiversity in this State. It is something that should be managed. Under the old system the farmer was responsible for nothing more than weeds and pests. This is about the farmer being part of the solution. Invasive native species must be addressed. Over 200,000 hectares of the clearing has been of invasive native species. That is what should be happening. Let us identify what needs to be protected, ensure that the maps are correct and go through the process to engage farmers as part of the solution. The motion should be opposed.

**The Hon. PENNY SHARPE (16:33):** I have listened carefully to the debate. Members should remember what is being asked for in the motion. The motion is seeking that the Government commit to greater transparency and up-to-date reporting on native vegetation clearing in New South Wales and that it report to the Legislative Council by 30 June on a time frame for completion and implementation of the incomplete aspects of the biodiversity reforms. For all the colour and movement, that is what we are asking for. I do not see why that is a difficult problem. Conserving biodiversity is very serious and we should all pay attention to it.

The most recent *Australia State of the Environment* report found an additional 26 native species have been listed as threatened with extinction within the three years since the previous report. The magnitude of threatened species is accelerating, with an increase of 11 species in the three years prior to the 2015 report. There are now 1,025 individual species and 112 ecological communities officially listed as threatened with extinction in New South Wales, including 77 species that are presumed extinct. Let us remember that biodiversity is not just nice because we want to have cute fluffy animals around. It is about the delicate ecosystem of the planet on which we live. Recent reports from the United Nations show that up to one million species are at risk of extinction, many within decades.

If we do not do something to stop the loss of plants, insects and other creatures we risk creating issues around food, pollination, clean water and stable climate. Farmers know it, our scientists know it and the community knows it. Continuing to fight backwards and forwards on this matter is not going to help anyone. The Government says its reforms are working and are a better solution to what we had in the past. Labor members do not agree with that, but we are willing to work with it given that we are in opposition and the Government is in government. We have to get this right. There are issues with the maps. I listened carefully to the Hon. Niall Blair and I agree that we need to get them right. But let us remember that the way in which the Office of Environment and Heritage has done the maps has been incredibly controversial. There is a whole other investigation that needs to be dealt with about getting the maps right. They are fundamental to how we manage this into the future.

I think everyone needs to calm down a bit. This is a very sensible and measured motion from Mr Justin Field. It is about greater transparency. I do now see how the Government could oppose providing data about land clearing. The Hon. Niall Blair says that this is about invasive native species. He seems to know the data. Why will he not share it with anyone else? I commend the motion to the House.

**Mr JUSTIN FIELD (16:36):** In reply: I thank those members who have contributed to the debate on the motion—the Hon. Ben Franklin, Ms Cate Faehrmann, the Hon. Niall Blair and the Hon. Penny Sharpe. The Hon. Ben Franklin said that the Government has delivered these reforms. I understand the history of this. We have all been part of the discussion over a long time. I was in this Chamber and listened to the debate. The Government has not delivered the reforms yet because the three elements that are the subject of the motion have not been completed. They are not in effect. They are not able to be taken advantage of by landholders, the community or the public servants who are entrusted to implement the reforms in the interests of landholders and the environment. The Government put these aspects of the reforms on the table and talked about the biodiversity elements that would be delivered. Government members have not contested at all today that those three elements have not been completed. In fact, the Hon. Niall Blair acknowledged that the mapping is not complete.

This motion does exactly what the Hon. Penny Sharpe said: It seeks a timeline for the implementation of the reforms. It does not demand that they are all done by 30 June. It asks that the Government update this House which passed the biodiversity reforms—although not all of us supported them—on the timeline to implement the incomplete aspects of them. When are the maps going to be completed? I have been told that the maps are complete and they will not be published. If there are inaccuracies, what is the timeline to correct them? Has the panel been established? Does it have members? Can people engage with it? Government members have not answered any of those questions. Now the suggestion is they will not even come back to the Chamber and inform us as to when they will implement their own reforms.

The consequence is that this will continue to breed the antagonism that the Hon. Ben Franklin said was rationale for the reforms in the first place. I appreciate the passion, but this motion was not in any way, shape or form about having a go at landholders. The motion helps them. It helps the public service. It helps build community trust in the government processes that we are all relying on to try to fix the massive challenges of land management, environmental protection, biodiversity, conservation, water management, climate change and the loss of habitat. A lack of transparency is not in the interests of landholders, the environment or the community. I commend the motion to the House.

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

**The House divided.**

Ayes ..... 19

Noes ..... 18

Majority..... 1

**AYES**

Boyd, Ms A (teller)  
Donnelly, Mr G (teller)  
Graham, Mr J  
Jackson, Ms R  
Pearson, Mr M  
Secord, Mr W  
Veitch, Mr M

Buttigieg, Mr M  
Faehrmann, Ms C  
Houssos, Mrs C  
Mookhey, Mr D  
Primrose, Mr P  
Sharpe, Ms P

D'Adam, Mr A  
Field, Mr J  
Hurst, Ms E  
Moriarty, Ms T  
Searle, Mr A  
Shoebridge, Mr D

**NOES**

Amato, Mr L  
Fang, Mr W (teller)  
Harwin, Mr D  
Maclaren-Jones, Mrs  
(teller)  
Mason-Cox, Mr M  
Roberts, Mr R

Blair, Mr  
Farlow, Mr S  
Khan, Mr T  
Mallard, Mr S  
Mitchell, Mrs  
Tudehope, Mr D

Cusack, Ms C  
Franklin, Mr B  
Latham, Mr M  
Martin, Mr T  
Nile, Revd Mr  
Ward, Mrs N

**PAIRS**

Moselmane, Mr S

Taylor, Mrs

**Motion agreed to.**

*Bills*

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

**Second Reading Debate**

**Debate called on and adjourned.**

*Committees*

**SELECT COMMITTEE ON USE OF BATTERY CAGES FOR HENS IN THE EGG PRODUCTION INDUSTRY**

**Establishment**

**The Hon. EMMA HURST:** I move:

That private members' business item No. 75 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. EMMA HURST (16:49):** I seek leave to amend the motion by:

1. Omitting paragraph 1 (g) and inserting instead:
  - (g) the advantages, disadvantages and issues of different egg farming production methods.

- (h) what methods should be taken to assist businesses that may be adversely affected by any proposed changes to the laws.
  - (i) what scientific literature says about the above matters.
2. Omitting "Ms Boyd" in paragraph 3 and inserting instead "an Opposition member".

**Leave granted.**

**The Hon. EMMA HURST:** Accordingly, I move:

1. That a select committee be established to inquire into and report on the use of battery cages for hens in the egg production industry, and in particular:
  - (a) whether or not the use of battery cages to contain or accommodate hens in the egg production industry is:
    - (i) associated with poor animal welfare outcomes or is accompanied by poor animal welfare practices;
    - (ii) justified by any other consideration; and
    - (iii) consistent with community standards and supported by the public.
  - (b) what legislative measures should be taken to:
    - (i) prevent poor animal welfare outcomes to hens in the egg production industry of New South Wales; and
    - (ii) set appropriate minimum standards of accommodation for the accommodation and treatment of hens in the egg production industry.
  - (c) the impact of egg producing commercial operations that use battery cages, on:
    - (i) the environment; and
    - (ii) health of workers.
  - (d) trends in relative consumer demand for egg and egg-containing products derived from commercial operations that use battery cages and commercial operations that do not;
  - (e) the protection of consumer interests, including the rights of consumers to be fully informed of the sources of eggs in egg-containing products;
  - (f) the economic and social effects on New South Wales of:
    - (i) banning, or not banning, the use of battery cages to contain or accommodate hens in the egg production industry; and
    - (ii) legislating, or not legislating, to prevent poor animal welfare outcomes to hens in the egg production industry of New South Wales and/or to set appropriate minimum standards of accommodation for the accommodation and treatment of hens in the egg production industry.
  - (g) the advantages, disadvantages and issues of different egg farming production methods;
  - (h) what measures should be taken to assist businesses that maybe adversely affected by any proposed changes to the laws;
  - (i) what scientific literature says about the above matters; and
  - (j) any other related matter.
2. That, notwithstanding anything to the contrary in the standing orders, the committee consist of eight members comprising:
  - (a) three Government members;
  - (b) two Opposition members; and
  - (c) three crossbench members, being Ms Hurst, Ms Boyd and Mr Roberts.
3. That the Chair of the committee be Ms Hurst and the Deputy Chair be an Opposition member.
4. That, notwithstanding anything to the contrary in the standing orders, at any meeting of the committee, any four members of the committee will constitute a quorum.
5. That, unless the committee decides otherwise:
  - (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;
  - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement;
  - (c) the sequence of questions to be asked at hearings is to alternate between government, opposition and crossbench members, in order determined by the committee, with equal time allocated to each;

- (d) transcripts of evidence taken at public hearings are to be published;
- (e) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and
- (f) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

6. That the committee report by 31 October 2019.

Australia's existing voluntary codes for the welfare of domestic poultry are 15 years old and the process of creating new Australian animal welfare standards and guidelines for poultry is underway. Over 167,000 submissions were received when public consultation was undertaken. The content and number of submissions makes it clear that the welfare of poultry in Australia is of considerable public interest and that there is support for improvements in their welfare. Prior to the completion of the Australian Animal Welfare Standards and Guidelines for Poultry later this year, it is important to have completed this inquiry. Indeed, 56 per cent of the 15 million eggs eaten daily in Australia are laid by hens confined to battery cages.

As New South Wales is the largest producer of caged eggs in the country, we need to have an informed view on battery caged egg production. It is important that we modernise existing legislation and deliver an egg production system that reflects evolving animal welfare science and community expectations. Select committees are versatile inquiry vehicles being focused on just one issue. That allows specific focus and effort on a particular matter of interest. The debate in the community for or against the use of cages in the egg production industry requires a committee of this structure and focus because of its short time frame and requirement for an in-depth evaluation of the current production systems.

**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) (16:52):** I speak on behalf of the Government to make a few remarks and to move an amendment. As Leader of the Government, I am well aware that many members of the House have aspirations to explore matters of interest to them that are of great concern to their constituencies. I understand that right. Ultimately the House is the master of its own destiny and, if the majority of members want that, so be it. Often a committee will be set up based on a perceived need as opposed to whether other members in the Chamber consider there to be an actual need, but I am not going to get into that. Other Government members will make comments about that, including the Hon. Niall Blair. As a former Minister in the primary industries portfolio I am sure his comments will be quite persuasive.

I make a different point as Leader of the Government as to the way the House approaches its committees. I am not a believer in select committees. The House has a large number of committees now. It has seven portfolio committees. It has three standing committees: on social issues, law and justice and State development. It has a Public Accountability Committee and a Public Works Committee. It has a Regulation Committee and a Privileges Committee. It then has representation on six or seven, from memory, joint committees. Our members have a fairly heavy committee load, but that is appropriate. We always have had a workload that is committee based. I simply say that I believe this inquiry can properly go to Portfolio Committee No. 4. Accordingly, I move:

That the motion be amended by:

- (a) omitting in paragraph 1 the words "a select committee be established to" and inserting instead "Portfolio Committee No. 4 - Industry"; and
- (b) omitting paragraphs 2, 3, 4 and 5.

There is no need for a select committee. I know from my time as President that while every President always ensures that the House is well funded in terms of doing its committee work, extra select committees nevertheless do place a burden on the budget of the Legislative Council and create all sorts of difficulties for the staff because of the way that committee work is assigned to staff. It is better that we do not do select committees. This is not a comment I make in relation to this matter or in relation to this mover. I happen to like free-range eggs in the morning and always eat them. But I am a city person so I will not make any more substantive comments; I will leave that to people who are better informed. It is not about the substance; it is about the principle. I do not believe we should have more select committees. I believe as far as possible we should use the committees we have but if we have a select committee it should be a joint select committee outside the normal committee system. Therefore I commend my amendment to the House.

**The Hon. NIALL BLAIR (16:56):** I make a brief contribution on this motion to set up a select committee. The member who has moved the motion quite rightly referred to the national project that is underway to come up with a nationally consistent model code of practice for the welfare of animals and domestic poultry. It has been looking at this issue. This should happen at a national level, and indeed it is happening at a national

level. If it was not happening, because of issues around animal welfare, because of changing community attitudes towards the use of caged eggs and the need to look at maybe updating legislation, I could understand why the inquiry would be necessary. However, it will just duplicate work that is already happening.

Over 160,000 submissions have been submitted and New South Wales, the largest egg-producing State, has a heavy involvement in this project. What will come from this will be a nationally consistent framework for each of the States. That is why it is going to the agricultural Ministers forum for consideration and adoption. This should be done at a national level. We should not put New South Wales at a disadvantage by going it alone on this. Every organisation, every advocacy group and every part of the industry has had the ability to provide a submission and attend workshops. I attended some of the workshops when I was Minister. Everyone has had ample opportunity to put their views forward.

This is nothing more than a campaign by those who do not want this part of the industry—an industry that provides a safe, cheap form of protein for the majority of Australians, particularly those in large areas like Sydney who may not be able afford more expensive forms of protein. The industry is making changes. The industry understands that community attitudes are changing, which is why it is moving on issues in relation to cages, the size of cages, what is done within the cages and issues around beak trimming. The industry is aware of all the issues affecting the egg industry. But this will be a duplicative process that will provide a platform for those seeking to get rid of the industry by trying to get in the way of a nationally consistent approach that all the States have signed up to and that should be allowed to follow its full course. We have already seen it. Western Australia had a crack at it because the Minister in Western Australia does not like it. Every one of the top scientists, the animal welfare agencies and the industry are part of this process. We should not duplicate it just to push the brand of those who want this industry gone.

**Mr DAVID SHOEBRIDGE (16:59):** The Greens support this motion and the establishment of a select committee. I will deal with the Government's amendment to refer this to Portfolio Committee No. 4 - Industry. The Leader of the Government seems to hold a philosophical view that he does not like select committees. He is welcome to that view. But I hope that the majority of members realise that on occasion it is important to get a broad cross-section of views—

**The Hon. Don Harwin:** It doesn't even accurately reflect the composition of the House.

**Mr DAVID SHOEBRIDGE:** You had your chance. It is important to get a broad cross-section of views onto a select committee to look at the issue, which undoubtedly concerns a cross-section of the community. I find it particularly interesting that the committee will include three Government members, so the Government gets its fair chance; two Opposition members—

**The Hon. Don Harwin:** It has been amended by leave.

**Mr DAVID SHOEBRIDGE:** You got your chance.

**The Hon. Don Harwin:** You are not even following the actual proposal before the House. You could at least get it right.

**Mr DAVID SHOEBRIDGE:** Point of order: My point of order is about the way the Leader of the Government is behaving.

**The Hon. Wes Fang:** That's the pot calling the kettle black.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I have told the Hon. Wes Fang before not to attempt to assist. The point of order had been taken. The member will show some discipline. The Minister will cease communicating across the table.

**Mr DAVID SHOEBRIDGE:** I find it particularly interesting that there will be three crossbench members.

**The Hon. Don Harwin:** It's only two.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** That will be the last time, Minister. The member will continue.

**Mr DAVID SHOEBRIDGE:** There will be representation from the Animal Justice Party, The Greens and One Nation. You could not imagine a broader—

**The Hon. Don Harwin:** No, The Greens have been taken off. The Greens are not on it.

**Mr DAVID SHOEBRIDGE:** Point of order: I have a further point of order relating to the Leader of the Government. Would you mind stopping the clock?

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** No, I cannot stop the clock. You can take the point or just continue your contribution.

**Mr DAVID SHOEBRIDGE:** The Animal Justice Party, The Greens and One Nation will be on a select committee. If that group of members can come up with a consensus position about what to do with the battery hen industry and whether to move entirely to free range, we can hopefully build community consensus. That is why we have select committees—to try to build community consensus. The Greens are on record as saying we need to transition out of and end battery cage hen farming. It is cruel and it is inappropriate. But let us try to build community consensus—that is what I hope this select committee will do. I commend the Hon. Emma Hurst for moving the motion.

**The Hon. MICK VEITCH (17:02):** My contribution will be brief. In light of the amendments, the composition of the committee's membership is interesting. I believe the House should take some solace in the fact that the broad views of the crossbench are being accommodated in the committee's membership. It is a bit unusual and I have had some conversations with the Hon. Emma Hurst about the way in which select committees are created and about the membership of select committees. In this instance we are going to allow this to be the case, as per the motion. The Opposition will not support the Leader of the Government's proposed amendment to refer this to Portfolio Committee No. 4 - Industry. We think the select committee is the way to go.

In regional New South Wales there are a lot of jobs associated with this industry. There is also concern around the animal welfare issues, which the former Minister raised in his contribution. There needs to be some time for those issues to be investigated. After I discussed my concerns with the Hon. Emma Hurst they were accommodated in the amended terms of reference. In the inquiry we will look at science-based evidence and we will look at the socio-economic impacts for regional New South Wales. It is critical that people appreciate that the report is based on the evidence and testimony given to the committee. I do not think anyone should try to pre-empt what that will be. For new members, that is how it works here: We have to draft the reports around the evidence that is taken during the inquiry. On that basis, the Opposition will be supporting this proposed select committee.

**The Hon. Niall Blair:** Look at California.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I will deal with the Deputy Government Whip in a moment.

**Reverend the Hon. FRED NILE (17:05):** Putting aside the question of whether the terms of reference are right or wrong, my issue is the setting up of a select committee. We spent many months debating with both sides of politics to develop the portfolio committee structure. One of the main arguments was that they would take the place of select committees. That was the purpose. Also, the staff of the Parliament all know their roles and have all been attached to portfolio committees and so on. A select committee is very disruptive. It has to have a whole structure set up to support it that does not currently exist. The Hon. Mark Pearson asked me about this and I very quickly stated that, setting aside the subject matter, the question is whether it is good for the House to keep setting up select committees. We have had trouble with some of the select committees that do not want to dissolve. They just keep going year after year and became little empires in the upper House. That is a problem we have had in the past. There is a history of problems. The portfolio committees stop those problems.

**The Hon. MARK PEARSON (17:06):** There are three issues here. There have been select committees set up by Reverend the Hon. Fred Nile. There are select committees that were set up by the Hon. Robert Borsak last year. Just as there is for this select committee, there is a reporting date and that will be the date when the report is delivered to the House. As the Hon. Mick Veitch said, the report will be based on evidence. No matter who is on the committee, we must respect that members of this House have been elected by the people of New South Wales.

The staff, who are very important, know how to document the evidence that is extracted and brought out from all of the people who give evidence and bear witness, and that is the basis of the report that will be presented to the House. It will not be based on a particular person's viewpoint about the best egg production system. It will be based on the evidence that is extracted by the inquiry that is set up by this particular select community. It is a controversial issue. For many years the Department of Primary Industries—Agriculture has tried to turn its minds to the issue and there is still a very serious concern in the community about how we house hens for egg production. This committee strikes at that concern and seeks to clarify and elucidate the issue once and for all. New South Wales should lead Australia on this.

**The Hon. BEN FRANKLIN (17:08):** I welcome the opportunity to address the issue of the use of cages for hens in New South Wales. This is an important issue and something that I acknowledge is of great interest to egg consumers and egg producers alike. It is important to note that this is a complex issue that takes into

consideration not only animal welfare but also food safety, biosecurity and the economic viability of the egg industry and the families it supports. The New South Wales Government is committed to animal welfare outcomes across the State and continues to advocate for improved standards for the treatment of animals. However, the Government also supports national consistency when it comes to animal welfare regulations. This issue is something that should be considered and driven as a national issue, and that process is already underway.

As the Hon. Niall Blair has said, a national project is currently underway to convert the national Model Code of Practice for the Welfare of Animals: Domestic Poultry into nationally consistent, enforceable standards and guidelines. The current code has been in force in New South Wales since 2005 and layer fowl requirements have been mandated in the regulation since 2007. The national project is being coordinated by the Animal Welfare Task Group made up of representatives from each State and Territory, as well as from the Commonwealth. New South Wales is a member of the task group and is actively working with the other jurisdictions to develop animal welfare standards and guidelines for the Australian poultry industry. The standards will be used as the basis for developing consistent legislation across Australia and incorporated into national industry quality assurance and verification schemes.

The very work that the select committee on egg production is designed to address is underway as we speak. It is a nationally agreed process with buy-in from Government and industry. This is not a new issue. We are past the point of select committees; we are well into a national process that is informed by science, community feedback and economics. There is nothing that the proposed select committee could do that is not already being done in a consultative way at a national level. In fact, duplicative processes could jeopardise the progress made to date by creating uncertainty for industry and possibly further delaying outcomes that we are already working towards. It is an important issue—we all agree on that—and we are taking the time to get it right, but the establishment of a select committee will only delay and complicate the process further. New South Wales will continue to engage with the Animal Welfare Task Group to develop the standards and guidelines; however, we will not support the establishment of a select committee for those reasons.

**The Hon. EMMA HURST (17:11):** In reply: I note the Government's amendments and I do not support them. The use of these committees takes away the ability of the crossbench and the Opposition to use these types of committees. They are great for ad hoc inquiries and for being able to respond to the needs of the House. Removing this option from the crossbench and the Opposition—particularly now that we have such a large crossbench—will disempower crossbenchers and the Opposition. I hope that my fellow crossbenchers and the Opposition will support me in retaining the use of these important committee structures. There are always competing needs in industry committees and other committees and the kind of inquiry that I have put forward today has a very close end date. Reverend the Hon. Fred Nile would have seen in the terms of reference that it had a very short time frame, and that is because of the national approach.

I note that Government members mentioned that the Australian animal welfare standards and guidelines for poultry project is underway. I did mention that national approach when I moved the motion. In that first speech, I explained that New South Wales is the largest producer of caged eggs. This select committee is designed to assist in that process, not to work against it. I have also made sure that the committee is balanced, with four members representing the more progressive views and four members representing the more conservative Government, so that we can come up with a robust debate and reflect the views of the entire House. This inquiry will assess battery cages from all sides of the argument. This is not about just banning battery cages. What I have put forward is not for or against battery cages, but rather a balanced committee that will look at all sides of the issue in detail. I commend the motion to the House.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Before I put the question, the Deputy Government Whip has asked why he was called to order. There were three reasons, which I will explain. Firstly, you are the Deputy Government Whip. You often take a point of order about interjections from members on the other side, and you should live by your own standard. It is quite appropriate to take a point of order if an Opposition member interjects, but if you interject you run the same risk. Secondly, Mr David Shoebridge had taken a point of order. You, as you have done on a number of occasions, then sought to add a chip. Members who do that—whether you or anyone else in the Chamber—will be called to order. Thirdly, most calls to order are directed at Opposition members because they do not have the discipline of backing in the Government. I generally see a degree of additional discipline applied by Government members. What happens at the table is not a matter for you. There is a different rapport between the Ministers and the Opposition members at the table. You are not part of that; nor am I, and nor is anyone else on the backbench. I make the point that it is a different exercise. I hope that answers the matter that you raised.

The Hon. Emma Hurst has moved a motion, to which the Hon. Don Harwin has moved an amendment. The question is that the amendment of the Hon. Don Harwin be agreed to.

**The House divided.**

Ayes .....16  
 Noes .....22  
 Majority.....6

AYES

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

Blair, Mr  
 Farlow, Mr S  
 Khan, Mr T

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

Mallard, Mr S  
 Mitchell, Mrs  
 Ward, Mrs N

Martin, Mr T  
 Nile, Revd Mr

NOES

Banasiak, Mr M  
 D'Adam, Mr A  
 Field, Mr J  
 Hurst, Ms E  
 Mookhey, Mr D  
 Primrose, Mr P  
 Secord, Mr W  
 Veitch, Mr M

Boyd, Ms A  
 Donnelly, Mr G (teller)  
 Graham, Mr J  
 Jackson, Ms R (teller)  
 Moriarty, Ms T  
 Roberts, Mr R  
 Sharpe, Ms P

Buttigieg, Mr M  
 Faehrmann, Ms C  
 Houssos, Mrs C  
 Latham, Mr M  
 Pearson, Mr M  
 Searle, Mr A  
 Shoebridge, Mr D

PAIRS

Taylor, Mrs

Moselmane, Mr S

**Amendment negatived.**

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

**Motion agreed to.**

*Bills*

**URANIUM MINING AND NUCLEAR FACILITIES (PROHIBITIONS) REPEAL BILL 2019**

**First Reading**

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

**Second Reading Speech**

**The Hon. MARK LATHAM (17:26):** I move:

That this bill be now read a second time.

The purpose of this bill is straightforward—to liberate a significant part of the New South Wales power and resource sector to create jobs investment and, most of all, to undertake the long-term planning needed to keep the lights on in New South Wales. The bill lifts the ban on nuclear power and uranium mining in our State. It repeals the Uranium Mining and Nuclear Facilities (Prohibitions) Act that has been in place since 1986. It also repeals section 10A of the Mining Act 1992, which provides that full mining authorisation may not be granted in respect of uranium. Finally, it repeals references to the Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 from the Land and Environment Court Act 1979.

The lag time in establishing nuclear energy in New South Wales is approximately one decade, meaning we cannot start soon enough to avert the looming power crisis in this State. The tragedy of today's energy policy debate in Australia is the failure of the Howard Government to act on its report into nuclear power 12 years ago. If it had, nuclear power would now be coming online as the reliable, dispatchable baseload power for New South Wales. Plus, it is carbon-emission free, thereby satisfying both sides of our poisonous, divisive, self-defeating national debate on energy and climate change.

I always make the point that if Labor and The Greens were serious about energy and climate change they would embrace nuclear power, as Bob Carr has. He is a fine demonstration of an environmentalist worried about climate change who sees the common sense of a nuclear solution. Bob Carr's model is where we should be headed in this debate. Overseas, there is no green party more radical—some might say there is no party more extreme—than the party in Finland. That party has seen the sense of going down the nuclear path as a solution for climate change. If the policy can be embraced by Bob Carr and the green party in Finland, why can it not be done in this Chamber, in this Parliament? Why can it not be done in New South Wales? Why not support reliable baseload power that is free of carbon emissions?

Unfortunately in our State there is a lot of scaremongering, a lot of political opportunism, rather than a focus on real policy solutions. When there is a lightning strike or an arsonist starts a bushfire, the alarmists say it is caused by climate change. When a weather event—be it a dry spell or a flood—becomes newsworthy, they say it is caused by climate change. But I would argue that these fake news tactics actually diminish the climate change cause. Members of the public are not silly, they know the difference between climate and weather. They know exaggerated political claims when they see them, and I believe when it comes to nuclear, over time they will understand and see through the scare campaigns that so far have dominated large parts of the public debate.

The electorate knows the importance of keeping the lights on, of powering up the New South Wales economy and of keeping our households running without blackouts, because if there is one thing certainly worse than a climate emergency, it is a power emergency. After the closure of the Liddell Power Station in 2022 New South Wales faces the heightened risk of blackouts at which point support for climate change action will drop like a stone. Naturally people will worry far more about keeping their jobs, their livelihoods and their households going. They will worry about their businesses, about their investment opportunities, about keeping the lights on at home and in the schools and hospitals. They will naturally worry about those things—the people they love and their economic circumstances—much more than climatic conditions 50 years from now. In many respects this is a bill to save The Greens from themselves. Emission-free, reliable base load power is the only way to cut the Gordian knot in Australian energy policy. Why are Labor and The Greens not supporting the obvious solution? Perhaps my dazzling persuasion in this debate can force a change of thinking.

**The Hon. Adam Searle:** Don't hold your breath.

**The Hon. MARK LATHAM:** We all live in hope. I am a natural born optimist and the power of persuasion can make a difference, and, of course, the power of reality. If you look at the possible power sources to keep the lights on in New South Wales, and go through them one by one, nuclear needs to be part of the equation. This is a vital question for the Parliament and the Government: What keeps the lights on in our State? Nuclear is banned. The coal-fired power stations are old and getting older and slated for closure, phasing out over time. Gas is limited in our State. We have just 5 per cent gas self-sufficiency. I have argued for the approval of Narrabri to improve our gas capacity so it can be part of the energy mix. One looks at hydro. There is much talk about hydro but realistically, while it works in Tasmania, mainland Australia is the driest, flattest landmass on earth, so hydro has limitations.

Of course with wind power, when the wind does not blow there is no wind power. When the sun does not shine there is no solar energy. One goes through them one by one and the question has to be asked: What keeps the lights on? We cannot continue to go down this path of dragging energy out of the grid, losing capacity and sleepwalking closer and closer to blackouts and economic decline in New South Wales. As I said in my first speech in this place, I am not a climate sceptic. I acknowledge the reality. There has been a 1 per cent increase in average global surface temperatures since the time of the industrial revolution. That is a measured fact. The sensible policy is to take out insurance for the future. This should be the conservative temperament: to take out insurance.

The best insurance for keeping the lights on and doing something positive about emission reduction is nuclear. Renewables have a place but they must be supplementary to base load power. If the sun is not shining and the wind is not blowing, there is nothing to despatch. There is no dispatchable base load power. That is the key element. On hot summer nights in Sydney all the air conditioners are running, the power needs to be despatched to meet that peak demand. If it is not in the base load—and at night the wind is not blowing, the sun is not shining and there is no reliable base load—then there is no power system or effective State economy.

The myth of a transition to a clean energy economy also needs to be addressed. There should be viable coal and nuclear energy, and this would provide better job opportunities in a region like the Hunter. I pointed out previously in the House the myth of saying to working people, coalminers in the Hunter Valley who have been there for three or four generations, they can be part of a transition to a clean energy economy. It is not just the question of what keeps the lights on. Where are the jobs to do that? You cannot move out of coalmining into fixing up windmills at Lake George. You cannot easily move out of the Hunter to fix up solar panels in the west of the State. We need to provide the jobs where the communities live right now. If there is one transferable skill

out of coalmining—especially for the engineers—it can be into nuclear provision. I think that needs to be part of a realistic transition to a clean energy economy for those who want to go down that path.

The bill in many respects does the work of The Nationals for them. I pay tribute to the leadership that Deputy Premier John Barilaro has given on this issue. It is easy in politics to mount a scare campaign. It is easy to appeal to fear in the electorate. It is easy, and much too easy in modern politics, to have superficial arguments at the top of the debate on social media and newspaper headlines that are designed to promote fear and resistance to change. But Mr Barilaro has effectively put his political capital out there. He even went to the extent at one stage of saying he would not rule out a nuclear-powered generator in his electorate of Monaro. There he was in a marginal seat, saying that he is not going to quarantine his own electorate with a nimby attitude. On 23 March there was a remarkable swing to him; an 11 per cent margin. If you look at the example of the Deputy Premier, the member for Monaro, you would realistically say nuclear must be popular. I think there is a realism that people are understanding we need to get the base load power into the grid. Mr Barilaro has led a mighty campaign for common sense in this space. He said to *The Australian* newspaper in April last year:

Australia is heading in the same direction as South Australia—with no clear plan or policy on how to remedy the situation.

He said we are at a constant risk of statewide blackouts. Unfortunately that includes New South Wales. It would be wise indeed to listen to the Deputy Premier when he promotes the nuclear option. On 3 June Mr Barilaro wrote a lengthy, very good newspaper column in *The Daily Telegraph* setting out the argument. He made the vital point, particularly in batting away scare campaigns, that nuclear has improved immensely in its technology over recent decades. I know if you said to the average citizen "nuclear" they might think of Chernobyl or scare campaigns. I quote the Deputy Premier:

... the vast majority of us are not aware of the technological changes the industry has gone through for the past 45 years. Consider, just for a second, the change in technology your telephone has gone through in 45 years. How about your car, your television or your home computer? Nuclear energy has undergone the same changes but the lack of debate means we just don't know about it. Last year, I attended and spoke at a global seminar in the US on the next generation of nuclear energy systems—Small Modular Reactors (SMRs). These are not the reactors your grandparents grew up with, nor Mr Burns' nuclear plant on the Simpsons.

For those who are fans of that particular television show. The Deputy Premier continued:

They are smaller in size than conventional reactors and can be placed in remote areas without the need to feed directly to the grid. SMRs are constructed in a factory environment and delivered to the site for final assembly. Given their size and efficiency, their waste is minimal (new advancements in technology continue to address the waste issue) and compared to reactors of bygone eras they are becoming very affordable.

And of course they are very safe. The Deputy Premier goes close to concluding his column by writing:

... a further 50 nuclear reactors are being built globally (450 reactors currently operate in 31 countries) including Finland, France, the UK, China and Canada.

The Deputy Premier has shown leadership on this issue and has ignited a debate. But we need more than a debate in these urgent times; we need action. It is often said that politicians raise the debate and say they have an open mind. It is very good in life to have an open mind, you just do not want to have it open at both ends. The point for us now is to move forward with the Barilaro agenda, to adopt this legislation and lift the ban on nuclear power in New South Wales. We need more than words; we need to change the law.

Just as John Howard must look back and wish he had added nuclear power to the grid 12 years ago, we should not have to look back a decade from now and have a similar regret about our inaction. The writing is on the wall. You only have to look at the Australian Energy Market Operator website to see the decline in generator capacity across the nation—about a third of the peak New South Wales demand is going out of the system in the immediate past and the next five years. They are alarming statistics that are publicly available.

The case for nuclear is compelling. Australia is the world's most geologically stable continent. We have abundant uranium reserves. We are the third-largest supplier of uranium internationally. We export it to other countries which use it for reliable, cheaper power generation. In Australia we have vast open spaces for nuclear waste disposal. The technological improvements in waste disposal are very significant indeed. Nuclear has become one of the safest of all generation technologies. Most nuclear reactors now operate at capacity in excess of 90 per cent, so they are well suited to meeting continuous base load demand. The medium-size reactors, through technological advancements, would fit readily into the transmission grid. Western New South Wales could power up a new mining operation using nuclear power.

In terms of safety and to dispel any public concern, a reactor has been operating in suburban Sydney at Lucas Heights for a long time. Looking at ships—not necessarily the Chinese ones that have been here in recent days—sailors sleep near nuclear reactors on nuclear submarines and aircraft carriers. It has become a regular part of their work. The technology is safe. It is advisable that Australia, with New South Wales leading the way, should

become a global energy superpower. We should liberate not just nuclear but all forms of energy generation to make sure our economy continues to grow and thrive into the future.

Some might say, "What about the Federal ban on nuclear?" The adoption of this legislation is only the first step to lift the New South Wales ban but it would send a positive message to the Federal Government that it should do the same. I welcome the statement of two Coalition MPs in the weekend media that they would move for a Senate inquiry into nuclear and possibly lifting the Federal ban. There is work to be done in that regard. The Australian Radiation Protection and Nuclear Safety Act 1998 and the Environmental Protection and Biodiversity Conservation Act 1999 in Canberra prohibit the approval, licensing, construction or operation of a nuclear fuel fabrication plant, nuclear power plant or enrichment. These Acts should be amended to enable nuclear energy to develop in Australia.

Lifting the bans would not mean that changes overnight. Lifting the bans is the first step. The next step is testing the market to find out what private investment capacity there is for this new form of power generation in Australia. If we do not take the first step there will be no second, third or fourth step and there will be no boost in dispatchable base-load power in our State. I welcome the Federal initiative. I hope the Federal energy Minister, Angus Taylor, will be disposed to act on the New South Wales initiative by lifting the Federal ban as well. My guess is that Angus Taylor will support this type of common sense.

Recently the Deputy Premier made another intervention in the debate. This goes to the second part of my bill, lifting the ban on uranium mining in New South Wales. The Deputy Premier, the Minister responsible for resources, said, "I want to make New South Wales the number one State for resources in Australia". We cannot do that if we have a ban on an entire sector: uranium mining in New South Wales. How do we make New South Wales the number one State for resources if we ban an entire mining sector? Across the border, South Australia for many years has been part of a billion-dollar industry in uranium mining.

Industry experts have said to me they expect there is uranium in the ground in the western districts of New South Wales. Why not mine it here when across the border South Australia has been creating jobs and investment for many decades? A new uranium mine was approved in Western Australia earlier this year. Why is New South Wales missing out on the jobs, investment and prosperity from uranium mining? The finance Minister is present in the Chamber. He is a great advocate for economic growth. I know he will want to liberate this important sector, particularly in western New South Wales where jobs are needed in a time of dreadful drought conditions. I am glad the Minister smiles and gives his approval to this excellent proposition.

**The Hon. Don Harwin:** Verballing.

**The Hon. MARK LATHAM:** Why else would the Minister smile? He is a fiscal dry and a tough man. He is a finance Minister cut from the cloth of a Peter Walsh. Here he is smiling. He must approve the propositions that I put before the House. I should not be distracted. The mining sector is confident New South Wales has uranium in the ground in western parts of the State. There are too many government regulations holding back the New South Wales economy; the uranium ban is one of the most unnecessary. In 2014 the current Government invited commercial exploration of uranium reserves in New South Wales.

As one mining investor connected to Hartz Rare Earths said, "Who in their right mind would put their hard-earned cash into exploring for uranium in New South Wales when even if you are successful in finding an economic resource you will not be allowed to develop it and have the chance to be rewarded for all the risk you took?" That is a valid point. Why look for uranium in New South Wales and waste all that money if you cannot then mine it? Let us lift the mining ban. This needs to be done. It is common sense; the time for talk has long past. It is time to act and take the long-term planning and precautions needed now to ensure that our economy remains strong, the lights stay on and New South Wales can meet the dual goals in energy policy of having reliable dispatchable baseload power through nuclear which is entirely carbon emission free.

**Debate adjourned.**

*Committees*

## STANDING COMMITTEE ON STATE DEVELOPMENT

### Reference

**The Hon. MARK LATHAM (17:45):** I move:

That:

1. (a) the Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019 be referred to the Standing Committee on State Development for inquiry and report; and

- (b) on tabling of the report by the Standing Committee on State Development 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.
2. As part of the inquiry:
- (a) the New South Wales Parliamentary Library prepare an issues paper on the bill;
  - (b) the committee commission the newDemocracy Foundation to facilitate community input into the bill, such as a citizens' panel or jury, to complement the traditional forms of evidence gathering by committees, such as seeking submissions and taking oral evidence; and
  - (c) the committee respect the foundation's remit as an independent and non-partisan research organisation.
3. The House notes that the newDemocracy Foundation has offered to provide this service during 2019 and 2020 for no charge to the Parliament.

Can I have the indulgence of the House to address this motion?

**The PRESIDENT:** I will seek advice from the Clerks. I have been informed that the member has the right to speak to the motion.

**The Hon. MARK LATHAM:** This is an innovation. It has been the subject of a motion before the House. It goes to a different approach for private members. An issues paper is developed by the Parliamentary Library which goes to the Standing Committee on State Development and the committee commissions the newDemocracy Foundation to act as a citizens' jury for deliberative democracy. This is to try to deepen the democratic dialogue beyond slogans and scare campaigns so the public gets the information that is needed. Although it gets ahead of the earlier motion where I have presented the bill and made the second reading speech, I thought it appropriate to be the first guinea pig, as it were, to use this new method. I am pleased to report to the House that earlier today in discussion with the resources Minister, Mr Barilaro, he indicated he was quite pleased to have this process underway. In so doing, the issue can be progressed and hopefully the ban can be lifted on nuclear power and uranium mining in New South Wales. I thank the House for listening to my explanation.

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

**Motion agreed to.**

#### *Motions*

#### **EMERGENCY SERVICES LEVY**

**The Hon. PETER PRIMROSE:** I move:

That private members' business item No. 63 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. PETER PRIMROSE (17:48):** I move:

1. That this House notes that:
- (a) in November 2018 the New South Wales Parliament belatedly passed laws to provide workers compensation coverage for firefighters who are diagnosed with one of 12 specific work-related cancers;
  - (b) in most areas of New South Wales fire services include many elected and staff members of local government and that local governments strongly support this expanded scheme;
  - (c) each year the Government collects payments from councils and insurers to fund emergency services agencies in New South Wales, with councils required to pay 11.7 per cent of the budget required by NSW Emergency Services, with these charges embedded in council rates and insurance premiums;
  - (d) from 1 July 2019 the Government plans to collect an additional \$160 million (in 2019-20) from New South Wales councils, communities and those paying insurance premiums to fund the expanded scheme;
  - (e) councils were sent bills with a letter from Revenue NSW in May 2019 stating New South Wales council contributions will increase by \$19 million in 2019-20 and that the timing of this communication to councils about the increased levy makes it impossible for councils to include this requirement in their budgets;
  - (f) the letter from Revenue NSW also foreshadows increases in the following year but not the amount, which will mean that councils will need to find additional funds and/or cut planned initiatives or services;
  - (g) the local government sector was at no point advised during the parliamentary debate nor during the election campaign that it would be required to cover the cost through this significant increase to the emergency services levy or what this cost would be; and
  - (h) the additional funding councils are being asked to pay, proportional to the revenues they receive, is a large amount and the impact of this unplanned cost will be felt by their local communities; this is particularly the case for council areas already suffering from long-term drought and financial hardships.

2. That this House confirms its strong endorsement of improved workers compensation coverage for firefighters and supports the call by Local Government NSW and local councils for the Government to fund the first 12 months of this extra cost and work with local governments to ensure the implementation of the funding mechanism is fairer into the future.

The motion calls on the House to endorse the improved workers compensation coverage for firefighters that was legislated for last November. It also supports for calls made by Local Government NSW and local councils across the State for the Government to fund the first 12 months of the extra cost of the scheme and to work with local governments to ensure the implementation of the funding mechanism is fairer into the future.

No-one opposes the improved coverage for firefighters but at no time during the parliamentary debate nor prior to the State election did the Government ever mention increasing the levy impost on local councils and their communities. The decision of the New South Wales Liberal-Nationals Government to impose this increase in such an unexpected and sneaky manner is particularly reprehensible in the case of already struggling, cash-strapped councils in drought-ravaged communities. It just adds to the burden of the \$820 million that the Government is cost shifting every year onto local councils.

The imposition of this additional levy is the first big test for the new Minister for Local Government. She has already sat back and watched the abolition of her own agency, the Office of Local Government. Will she now support the calls by local government for a fairer funding mechanism or again stay mute? The motion details the argument in great detail and I am not going to reiterate it in my contribution today. However, I will seek to allow a representative selection of local councils to speak on their own behalf by quoting from their letters about the effects on their communities of the sudden imposition of this new levy. Take the case of Greater Hume Council, which states:

Greater Hume Council has been advised by Revenue NSW that its share of the Hume Zone emergency services levy contribution will be \$510,068.70 for 2019/2020. This is \$97,689.70 more than last year's levy (a 23.69% increase) and \$88,780.70 more than the amount allocated in Council's 2019/2020 budget.

...

The additional contribution council is being asked to pay is a large amount and the impact of this unplanned cost will certainly be felt by our local communities. The task of preparing a balanced budget whilst meeting the needs and expectations of our communities is becoming increasingly difficult. Allocations across all areas of Council's budget are stretched to the maximum and any unexpected impact in one area will have ramifications across all service areas. Should Council be required to meet the additional cost of the Emergency Services Levy, other activities will suffer. Less will be spent on rural roads, parks and gardens, local halls, libraries, public toilets—the list goes on.

I quote from a letter from Narrandera Shire Council:

The levy imposed on Council is an increase of \$45,600 which is a 22% increase on the previous year.

Proportional to council revenue, the extra \$40,500 council is being asked to pay is a large amount and the impact of this unplanned cost will certainly be felt by the community.

...

The unbudgeted levy increase consumes 40 per cent of the funds that the council gained from additional revenue, leaving a balance of \$58,500 in additional revenue to address incremental cost increases across service delivery. The levy increase in this and in future years is clearly to the detriment of the community as it impedes Council capacity to provide services to the community.

Council is concerned not only with the reduction in its financial capacity to deliver services to the community but the poor planning and implementation of the increase.

Snowy Valleys Council received an invoice from Revenue NSW for \$540,000. That is \$102,000 more than last year's levy or a 23.3 per cent increase. It states:

We are disappointed in the lack of consultation from the NSW Government with Councils on the matter and were at no point advised that we would be required to cover the workers compensation shortfall through an increase in the emergency services levy. This is inconsistent with the NSW Government's commitment to genuinely partnering with Councils to move the state forward.

I have dozens of letters from councils across New South Wales. I ask the House to support the resolution in favour of local councils.

**The Hon. NATALIE WARD (17:53):** I oppose the motion moved by the Hon. Peter Primrose. The Government is committed to the safety and wellbeing of the brave men and women who protect the citizens of New South Wales from the threat of fires and other dangers. The Government made the necessary changes last year to allow firefighters who develop cancer to more easily claim workers compensation. This is not just about financial support; it is about making the process faster and easier for our fireys in their hour of need. There are currently more than 79,000 employed and volunteer firefighters in New South Wales who risk their lives every day to keep the people of New South Wales safe. It is important they receive the full support of the communities they serve.

The Government has delivered presumptive rights to workers compensation benefits for eligible firefighters in respect of 12 types of cancer. These presumptive rights apply to both employed and volunteer firefighters who meet the minimum qualifying periods of service. This means that eligible firefighters are those who are diagnosed with certain primary cancers that were presumed to have been contracted through the course of their employment. This cover has not created any new workers compensation benefit. It simply makes it significantly easier for firefighters to claim their existing entitlements. The Government has given careful consideration to the design and operation of this legislation. It has studied what has transpired in other jurisdictions and consulted widely to come up with the best possible proposal for New South Wales firefighters. It also consulted closely with the Fire Brigade Employees Union and the Rural Fire Service Association, which represent the 100,000-plus current and former firefighters who now benefit from this reform.

The approach taken broadly reflects the body of medical evidence established over the past 20 years. It directly aligns with comparable provisions in other Australian jurisdictions with presumptive legislation for firefighters. The 12 types of cancer include brain cancer, which has a qualifying service period of five years, primary leukaemia, which has a qualifying service period of five years, and primary site breast cancer, which has a qualifying service period of 10 years. By establishing a presumption that such cancers are work-related, this legislation allows those diagnosed with cancer to concentrate on their treatment and recovery rather than on establishing a claim for work-related compensation.

In New South Wales, through long-established legislative provisions, the funding for the budgets of our emergency services are derived from three contributors: the insurance industry contributing 73.7 per cent; the State Government contributing 14.6 per cent from the Consolidated Fund; and local government contributing the remaining 11.7 per cent. The Government will continue to take all necessary steps to support our fireys in reducing the overall health risks faced in the course of their work. I urge members to oppose the motion. [*Time expired.*]

**Mr DAVID SHOEBRIDGE (17:57):** On behalf of The Greens I indicate our support for this motion. The levying on local councils by the Government should be transparent. In order to obtain transparency The Greens put questions on notice to the appropriate Ministers asking them to provide the amount of the annual levy imposed on each council in the prior two financial years and the payments that had been made. For transparency we asked how much has been levied for the upcoming financial year. My office has been receiving messages from councils across the State saying, "Hang on, we're being whacked with this new levy. It's gone up. We're not quite sure why. Can you please seek some explanation?"

The Greens did the right thing and put the questions on notice asking the Minister to provide information on how much was levied in the previous two financial years and for this coming financial year so that we could respond to those stakeholders who were expressing concerns. We expected an informed response from the Minister. This is the desultory answer that we received from the Minister, "Payments levied under the emergency services levy are available in local councils annual reports." That is it. The Minister did not engage with the questions; there was no transparency. It is the kind of answer that almost compels The Greens to move a Standing Order 52 motion requiring the answer to be given in a much more expensive and laborious process. That is because of the contempt that the Government has shown repeatedly for local government. Councils are asking to be shown the full amount of the levies and how much they will be charged so they can work out whether it is fair or not and this Government's response is, "We're not going to tell you. We're not going to show you." Not even the most basic information is coming out from the Government.

There should be a clear statement by the Government on how and why the new levies have been set. There should be transparency so that all the local councils across New South Wales will know what each one is paying and can work out whether the amount that has been set is fair. Clearly there needs to be consideration for adequate remuneration, not just from local councils but also chipped in by the State Government to make sure that firefighters are properly treated. Councils need to know that the cost of the deeming provisions that are necessary to protect the work health and safety of firefighters is shared fairly across New South Wales and the State Government should be chipping in. One would hope that after four years of rancour and division concerning local government it is about time the State Government started being honest, open and transparent with local councils. It should begin by doing simple things, such as answering local councils when they ask about how much and why. [*Time expired.*]

**The Hon. PETER PRIMROSE (18:00):** In reply: How insulting is it to local councils and their residents right around this country when a resolution is put up and the only Government speaker in the debate argues why legislation, which was supported by every member in this House and every member in the other House, is a good thing. No-one disagrees that improving workers compensation coverage for firefighters is a good thing. That is what we all voted for. That is why the motion before the House specifically states that we all support it. That is why Local Government NSW supports it. That is why every council that has written to me, Mr David Shoebridge, other members and presumably the Government says that they support compensation for firefighters.

But at no point did the Government say during the debate or in the lead-up to the election that councils will be sluggish with an increased levy.

Councils have not had the opportunity to consult. They have not had the opportunity, as they are obliged to have, to take their proposed budgets to the local communities. The councils are rate-pegged. They are obliged to present their budgets to ratepayers. Suddenly they have a bill from the Government for a levy increase by an average of 20 per cent. The councils are saying to the Government that they support the agreed levy because many of our people—councillors, council staff, members of the community and paid firefighters and retained firefighters—are involved in firefighting. It is absolutely outrageous for the Government to come into this House and pretend that this debate is about whether or not we believe that improved workers compensation coverage for firefighters is good or bad. That decision has been made. What councils say now is that, given the fact the Government has put this new sneaky impost on us, they cannot cover it for the most part without reducing the funds available for parks and vital services such as local roads. That is particularly outrageous when it impacts harshly on councils that have been badly affected by drought.

The Government cannot say in this House it is worried, it will do something, it will relieve cost pressures on councils that are adversely affected by drought and then ignore the very same councils that want to talk to the Government about the Government imposing an increased levy without any warning. The Government should carry the can for \$19 million in the first year and pay local councils and their communities the respect that the Government allegedly says it will now show to local communities.

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

**The House divided.**

Ayes .....22  
Noes ..... 16  
Majority.....6

**AYES**

Banasiak, Mr M  
D'Adam, Mr A (teller)  
Field, Mr J  
Hurst, Ms E  
Mookhey, Mr D  
Primrose, Mr P  
Secord, Mr W  
Veitch, Mr M

Boyd, Ms A  
Donnelly, Mr G (teller)  
Graham, Mr J  
Jackson, Ms R  
Moriarty, Ms T  
Roberts, Mr R  
Sharpe, Ms P

Buttigieg, Mr M  
Faehrmann, Ms C  
Houssos, Mrs C  
Latham, Mr M  
Pearson, Mr M  
Searle, Mr A  
Shoebridge, Mr D

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

Mallard, Mr S  
Mitchell, Mrs  
Ward, Mrs N

Martin, Mr T  
Nile, Revd Mr

**PAIRS**

Moselmane, Mr S

Taylor, Mrs

**Motion agreed to.**

*Bills*

**CROWN LAND MANAGEMENT AMENDMENT (RESERVATION AND VESTING OF CROWN LAND) BILL 2019**

**First Reading**

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

## Second Reading Speech

**The Hon. MICK VEITCH (18:13):** I move:

That this bill be now read a second time.

It is with pleasure that I bring before the House a bill that will provide greater protections for Crown land in New South Wales. Crown land is land managed by the New South Wales Government on behalf of the people of New South Wales. It is public land. It is our land. As such, we need to ensure that there are real protections and the utmost transparency as to how the government of the day manages Crown land. Since the earliest days of white settlement, Crown land was set aside for a range of public purposes. For over two centuries Crown land alienated from the First Nations has been either dedicated or reserved for public recreation, infrastructure, future public purposes, travelling stock routes and cemeteries—a wide range of purposes. Much of it has now been granted or sold off as freehold, yet still a third of the State is Crown land.

Much of it is in the Western Division and what remains elsewhere needs to be carefully looked after for future generations. Reserving or dedicating land triggers a number of protections over the way it can be managed. It restricts the Minister's ability to treat such land as it would be freehold. This includes provisions dealing with: first, the circumstances in which the Minister may dedicate or reserve Crown land; second, the alteration, addition and purposes of dedicated or Crown land; third, the circumstances in which a dedication or a reservation may be revoked; fourth, the permitted uses of dedicated or reserved Crown land; and, fifth, the kinds of dealings with dedicated or reserved Crown land that are permitted.

These are safeguards that do not grant the Minister of the government of the day unfettered powers in dealing with such land. It is not freehold land where the Minister or a ministerial corporation is the effective owner of the land. It is Crown land, owned by the people of New South Wales, subject to the provisions of the Crown Lands Management Act as well as other important pieces of legislation such as the Aboriginal Land Rights Act 1983. Parliament should always uphold this and seek to boost such protection where it can, which brings me to this bill, a bill I am proud to introduce.

This bill seeks to increase protections and safeguards around Crown land. It does so in two ways. Let me deal with reserved land first. There are a number of differences between Crown land which is reserved for public purposes and land which is dedicated. As the Act currently exists, there is a greater level of protection for dedicated Crown land. This largely centres around a situation which arises when the Minister of the day wants to remove such protections on Crown land—what is referred to in the Act as "a revocation of a dedication". Section 2.7 of the Crown Land Management Act 2016 states:

- (1) The Minister may, by notice published in the Gazette, revoke the dedication (or part of the dedication) of dedicated Crown land.
- (2) However, a notice revoking a dedication must not be published unless:
  - (a) the Minister has caused a proposal to revoke the dedication to be published in the Gazette (the *revocation proposal*), and
  - (b) a copy of the revocation proposal is tabled in each House of Parliament within 10 sitting days after its publication, and
  - (c) notice of a resolution disallowing the revocation proposal is not duly given under subsections (3) and (4) or, if it is, the resolution is not passed or the notice of the resolution is withdrawn or lapses.
- (3) Either House of Parliament may pass a resolution disallowing the revocation proposal after the copy of the proposal is tabled in that House.
- (4) Notice of a disallowance resolution must be given within 14 sitting days after the revocation proposal is tabled in the House.

What this effectively means is that if the Minister wanted to remove a protection, such as a dedication for public recreation over a piece of dedicated land, the Minister would need to notify both Houses of Parliament of their intentions and either House could disallow an intention to remove such protection. Let us dwell on what this step means. It can be a step that needs to be undertaken to remove public purposes over a parcel of Crown land. That could then progress to a proposed disposal of such land where the Crown Lands Management Act no longer applies and where other related legislation like the Aboriginal Land Rights Act also no longer applies. These provisions have been in place in various iterations of the Crown Lands Act stretching back to the nineteenth century. It is understood that when drafting the 2016 legislation the Government wanted to remove such protections over dedicated land, but fortunately thought the better of it.

This bill extends such protections for dedicated land to all land reserved for any particular public purpose. The bill adds a new section 2.11, which covers the revocation or reservation whereby the Minister would have to lay before both Houses the intention to revoke a reservation. This is a simple check and balance that will ensure

greater parliamentary protection and oversight. It will provide more oversight for a range of public lands— showgrounds, travelling stock reserves, community halls, parks and sporting fields—that need protection. This is a simple amendment that will demonstrate to the public that Crown land is public land and Parliament is the rightful institution to ensure that Crown land does not lose safeguards without sufficient explanation and proper oversight.

The second element to the bill arises in situations where the Minister responsible for the Crown Lands Management Act wants to, or is instructed to, transfer—or, using the technical term, vest—Crown land in another government agency. Such vestings have occurred, and will occur in the future, and some transfers make sense, such as a transfer of Crown land to a hospital or a school. The impact of such vestings is that the land is no longer Crown land. The current provisions in the Act are contained in section 4.12. It states:

The Minister may, by notice published in the Gazette (a government agency vesting notice), vest specified transferable Crown land in a government agency if:

- (a) the Minister is satisfied that:
  - (i) it is in the public interest to vest the land in the agency, or
  - (ii) the agency would, because of the functions that are conferred or imposed on the agency, be an appropriate owner and manager of the land, and
- (b) for land for which a claim has been made under the Aboriginal Land Rights Act 1983—written consent for the vesting of the land has been given by:
  - (i) the Local Aboriginal Land Council for the Local Aboriginal Land Council area (as defined in that Act) in which the land is located, and
  - (ii) where the claim is made by the New South Wales Aboriginal Land Council—the New South Wales Aboriginal Land Council.

On paper this seems all reasonable. When the Crown Lands Management Bill was passed by Parliament in 2015 the Government went to great pains to say that dealings in Crown land would be subject to thorough community consultation provisions. The Government has even put out yet another beautiful glossy brochure regarding its community engagement strategy. But when one drills down into the engagement strategy, there are a few exceptions. The strategy allows the Minister to unilaterally waive its community engagement strategy over a dealing in Crown land, such as a vesting in another government agency, in the following certain circumstances:

1. In emergency or exceptional circumstances;
2. To enable approved New South Wales Government priorities that require Crown Land;
3. Where the Minister is satisfied that a waiver is in the public interest; or
4. Where the Minister is satisfied that other legislation is applicable and delivers the same or better engagement.

The waivers are broad, subjective and simply do not stack up. I am concerned about what "emergency or exceptional circumstances" may be contemplated. I would appreciate the Government advice on examples where such a waiver would occur. However, the Opposition is most concerned with exemptions Nos 2 and 3, which allow the Minister vast and discretionary powers to pull any community consultation and not consult at all. We know this Government's thirst for asset sales can never be slaked. It is embedded as a key priority. Any vesting of Crown land to an agency like Property NSW could clearly be viewed as enabling government-approved priorities that require Crown land. The third point gives an exemption from consulting with the community if the Minister considers it to be in the public interest. What can I say? This is a government that said forced local government amalgamations were in the public interest and that knocking down and rebuilding a Sydney stadium was in the public interest. This is a government that only considers its own interest or vested interests; not the public interest. Given these escape clauses, it is important that we ensure greater oversight of any proposal to transfer Crown land to another government agency. The bill introduces new section 4.12A into the Act, which requires that:

- (1) A government agency vesting notice must not be published unless:
  - (a) the Minister has caused a proposal to vest the specified transferable Crown land in the government agency (including reasons for the proposed vesting) to be published in the Gazette (the vesting proposal), and
  - (b) a copy of the vesting proposal is tabled in each House of Parliament within 10 sitting days after its publication, and
  - (c) notice of a resolution disallowing the vesting proposal is not duly given under subsections (2) and (3) or, if it is, the resolution is not passed or the notice of the resolution is withdrawn or lapses.

However, sections 2 and 3 of the bill provide that:

- (2) Either House of Parliament may pass a resolution disallowing the vesting proposal after the copy of the proposal is tabled in that House.

- (3) Notice of a disallowance resolution must be given within 14 sitting days after the vesting proposal is tabled in the House.

These important parliamentary protections are needed now more than ever. The vesting powers of the Minister are broad. We have a government that has sold off billions of dollars of the State's publicly-owned assets. This provision will require the Minister of the day to come to Parliament and seek permission to vest Crown land with another government agency and explain to Parliament why any vesting is required and is in the public interest. This is a simple bill and should gain the support of all members.

It does not impede the revocation of reservations and it does not preclude the vesting of Crown land to other government agencies. It provides an extra check on the unfettered actions of any government and on the ability to strip public land of the protections afforded by the Crown Lands Management Act. Crown land is public land and we owe it to the public—now and into the future—to ensure there are sufficient checks and balances to ensure valuable Crown land is not lost. I commend the bill to the House.

**Debate adjourned.**

### *Motions*

#### **WORLD ENVIRONMENT DAY**

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 77 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (18:24):** I move:

1. That this House notes that:
  - (a) Wednesday 5 June is World Environment Day, as designated by the United Nations General Assembly in 1972 on the first day of the Stockholm Conference on the Human Environment;
  - (b) Since 1974, World Environment Day has helped UNEP raise awareness and generate political momentum around growing concerns such as the depletion of the ozone layer, toxic chemicals, desertification and global warming;
  - (c) World Environment Day has developed into a global platform for taking action on urgent environmental issues;
  - (d) millions of people have taken part over the years, helping drive change in our consumption habits, as well as in national and international environmental policy;
  - (e) the theme of this year's World Environment Day is Beat Air Pollution;
  - (f) air pollution remains a significant public health burden in New South Wales, and coal combustion remains one of New South Wales's largest sources of air pollution; and
  - (g) coal-fired power stations remain the dominant source of Australia's fine particle pollution (26 per cent of the national "all sources" total), oxides of nitrogen (26 per cent), and sulphur dioxide (49 per cent) as documented in the National Pollutant Inventory.
2. That this House thanks the Nature Conservation Council of New South Wales, the National Parks Association of New South Wales, the Colong Foundation for Wilderness, the Total Environment Centre, the Environmental Defenders Office of NSW, the Wilderness Society, the Environmental Justice Australia and Doctors for the Environment and all of the other local, State and national organisations, communities and individuals who work tirelessly to protect and care for the environment in New South Wales.

World Environment Day is very important because it is a day on which we celebrate the incredible work that is done by individuals and communities right across the world to care for and support our environment. World Environment Day was established by the United Nations General Assembly in 1972 on the first day of the United Nations Conference on the Human Environment in Stockholm and resulted from discussions on the integration of human interactions and the environment. That was more than 45 years ago. Later that year, the General Assembly designated 5 June as World Environment Day and urged, "Governments and the organizations in the United Nations system to undertake on that day every year world-wide activities reaffirming their concern for the preservation and enhancement of the environment, with a view to deepening environmental awareness and to pursuing the determination expressed at the Conference." Since then every year on 5 June many communities across the world have celebrated World Environment Day. That was 45 years ago. Where are we now in 2019?

On 6 May the United Nations Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services [IPBES] released the *IPBES Global Assessment Report on Biodiversity and Ecosystem Services*. It was the most comprehensive report ever completed. It was a systematic review of about 15,000 scientific and government sources and was compiled by 145 expert authors from 50 countries. It was compiled over three years with inputs from another 310 contributing authors. The report assesses changes over the past five decades,

providing a comprehensive picture of the relationship between economic development pathways and their impacts on nature. It also offers a range of possible scenarios for the coming decades. Unfortunately, what they found was very dire. IPBES Chair Sir Robert Watson said:

The overwhelming evidence of the IPBES Global Assessment, from a wide range of different fields of knowledge, presents an ominous picture. The health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever. We are eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide.

The Report also tells us that it is not too late to make a difference, but only if we start now at every level from local to global. Through "transformative change", nature can still be conserved, restored and used sustainably—this is also key to meeting most other global goals. By transformative change, we mean a fundamental, system-wide reorganization across technological, economic and social factors, including paradigms, goals and values.

That is pretty serious stuff from the United Nations almost 50 years on from when World Environment Day was first established in 1972. The motion before the House today recognises World Environment Day and the history of World Environment Day. It also calls on the House to thank the environment groups that have worked hard and tirelessly for decades to protect nature and the environment in New South Wales.

I named those organisations deliberately because they deserve to be named in this place. They are the Nature Conservation Council of NSW, the National Parks Association of NSW, the Colong Foundation for Wilderness, the Total Environment Centre, the Environmental Defenders Office New South Wales—a fabulous organisation whose board I used to be on—the Wilderness Society, Environmental Justice Australia and Doctors for the Environment Australia. They do so much tireless work and important advocacy. The last part of my motion is about the theme of this year's World Environment Day, which is "Beat Air Pollution". Yes, I have mentioned coal-fired power stations and their emissions in the motion because emissions from coal-fired power stations are the weak link when it comes to air pollution in this State. They are not regulated by the Government. I urge all members to support the motion.

**The Hon. SHAYNE MALLARD (18:30):** I thank Ms Cate Faehrmann for bringing this motion to the House, as it allows us to consider World Environment Day. The motion correctly notes that World Environment Day was yesterday and that the theme for this year is "Beat Air Pollution". Air pollution has serious impacts. The Government's 2016 Clean Air for NSW Consultation Paper found that each year air pollution leads to 510 premature deaths and 6,300 cumulative years of life lost in Sydney, 1,180 hospital admissions in Sydney and an estimated \$6.4 billion in health costs in the New South Wales greater metropolitan region. Many factors contribute to air pollution. The Office of Environment and Heritage monitors and measures a range of primary and secondary pollutants including ozone, nitrogen dioxide, carbon monoxide, sulphur dioxide and particulate matter—specifically PM10 and PM2.5.

While pollutants are generated during the production of energy from certain sources, air pollution is also generated from a range of other sources and through a range of other processes. They include industrial processes, commercial activities, and domestic and natural sources. For example, air pollutants are generated from bushfires—something we in Sydney are familiar with—exhaust from motor vehicles, woodfire heaters, decomposition of organic materials and even sea spray. As the public would expect, air quality is regulated and there are national air quality standards. The New South Wales Government knows the importance of air quality and that is why we have adopted PM2.5 standards that are among the strongest in the world. Measurement against those standards is undertaken by the Office of Environment and Heritage and non-compliance actions are undertaken by the Environment Protection Authority.

The member's motion does not consider the complexity of contributing factors to air pollution; it seeks to blame one sector. For that reason, the Government does not support subparagraphs (f) and (g) of paragraph 1 of the motion. The Government also does not support paragraph 2 of the motion. The environment is not owned by an individual or, indeed, any specific organisation. Everyone has responsibility for the protection of the environment. Many people and groups do amazing things for the environment and they should all be congratulated and thanked for their contribution. While the Government acknowledges the hard work and advocacy of the groups mentioned in this motion, it does not believe that those groups should solely be the ones recognised by the Parliament on World Environment Day.

Improving the environment and air quality is an issue of importance for members across the House. I am proud to say that the Government has a very strong track record on environmental initiatives. Members of this place need only look to government programs such as Return and Earn NSW and Saving our Species, and election commitments to the National Parks and Wildlife Service. This motion has an agenda; it seeks to skew the debate towards one contributor to air pollution. The Government does not support the motion but will always support compliance with national standards and the protection of the environment.

**The Hon. PENNY SHARPE (18:33):** I have listened carefully to the Government's contribution to the debate on this motion. Many things are raised in this House that the Government can legitimately oppose, but

I have to say that its opposition to this motion is one of the pettiest I have seen. This is a generic motion about World Environment Day. It recognises where World Environment Day came from. It recognises this year's theme, which is air pollution. It rightly draws attention to the issue of fine particulate matter pollution from coal-fired power stations. It also thanks the very good environmental organisations in this State that have been around for decades. For decades the voluntary conservation movement has worked in partnership with governments of all sides to advance caring for our environment in this State. It really is one of the more petty efforts I have seen from this Government that it is not prepared to support this motion. Sometimes The Greens move motions that are trickier for us and that are far more direct in relation to the arguments that we have in this place, but this really is a pathetic effort from the Government.

In relation to World Environment Day, there are five items I will put on the agenda that Labor thinks are the important things we need to do for New South Wales. The first thing, obviously, is action on climate change, which continues to be a debate. We know that the Government has made some moves in relation to an aspirational target for net zero emissions by 2050. I use World Environment Day to urge the Government to actually plan how it is going to get there, because at the moment it is just a few words on a bit of paper.

The second thing is biodiversity in nature. Earlier today we had had a debate about land clearing and biodiversity. The reality is that 1,065 species and 112 ecological communities are at threat of extinction. As I said before, biodiversity is not just about cute critters and keeping koalas alive, although that is also important. It is fundamentally about basic things such as air, water, soil, pollination and the ability for us to continue to grow crops sustainably into the future. I will talk about nature in relation to our national parks. I put on record that \$100 million has been cut from the National Parks and Wildlife Service, and the fact that the service barely exists within the Office of Environment and Heritage, which is due to be abolished on 1 July—again, not a good sign from this Government.

The third and fourth things are clean air and clean water. As we have a greater population on the planet and more industrialisation, we have to get serious about the right to clean air and clean water. Finally, I raise the issue of waste. Today for World Environment Day I introduced the Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2019, but there is so much more that we can do. We are losing opportunities to employ people in regional New South Wales through our failure to invest in recycling and waste facilities. There is so much more that we can do here. We could kickstart an industry that will provide jobs long into the future and we are failing to do so. I wish members a happy World Environment Day and I urge the Government to reconsider its opposition to this motion. There really is no reason to do so— [*Time expired.*]

**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) (18:36):** I briefly reply to the Hon. Penny Sharpe. The Hon. Shayne Mallard made quite clear which parts of the motion the Government has a difficulty with. However, we will not divide on this motion.

**Mr JUSTIN FIELD (18:36):** I congratulate my colleague Ms Cate Faehrmann on moving this motion on World Environment Day. Given the warnings that have come over the past 12 months from scientific organisations and from the United Nations—and I particularly mention the warning that we got only last month about the extinction crisis that the planet is facing—these are opportunities to turn our mind to what the future holds if we do not change course and correct some of the things that have precipitated this crisis. The motion was not about climate change. It was about human actions generally, such as land clearing, climate change and habitat loss that comes about from urban development.

The reality is that the extinction rate is at levels that are unprecedented in our time. It reflects previous times in human history when the nature of ecological change had a monumental global impact on all species living on the planet. If we do not deal with this crisis, it will have an impact on us. The *State of the Environment* report—released by this Government, strangely, the week after the report I mentioned earlier—identified that we have an extinction crisis in this State as a result of government policy over a long period of time. We are clearly being told, as identified in the Government's own reports, that we in New South Wales are part of that global problem. World Environment Day is a moment to turn our attention to these things. They are not partisan things; they are things that affect our ability to exist as a community on the planet.

I acknowledge the groups that have been named in the motion. I have worked with all of those groups over a large number of years. For a period of time I had the pleasure to work with the Nature Conservation Council of NSW as the marine campaigner there. The council does fantastic work. It works with other groups in the community, member groups and other organisations that do so much for all of us to protect the natural environments around where we live. When you talk to people in communities it is possible to bring the issues down to the scale of the local environment—the nature of local parklands, dune care groups, beach care groups and park care groups. The people involved in those groups do not come from one particular side of politics or the other; they just want to have a healthy and vibrant natural local environment for themselves and their families.

Those are the people and the issues that we are talking about. World Environment Day offers those sorts of groups an opportunity to focus their attention on one thing that really matters—the state of our local environment. To put it into the global context, if we change each of our local environments we can have a global impact. [*Time expired.*]

**Ms CATE FAEHRMANN (18:40):** In reply: I thank all the members who contributed to the debate on this motion. The Hon. Shayne Mallard spoke about my focus on air pollution and wondered why I would be mentioning coal specifically, because he believes the Government is doing a great job. He said that the regulatory framework for fine particulate matter—the PM2.5 and PM10—is just hunky-dory. I included those matters because the State Government is presiding over one of the weakest regulatory frameworks for coal-fired pollution. Power stations in New South Wales operate to standards comparable to those set when they were first commissioned in the 1970s and 1980s. For example, in the European Union the maximum level of sulphur dioxide emissions from coal-fired power stations is 400 milligrams per cubic metre. In China it is 200 milligrams per cubic metre. In New South Wales the maximum level of sulphur dioxide that coal-fired power stations are permitted to emit is 1,716 milligrams per cubic metre. That is 8½ times higher than China. So the air pollution coming from our coal-fired power stations is probably not great. We probably should look at that on World Environment Day.

The Hon. Shayne Mallard criticised me for singling out particular groups to thank. I did not do that. I mentioned particular groups, which I read out in my earlier contribution, but the motion thanks "all of the other local, State and national organisations, communities and individuals who work tirelessly to protect and care for the environment in New South Wales". In this place every single day various members read out the names of organisations and individuals that they want to highlight for their good work. That is what members do, but this motion incorporated all of the other groups and individuals as well. I am proud to be able to mention the organisations that I named. They should be mentioned specifically for the work that they do. I urge members to support the motion. I urge the Government to give it another thought.

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

**Motion agreed to.**

*Adjournment Debate*

#### ADJOURNMENT

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

That this House do now adjourn.

#### IDENTITY POLITICS

**The Hon. MARK LATHAM (18:42):** I bring to the attention of the House the number of male employees of the Department of Justice who have raised with me their concerns about a letter circulated by departmental secretary Michael Coutts-Trotter on Friday 17 May, the International Day Against Homophobia, Transphobia and Biphobia. I have no burning objection to the day—we have an international day for just about everything, so why not that one? The eyes of most people glaze over when they hear about such days. But Mr Coutts-Trotter's letter raised particular concern among the male employees because it began, "We all deserve the freedom to be ourselves at work and to feel that we belong. That is really a problem if you are a straight white man, especially one with a position of authority. So much about the workplace and society at large was shaped by and for people like me, who fit that profile."

This highlights the problem with divisive identity politics. Immediately Mr Coutts-Trotter has set up two categories of workers in his department. Instead of uniting his workforce he is setting straight white men—who supposedly have privilege—against everyone else. Why have a strategy of dividing the workplace with that statement and driving down the morale of straight, white men who, in many cases, are among the most disadvantaged in our community? It is true that among long-term, welfare-dependent people in Australia there are more men than women. The statistics bear out the same way for suicide, injuries at work, deaths at work and people killed in war. To me, it seems an unnecessarily divisive statement to set straight—white men as some special category of privilege in the Department of Justice.

I will not go into the details of Mr Michael Coutts-Trotter's background, but I would have thought in terms of rehabilitation and the challenges he has faced in life he was not a poster boy for privilege. He has had to face a range of problems, convictions and challenges to get to the position he is in today. That highlights the divisive nature of identity politics. There is a further problem in the letter from the departmental secretary to his employees. The letter says, "I call on you to make our workplaces ones where all of us feel we can bring our whole selves to work and where our colleagues know that they can be themselves, be heard, be valued and feel that they belong." I am sure I speak for the majority of workers in New South Wales, particularly in public service,

when I say that most people want to bring only the part of themselves to work that does the job and keep race, gender, sexuality and religion in the private domain, at home.

They are private matters, which people sort out with their loved ones in their personal arrangements. Most people feel like taking to work the part of themselves that does the job professionally and then go home. This is a creeping colonisation of the worker, where they are expected to bring private aspects of their life to work that are then subject to identity politics, ideological campaigns and various forms of training that I believe diminish the basic rights of workers to privacy. I ask the Government to respect the privacy rights of workers. People do not need to bring their whole selves to work and expose every aspect. The private domain matters. I always say to young people, "Never give away your privacy on social media; regard it as an asset. It is an important part of your life." It is that domain where you love, feel and have emotions and identities that you share in your home environment. They are not necessarily suited to the public domain. Many people feel that way. The Government should respect the privacy rights of workers and declare that at no time do we need to bring our whole selves to work, only those parts necessary to do the job.

I further urge the Government and, particularly Mr Coutts-Trotter, to treat each employee equally and to give them the dignity and fairness of individual assessment on merit instead of lumping them into broad, unrepresentative categories based on race, gender and sexuality. I assure the departmental secretary that many male employees in the department articulated their concerns to me: Their morale had sunk and they felt divided. They felt there was ongoing demonisation of so-called "white male privilege", which is not valid. I believe agencies can have some regard for those international days. Homophobia, biphobia, interphobia and transphobia can be serious issues in our community; I do not diminish that for a moment. I just do not think that is the right way to handle it. I request Mr Coutts-Trotter to rethink his strategy so that he unites his workforce, keeps morale strong and produces a more productive group of workers whose privacy is respected.

#### RETURN AND EARN SCHEME

**The Hon. WES FANG (18:48):** Litter is a blight on our natural environment and communities. Although 90 per cent of people surveyed in a 2017 study believe litter is a serious problem, each year over 25,000 tonnes of litter are tossed in New South Wales. Litter damages our natural environments and harms wildlife and sea creatures. It can injure people and make our spaces less healthy. A staggering 75 per cent of marine litter is plastic and 59 per cent comes from land sources. Cleaning up litter also costs taxpayers a lot of money, with an estimated bill to New South Wales of at least \$180 million every year. If you listen to Opposition members in the media and in the House, you would think the Government is not proactive in combating the problem. Nothing could be further from the truth. In 2015 the New South Wales Government announced the Premier's priority to reduce litter volumes by 40 per cent by 2020. The flagship scheme to achieve that target figure is the Return and Earn scheme. Last December New South Wales ticked over the one billion mark for returned drink containers and as of today we are inching ever closer to the two billion figure—an impressive result for a scheme only 18 months old.

More than half the drink containers in the marketplace are now being recovered, compared with less than a third that were being collected in yellow bins before Return and Earn kicked in. When combined with the 710 million drink containers collected in yellow bins between December 2017 and September 2018, there has been a massive 69 per cent increase in the number of drink containers recovered compared with yellow bin collections over a similar period last year. Of the 640 Return and Earn points available in New South Wales, last year there were 20 which collected more than six million containers and I am very proud to say that Wagga Wagga was among them, with 7.9 million.

Return and Earn continued to break records for recycling over the Christmas-New Year period, setting a new daily record and processing more than 91 million drink containers. We are now seeing an all-time low for drink container littering and a sharp decrease in the amount of overall litter cluttering our waterways and communities. New South Wales is well on track to exceed the Premier's target of cutting overall litter by 40 per cent by 2020. There has been an incredible turnaround in the mindset of people when it comes to disposing of their empty drink containers. Return and Earn is a success story only because the people of New South Wales have embraced the scheme. It is a win-win for both the environment and the people of New South Wales.

It is also a win for our charity partners and one of those is Vinnies. The over-the-counter deposit points in western Sydney, Illawarra and Shoalhaven, in combination with bulk processing sites in Unanderra, South Nowra, Penrith, Cardiff and Wagga Wagga, have collected more than 20 million containers. Putting this into perspective, this equates to around 835 semitrailer loads of containers. In late May the Wagga Wagga Vinnies celebrated a big milestone after collecting its one millionth container after less than two months in operation. This is the fastest result Vinnies has ever seen from any of its sites. I was there last week returning more than my fair share of soft drink containers. I can attest to the efficiency of the state-of-the-art facility, which can process 100 containers per minute and deliver on-the-spot refunds—it really does make returning used containers so easy.

By partnering with Return and Earn, Vinnies has opened up an additional revenue stream from both handling fees and container refund donations. This means it can continue the good work its volunteers do in our communities.

In addition to Return and Earn, the Waste Less, Recycle More initiative provided to councils and community groups is constantly helping to combat litter and increase recycling across New South Wales. With the \$337 million expansion of the Waste Less, Recycle More program, funding over nine years from 2012 comes to an incredible \$802 million. This is the largest waste and recycling refund program in Australia. This program provides funding to councils and community organisations to manage waste problems, and create new waste infrastructure and innovative methods to recycle and tackle illegal dumping. During the recent State election campaign, and today, there has been a lot of rhetoric about the Government not tackling plastic pollution. This is simply wrong. We are well on track to deliver and exceed our 40 per cent reduction in litter, including plastics. There is always more that we can do but so far our track record speaks for itself in making our State a cleaner place to live.

### SAME-SEX RELATIONSHIPS

**The Hon. PENNY SHARPE (18:53):** In two days' time, on 8 June, it will be 35 years since the criminalisation of homosexuality was removed from the New South Wales law with the proclamation of the Crimes (Amendment) Act 1984. It was the Wran Government that introduced these laws as a private member's bill to decriminalise consensual homosexual activity for people over the age of 18 years. It took a long time to get to this point. Parliament did not do this on a whim. It was the constant, strategic, loud and proud work of organisations such as the Campaign Against Moral Persecution, those involved in Mardi Gras and the 78ers who brought this Parliament out of the Dark Ages to change the law. It was a private member's bill that had the support of many on both sides of this House. The magnitude of this reform cannot be understated. Decriminalising homosexual activity was the first step in breaking down a whole wall of legislation that over the past 20 years we have worked to remove.

It took another 19 years for the Parliament to equalise the age of consent from 18 to 16 years. More recently, in 2014, this Parliament passed laws—unanimously this time—to remove the so-called "gay panic" defence that permitted murder charges to be downgraded on the basis that a male defendant was "provoked" into the murder by the sexual advance of a male victim. That same year the Parliament also passed laws to allow a person convicted of an historical homosexual offence to have that conviction extinguished. This change was a powerful transformation for many gay men for whom these previous unjust convictions had denied them opportunities including employment, volunteering and travelling overseas.

However, while celebrating this important milestone and realising that it really was only 35 years ago that we took this important act, I place on the record my ongoing concern that there are so many countries around the world where same-sex relationships and sexual acts remain illegal and are punished severely under local laws—sometimes by the death penalty and in some cases through medieval practices such as stoning and caning. It is very concerning to stand here as an openly gay person and understand there are people just like me who are being harassed, rounded up, arrested, imprisoned and sometimes killed simply because of who they love.

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association [ILGA] as of March 2019 there were 70 United Nations [UN] member states that criminalise consensual same-sex sexual acts. A number of other jurisdictions that are not UN member states also criminalise such acts. Six UN member states impose the death penalty for consensual same-sex sexual acts: three in Asia—Iran, Saudi Arabia and Yemen; and three in Africa—Nigeria, Sudan and Somalia. The death penalty is a possible punishment in five UN member states: Mauritania, United Arab Emirates, Qatar, Pakistan and Afghanistan. Thirty-one UN member states impose up to eight years' imprisonment, while the remaining 26 member states impose even harsher penalties of between 10 years and life in prison. In those nations LGBTIQ people become criminalised simply because of who they love. They live in fear, they cannot be the people that they are and this does them great harm.

Before we congratulate ourselves for our improved recent history, it is sobering that the most recent ILGA annual report on state-sponsored homophobia also notes that there is no country in the world where LGBTIQ people are safe from discrimination, stigmatisation or violence. At the most basic level this is what must be changed, whether by law or whether it is simply accepted by our culture. In recent weeks we also marked the annual International Day Against Homophobia, Biphobia, Interphobia and Transphobia—also known by the terrible acronym IDAHOBIT. IDAHOBIT was established in 2004 to commemorate the day in 1990 when the World Health Assembly of the World Health Organization removed the listing of homosexuality as a diagnosis of mental disorder under the International Statistical Classification of Diseases and Related Health Problems. I note and welcome that being trans has also been removed as a disease—an important change.

IDAHOBIT is a day to celebrate the LGBTIQ community and stand in solidarity against discrimination, bullying and breaches of human rights on the grounds of sexuality or gender whether in Australia or abroad. In that

spirit of solidarity I pay tribute to the people in this place who have supported these changes over many years on both sides of the House. I particularly thank Neville Wran and other former Labor members—such as George Petersen, Frank Walker and Jack Ferguson—who all courageously fought within Labor and the Parliament to bring about reforms to decriminalise homosexuality. They did not do this easily or without a fight and I am very pleased that they found others who were able to do that. I give my heartfelt thanks to the LGBTIQ community members who showed true courage by campaigning for these reforms for many years before they were passed. Do not forget: They were campaigning for the decriminalisation of themselves, so that they were no longer criminals in their own State. We will never be able to repay the debt that we owe to those activists.

### QUEEN ELIZABETH II

**Reverend the Hon. FRED NILE (18:57):** I am pleased on the occasion of my adjournment speech to say happy birthday to Her Majesty the Queen. On Monday 10 June the citizens of New South Wales will be celebrating our Queen's official birthday. I say "our Queen" because that is precisely correct. Her Majesty enthrones an institution that spans the globe and unites over 600 million people into one family that shares a common heritage and history. We are very fortunate to be part of that heritage and history, which is why so many people across the world migrate here and seek to be part of our society.

Certainly that history has had its turbulent moments. However, the important point to remember is that the constitutional monarchy provides us with a head of state who is fundamentally depoliticised. This means that the Queen is a member of no party or faction. Her Majesty is therefore separate from often undignified parliamentary debates while providing parliamentary democracy with the stability and legitimacy that has seen the advanced nations of the Commonwealth become the envy of the world.

Let us not forget that, according to a recent Economist Intelligence Unit index, six of the top 10 countries in the world that share conditions necessary for freedom and democracy are constitutional monarchies of some type. I suppose that may be an embarrassment to militant republicans who keep telling us that the monarchy is no longer a "relevant" form of government. But what could be more relevant to the modern world than a system that has proven itself competent to safeguard the rights and liberties of free nations the world over? I remind members that guillotines, gas chambers and gulags were not built in monarchies.

It takes a level of political maturity to recognise those facts and to conclude that any call to abolish our current system of government caters to the basest of utopian fantasies. Becoming a republic is not a sign of maturity; it is the very opposite. I am certain that the system of government that we enjoy today here in New South Wales and Australia will survive well into the next generation and beyond. In the past I have witnessed Labor governments attempt to sideline and marginalise our current system by removing its symbols from public view, such as the Crown, or even removing royal portraits and abolishing the Oath of Allegiance.

Since my election I was pleased to introduce a bill to restore the Oath of Allegiance, albeit with a provision that taking the oath would be voluntary. It is not compulsory for members to take the Oath of Allegiance; they have the freedom of choice, which is fair enough. When I was in the army and took a commission as an infantry officer I also took the Oath of Allegiance to the Queen. I was proud to give the same Oath of Allegiance when I entered this place in 1981. Since then I have never hidden the fact that I am a staunch monarchist. I accept that not everyone agrees with things that I say but, just as I did my duty then when in military uniform, I do my duty here as a representative of the people in the Legislative Council.

I recall being invited to the Queen's garden party and to the Trooping the Colour. At the garden party I was honoured to be introduced to Princess Diana, who, as we know, later died in a horrific accident. If I remember correctly, many hundreds of people were at the garden party and I was privileged to have a few words with Princess Diana. Many of my constituents are migrants to Australia from countries in which life is hard and sometimes unlivable. More often than not those countries are republics of some sort and, because they do not have the checks and balances that we have under our Crown, they decay into corrupt and often despotic regimes. We currently read in newspapers about some nations where there is violence and mass protests. When I speak to those migrant constituents I note their respect for the constitutional monarchist system that we share with them now. I believe that speaks far louder than the ideological arguments promoting some alternative form of governance.

This year Her Majesty turned 93 years of age, and the dignity she displayed at the recent visit of the United States President Donald Trump to the United Kingdom illustrated that she remains a strong and competent leader. I hope that all of us might be able to achieve that when we reach 93. We are fortunate to be part of this ancient institution. God willing, the constitutional monarchy will survive and flourish for another 93 years. God bless the Queen and happy birthday to Her Majesty.

## STATE GOVERNMENT

### MAMBO WETLANDS

**The Hon. CATHERINE CUSACK (19:03):** This is my first opportunity to congratulate the President, the Hon. John Ajaka, and the Deputy President, the Hon. Trevor Khan, on their re-election, unopposed in this Chamber. It is a great credit to both of them and I congratulate both of them on the way they conduct the business of this place. I also take this opportunity to welcome the new members who have entered this place. I have listened to their inaugural speeches and I am very impressed. I have been here some time and I have not previously experienced the diversity of ideas that are currently being debated in this House. Everybody has been listened to respectfully. It is a new era for the Government in that it is now losing votes in the upper House.

Of course no government likes to lose votes but I also acknowledge that our Premier, Gladys Berejiklian, and our leader in this place, the Hon. Don Harwin, are very calm about what to expect and very patient. They have said to everybody, "We want to work with you to get good outcomes for New South Wales." My impression has been that all of the members in this Chamber want this. I do not agree with everything that has been said here but the sincerity of the comments, the quality of the research members are investing in the arguments they are making and the respect with which they are being heard make me feel optimistic not just for this term of Parliament but for the future of this Chamber and its relevance in our system. While I take the opportunity to make those comments, I also congratulate the Hon. Sarah Mitchell on her appointment.

Last Friday the Minister for Planning and Public Spaces, Rob Stokes, and the Minister for Energy and Environment, Matt Kean, announced the successful purchase of the controversial former school site in the Mambo Wetlands at 246-248 Port Stephens Drive, Salamander Bay. Members will be pleased that this will be the last time I need to refer to this matter. The property has been repurchased under the Coastal Lands Protection Scheme. I welcome this outcome and pay tribute to those responsible for achieving it, especially Councillor Jaimie Abbott, who raised the issue twice with the Premier and moved a resolution unanimously passed by Port Stephens Council to write to the Premier offering assistance in the compulsory acquisition process. The Mayor of Port Stephens, Ryan Palmer, a real talent and a very positive force in his community, has worked across levels of government to find a pathway to this outcome and been well supported by his council staff. I pay tribute to all the people involved in this.

The Premier personally intervened to direct the Planning portfolio to find a way to reacquire the property. This would not have occurred without the Premier's personal intervention. It is a courageous thing for any government to say, "We got this wrong." The Premier was not responsible for the error but she was willing to listen. She is a humble person. She intervened to make this happen. We need to be clear that this has been a big step in a complex process. I acknowledge and thank the Premier for her intervention. I also thank councillors Glen Dunkley and John Nell, who represent East Ward with Councillor Abbott, for their passion and sincerity in working across differences to make this happen for their community.

Because as a government we focus on an arm's length process, there was a need to comply with statutory time frames to ensure the best value for taxpayer dollars. Nobody would have loved this to have been sorted out before the State election more than I would, but it was not a politically convenient process. An intervention such as that would have cost more and wasted taxpayers' money. Therefore the Government stepped back and allowed this process to happen properly. The ultimate cost for repurchasing the land was \$420,000. That is a terrific outcome. Taxpayers originally sold the land for \$250,000. Therefore the net cost to taxpayers of this episode has been \$170,000, bearing in mind any stamp duties that have been paid to the New South Wales Government—the cost of which is unknown to me—during the original transaction to offset this cost. It is important that the person involved in the compulsory acquisition not be left out of pocket and fairness has taken place. I congratulate everybody on this outcome and thank honourable members for their support on this matter.

### ALLIANZ STADIUM EMPLOYEES

**The Hon. MARK BUTTIGIEG (19:08):** I note with some concern a matter regarding the maintenance workers at the Sydney Cricket and Sports Ground Trust following the Government's hasty decision to demolish Allianz Stadium before this year's State election. A week or two before Christmas, the Sydney Cricket Ground employed two electricians, two plumbers and three carpenters to perform regular and vital maintenance to both the Sydney Football Stadium, also known as Allianz Stadium, and the Sydney Cricket Ground.

Many of the employees have been with the stadium for over 20 years. In fact, their collective work experience is about 100 years. On 6 December the then Minister for Sport, Stuart Ayres, announced the demolition of Allianz Stadium. Four days later, on Monday 10 December—a couple of weeks before Christmas—those employees of the Sydney Cricket and Sports Ground Trust were told that Friday would be their last day; they

would be sacked and replaced with contractors. Meetings were requested by employees and the union to discuss the matter, but the company refused to engage with either the workers or their union.

On Wednesday 12 December, after intervention by the Electrical Trades Union, the Plumbing Trades Employees Union, the Construction, Forestry, Maritime, Mining and Energy Union and Unions NSW, the Minister also intervened and gave the workers a reprieve. In fact, I am in possession of a letter from then Minister for Sport, Stuart Ayres to the member for Miranda, Eleni Petinos, who had written to the Minister on behalf of one of her constituents who had been told he was going to be sacked. I will read the letter onto the record. It says:

Dear Eleni,

Thank you for your representations on behalf of Mr Carl Nolan concerning their employment with the Sydney Cricket Ground and Sports Ground Trust (the Trust).

I can advise that the process described in Mr Nolan's correspondence—

this is the correspondence Mr Nolan had received from the trust—

regarding the maintenance team has been abandoned and the Trust will not progress anything, including further consultation without my approval.

The Trust started this process without my knowledge and I have discussed this matter with the Chair and the Chief Executive Officer of the Trust.

Thank you for bringing this matter to my attention.

The letter clearly states that the trust kicked off the process without the Minister's knowledge. I will update the House on where we are at present because things have moved on as of today. At the beginning of this year contractors were introduced who started performing the work of these employees. This is why the employees are allegedly still gainfully employed by the trust. The existing employees' duties were minimised and they became more and more isolated and marginalised. To date, management has yet to inquire as to the employees' wellbeing, has refused to engage in any consultation on their future, and has not conducted any workplace health and safety toolbox meetings.

On 20 May, two days after the Federal election, the employees received a letter stating that there would be a notification of workplace changes. Management has made it obvious to the workers that they are no longer required. Just recently, with no consultation, management told them that they will be made redundant, with 20 weeks pay. There is an offer of an extra six weeks pay on the table, which is superficially six weeks above the award requirement. The award requirement is 20 weeks, but when you take into account the early notification period—which is four weeks extra—it is only two weeks extra.

There is a matter for the House to consider because, as of today, these people have been told that they will be gone tomorrow—they are out; they have termination letters. I place the following questions before the House. Does the current Minister for Sport, Multiculturalism, Seniors and Veterans, John Sidoti, understand that this process has occurred? Is he aware of the undertakings made by the previous Minister for Sport, Stuart Ayres? It is very important that the Government make good on its promise.

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

**Motion agreed to.**

**The House adjourned at 19:14 until Tuesday 18 June 2019 at 14:30.**