



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Thursday, 8 August 2019

Authorised by the Parliament of New South Wales

TABLE OF CONTENTS

Motions	57
Archbishop Makarios Griniezakis	57
Contributions of People with Autism	57
Documents	57
VIP Gaming Management Agreement.....	57
Tabling of Documents Reported to be Not Privileged.....	57
Motions	58
Graham Freudenberg, AM.....	58
Visitors.....	58
Visitors.....	58
Documents	58
VIP Gaming Management Agreement.....	58
Tabling of Documents Reported to be Not Privileged.....	58
Petitions.....	58
Petitions Received.....	58
Business of the House.....	59
Suspension of Standing and Sessional Orders: Order of Business	59
Order of Business.....	59
Bills	60
National Parks and Wildlife Amendment (Tree Thinning Operations) Bill 2019	60
First Reading.....	60
Crimes Amendment (Zoe's Law) Bill 2019	62
First Reading.....	62
Second Reading Speech.....	62
Documents	65
Restructure of the Transport Cluster.....	65
Production of Documents: Order	65
CBD and South East Light Rail Project.....	68
Production of Documents: Order	68
Motions	73
Surf Life Saving Sydney Branch Awards.....	73
Questions Without Notice.....	75
Parramatta East Public School	75
Parramatta Museum	76
Passfield Park School.....	77
Public School Information Packages	78
Dubbo Electorate Schools.....	78
Commercial Fishing Industry	79
Aboriginal Languages Act	79
Regional Youth	79

TABLE OF CONTENTS—*continuing*

Narsza Pty Limited	80
Neighbourhood Watch	80
Cost of Living	80
Shark Nets	81
Drought Assistance	82
Music Now	82
Native Forests	83
Country Universities Centre	83
Primary School Mobile Dental Program.....	83
Country Universities Centre	84
State Economy and Jobs	84
Supplementary Questions for Written Answers	85
Parramatta East Public School	85
Rulings	85
Take Note of Answers to Questions	85
Questions Without Notice: Take Note	86
Take Note of Answers to Questions	86
Drought Assistance	86
Commercial Fishing Industry	86
Music Now	87
Parramatta Museum	88
Aboriginal Languages Act	88
Parramatta Museum	88
Music Now	88
State Economy and Jobs	88
State Economy and Jobs	89
Drought Assistance	89
Passfield Park School.....	89
Take Note of Answers to Questions	89
Written Answers to Supplementary Questions	90
Aboriginal Languages Act	90
Private Members' Statements	90
Minnamurra River Sand Mining.....	90
Power Generation.....	91
Landcom	91
Vegan Diet	92
Varuna National Writers House.....	92
Indian Independence Day Seventy-Third Anniversary.....	93
Gary Burns	94
Communications with Members of Parliament	94
St George Hospital.....	95
Parliamentary Democracy.....	95

TABLE OF CONTENTS—*continuing*

Motions	96
Surf Life Saving Sydney Branch	96
Committees	98
Select Committee on Animal Cruelty Laws in New South Wales	98
Establishment, Membership and Chair	98
Documents	103
Landcom	103
Production of Documents: Order	103
Migration Policy	105
Production of Documents: Order	105
Blue Mountains Asbestos Management.....	108
Production of Documents: Order	108
Motions	111
Women in Sport	111
Documents	118
Tabling of Papers	118
Plantation Forests Privatisation.....	119
Production of Documents: Order	119
Bills	120
Repeal of Kosciuszko Wild Horse Heritage Legislation Bill 2019	120
First Reading.....	120
Second Reading Speech.....	120
Motions	122
Wage Theft.....	122
Remapping Old-Growth Forests.....	128
Bills	131
Industrial Relations Amendment (Contracts of Carriage) Bill 2019	131
Second Reading Debate	131
Documents	131
Urban Planning and Population Density.....	131
Production of Documents: Order	131
Motions	133
Disability Services	133
Documents	136
Parkes Hospital and Lachlan Health Service	136
Production of Documents: Order	136
Motions	139
Climate Change Fund	139
Documents	144
NSW Land and Housing Corporation Contracts	144
Production of Documents: Order	144
Adjournment Debate.....	145

TABLE OF CONTENTS—*continuing*

Adjournment 145

Christian Faith..... 145

Australian Cyclist Caleb Ewan 146

Premier's Priorities 147

Animal Agriculture 147

Artstate NSW 148

Dog on the Tuckerbox Monument..... 149

LEGISLATIVE COUNCIL

Thursday, 8 August 2019

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

The PRESIDENT read the prayers.

Motions

ARCHBISHOP MAKARIOS GRINIEZAKIS

The Hon. COURTNEY HOUSSOS (10:02): I move:

1. That this House notes that
 - (a) His Eminence, Archbishop Makarios Griniezakis, born in Heraklion, Crete in 1973, was enthroned as Primate of the Greek Orthodox Church in Australia on Saturday 29 June 2019 at the Cathedral of the Annunciation of our Lady in Redfern, Sydney;
 - (b) prior to his unanimous election as Archbishop by the Holy and Sacred Synod of the Ecumenical Patriarchate, His Eminence was the Bishop of Christopoulis, taught at the Patriarchal Academy of Crete and was a visiting professor to various universities;
 - (c) His Eminence has completed postgraduate studies at the universities of Boston (Master of Sacred Theology), Harvard (Master of Arts) and Monash (Master of Bioethics), attained his doctorate from the Medical School of the University of Crete and has published a range of articles, studies and books; and
 - (d) huge crowds have followed His Eminence since his arrival in Australia, both at his enthronement and at many subsequent events, showing great affection for His Eminence and the support he has for his future endeavours.
2. That this House expresses its sincere and heartfelt welcome to His Eminence, Archbishop Makarios Griniezakis, Primate of the Greek Orthodox Church of Australia, and looks forward to him continuing the meaningful work of the Greek Orthodox Archdiocese in Australia, including that of its churches, schools, nursing homes, welfare and community centres.

Motion agreed to.

CONTRIBUTIONS OF PEOPLE WITH AUTISM

Ms ABIGAIL BOYD (10:03): I move:

1. That this House recognises:
 - (a) the real and valuable contributions that people with autism make to our community;
 - (b) the countless people with autism who have made extraordinary scientific, medical, technological, artistic, political and social contributions to society; and
 - (c) the valuable contributions people with autism make to public discussion, including in relation to social and environmental issues.
2. That this House acknowledges that:
 - (a) neurotypical people are not inherently more valuable or capable of meaningful engagement with society than people with autism;
 - (b) an individual's disability or neurodivergence does not undermine their traits, opinions or actions; and
 - (c) people with disability have a right to fully participate in society on an equal basis with others.
3. That this House affirms that there is no justification for ostracism, bullying, or mocking of a person on the basis of disability or neurodivergence.
4. That this House condemns all instances of ableism, including the mocking of a person's disability, and the diminishing or devaluing of a person's actions or opinions on the basis of disability or neurodivergence.

Motion agreed to.

Documents

VIP GAMING MANAGEMENT AGREEMENT

Tabling of Documents Reported to be Not Privileged

Mr JUSTIN FIELD: I move:

1. That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 31 July 2019, on the disputed claim of privilege on schedule 2 to the VIP Gaming Management Agreement, this House orders that the schedule considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk.
2. That, on tabling, the document is authorised to be published.

Motion agreed to.

Motions

GRAHAM FREUDENBERG, AM

The Hon. DANIEL MOOKHEY (10:04): I move:

1. That this House notes that Mr Graham Freudenberg, AM, died on 26 July 2019.
2. That this House notes that:
 - (a) Mr Freudenberg worked as a reporter before joining ALP Federal Leader Mr Arthur Calwell in 1961 for whom he wrote speeches, including the speech many historians consider the greatest speech delivered in the Federal Parliament: Mr Calwell's speech explaining the Australian Labor Party's opposition to the Vietnam War;
 - (b) thereafter Mr Freudenberg began his self-described "decades-long" partnership with former Prime Minister Gough Whitlam, with whom he co-authored some of the greatest speeches in Australian political history, including Mr Whitlam's address to the 1972 "It's Time" campaign launch speech;
 - (c) for many years Mr Freudenberg was the senior speech writer for former Prime Minister Bob Hawke;
 - (d) Mr Freudenberg also rendered legendary service to former premiers Neville Wran, Barrie Unsworth and Bob Carr; and
 - (e) in total Mr Freudenberg wrote thousands of speeches for Labor leaders, with his contribution to Australian democracy scoring the praise of numerous conservatives, including former Prime Minister John Howard.
3. That this House extends its condolences to the family of Mr Graham Freudenberg, AM.

Motion agreed to.

Visitors

VISITORS

The PRESIDENT: On behalf of all honourable members I welcome students from Plumpton High School. They are the guests of the member for Mount Druitt.

Documents

VIP GAMING MANAGEMENT AGREEMENT

Tabling of Documents Reported to be Not Privileged

The CLERK: According to the resolution of the House this day, I table the schedule considered by the Independent Legal Arbiter, the Hon. Keith Mason, AC, schedule 2 to the VIP Gaming Management Agreement, considered to be not privileged.

Petitions

PETITIONS RECEIVED

Reproductive Health Care Reform Legislation

Petition requesting that the House oppose the Reproductive Health Care Reform Bill 2019 or take steps to repeal the bill in the event that it passes received from **Reverend the Hon. Fred Nile**.

Reproductive Health Care Reform Legislation

Petition requesting that the House unanimously oppose the Reproductive Health Care Reform Bill 2019 on the basis that the moral, ethical, legal and social issues have not been sufficiently debated received from **Reverend the Hon. Fred Nile**.

Reproductive Health Care Reform Legislation

Petition requesting that the House oppose the Reproductive Health Care Reform Bill 2019 in its current form received from **Reverend the Hon. Fred Nile**.

*Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

The Hon. NATASHA MACLAREN-JONES: I move:

The 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 (10:16:5): I move:

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

1. Private members' business item No. 134 outside the order of precedence standing in the name of the Hon. Mark Banasiak relating to the National Parks and Wildlife Amendment (Tree Thinning Operations) Bill.
2. Private members' business item No. 139 outside the order of precedence standing in the name of Reverend the Hon. Fred Nile relating to the Crimes Amendment (Zoe's Law) Bill.
3. Private members' business item No. 167 outside the order of precedence standing in the name of the Hon. John Graham relating to an order for papers regarding the restructure of the Transport Cluster.
4. Private members' business item No. 164 outside the order of precedence standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the CBD and South East Light Rail project.
5. Private members' business item No. 70 outside the order of precedence standing in the name of the Hon. Taylor Martin relating to Surf Life Saving Sydney Branch.
6. Private members' business item No. 111 outside the order of precedence standing in the name of the Hon. Mark Pearson relating to the establishment of a select committee on animal cruelty laws.
7. Private members' business item No. 156 outside the order of precedence standing in the name of the Hon. Adam Searle relating to an order for papers regarding the recruitment of the CEO of Landcom.
8. Private members' business item No. 145 outside the order of precedence standing in the name of the Hon. Mark Latham relating to an order for papers regarding the migration intake for New South Wales.
9. Private members' business item No. 165 outside the order of precedence standing in the name of the Hon. Adam Searle relating to an order for papers regarding management of asbestos in the Blue Mountains.
10. Private members' business item No. 6 in the order of precedence standing in the name of the Hon. Natalie Ward relating to women in sport.
11. Private members' business item No. 158 outside the order of precedence standing in the name of Mr David Shoebridge relating to an order for papers regarding privatisation of plantation forests.
12. Private members' business item No. 91 outside the order of precedence standing in the name of the Hon. Penny Sharpe relating to the Repeal of Kosciuszko Wild Horse Heritage Legislation Bill.
13. Private members' business item No. 136 outside the order of precedence standing in the name of the Hon. Rose Jackson relating to wage theft.
14. Private members' business item No. 163 outside the order of precedence standing in the name of Mr Justin Field relating to remapping of old-growth and high-conservation value public forests.
15. Private members' business item No. 1 in the order of precedence standing in the name of the Hon. Adam Searle relating to the Industrial Relations Amendment (Contracts of Carriage) Bill 2019.
16. Private members' business item No. 154 outside the order of precedence standing in the name of the Hon. Mark Latham relating to an order for papers regarding urban planning and population density.
17. Private members' business item No. 150 outside the order of precedence standing in the name of the Hon. Abigail Boyd relating to independent disability advocacy, information and representative funding.
18. Private members' business item No. 159 outside the order of precedence standing in the name of the Hon. Mark Banasiak relating to an order for papers regarding recruitment of medical practitioners at Parkes Hospital and Lachlan Health Service.
19. Private members' business item No. 137 outside the order of precedence standing in the name of the Hon. Mark Latham relating to abolition of the NSW Climate Change Fund.
20. Private members' business item No. 166 outside the order of precedence standing in the name of Mr David Shoebridge relating to an order for papers relating to NSW Land and Housing Corporation contracts for public maintenance and planned works.

I indicate that it has been agreed that private members' business items at paragraph Nos 3, 4, 6, 7, 8, 9, 11, 13, 16, 17, 18, 19 and 20 will be considered in the new short form format. I indicate also that Mr Justin Field has agreed that private members' business item No. 14 will be considered in the long form format, but only for up to

30 minutes. Members may agree that while their motion will be moved in the long form format, only 30 minutes will be allocated to it.

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

Motion agreed to.

Bills

NATIONAL PARKS AND WILDLIFE AMENDMENT (TREE THINNING OPERATIONS) BILL 2019

First Reading

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

Second Reading Speech

The Hon. MARK BANASIAK (10:23): I move:

That this bill be now read a second time.

The Shooters, Fishers and Farmers Party introduced the National Parks and Wildlife Amendment (Tree Thinning Operations) Bill 2019 in the previous Parliament. Despite the positive and simple nature of the bill, we could not get the support of The Nationals members let alone the support of their Liberal Party colleagues. I hope they have had time to rethink their support for this simple and long overdue bill. The object of the bill is to authorise tree thinning in the Murray Valley and Pilliga national parks as well as the removal and sale of timber carried out in those operations.

It is a well-known fact that the decision to discontinue tree thinning in the Pilliga and the Murray was political. It was not based on common sense nor was it backed by science; it was purely and simply a political decision. History was rewritten to include mythological 300-year-old river red gums. They must have been invisible until The Greens became a political party because they were not mentioned in any historical reporting of the Murray River. Even in 1838 Charles Sturt does not make one mention of a river red gum forest. In 1841 Edward Curr briefly mentions river red gums but they were insignificant enough that he left them off his maps. In 1848 surveyor Thomas Townsend must have left his glasses at home because he too did not see evidence of river red gums. In 1856 Victorian surveyor Clement Hodgkinson reported that the river between Echuca and the Gulpa Creek near Mathoura was "snag free". I imagine that a river red gum would make a fairly sizeable snag.

The only forests mentioned in those early accounts are box tree forests. In 1841 Curr noted that the box forests were "open and grassy". When Hodgkinson came through in 1856, he observed that both sides of the river were being "choked by scrub" because the controlled burning conducted by Indigenous Australians had ceased. That burning had controlled the spread of the river red gums for thousands of years. That is right: We have totally ignored the evidence that our Australian bush was being managed for thousands of years. The mentality of lock it and leave it has never been a management tool in Australia. It is arrogant in the extreme and ignores thousands of years of traditional land management.

The PRESIDENT: Ms Cate Faehrmann will cease interjecting. I remind her that interjections are disorderly at all times.

The Hon. MARK BANASIAK: Yet that is what the Labor environment Minister did. Political guru Frank Sartor did the bidding of Ian Cohen, a former member of The Greens, and got nothing in return. He thought that by creating a new national park Labor would get The Greens preference votes in 2011. He got played like a fiddle. I am sure many members have heard this astonishing quote from Sartor when addressing a group of forestry stakeholders:

Let me give you a lesson in politics. The Greens hold 15% of the vote. And if we are to stay in power, we must hold their preferences to maintain city seats. They want a significant national park in redgum.

That is bizarre on a number of levels. The fact that The Greens would want a biodiversity kill zone, like a river red gum national park, seems to stand in direct opposition to their apparent care for the environment. The fact that any government would shut down a multimillion-dollar industry—and by default regional towns and communities—is outrageous, poor governance and a complete neglect of its duties. We thought that was all in the past. This Government has had eight years to come to its senses. The fact that it has not makes it just as bad as the Labor Government. It promised to overturn this declaration in the lead-up to the 2011 election. Like a broken record, it promised again at five minutes to midnight before the 2015 election. Minister Duncan Gay knew how to play politics as well as those poor communities—make promises, deliver nothing and pretend that everybody else is to blame. Done correctly, tree thinning can have huge advantageous effects not only through the

employment of people in rural and regional towns and creating other economic opportunities but also on biodiversity.

Tree thinning reduces tree density just like Indigenous Australians did using the firestick. It allows the trees that remain to grow faster and stronger. It allows the floor of our forests and bushlands to see the light of day. As a result a diverse array of native grasses and shrubs have the space to grow, thus providing our native fauna with habitat and food. Following a three-year study conducted by the Department of Primary Industries [DPI], those facts are irrefutable. The DPI report states:

The extensive surveys revealed that habitat values, particularly the volume of coarse woody debris used for shelter by animals was positively associated with thinning.

Yet tree thinning is still very much opposed by The Greens and, clearly, by this Government.

The Hon. Wes Fang: Point of order: I am trying to listen to the member's speech, but two members from The Greens are constantly interjecting. I ask you to call them to order.

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): I uphold the point of order. I ask Ms Cate Faehrmann and Mr David Shoebridge to cease interjecting. The Hon. Mark Banasiak will be heard in silence.

The Hon. MARK BANASIAK: I thank the Hon. Wes Fang for his defence. It is time to reverse that disastrous political decision and try to rectify the disastrous conditions our native forests are in. Jobs, the economies of rural and regional towns, our timber industry and biodiversity are under threat from national parks. It is pure and simple: Our flora suffers through this "lock it up" mentality. Trees, shrubs and wild grasses compete for space. It is rarely our native species that win this battle. With the overcrowding of our forests comes the very real threat of a mega-fire. When comparing a properly managed State forest with a locked up national park, the differences are clear. Australian forests have always been managed. Firestick ecology was being used by Indigenous land owners long before white settlement. Biodiversity flourished. The survival of Indigenous tribes depended on it. Tree thinning, done correctly, can replicate the firestick. We should be looking into the past for the answers we need now.

The bill is the simple fix to all those problems in the Murray Valley and Pilliga national parks. It would give rural and regional towns the opportunity to return to industry, create jobs and drive up local economies. It would reduce the threat of a mega-fire, not to mention creating habitat for native fauna. The current legislation, although it allows for tree thinning in the Murray Valley and the Pilliga, makes it extremely difficult to do so, and it is even more difficult to sell the timber. It beggars belief that we could put this much red tape around a primary industry and a renewable resource like timber. The Government and The Greens would much rather see the accumulation of fuel and devastating bushfires than to see loggers to go in, clear it and make a profit out of it.

At the close of Parliament last year, The Nationals pulled another political stunt at the expense of the Murray and Pilliga communities. The former member for Murray, Austin Evans, attempted to repeal the National Parks Estate (Riverina Red Gum Reservations) Bill 2010 (No 2) in the other place. As I said, it was a political stunt pulled by The Nationals that nobody bought. Mr Evans cited "the grubby deal done by Labor to appease the inner city vote and the loss of jobs in small towns"—an estimated 550 lost jobs, to be exact. Mr Evans was right, but if he had been serious he would not have introduced a private member's bill. Rather, he would have forced the Government to repeal the bill. As a result of his actions my colleague Helen Dalton is now the member for Murray.

There is no doubt that this Government has been left holding the can for Frank Sartor. It clearly had the choice to undo this injustice. It did nothing but obfuscate on the issue. The Shooters, Fishers and Farmers Party want working forests not environmental dead zones that are useless to flora, fauna and humans alike. National parks threaten Australian flora and fauna. They threaten our biodiversity and they are dormant tinderboxes waiting to destroy our regional and rural communities with wildfire. By allowing tree-thinning operations in our national parks, replicating the firestick that for thousands of years—

Reverend the Hon. Fred Nile: Point of order: The Assistant President has already ruled on interjections, yet we continue to have a running commentary from The Greens.

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): I uphold the point of order. I repeat that interjections are disorderly. If members continue to interject they will be called to order.

The Hon. MARK BANASIAK: By allowing tree-thinning operations in national parks and thereby replicating the use of the firestick, which for thousands of years managed our forests, we can eliminate all those threats while boosting the economies of rural and regional communities in New South Wales. I conclude with a quote from marine biologist Walter Starck. He said:

... environmentalism has redefined the fundamental concept of being a stakeholder. Despite having nothing invested and with no risk to themselves, environmental non-government organisations (NGOs) have managed to claim the status of stakeholders in remote matters and be accorded an equal voice to those whose entire lives, livelihoods and assets are being affected.

How accurate a quote that is for this scenario. I commend the bill to the House.

Debate adjourned.

CRIMES AMENDMENT (ZOE'S LAW) 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 (10:34): I move:

That this bill be now read a second time.

I thank the House for the opportunity to reintroduce this very important bill into the Legislative Council. The objects of the Crimes Amendment (Zoe's Law) Bill 2019 seek to amend the Crimes Act 1900:

- (a) to establish a separate offence for conduct causing serious harm to or the destruction of a child in utero, and
- (b) to extend the offence of dangerous driving causing death or grievous bodily harm to dangerous driving causing the destruction of, or serious harm to, an unborn child.

Over the past couple of years there have been a number of media articles on this issue. In the magazine *Marie Claire* of 9 May 2017 there was an article by Nikki Barrowclough titled, "Zoe's Law: Meet the NSW Mother Fighting to Recognise Death of Foetuses Over 20 Weeks Old As a Crime". The article described the state of the mother after she suffered an accident that took the life of her unborn child. I quote:

"What about my baby? Is my baby ok?" Brodie, then 29, asked the women. "They said, 'Ashlee's fine. She's in the neighbour's house.' I said, 'No, I'm pregnant. Is my baby ok?' They said, 'Hold my hand, just look at me.'"

Nikki Barrowclough later stated:

... destroying an unborn child intentionally or recklessly is recognised as a crime against the mother only.

It is telling that the words "unborn child" was used by this reporter. Obviously, the expectant mother knew that what she had in her womb was a living human being. I remind the Chamber that she is reported as stating, "No, I'm pregnant. Is my baby ok?" I note that this is obviously relevant to another bill that is being debated in the other place this week. It is appalling that the Government has not found the time to allow a debate on Zoe's law over the past several years, when various iterations of this bill have been presented to this House and in the other place. But another bill that touches on a similar moral question is presently being rammed through the other place.

Incidents like the one I have spoken about have prompted my investigation into this area of law. I believe there is a gap in the law. Zoe's was another tragic death that I will speak about later in this second reading speech. There was confusion about the bill previously as it was thought to be an anti-abortion bill. The bill makes it clear that there is an exemption for medical procedures, which is the terminology used for the termination of a pregnancy or aborting a fetus. The bill states specifically that it has nothing to do with termination of a pregnancy. I encourage members not to raise that issue as a reason for opposing the bill—it is a red herring. The bill states clearly that there is an exemption for medical procedures.

In 2001-02 two incidents drew attention to the deficiency in the law with regard to the protections extended to women during pregnancy. In November 2001, Ms Renee Shields was involved in a road rage incident that led to the death of her unborn child, Byron. In August 2002, Ms Kylie Flick suffered a miscarriage after she was beaten and stood on by her 112-kilogram boyfriend, Phillip Nathan King. In both cases, the law failed to directly address the injustice and the grief suffered by those women as there was no existing offence for destruction of a child in utero.

In response to community pressure the then Attorney General John Hatzistergos commissioned the Hon. Mervyn Finlay, QC, to conduct an inquiry into the matter. In April 2003 the Finlay report recommended that New South Wales legislate to introduce the offence of killing an unborn child relating to a criminal act causing a child, capable of being born alive, to die before it has an existence independent of its mother. The report mirrored the request of the women concerned. That is the basis of the bill I am now introducing to the House.

The New South Wales Government decided against adopting Mr Finlay's recommendation to introduce a new offence, preferring to codify the court's ruling and provide for the remedial restitution of justice through the existing provision of "grievous bodily harm" found within the Crimes Act 1900. The Crimes Amendment

(Grievous Bodily Harm) Bill 2005—known as "Byron's law"—added the following clause to the existing definition of grievous bodily harm. Schedule 1 (4) (a) defines grievous bodily harm as:

- (a) the destruction (other than in the course of a medical procedure) of the foetus of a pregnant woman, whether or not the woman suffers any other harm ...

On 22 March 2005 the bill passed through the Legislative Assembly. On 4 May 2005 the Legislative Council passed the bill, but not without incident. Significant concerns were raised in the Legislative Council with regard to the scope and eventual implementation of the legislation. Amendments were moved by the Christian Democratic Party and supported by the Coalition, but they failed to gain sufficient votes to take effect.

On Christmas Day 2009 Ms Brodie Donegan, who was then eight months pregnant, decided to go for a short walk to stretch her legs. She had walked only a few metres before she was run down by a drug-affected driver. The impact killed Ms Donegan's unborn baby, Zoe, and inflicted significant injuries upon Ms Donegan, who suffered a shattered pelvis and injuries to her lower spine, hip and right foot. Pursuant to the Crimes Act 1900 the driver was charged with inflicting grievous bodily harm as Ms Donegan had sustained injury. However, the death of her child in utero was rendered legally irrelevant.

The failure of the law to specifically acknowledge Ms Donegan's loss demonstrated that concerns I had raised previously had not been adequately addressed. That is why I have introduced the bill. Several women were to suffer in like circumstances. Mrs Susan Harris had persevered with in-vitro fertilisation for three years before finally falling pregnant with her son, Lars. On 20 January 2010 a reckless driver crossed the road and hit the vehicle in which she was travelling. The impact caused the death of her child in utero but the driver received only a suspended sentence and loss of licence for six months. This raises the question: What is the value of a human life?

When I first became concerned about this issue one of my supporters, Mrs Caroline Fraser—whom I referred to earlier—was very close to giving birth to her child. While she was driving her car was hit from the rear by a bus. She was thrown forward onto the steering wheel. She did not sustain any substantive injury—no broken bones and so on—but the impact with the steering wheel caused the death of her unborn child. In my innocence I asked Mrs Fraser, "What happened about the death of your child?" She replied, "Nothing happened." I could not believe that a baby almost ready to be born had died, yet nothing had happened. That has been on my conscience since I entered Parliament and it is why I have persevered with this legislation.

The Crimes Amendment (Zoe's Law) Bill 2019 seeks to provide an appropriate response to fill that gap. The bill is geared to address the anguish of women who are concerned and want something done; it is not being driven by men. If my first wife, Elaine Nile, were still alive—as members know she died of cancer of the liver, having been a member of this House for 11 years—she would have had carriage of this legislation. It was legislation that she was deeply concerned about. She has passed away, so I have to take carriage of the bill on her behalf.

This is an issue that concerns women; it is not being driven by men. The constant complaint made by those who suffer the death of a child in utero as a result of the malicious or otherwise reckless act of another is that the law fails to provide for the remedial restitution of justice due to a failure to adequately acknowledge the loss directly. After 12 years and many injuries this situation remains unchanged. We now have the opportunity to rectify what amounts to a serious gap in our legislation and an injustice. Often when I endeavour to do something on this issue it turns into a debate on abortion. The bill clearly exempts any medical procedures, including abortion—a whole section of the bill deals with that issue. The bill achieves a solution by adopting a recommendation of the Finlay report and introduces a new standalone offence within the Crimes Act 1900.

For many years I have been corresponding with various attorneys-general and justice Ministers in both Labor and Liberal governments to try to rectify what I believe is a gap in legislation. The bill seeks to provide adequate protection for all pregnant women. With the passage of the Crimes Amendment (Grievous Bodily Harm) Bill 2005 the current Crimes Act covers only cases involving a fetus, thereby ignoring the plight of any woman who happens to be less than 63 days into her pregnancy.

This precludes expectant mothers who have only recently heard the heartbeat of their child at the first medical check-up, which usually occurs around 35 days, or viewed their child on an ultrasound, which usually occurs around 42 to 56 days. Further, as demonstrated by the case of *R v King* [2003] NSWCCA 399 there is a strong correlation between pregnancy and domestic violence. This is particularly acute in the first 100 days of pregnancy. The issue of domestic violence has previously been debated in this House. Domestic violence is another reason why this legislation is important.

In 1994 *The Medical Journal of Australia* published a paper stating that one in 10 Australian women had experienced domestic violence during pregnancy. This should be of great concern to all members of this House.

In 2008 the *Australian Journal of Primary Health* reported that domestic violence during pregnancy was experienced by one in every five women and that 40 per cent of those women were more likely to suffer a miscarriage as a result. The bill seeks to provide equal protection for all pregnant women by removing discrimination against women who do not fulfil the selective criteria currently defined within the Crimes Act 1900, which is the current law. The bill seeks to provide clarity in the application of the law. With the current protections to pregnant women being limited to a specific day there is a great deal of needless ambiguity and uncertainty in the application of the law, as exact times of conception are impossible to prove.

The bill seeks to add clarity and certainty by removing the arbitrary limitations currently in force and broadening the scope of protection to include all stages of pregnancy. This allows medical experts and the judiciary better flexibility to make determinations based on their specific expertise and any future advances in science and technology. The bill does not tie a judge's hands because a judge will make his or her judgment having heard the evidence, but it gives a judge the flexibility to consider the life of the baby in the womb during the period of pregnancy. The bill also seeks to ensure that any act committed against a pregnant woman, other than in the course of a medical procedure or with the consent of the mother, that results in the death or disability of a child after birth will likewise constitute an offence. Schedule 1 [2] inserts new section 41B (4) which makes use of the term "unborn child" as a naming convention to cover all stages of pregnancy. It states:

(4) In this section—

unborn child means the prenatal offspring of a woman.

This term was found to be the most appropriate in relation to this legislation. The term "child" in a pre-birth context is nothing new. It is currently used within the Crimes Act 1900 and the criminal codes of all Australian States and Territories, with the exception of South Australia and Victoria. Further, both the Hon. Mervyn Finlay, QC, and the Hon. Michael Campbell, QC, acknowledged the term's utility and regularly make use of it in their reports. The term "child in utero" is also found in several jurisdictions overseas.

I have named the legislation "Zoe's Law" in honour of the unborn child of Brodie Donegan, a Central Coast mother who was eight months pregnant on Christmas Day 2009 when a driver on drugs ran her over. The driver was not charged with Zoe's death because the law did not recognise her as a person. *The Sydney Morning Herald* published an article about that. To save time I will not read the article now. Pleasingly, I received an excellent supporting statement on the bill from the Catholic Archdiocese of Sydney, prepared and issued by a project officer, Mary Joseph. It is headed "Call for Zoe's Law Welcomed". I quote from that document and note that these are the words of a woman, not a man:

The Archdiocese of Sydney's Life, Marriage and Family Centre has welcomed calls for Zoe's law to be passed by the NSW Parliament which would enable manslaughter charges to be brought against a driver involved in a motor accident who causes the death of an unborn child.

It goes on to say that I have carriage of the bill. It further states:

The little girl Brodie and Nick named Zoe was stillborn. Delivered by caesarean she had died as a result of the injuries her mother suffered in the accident. Grief stricken, the young parents held their baby Zoe in their arms unable to believe she would have no future and that their much-loved, much-wanted child had not survived the crash. For Brodie and Nick though there was even worse to come when they learned not only that the driver had been on drugs at the time of the accident, but that because their unborn child never took a breath she was not regarded legally as a person. Instead, under existing law her death could only be counted as yet another of her mother's multiple injuries. Under today's laws, the driver whose recklessness had taken baby Zoe's life could not be charged with her death. Instead, the only charges that could be brought were aggravated assault or grievous bodily harm to Zoe's mother. But Zoe as an individual and a person in her own right with a life and a future that had been cut short had no legal recognition.

From December 2009 when Zoe died, her parents, Brodie and Nick, have fought to change the law. Obviously they campaigned independently of me—I emphasise that. As I said earlier, my first wife, Elaine, developed the bill and introduced it originally. I recognise that Zoe's parents have a right to have their own campaign to rectify the deficiency in the law. I continue to quote from the statement of the Catholic Archdiocese of Sydney:

... It's about the victim feeling someone has taken responsibility for the baby losing its life. It's important for victims to feel their baby mattered and counted," Brodie said at the weekend on hearing about the private members' bill that if passed would become known as Zoe's Law.

They were pleased. The statement continues:

It is heartbreaking and deeply unjust our laws still do not properly recognise the life and value of the unborn child ... The Convention on the Rights of the Child to which Australia is a signatory says the State must provide children with appropriate legal protection before as well as after birth.

It further states:

But baby Zoe was not recognised as a victim of manslaughter in this case because she was still inside her mother's womb and had not taken a breath. Zoe was a living person, a unique and irreplaceable baby girl with a wonderful future ahead of her to love and to be loved.

I have left this issue in abeyance for a couple of years to allow members time to give further consideration to this legislation. It is now time for Parliament to address it. Now that the bill is before the House it is my hope that it will not be rushed through. I hope that it can be debated and decided according to each member's conscience. All members will be advised when it is brought back into the House. I commend the bill to the House.

Debate adjourned.

Documents

RESTRUCTURE OF THE TRANSPORT CLUSTER

Production of Documents: Order

The Hon. JOHN GRAHAM: I move:

That private members' business item No. 167 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. JOHN GRAHAM (10:54): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Minister for Transport and Roads, the Premier, the Treasurer, the Department of Premier and Cabinet, the Treasury, Transport for NSW, and Roads and Maritime Services:

- (a) all documents created since 1 January 2018 concerning any proposal to restructure Roads and Maritime Services;
- (b) all documents created since 1 January 2018 concerning any proposal to restructure Transport for NSW;
- (c) all documents created since 1 January 2018 by Boston Consulting Group regarding any review or restructure of the Transport Cluster;
- (d) the following documents if not otherwise captured by this order:
 - (i) email from Secretary TfNSW to staff, entitled "Changes to the Transport Cluster", dated 1 April 2019;
 - (ii) email from Secretary TfNSW to staff, entitled "Evolving Transport – a customer centred program of change", dated 3 April 2019;
 - (iii) TfNSW intranet article entitled "Evolving Transport", dated 5 April 2019;
 - (iv) email from Secretary TfNSW to staff, entitled "Evolving Transport – update on leadership team and next steps", dated 10 April 2019;
 - (v) email attachment (information pack) contained within "Evolving Transport – We're organising ourselves around the customer", dated 10 April 2019;
 - (vi) email from Secretary TfNSW to staff, entitled "Clare Gardiner-Barnes and Ken Kanofski", dated 10 April 2019;
 - (vii) email from Secretary TfNSW to staff, entitled "Evolving Transport – update on next steps", dated 17 April 2019;
 - (viii) email attachment (information pack) contained within "Evolving Transport – Transition", dated 17 April 2019;
 - (ix) information pack, entitled "Evolving Transport Q&A for staff", dated 17 April 2019;
 - (x) email from Secretary TfNSW to TfNSW Leadership Team, entitled "Evolving Transport – Presentation & Speaking Points", dated 29 April 2019;
 - (xi) email attachment (information pack) contained within "Talking Points – Evolving Transport", dated 29 April 2019;
 - (xii) email attachment (information pack and slides) contained within "Evolving Transport", dated 29 April 2019;
 - (xiii) email from Secretary TfNSW to staff, entitled "Evolving Transport – next steps in moving to our new operating model", dated 1 May 2019;
 - (xiv) email attachment (information pack) contained within "Evolving Transport – Attachment for Staff Final", dated 1 May 2019;
 - (xv) email from Secretary TfNSW to TfNSW Leadership Team, entitled "Answers to top 10 staff questions including recruitment principles", dated 29 April 2019;

- (xvi) email attachment (information pack) contained within "Evolving Transport – Answers to top 10 staff questions including recruitment principles", dated 29 April 2019;
 - (xvii) Briefing Note HR19/03545, dated 3 May 2019;
 - (xviii) Transport Reform Narrative_Summary_190322_for DPC_vF;
 - (xix) Transport Reform Narrative_Summary_190322_vF appendix;
 - (xx) Transport Reform Narrative_Summary_190322_vF;
 - (xxi) Evolving Transport: A customer centred program for change; and
 - (xxii) TfNSW Strategic Accountabilities - HANDOVER - FINAL DRAFT as of 22 March 2019.
- (e) 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 is a call for papers under Standing Order 52 and over some of its previous sittings the House has taken some time to debate the principles by which it might approach the use of those tools. I will make some observations about Standing Order 52 and how it measures up against those. In general the Opposition does not take the use of this tool lightly and will seek to use it judiciously where there is a need for transparency in the operations of government. A couple of things are worth noting with respect to this specific call for papers.

Firstly, this matter has been the subject of a request for documents under the Government Information (Public Access) Act [GIPAA] provisions, a number of which have been refused. Secondly, this call for papers has a number of general elements but is also quite specific about some of the papers it is seeking. We have made an attempt not just to run a drag net across the operations of government, but to be very specific about a number of documents that would be of assistance to Parliament and to the public debate. Thirdly, this issue has some history in Parliament. I refer to the way this issue was dealt with in the course of the budget legislation. I will return to that point shortly.

I place on record the principles by which the Opposition is approaching the merger between Roads and Maritime Services [RMS] and the broader Transport portfolio. I make it very clear that the Opposition supports that process. We are for better transport planning and we support the merger. Both sides of politics have rearranged the administrative arrangements in relation to transport in an attempt to drive those things more strongly together and we have still found a very strong RMS culture and some challenges coordinating transport planning. I make it clear that that is one of the principles by which we approach this issue. The second principle is that the workforce should not be unduly affected as we are trying to improve transport planning. We believe there should be full transparency around any of the changes. They are the two principles by which we approach this issue broadly. The third issue that distinguishes this call for papers is the history of the way in which the Government has dealt with this matter and that is the switch in the approach when initially workers were told no legislation was required and then legislation was introduced as part of the budget and appropriation bills.

That is why the Opposition moved amendments to schedule 5 of the State Revenue and Other Legislation Amendment Bill 2019, and those amendments were successful in the House. In speaking to those provisions the Leader of the Opposition in this place outlined the timeline. On Monday 17 June, in the course of what had clearly been ongoing consultation with the unions representing the workers, unions were advised that no legislation was required. On Tuesday 18 June, a bill was introduced in Parliament that had the effect of driving that merger home. Then two days later the Minister argued that in fact that legislation would have some effect. He said that Legislation is needed because it is appropriate to enshrine the changes in legislation to ensure that the reforms can be implemented in the simplest and most efficient way.

He went on. Because of that history—the Government saying no legislation was required and then him turning up with legislation tucked under his arm—we say there is a need for transparency and a need to make sure that those provisions are subject to the closest scrutiny. I understand that the Government may be uncomfortable with the use of those powers on some occasions. This particular motion should not raise concerns. [*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) (10:59): I make some remarks on this motion that have general application to the nine proposed orders for papers under Standing Order 52 today and I ask the indulgence of the House to be able to put them on record at this time rather than having to do so nine times, though I will if I have to. The Government acknowledges the common law power of the House to call for papers. It is well-established, however, the Legislative Council's powers are limited by the principle of reasonable necessity. That is, the House only has such powers as are reasonably necessary for it to effectively perform its functions as a House of scrutiny.

Over 160 boxes of documents were recently returned by the Government to the House in response to 14 concurrent orders for papers. I am advised that the administrative burden imposed by those orders was

extremely onerous. For example, approximately 1,200 staff hours were spent by the Treasury responding to nine orders for papers between June and July 2019. In responding to just one of those orders, one State-owned corporation was required to produce approximately 13,000 documents to the House at an estimated cost of over \$400,000. Most of those orders were unnecessarily broad in scope. They required agencies to produce all documents relating to a subject matter even in circumstances in which members acknowledged in Parliament that there were only one or two specific documents of interest. In most cases orders were directed to multiple agencies rather than the responsible Minister and agency, thereby duplicating effort and costs across government for little benefit.

The common law power of this House to compel the production of State papers is an extraordinary one and should be exercised with the utmost care and restraint. It should not be used to divert scarce resources away from programs and services that help the citizens of New South Wales. I encourage all members wishing to pursue documents through an order for papers to consider this when drafting their motions. I acknowledge of course the arithmetic of this House. The Government will rarely have the numbers to defeat an order for papers under Standing Order 52. That is the reality. It is therefore incumbent on members of the Opposition and the crossbench to think carefully and be reasonable in their requests. I acknowledge those members—and there have been quite a few—who have been willing to work with the Government to reduce the scope or extend the deadline contained within their motions. I thank honourable members for that. I reiterate my opening comments that these remarks are of general application and are not specifically directed to this motion where in fact a number of them do not apply, as I acknowledge.

The Hon. PETER PRIMROSE (11:02): I support the motion asking for documents to be provided under Standing Order 52 about the restructure of the Transport cluster. I note the comments that have just been given by the Leader of the Government, which is why I make the following comments. I give an example of something that shows the effects of the current weak leadership and lack of transparency in the Government. As many of us in this place are aware, when we write to a department or Minister's office seeking information under the Government Information (Public Access) Act [GIPAA] the office indicates that it may make the information sought by the GIPAA application available to the public and, if so, it will be published on a department's disclosure log.

On 23 July I discovered on the Transport for NSW disclosure log that there was a partial release of information by the GIPAA application described as "briefing documents and reports outlining plans to restructure the Transport cluster". The agency reference number listed was 19T-0182. I was interested in this information, so rather than seek it by way of Standing Order 52, I subsequently went back to have a look at that. Given that someone else had already put in a GIPAA application and this information was supposedly available to the public, I emailed the department seeking that information. In reply to the email I sent, I received the Transport for NSW "GIPAA email automated response". No actual response by an information officer from the department was ever received.

A week later I sent another email to the department about the information available in that GIPAA application. The "GIPAA email automated response" was again sent—still no contact or response by an information officer from the department with the available information. Earlier this week I asked my research officer to have a look on the Transport for NSW disclosure log to double-check. To my surprise the entry for this GIPAA application had been deleted from the web page—yes, it had been deleted. It was no longer listed in the disclosure log; it was gone and wiped from the web page. I would not have known the agency reference number or the description of this GIPAA application except that they had in fact been listed on the disclosure log earlier.

Now I know, thanks to internet archives, that this GIPAA application was definitely listed on the disclosure log as at 14 June 2019. The agency reference number and description match the initial emails I sent. This is one of the reasons that the Opposition uses the forms of the House, such as Standing Order 52, and I have no idea why the Government and its agencies are deliberately now hiding information from the public view, as occurred in this matter. There may be a perfectly reasonable reason.

The Hon. Adam Searle: Unlikely.

The Hon. PETER PRIMROSE: I acknowledge the interjection. [*Time expired.*]

The Hon. DANIEL MOOKHEY (11:06): I make a contribution in this short form debate about this particular Government Information (Public Access) Act [GIPAA] request. I recall the discussion that took place when the State budget was presented. Slipped within one of the appropriation bills was the proposition that Roads and Maritime Services [RMS] and Transport for NSW should effect their legal merger. In the course of that debate numerous assertions were made by the Government about its intentions, the first being that they were benign and the second being that they were being pursued in an open and transparent way with the trade union movement.

Through the course of that debate it was revealed that neither of those two things was true. In fact, a lot of the documents that the Government said it had provided to the trade union movement were provided after the debate had commenced in this House on the budget bill. In the wake of that, further commitments were provided by the Government as to how it would conduct its industrial negotiations going forward. Since then, of course, the trade union movement has initiated, as is its right under the GIPA Act, the opportunity to seek further information. That search process has discovered that not all the documents that Transport for NSW said it was prepared to hand over were indeed handed over.

In fact, in the course of the negotiations Transport for NSW declined the opportunity to voluntarily hand them over and in the course of the GIPAA application took what could be described as a relatively robust interpretation of its rights under the GIPA Act. This is reflective of a culture that has taken root in some departments with some officers in which they prefer to take an approach that is litigious in nature as opposed to one that is inspired by good faith. It is for those departmental officers to make those decisions and to satisfy themselves that they are operating within the law. It is equally up to this House to use its powers to ascertain that information when it is made public. All of this is my way of saying that, after listening to the statement by the Leader of the Government—or, if one was being unkind, his reading of what looked like a hostage ransom note, but I am not being that unkind—and his point about reasonable necessity, his point is valid.

However, I would argue that when everyone has exhausted every other opportunity to avail themselves of that information, when commitments have come from a department that such information will be provided and it is still not, that triggers the powers of this House of review. It is incumbent upon us to avail ourselves of all available information before we engage in further parliamentary debates on the merger of RMS and Transport for NSW. I commend the motion to the House because we will actually have access to this information as members of the Legislative Council before we have to contemplate a bill to merge Transport for NSW and RMS.

The Hon. JOHN GRAHAM (11:09): In reply: Firstly, the comments made by the Leader of the Government are welcomed. I note his is a very different tone to the approach adopted by the Government in the previous debate about those calls for papers. The Opposition is open to a process of dialogue with the Government about how those calls for papers are able to be done, provided that they provide transparency to the public. I appreciate the spirit in which the Leader of the Government made those comments.

However, one of the things that the Government could do to make this easier from its point of view is to look at the way in which the Government Information (Public Access) Act [GIPAA] is being used by agencies and departments. That is one of the reasons that the time of this House is being taken up with calls for the production of papers. I make that observation generally, but I make that observation specifically in relation to this application. It has been the subject of a GIPAA application. First, I reiterate that it is the subject of a GIPAA application. Secondly, it contains specific requests. Thirdly, my colleagues have really spelled out some of the significant problems that have been clear in relation to this issue, and that again raises the Opposition's concerns. Finally, I mention the history of this issue. Despite the assurances given in the formal negotiations, this matter was snuck into the bill, snuck into the budget and snuck into the State revenue legislation. That is the reason that this motion is before the House today.

In conclusion, I make the observation that the tone adopted by the Government today was very different and it is very welcome. I make this observation to members of the Government who were encouraged in the debate previously to make a very strong case against the use of this power and who possibly to that end were provided with encouragement and speaking notes by the Government previously: Make sure you read the notes carefully next time because the Leader of the Government has adopted a very different position today. I think it is the right position and the Opposition is prepared to work with that, but this is a very different approach to the one being asserted by the Government a short time ago.

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

Motion agreed to.

CBD AND SOUTH EAST LIGHT RAIL PROJECT

Production of Documents: Order

The Hon. DANIEL MOOKHEY: I move:

That private members' business item No. 164 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (11:12): I seek leave to amend the motion as follows:

1. In paragraph (d) omitting "the minutes" and inserting instead "the meeting papers and the minutes".
2. In paragraph (f) omitting "all documents including briefing notes, legal advice, email correspondence, financial data, memorandums," and inserting instead "briefing notes, legal advice, ministerial correspondence, financial analysis, memorandums".
3. In paragraph (g) inserting "or agreement" after "any deed of settlement".
4. Inserting new paragraph (l) as follows: "any documents relating to the development, drafting and finalisation of traffic management plans for the Sydney CBD once the CBD and South East Light Rail project commences operation, including all correspondence with local governments".
5. Inserting a new paragraph (m) as follows: "any documents relating to modelling of the journey travel times for the CBD and South East Light Rail project, for any and all sections along the proposed route of the CBD and South East Light Rail project".

Leave granted.

The Hon. DANIEL MOOKHEY: 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 Premier, Department of Premier and Cabinet, the Treasurer, the Treasury, the Minister for Transport and Roads, Transport For New South Wales, Roads and Maritime Services, the Minister for Finance and Small Business, and Infrastructure NSW:

- (a) all documents created by or related to work performed by East West Services Pty Ltd for Transport for New South Wales since 1 April 2018;
- (b) the current claims and variations register for the CBD and South East Light Rail project;
- (c) all briefings provided to the Transport for New South Wales Audit and Risk Committee since 30 November 2016 regarding the CBD and South East Light Rail project;
- (d) the meeting papers and the minutes of all meetings of the Sydney Light Rail Advisory Board held since 30 November 2016;
- (e) all documents related to the agreement entered into by Transport for New South Wales that provides a debt guarantee of up to \$500 million against a borrowing facility provided by two banks to the consortium constructing the CBD and South East Light Rail project, referred to in the report entitled *Transport 2018 New South Wales Auditor-General's Report - Financial Audit*;
- (f) briefing notes, legal advice, ministerial correspondence, financial analysis, memorandums, file notes, meeting papers and meeting minutes regarding the action taken in the Supreme Court New South Wales by Acciona Infrastructure Australia Pty Ltd against Transport For New South Wales;
- (g) any deed, or any deed of settlement or agreement, entered into by Transport For New South Wales and Acciona Infrastructure Australia Pty Ltd, and/or the ALTRAC Light Rail Consortium [ALTRAC] since 1 January 2018;
- (h) all regular project reports prepared by Infrastructure NSW regarding the CBD and South East Light Rail project;
- (i) all reports arising from all "gateway reviews", "health checks" or "deep-dive" reviews prepared for, or undertaken by Infrastructure NSW regarding the CBD and South East Light Rail project;
- (j) all "review workbooks" prepared for or by Infrastructure NSW, and all reports prepared by any independent review team for Infrastructure NSW, regarding the CBD and South East Light Rail project;
- (k) all documents relating to media releases issued by the Office of the Minister for Transport on 23 October and 17 December 2014 regarding the South East Rail contract;
- (l) any documents relating to the development, drafting and finalisation of traffic management plans for the Sydney CBD once the CBD and South East Light Rail Project commences operation, including all correspondence with local governments;
- (m) any documents relating to modelling of the journey travel times for the CBD and South East Light Rail Project, for any and all sections along the proposed route of the CBD and South East Light Rail Project; and
- (n) 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.

Hearken back to June of this year. News arrives that the New South Wales Government has entered into a settlement with the consortium building the Sydney CBD light rail with a notional price tag of an additional \$576 million to be incurred by the taxpayers of this State. We are told that such a settlement resolves the extraordinary litigation that commenced in March last year when the Government's hand-picked contractor initiated litigation alleging misleading and deceptive conduct on the part of Transport for NSW in how it conducted its negotiations for the contract to build the CBD and South East Light Rail. In and of itself, that litigation was historic. A contractor suing the Government is of course a terrible look. A contractor suing the Government just months before the notional or at least stated starting date of the CBD and South East Light Rail is extraordinary.

In the context of this revelation, to the extent to which the Opposition was able to ascertain any element of public explanation from the Government for why it settled and paid an additional \$576 million to the consortium building the light rail, to the extent to which we heard any public explanation, the only thing we are told by the Minister is that this would allow the contractors to focus on delivering the job. I would have thought that the first \$2.1 billion we are paying the contractors is probably reason enough for them to focus on completing the job. That is one aspect that is addressed by this Standing Order 52 application. Of course, there are others. They relate to other information that has arrived in the public domain for which the Government has equally been reticent to explain how it took place and why it happened.

If we understand the evolution of this project, in December 2014 the contract was first signed and we were told that the project would cost \$1.5 billion and would be operational by December 2018. This morning I was late coming to Parliament. I tried to get the CBD and South East Light Rail but I was told that it is not opening until May 2020, which is two years beyond its original appointed date. Furthermore we found out months after the 2015 election that the project in fact will cost \$2.1 billion. We found that out at the end of 2016 after the Government scorched all earth to avoid having to make that admission. Last year we found out—again, just months before this project was notionally meant to have its original opening date—that the Government had entered into a secret guarantee of two loans by two unknown banks with the consortium building the light rail to the value of \$500 million to guarantee the liquidity of the consortium.

No explanation was ever forthcoming as to why the liquidity of the consortium was at risk. No explanation was ever given as to whether anything was paid for this guarantee, as is standard practice. No further information was given as to whether this facility has been used or whether the guarantee has been invoked. No further information has been provided on the public record for why that interim liquidity funding facility had been entered into and we have no idea whether it has been used. We learned earlier this year that the Government secretly appointed another set of consultants to assist it in the litigation and dispute resolution processes with the consortium, which the Government itself had picked. No explanation was given for why it was necessary to hire any special advisers. On top of that, media reports suggest that some of those special advisers worked on the project with Transport for NSW before leaving to establish their own consultancy to consult back to Transport for NSW on the very same project. These are other revelations that have arrived in the public domain.

The point of all of this is that every time we hear each piece of news, it always arises in one of two circumstances: The Opposition reveals it or bureaucrats in Transport for NSW leak it. It arrives in the public domain and that is how we find out about it. We never hear the Government set forth its own explanation. We never hear the Minister offering any explanation for those events. All we are told is that the public should be grateful for this project—which may or may not cost \$3.1 billion—being built. This project is twice its budget and well and truly late. That deserves parliamentary scrutiny and that deserves the Opposition to use its power to bring this document to light so that the story of how we found ourselves in this position can be told and so that the public can understand why they are now paying an additional \$1.5 billion for a project they were told would cost only \$1.5 billion. I commend the motion to the House.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (11:18):

As members are aware, this is the second Standing Order 52 to be dealt with today. I largely refer to the comments made by the Leader of the Government about the previous motion and the order for papers. Once again, I would encourage members to be reasonable in their motions and feel free to discuss the finer details with the Government. The Government accepts the powers of the House to compel documents, but would again urge caution against using this power too frequently. The administrative burden on the public service is significant and I ask members to keep this in mind. In relation to this particular call for papers, I acknowledge and thank the Hon. Daniel Mookhey for his amendment in narrowing the scope of the order.

Mr DAVID SHOEBRIDGE (11:19): I support this call for papers under Standing Order 52. The reason for this call for papers, demanding the production of the documents, is that the Government will not do it. There should be a process in government whereby if something significant has happened to a major infrastructure project, the Government should tell the people of New South Wales frankly, openly and in a forthright fashion. That is not too much to expect. Today the Government is complaining about a series of Standing Order 52 applications, or calls for papers, and the expense of producing them. The crossbench and the Opposition in this place are doing what the Government should do, which is proactively produce the information so the people of New South Wales can see what is going right and what is going wrong with projects. Talking about what is going wrong, why do we want the papers about the light rail project? Initially the project was announced and budgeted at \$1.6 billion on a contract signed by Gladys Berejiklian, the now Premier, when she was transport Minister.

It turns out that contract was a disaster—to quote almost the only information we received about that—“because of mis-pricings and omissions” in the original contract signed by Gladys Berejiklian in 2014. The mis-pricings and omissions meant that the price had risen to \$2.1 billion because the original contract was so

stuffed up when it was signed by Gladys Berejiklian. We roll through to last year and the consortium that is building this ended up suing the Government because of what it said were misrepresentations and further omissions in the initial contract signed by Gladys Berejiklian. It then sued the Government and we found out through a half-baked media release with no details that the people of New South Wales have had to chip in another \$576 million in June of this year, bringing the now acknowledged price tag to \$2.7 billion. Additional costs are always worked into contracts. Almost everyone expects that the final contract price will exceed \$3 billion.

When the Minister for Transport and Roads was asked about what the final cost would be as recently as June, the information he gave to the people of New South Wales was that he did not want to speculate what the final cost will be. That is probably because speculating what the final cost will be keeps him awake at night. What we do know is that the final cost is likely to be double the initial contract signed by Gladys Berejiklian. How on earth was such a disastrous contract entered into? Let us find out what happened in the settlement process and finally tell the people of New South Wales what is happening with their money. [*Time expired.*]

The Hon. COURTNEY HOUSSOS (11:22): I support the Hon. Daniel Mookhey's motion. I commend him for bringing the motion to the Chamber. It is an excellent motion. The Liberal Party and The Nationals came to government with the then transport Minister, Gladys Berejiklian, promising to build the CBD and South East Light Rail for the bargain basement price of \$1.6 billion and promising to complete it before the 2019 March election. At every point during the course of this project the Government has taken the public for fools. It failed to explain the justification for the project. It refused to consult with local communities and businesses and it has lied and obfuscated at every turn. The public have borne the brunt of the Government's total failure to properly scope and design this project.

A recent upper House inquiry by the Public Accountability Committee found the devastating effect that this has had on small businesses and local residents. That report will be reflected on at another time, but the effect on those small businesses and local residents can be summed up in one word—devastating. It is absolutely devastating. As the Government dilly-dallied around, the local residents and the local businesses bore the brunt of it and the public were left paying the bill. We found out earlier this year that the expected bill is somewhere over \$3 billion; almost twice the original total cost.

However, the Government has never been forthcoming with an explanation of why there was this huge blowout in the cost. It was left to the Auditor-General, who issued a damning report in November 2016 finding the Government did not ensure the best value outcome for the State, did not get a preliminary business case, and the costs were higher and the benefits were lower than publicly stated. This directly contradicted the now Premier's public pronouncements that half a billion dollars of the public's money was wasted because the project was not designed properly. It was caused by "mis-pricings and omissions in the business case". The Government could not plan it properly.

As was found in the upper House inquiry, the Government would not even give information to its own contractor, who was forced to take historic court action against it. This call for papers is an important step in the scrutiny of a project that has been bungled from the beginning. This project has been botched, bungled and has blown out. It was the Premier's pet project. This mismanagement is on her and once we get access to those documents, we will know exactly how much the Premier knew and how much she hid from the people of New South Wales. [*Time expired.*]

The Hon. MARK BUTTIGIEG (11:26): I support the motion of the Hon. Daniel Mookhey. As a new member, I find it somewhat bemusing that we have to go through these tedious arguments to gain access to documents which relate to this project—and various other projects—which are no doubt controversial in the public's mind. This Government—which might be a surprise to some in this House—is accountable to the New South Wales taxpayers for the expenditure of billions and billions of dollars on those projects.

It is no surprise that New South Wales taxpayers would like to know where their hard-earned tax dollar gets spent. The idea of this House, as I understand it—and I might be wrong, being a new member—is to review government decisions and act as a protectorate of those taxpayer funds. The idea that a simple call for papers pertaining to projects such as this and related costs, contracts and discussions that were had would be resisted by the Government is preposterous. This is a simple matter of probity. The New South Wales taxpayers expect us to safeguard their taxpayer dollars. A simple call for papers, which is the right of this House to do, should be acceded to and given forthwith.

I do not feel comfortable, as an elected upper House member, not being able to access those papers to be able to fully scrutinise what went on and why we have had such big cost blowouts on projects such as this. These things should be a matter of course. We should not have to beg for papers simply to scrutinise what is our right to do as upper House members. I urge the House to support the motion of the Hon. Daniel Mookhey as this is a matter of process and integrity. Leaving aside the relative merits and demerits of the particular case, the upper

House should have access to requested papers. Even as a new member, it is becoming tiresome to see the resistance that is constantly put up by the Government to what are simple probative requests on behalf of the Opposition and the crossbench.

The Hon. WALT SECORD (11:29): I support the motion moved by the Hon. Daniel Mookhey. By the Government's own admission, the cost of the project has been overblown by \$1.2 billion. We have been told by industry insiders that it will be up to \$1.6 billion. Again, the Opposition finds that the Government is unable to manage projects. We have the Sydney Modern, the Walsh Bay Arts Precinct—

The Hon. Sarah Mitchell: Point of order: This is a very specific motion: It is a call for papers, as listed on the *Notice Paper*, which does not relate to any of the projects that the member is listing in his contribution. He should be brought back to the motion before the House.

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): The Hon. Walt Secord will confine his remarks to the motion.

The Hon. WALT SECORD: I move:

That the motion be amended by inserting a new paragraph (n) as follows: "all contracts entered into between Transport for NSW (or the State of New South Wales) and Acciona Infrastructure Australia Pty Ltd or ALTRAC Light Rail Consortium signed by the Transport Minister in 2013, 2014 or 2015."

The Hon. DANIEL MOOKHEY (11:32): In reply: I appreciate the patience of members in the House as we resolve the various views of all members and parties with respect to the scope that this motion should cover. I thank the speakers who made forthright contributions to this debate: the Hon. Courtney Houssos, Mr David Shoebridge, the Hon. Walt Secord, the Hon. Sarah Mitchell and the Hon. Mark Buttigieg. In respect of the amendment moved by the Hon. Walt Secord, I find, as mover of the motion, that it is acceptable. I commend the motion to the House. The motion would effectively reveal the full story of the Sydney CBD and South East Light Rail project, evidenced by the documentary trail, starting from its origin point, which was the original contract that was entered into.

I thank the Hon. Walt Secord for moving this amendment, even though the motion was inspired by other members of the House. This adds to the comity of the debate and exemplifies the cooperation that is required when members move motions calling for papers under Standing Order 52 in order to capture the views of all members and all parties. I reiterate that this is an extraordinary evolution of a project that was meant to cost \$1.5 billion, which now officially costs \$2.5 billion and is rumoured to be rising to \$3.1 billion. The consortium and the Government entered into a secret settlement, and there was no public explanation of any substance provided by the Minister.

This is the latest episode in a remarkable display of secrecy through the life of this project, where every variation, every blowout and every delay in timetable has been accompanied with equally vigorous attempts at secrecy. The point of this House and its power is to let the public know. In respect of this particular project, with so much public money at stake, it is right and just that we try to move this motion. I look forward to the debate, the vote and, ideally, to making those documents available to the House and, more importantly, available to the public. I commend the motion to the House.

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): The Hon. Daniel Mookhey has moved a motion, to which the Hon. Walt Secord has moved an amendment. The question is that the amendment be agreed to.

The House divided.

Ayes25
Noes16
Majority.....9

AYES

Banasiak, Mr M
Buttigieg, Mr M (teller)
Faehrmann, Ms C
Houssos, Mrs C
Latham, Mr M
Moselmane, Mr S
Primrose, Mr P
Secord, Mr W
Veitch, Mr M

Borsak, Mr R
D'Adam, Mr A (teller)
Field, Mr J
Hurst, Ms E
Mookhey, Mr D
Nile, Revd Mr
Roberts, Mr R
Sharpe, Ms P

Boyd, Ms A
Donnelly, Mr G
Graham, Mr J
Jackson, Ms R
Moriarty, Ms T
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
Taylor, Mrs

Amendment agreed to.

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

Motion as amended agreed to.*Motions***SURF LIFE SAVING SYDNEY BRANCH AWARDS****Debate resumed from 20 June 2019.**

The Hon. NATALIE WARD (11:46): I support the motion moved by the Hon. Taylor Martin and thank him for his great initiative in this space. As a resident of Sydney's iconic northern beaches, surf lifesaving clubs are an integral part of my life and the lives of my blessed fellow residents. The 21 beaches and surf lifesaving clubs across the northern beaches make up the beating heart of our community.

The Hon. Ben Franklin: Name them!

The Hon. NATALIE WARD: I thank the Hon. Ben Franklin; I will name them. It used to be one of the favourite preselection questions—

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): Order! Members who wish to continue their conversations should do so outside the Chamber. Members will lower their voices.

The Hon. NATALIE WARD: The 21 iconic northern beaches surf lifesaving clubs cover from Manly to Palm Beach—

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): Order! I do not think members heard me when I requested that they cease their conversations. If members wish to continue their conversations they should do so outside the Chamber.

The Hon. NATALIE WARD: The list of clubs includes: Manly, North Steyne, Queenscliff, Freshwater, South Curl Curl, North Curl Curl, Dee Why, Long Reef, Collaroy, South Narrabeen, Narrabeen, North Narrabeen, Warriewood Beach, Mona Vale, Bungan Beach, Newport, Bilgola, Avalon, Whale Beach, Palm Beach and North Palm Beach. There is also Balmoral Beach, which is controversially not included in the northern beaches.

Those 21 surf lifesaving clubs are the beating heart of our community. From our children joining nippers in their first foray into lifesaving through to our senior patrollers who have been volunteering for decades, we all rely on surf lifesaving clubs to keep our communities safe. Surf lifesaving clubs are the home base for tens of thousands of volunteer surf lifesavers patrolling our beaches. They allow all age groups to learn about and contribute to water safety, competitions and health, and to enjoy a barbecue or two on weekends. We rely on the skill and passion of volunteer surf lifesavers to patrol our beaches.

No-one can deny that every one of us owes the volunteers at our surf lifesaving clubs an irredeemable debt as they put their lives on the line to patrol our beloved beaches so that we can relax and have a good time. As a mum I let my kids run free down at the beaches, and knowing there is a second pair of eyes on them has been enormously reassuring. They do that willingly and save the lives of others so that we can all relax and enjoy ourselves. Every day they are out there to save the lives of locals, visitors and tourists should, God forbid, anything go wrong. In doing so, they provide an excellent service to the people of New South Wales.

We have a great advocate for surf lifesaving clubs in the member for Manly, James Griffin, who took over from Mike Baird. James is doing a fantastic job as the chair of the Parliamentary Friends of Surfing. If you pop down to Manly Surf Lifesaving Club, you will see swimmers, patrollers, people walking along the beach, people selling coffee and goods, and people turning a sausage on the barbecue to raise funds for this great cause. My good friend James Keene is down there saving lives. James had quite a traumatic year last year, when he

pulled a visitor out of the surf and was not able to bring that man back to life. He did his very best in the circumstances and we thank James for his service every weekend.

Councillor David Walton can be seen down there in his pink speedos, swimming along with the bold and beautiful. You might wander past the Hon. Bruce Baird, also in a pair of speedos. You might see Mr David Panton—aka Mr Julie Bishop—hanging out in the surf. I have never actually seen them swimming. I have seen them sitting around having coffee in their speedos, but I have not actually seen them in the water. My good friend Ms Jane Buncle swims there regularly. Mr Craig Haskins is a great contributor to the surf club and works very hard there. Perhaps the nicest guy in Manly—I know that is a big call—is Mr Matthew Curl; the Curl family have been there for generations.

In September 2018 the member for Penrith and previous Minister for Sport, the Hon. Stuart Ayres, announced a \$4 million surf club fund. Surf lifesaving clubs could apply for infrastructure improvements as part of this statewide boost to surf club facilities funding. With 129 surf clubs across New South Wales, that \$4 million boost brought significant upgrades to surf club facilities, improving access for the 76,000 surf lifesavers volunteering across the State. The increase in funding recognised the important contribution surf lifesaving clubs make across their communities. It was also a huge vote of confidence in volunteers and will ensure that they have the support they need to carry out their vital work. I commend the Government for that important initiative.

I highlight some of the clubs on my beloved northern beaches, their unique characteristics and the work that they do. The Queenscliff Surf Life Saving Club—also known as Queensie—has been providing lifesaving activities since 1924. Queenscliff Beach lies at the northern end of the world-famous Manly Beach—much, much better than Bondi—and is beloved by locals in the community. My brother tells me that you can always catch a break at the Queensie end if you cannot catch one at Manly. Of course, you might see Mike Baird wandering around with a longboard or Tony Abbott in his budgie smugglers. James Griffin is usually more of a runner; he can be seen running along the boardwalk.

The Hon. Taylor Martin: Is he in the budgie smugglers?

The Hon. NATALIE WARD: I do not know what he wears, but he is usually running. Very occasionally he might get his board wet. I have not actually seen him stand up on it but he does manage to take it down there now and then. I am pleased to note that \$310,000 of funding was secured for Queenscliff Surf Life Saving Club to redevelop the pavilion's first floor and create additional space at ground level. Then there is North Steyne Surf Life Saving Club. Known as North Steyne, it is one of the oldest surf lifesaving clubs in Australia. It has a long and proud history in surf lifesaving and Australian beach culture. My daughter was a nipper there and proudly wore the gold and black swimmers along with her friends Bella, Max and Kieki Brigden. Together they learned how to read the surf and respect it.

The Hon. Walt Secord: What about Tiki, Miffy, Buffy, Suzie, Wendy, Jim-Jim? How about Jim-Bob McBob McJim? How about Jim McBob McJim?

The Hon. NATALIE WARD: That is disrespectful to those people whose children attend nippers every week.

The Hon. Bronnie Taylor: Point of order: The behaviour of the shadow Treasurer in walking up and down and shouting at the member while she is trying to give her speech is most unparliamentary. I request that you call him to order.

The PRESIDENT: I uphold the point of order. I indicate to the Hon. Walt Secord that he is well aware of my previous rulings on sledging and the reasons for those rulings. What makes it even worse is the fact that he was pacing back and forth in the Chamber while interjecting.

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

The PRESIDENT: I have already ruled on the point of order. Order! The interjections from Government members do not help. I have ruled on the point of order. Unless a member wishes to take a new point of order, the Hon. Natalie Ward has the call.

The Hon. NATALIE WARD: My daughter and her friends grew up learning about the surf and lifesaving techniques and learning that this is their community. Funding totalling \$90,334 was secured for North Steyne Surf Life Saving Club. Those funds included \$59,160 for upgrades to first aid and patrol rooms, a public hall kitchen, a solar hot water system and additional electrical works; \$16,000 for repairs to and maintenance of the clubhouse training and meeting room; \$5,000 for the 2019 North Steyne Ocean Swim; \$4,000 to host the beach carnival; \$2,000 for provision of training and education programs to build capacity for special needs and mental health; and almost \$2,000 for provision of level 1 and level 2 coaching courses. Those vital funds show that this Government believes in surf lifesaving clubs, even if the Opposition does not.

North Curl Curl Surf Life Saving Club—affectionately known to locals as North Curly—is one of the hidden gems of the northern beaches. Currently around 160,000 people visit during the summer months, and the volunteers at North Curly perform over 100 rescues and have 200 first aid cases a year. North Curly has over 1,600 members, which includes 180 active patrolling members and over 600 nippers. These are thriving family communities and the Coalition Government funds will ensure that they continue to thrive—unlike our opponents and their disregard and disdain for those communities. In 2017 and 2018 the New South Wales Government secured funding of over \$50,000 for North Curly, which included \$36,000 to renovate the clubhouse and \$15,000 to refresh and update clubhouse facilities. That funding demonstrates the Government's commitment to our vital lifesaving volunteers, unlike our opponents' disdain for them.

The Hon. Walt Secord: Point of order: I return to your earlier comments about gratuitous sledging. Opposition members are asked to sit quietly while the member speaking sledges and provokes us.

The PRESIDENT: I reserve my ruling on the point of order. I was conferring with the Clerk on another matter.

The Hon. Walt Secord: Check *Hansard*. You put me on a call for that.

The PRESIDENT: As I have indicated to the Hon. Walt Secord, I will reserve my ruling. I am giving him the benefit of the doubt that what he says is correct. I will look at *Hansard* and then rule on the point of order.

The Hon. NATALIE WARD: To the point of order—

The PRESIDENT: I have reserved my ruling.

The Hon. NATALIE WARD: I seek to outline the Government's commitment by way of funding to the great works of lifesaving clubs in New South Wales. South Curl Curl Surf Life Saving Club—also known as South Curly—has been in existence since 1918. It is the epitome of lifesaving clubs and shows how important they are. Since the club's establishment, no life has been lost while this beach was being patrolled. I will say that again: Since the club's establishment in 1918, no life has been lost at South Curl Curl. It is a credit to the club that it is so effective. It is probably because everybody is swimming at Manly—but I did not say that! The club places great emphasis on training club members in lifesaving skills to ensure that this tradition is maintained. The South Curly surf lifesaving club is a volunteer organisation—

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

Questions Without Notice

PARRAMATTA EAST PUBLIC SCHOOL

The Hon. ADAM SEARLE (12:00): My question without notice is directed to the Deputy Leader of the Government, and Minister for Education and Early Childhood Learning. Given community concerns that 80 per cent of the classrooms at Parramatta East Public School are demountables, that there is a lack of toilet facilities and that some year 1 classes were forced to spend the entire first term in the library due to the lack of classroom space, why is her Government not upgrading the school?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:00): I thank the Leader of the Opposition for his question about Parramatta East Public School. I will happily say at the outset that some of the issues raised in the member's question have also been raised with me by the great local member for Parramatta, Geoff Lee. He came to see me a while ago, as an advocate for his electorate, to talk through some of the issues that have been raised by local communities.

I recognise that student enrolments at Parramatta East Public School have increased over recent years, which has placed additional pressure on the school, its facilities and its play areas, with several demountables being required. The enrolment growth at Parramatta East Public School supports the case for our investment in schools across Parramatta as we meet once-in-a-generation student enrolment growth. The Government is delivering major school projects in Parramatta to increase capacity at primary schools, including an upgraded Parramatta Public School, an upgraded Parramatta West Public School and the new O'Connell Street Public School catering for 1,000 students at the old Kings School in O'Connell Street. In addition, nearby Rosehill Public School is being upgraded and a new primary school in Westmead is currently in the early planning stages.

I am advised that the department expects that current enrolment pressure at Parramatta East Public School will ease when a number of students are able to transfer to the new O'Connell Street Public School next year, following catchment boundary changes and as other school projects are completed. The department continually monitors population and development trends in Parramatta so that it can plan to meet local enrolment needs. In cases of sustained and stable enrolment increases, additional permanent facilities or new schools are constructed as necessary. In the case of Parramatta East Public School, following contact from the office of the local member,

the department's Western Sydney Asset Management Unit is currently expediting works to provide additional capacity, including the installation of toilet facilities.

The works are scheduled for completion by 16 August, and will provide the school with facilities that are over the Educational Facilities Standards and Guidelines entitlement for toilets. The department uses a number of strategies to manage fluctuating enrolment demands in the short to medium term, including enforcing the department's school enrolment policy to restrict out-of-area enrolment and reviewing school catchment boundaries to improve utilisation across schools in local areas. We will continue to monitor the enrolment pressures at Parramatta East Public School and work with the local community and the local member. I have said to the local member that I am very happy to meet with any parents who may have concerns in relation to the school. My understanding is that the local member is attempting to facilitate a meeting with concerned parents. I am very happy to sit down with them and talk through the issues.

The Hon. ADAM SEARLE (12:03): I ask a supplementary question. Will the Minister please elucidate the part of her answer where she talked about the expectation of dropping enrolments, and inform the House of whether that is expected to occur, or may occur, due to parental concerns about the lack of permanent classrooms and other facilities at the school?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:03): I refer to the answer I gave to the previous question, when I said quite clearly that the advice I have received from the department is that it is expected that current enrolment pressure on Parramatta East Public School will ease when a number of students are able to transfer to the new O'Connell Street Public School next year.

The Hon. DANIEL MOOKHEY (12:04): I ask a second supplementary question. Will the Minister please elucidate the part of her answer in which she refers to the initial planning stages for the Westmead Public School. Can she outline when the initial planning stage will end, and when construction will commence in respect of the school she mentioned in her answer?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:04): I thank the honourable member for his question. In relation to the specifics of that project, as I have said many times in this House, 190 new and upgraded schools are being worked on in New South Wales. I do not have the specific details of the Westmead Public School with me today. I will take the question on notice and come back to the member with some more details.

PARRAMATTA MUSEUM

The Hon. LOU AMATO (12:05): My question is addressed to the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on progress on the new museum 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) (12:05): I am proud to say that the new Powerhouse Museum is on track to be delivered on time in 2023, and on budget. Having reviewed the debate in the House yesterday, I believe it is important to state that at the outset. The creation of a world-class, fit-for-purpose museum on the banks of the Parramatta River will enrich Western Sydney's cultural choices and experiences. It will be the centrepiece of the emerging Parramatta arts and cultural precinct, and part of the new Civic Link to the CBD and along the river to the Old Government House, the gardens and North Parramatta.

The new museum will showcase groundbreaking science and technology innovation alongside inspiring civic-scale spaces that will showcase the museum's unique collection and allow for innovative curatorial experiences. As I reaffirmed to the House yesterday, the Powerhouse Museum is in excellent hands, with Chief Executive Officer Lisa Havilah leading the process on this historic project. The Museum of Applied Arts and Sciences Trust and executive team are working collaboratively with Create NSW, the Department of Planning, Industry and Environment, Infrastructure NSW, and the Department of Premier and Cabinet to deliver the new museum.

I am pleased to note that considerable progress is being made on this once-in-a-generation opportunity. The first stage of a two-stage international design competition was launched in January 2019. Endorsed by the Australian Institute of Architects, the competition welcomed local and international design teams and strongly encouraged creative and intellectual collaborations between established and emerging talent. The first stage of the competition attracted 74 submissions from 20 countries, made up of 529 individual firms from five continents. The six finalist teams met in Sydney in June 2019 for three days of briefings, and I was delighted to welcome their participation in this key project of the New South Wales Government. The wonderful designs produced by those teams will be publicly exhibited and showcased online. The preferred design for the new Powerhouse will

be announced before the end of the year. As I said at the outset, the new Powerhouse Museum project is on track for delivery by 2023.

PASSFIELD PARK SCHOOL

The Hon. PENNY SHARPE (12:08): My question is directed to the Minister for Education and Early Childhood Learning. Given community concerns that the Government has ignored basic health and safety issues at Passfield Park special needs school, including severe mould, ramps that are too steep and doors that are too narrow for wheelchairs, why has her Government failed to allocate funds in this year's budget for that school?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:08): I thank the Deputy Leader of the Opposition for her question in relation to some of the facilities at Passfield Park School. I advise the House that on 18 July 2019 an officer from School Infrastructure NSW attended Passfield Park School with a remediation expert. Air-quality testing took place and air-quality levels at the school were found to be safe. Testing has shown that mould levels at the school are within normal health and safety guidelines. However, three classrooms—rooms 6, 12 and 17—were cleaned and mould was removed. The material on the shade covers was found to be lichen and tree sap, not mould, but all shade covers have since been cleaned. Remediation experts were on site on 19 July 2019 to monitor the school to ensure its readiness for the beginning of term three this year. Air-quality testing is undertaken on a quarterly basis at Passfield Park School and works are carried out in line with recommended guidelines. However, when issues do arise the Government provides additional assistance.

I advise the member that the following work was undertaken on 19 July 2019 and over the weekend of 20 to 21 July 2019 before school resumed on 22 July 2019: the affected classrooms were re-cleaned; further air-quality testing was undertaken as part of the department's ongoing test program; and the tree sap and lichen was cleaned from the shade sail. I advise the House that additional upcoming work includes replacement of any glass affected by mould with laminated glass, repairs to the soft fall in the playground and the replacement of the roof for block B as part of the scheduled maintenance work for this year. Further to this, senior department officials attended the school site on 25 July, inspected the school site and met with the principal and parents to discuss their concerns.

I have stated on the public record outside this Chamber that I recognise these are short-term solutions for the school. I acknowledge that an upgrade of Passfield Park School is in the early stages of planning but the Government acknowledges that remediation works must be ongoing in the meantime. The department has responded, and will continue to respond, with the following measures as required: providing dehumidifiers to the school; installing mesh screens over the windows to allow airflow; cleaning walls and brickwork; and carrying out preventative sealing and painting to the brickwork. A project team of architects and other design professionals will be engaged shortly to work closely with the school in developing the business case and concept designs. I have requested that the department undertake analysis of our schools for specific purposes [SSPs]. It is clear to me that this issue has built up over some time. Many SSPs were mainstream schools that over time have become SSPs. I have asked the department to undertake this analysis so that the Government can assess the fitness for purpose of these schools.

The Hon. Trevor Khan: And that's how you answer a question.

The PRESIDENT: Order! I remind the Hon. Trevor Khan that the comments I made in relation to the Hon. Greg Donnelly apply equally to him.

The Hon. PENNY SHARPE (12:12): I ask a supplementary question. Will the Minister please elucidate her answer by providing a time frame for when the works needed at the school—a school for kids with disability who are in wheelchairs and for whom the ramps are too steep and the doors too narrow—will be completed?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:12): I thank the member for her question. It is a serious one. I am aware of the concerns, in particular of some parents of students. It has been quite distressing for me to see them upset in some media reports. That is not something anyone wants to see—particularly me, as education Minister. Obviously there is a process that we need to go through when planning for the upgrade of a school—particularly a school that provides support and education for children with additional needs. We need to consult properly with the school community, not just about the needs of students there now but also for those in the future. I assure members of the House and the wider community—including the parents at Passfield Park School—that this is a priority for me. The Government will make sure that we do this work with the required due process while knowing that it is important that parents see longer-term changes at the school.

PUBLIC SCHOOL INFORMATION PACKAGES

Mr DAVID SHOEBRIDGE (12:13): My question without notice is directed to the Minister for Education and Early Childhood Learning. A self-styled anti-politically correct lobby group stated recently that it intends to distribute hundreds of packages to school P&Cs in New South Wales. What controls are in place to ensure that material that marginalises LGBTIQ and gender-diverse students is not distributed to public schools and that the welfare of those students is protected?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:13): I thank Mr David Shoebridge for his question. I advise the House that the information distributed to P&Cs by the organisation that he mentioned in his question was not approved and endorsed by the Department of Education. I add that P&Cs are independent organisations. My advice to them continues to be that if they have issues, questions or concerns about any matter related to their child's education and school experience they should speak to their principal, who is generally best equipped to discuss matters relating to their school.

Mr David Shoebridge: Mr President—

The PRESIDENT: Order! It is extremely difficult for me to give the call to members seeking it in an appropriate manner when interjections are occurring across the Chamber. Mr David Shoebridge has the call.

Mr DAVID SHOEBRIDGE (12:14): I ask a supplementary question. I thank the Minister for her answer and note her observation that P&Cs are independent organisations and that it is the role of principals to police materials distributed at schools. However, will the Minister please elucidate her answer by advising what controls are in place at a State level?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:15): In relation to this matter I refer to my previous answer.

DUBBO ELECTORATE SCHOOLS

The Hon. WES FANG (12:15): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on education projects and initiatives in Dubbo, including Yawarra Community School?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:15): I thank the honourable member for his question. Last month I had the opportunity to visit Yawarra Community School for the sod-turning of its new hydrotherapy pool with the fantastic member for Dubbo, Dugald Saunders. The indoor hydrotherapy pool will complement the new school for students with special needs that opened in Dubbo earlier this year; it is the final stage of the project. The hydrotherapy pool will be available for use by the broader Dubbo community outside school hours when it opens next year. It was fantastic to meet Principal Deborah McCreadie and the dedicated staff at the school and to hear firsthand how much of a difference the hydrotherapy pool will make to the lives of the students and other members of the community. Yawarra Community School is named for the Wiradjuri word for "care" or "to take care or watch". It is a fitting name for the facility, which will meet the needs of a wide range of students from Dubbo and rural communities beyond Dubbo itself.

We are in the middle of Education Week. This year's theme is "Every Student, Every Voice". I commend the team at Yawarra for giving their students a voice through their hard work and advocacy to ensure that every single student is fully supported throughout their time at school. The new school includes four new state-of-the-art classrooms for up to 40 special needs students from kindergarten through to year 12. Other facilities include a gym, special programs facilities and administrative facilities. Specialist services such as speech and occupational therapy will also be made available within a modern and versatile setting. I visited the kindergarten students in their classroom with some of their teachers and support staff. It was great to hear the really positive stories about how students are enjoying the opportunity to learn in that new environment.

The new school forms part of the Government's record investment to build and upgrade schools to meet future growth across the State. Ensuring that students in regional parts of the State have access to the best possible education remains a key priority for the Government, with over 40 projects currently underway in regional areas. While I was in Dubbo I also had the opportunity to visit the Clontarf program at Delroy Campus. Many members in this House know that Clontarf is a good program.

The Hon. Mick Veitch: That is a good program.

The Hon. SARAH MITCHELL: I acknowledge the interjection by the Hon. Mick Veitch. I also spent some time at the Dubbo and District Preschool to inspect its capital works project and the Central West Leadership Academy, Dubbo Public School and the School of Distance Education, which does a great job in its space in

Dubbo. It was fantastic to spend time in the Central West and meet so many outstanding educators who are committed to making a difference to the lives of their students. I thank them and acknowledge their hard work. In this year's budget alone the Government announced 18 new and upgraded schools for regional New South Wales—including two new high schools, a new primary school and upgrades to schools across the State. We will continue to deliver for New South Wales public schools over the next four years with a \$6.7 billion investment to deliver 190 new and upgraded schools.

COMMERCIAL FISHING INDUSTRY

The Hon. MARK BANASIAK (12:19): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women representing the Minister for Agriculture and Western New South Wales. Did Graeme Byrnes—a commercial fisher who has sat on the Ministerial Fisheries Advisory Council since at least 2005—receive a briefing or an indication as to how the \$16 million share subsidy was to be spread across the rounds of the share trading scheme? Is it true that Mr Byrnes' business partner took a buyout and then immediately bought back in and participated in the share trading scheme? Will the Minister inform the House what investigations have been done to ensure that the integrity of the share trading scheme has been preserved?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:19): I thank the honourable member for his question. As it refers to the policy area of a Minister in the other place whom I represent and contains detail, I will take the question on notice and provide a response.

ABORIGINAL LANGUAGES ACT

The Hon. SHAOQUETT MOSELMANE (12:20): My question is directed to the Aboriginal affairs Minister. Given his formal written response this morning on the Aboriginal Languages Act 2017, in which the Minister revealed that it will not be proclaimed before March 2020—three years after it was passed by the Parliament—did the Government mislead the community into believing the legislation was a priority?

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) (12:20): The Government's priority has always been to ensure that work stemming from the Aboriginal Languages Act 2017 is shaped by the Aboriginal community. This Parliament passed the Government's Aboriginal Languages Bill 2017 and it was assented to on 24 October 2017. A clear commitment to Aboriginal communities was further consultation on the composition of the trust established by the Act and content of the first strategic plan prior to implementation.

The advisory committee has worked extensively with senior Aboriginal language leaders and other stakeholder organisations to meet this commitment. It was through this work that the proposal for a New South Wales Aboriginal Languages Gathering arose, which was seen as being hugely successful and invaluable in informing the priorities for the strategic plan. While we are working to have the Act formally commence, we are ensuring that Aboriginal communities are thoroughly consulted ahead of finalising the next steps.

Once the Act has been proclaimed the trust has two years to deliver on the strategic plan. To ensure that the trust has the opportunity to deliver on this important work, we do not want to compromise the Act by imposing a shorter time frame by proclaiming the Act significantly earlier than the trust's establishment, as was made clear in the written answer. The Government will open expressions of interest for membership of the trust in September 2019. This will include a rigorous recruitment process with regular probity checks to meet the expectations as statutory appointees. The Government intends to proclaim the Act no later than March 2020 to coincide with the appointment of board members of the Aboriginal Languages Trust. However, the Government will consider proclaiming the Act and establishing the trust earlier if feasible and appropriate to do so.

REGIONAL YOUTH

The Hon. MATTHEW MASON-COX (12:22): My question is addressed to the Minister for Mental Health, Regional Youth and Women. How is the New South Wales Government ensuring that young people in regional New South Wales are able to have their voices heard?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:23): I thank the honourable member for his question and his commitment to regional youth in his area. Growing up out west or on the coast often means you do not get all the bells and whistles that your city cousins do. But our young people in regional New South Wales are resilient and they are not really asking for much. They want a government that listens, that helps them to get a job, that provides ways to improve their mental health and wellbeing, that connects them to nearby towns and services, and that offers them things to do in their community. Over the winter recess I was pleased to join our new member for Coffs Harbour, Gurmesh Singh—a terrific

member—in announcing that applications were open for the very first Regional Youth Taskforce, providing a direct line of communication between young people in regional New South Wales and this Government.

[*Members interjected.*]

The PRESIDENT: Order! The Clerk will stop the clock. I have indicated on previous occasions that I am happy to have a robust question time—in fact, from my point of view, as President, I prefer a robust question time. But it is a different issue today. The new sessional orders make it clear that Ministers must be directly relevant to the question. That requires me to listen very carefully to a Minister's answer as the Minister gives it. In particular, if a point of order is called that the Minister is not being directly relevant, I need to rule on the spot. I cannot do that if there are simultaneous continual loud conversations in the Chamber, continual interjections and continuing loud support for the Minister speaking and I am having serious difficulty hearing the answer. When a point of order is called on an answer being directly relevant I will be forced simply to reserve my ruling and will be unable to rule until I see *Hansard*. I ask members to assist the Chair by remaining silent and allowing me to hear the answer. Leave all the robustness for some other time of the sitting day. The Minister has the call.

The Hon. BRONNIE TAYLOR: This is an important issue for regional youth and having a Regional Youth Taskforce I would think is something that all members in this Chamber will be extremely interested in. The task force will bring together 18 young people from across New South Wales who want to make a difference, bring their best and their brightest ideas to the table and help us to work with them to solve their local issues—that is a good thing. We are looking for young people who understand and want to tackle the big issues that are facing young people in regional New South Wales, such as the impact of drought, youth unemployment, mental health, drugs, the lack of things to do and the difficulties they face in accessing services.

To make up the task force, two young people will be selected from nine regions across New South Wales: the Central Coast, the Central West and Orana, the Far West, the Hunter, the Illawarra Shoalhaven, the New England and North West, the South East and Tablelands, the Riverina Murray, and the North Coast. I am extremely pleased and proud to advise the House that, following the close of applications on Monday, we have received 300 applications from young people in regional, rural and remote New South Wales. That is a good thing and a wonderful result. There has been an overwhelming response from women—which is particularly pleasing to me as the Minister. To ensure that this task force is reflective of regional New South Wales, we will be making sure that we have young people from every walk of life. I am looking forward to working with the task force and I am excited to hear its members' ideas, to work to implement them and to make sure they are relayed to those who sit at the highest level of this Government.

NARSZA PTY LIMITED

The Hon. ROBERT BORSAK (12:27): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women representing the Minister for Agriculture and Western New South Wales. Was Narsza Pty Limited registered as being liquidated in 2014 when it was granted over 64 pipi shares in 2018—the equivalent of 3.2 tonnes of pipis? If so, how is it that a liquidated company bid for shares, was successful and was allocated shares? Who is responsible for this travesty? We are aware that this company was removed from the register once the department was informed of its status, and the shares disappeared. Where are the shares now?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:28): I thank the honourable member for his question. As the question relates to the portfolio of a Minister in the other place whom I represent and it contains detail, I will take the question on notice and provide a response.

NEIGHBOURHOOD WATCH

The Hon. DANIEL MOOKHEY (12:28): My question is directed to the Minister for Finance and Small Business in his own capacity and representing the Treasurer. What steps has the Government taken to investigate reports that 120 Neighbourhood Watch groups have ceased operations after losing public liability insurance following a restructure of the Treasury Managed Fund?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:30): I thank the shadow Minister for his question—Newstart yesterday, Neighbourhood Watch today. I need to take that question on notice and will come back to the member with an answer.

COST OF LIVING

The Hon. TAYLOR MARTIN (12:30): My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government supporting families in New South Wales with the cost of living?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:30): I thank the member for his question and his concern about the cost of living for families in New South Wales. First and foremost, the Government is creating jobs. Our record \$93 billion infrastructure program is driving jobs growth and providing families with opportunities to make a living. But we also know that it can be tough on families to make ends meet. That is why we are committed to running a strong budget so we can direct more support to the families and communities who need it.

From 1 July a number of new cost-of-living initiatives are available to families. Firstly, we have doubled the Active Kids voucher. Children now have access to two \$100 vouchers to put towards sports registration for winter and summer sports. Secondly, under our Toll Relief program motorists spending \$15 or more a week will receive 50 per cent off their car registration. We expect more than 123,000 drivers will receive half-price registration and save up to \$357. Thirdly, under our \$200 Seniors Energy Rebate we estimate around 130,000 seniors will benefit from relief in relation to their energy bills. Is there cheering over there yet?

The PRESIDENT: Order! I remind the Minister that he is not to encourage interjections. If he does so again I will place him on a call to order.

The Hon. Mick Veitch: It is not the LA.

The Hon. DAMIEN TUDEHOPE: Unfortunately.

The PRESIDENT: I call the Hon. Damien Tudehope to order for the first time for saying "unfortunately".

The Hon. DAMIEN TUDEHOPE: Never interrupt a Minister making a mistake. But there is more—\$100 under the Creative Kids program. The Government is delivering TAFE and vocational education and training courses for free so that young people and mature-aged jobseekers can enter the workforce, as well as supporting businesses that have skills shortages. The Energy Switch program is helping families get a better deal for their energy bill. I went on the Energy Switch site when I got an exorbitant bill from Origin Energy and I obtained a \$450 reduction in my energy bill. I encourage all members to go to the Energy Switch site. In fact, go to Service NSW to see what opportunities are available for savings. A strong budget can do more to support—

The Hon. Penny Sharpe: Point of order—

The PRESIDENT: The Clerk will stop the clock.

The Hon. Penny Sharpe: My point of order relates to interjections, based on the same issue that I raised yesterday. I have listened carefully and I have now heard 10 interjections from the Hon. Wes Fang. I cannot hear the Minister's answer because of the "Hear, hears!" from the other side of the Chamber.

The PRESIDENT: I uphold the point of order. With all the interjections from Opposition members and Government members, it was difficult for me to hear. The Minister continually inviting interjections made it even more difficult for me. I congratulate and thank the crossbench members for adhering to the standing orders during question time. I remind Government members of my ruling from earlier in the week, as mentioned by the Hon. Penny Sharpe. Interjections make it difficult for me to hear. I know the question is a Dorothy Dixier, but I still have to hear each word the Minister is saying in case a point of order is taken or the Minister strays from the question he was asked. The Minister has five seconds remaining to complete his answer.

The Hon. DAMIEN TUDEHOPE: Thank you, Mr President. A strong budget means we can do more to support families and communities, which is something those opposite will never understand.

The PRESIDENT: I call the Hon. Niall Blair to order for the first time.

SHARK NETS

Ms ABIGAIL BOYD (12:36): My question is directed to the Minister for Mental Health, Regional Youth and Women representing the Minister for Agriculture and Western New South Wales. Given that the recent data released in the *Shark (Meshing Bather) Protection Program 2017/18 Annual Performance Report* shows an increase in the number of animals dying in shark nets where less than 6 per cent of those animals are so-called target sharks and more than double the number of threatened and protected species are harmed by the program than the target sharks caught, when will the Government cease using shark nets in favour of more scientifically sound and non-lethal alternatives?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:37): I thank the honourable member for the question about sharks. As it relates to a member in the other place who holds that portfolio and it contains detail, I will take it on notice and seek advice.

DROUGHT ASSISTANCE

The Hon. MICK VEITCH (12:38): My question is directed to the Minister for Finance and Small Business. Given small business owners have described the Minister's recent sojourns in drought-afflicted regional New South Wales as a "slap in the face", what is his response to community concerns that his drought package was just a public relations exercise?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:38): I thank the honourable member for his question. I think the observation was made by two disgruntled small business owners in Gunnedah while I was there. There is a serious component to the question that the honourable member asks—\$170 million in drought relief for small businesses is not a slap in the face for anyone. In fact, in delivering infrastructure projects to regional areas the Government is a really significant contributor to churning income through those local communities. One of the big messages the Government was delivering while I was on that trip is the manner in which it can help small business. That can be done not only by delivering infrastructure projects—such as roads and bridges or water infrastructure projects—but also by having programs that assist farmers, such as agritourism, and by creating opportunities to expand their businesses by farmstay, roadside innovations and cultural tourism.

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

The Hon. DAMIEN TUDEHOPE: In addition to those opportunities, the Government extended to regional communities a cut in payroll tax that is assisting them. Yesterday I referred to infrastructure loans that are available to local councils. Those proposals, policies and programs are no slap in the face, notwithstanding that the Hon. Mick Veitch stated that was the view expressed.

If the member were to drill down to the concern of the particular constituent who raised it, he would find it was a Federal issue that the constituent asked the State Government to address, notwithstanding that neither I nor this Government could solve it. It was an issue relating to potential tax deductibility so that income could be set aside for future drought years. That is a Federal income tax issue that has nothing to do with the State Government. This Government should be applauded for the manner in which it is delivering for regional communities. I will continue to espouse that cause.

The Hon. MICK VEITCH (12:41): I ask a supplementary question. Would the Minister elucidate his answer on the aspect of his referring to disgruntled small business owners? Was he referring to the President of the Gunnedah Chamber of Commerce?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:41): The answer is no.

MUSIC NOW

The Hon. TREVOR KHAN (12:41): My question is addressed to the arts Minister. Will the Minister update the House on the Music Now grants program?

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) (12:42): I thank the Hon. Trevor Khan for his question and interest in the program. The Government's Music Now Contemporary Live Music Funding program is helping to grow a vibrant, safe and diverse night-time economy in New South Wales. Importantly, it will provide opportunities to local singers, bands and musicians who might otherwise not have had the chance to showcase their talents. The Government's investment of almost \$1 million is providing paid opportunities for 650 contemporary musicians spanning 14 venues and 16 festivals across the State.

It reflects this Government's strong support for live music, which is alive and well in New South Wales, from bands playing in a local pub to major international acts that fill our stadiums and iconic locations such as the Sydney Opera House. It includes support for 20 events across metropolitan and western Sydney and 10 in regional New South Wales. It includes a one-day hip-hop festival and a year-long weekly music event at the legendary Lansdowne Hotel off Broadway. Music Now has created abundant opportunities for live gigs.

Mary's Group Australia will receive \$40,000 to support and nurture a mix of emerging and established independent artists at the Lansdowne as they develop into the next wave of homegrown New South Wales musical export acts. I am pleased to say that the wonderful South Coast town of Tathra is involved with \$20,000 being provided to the Tathra Beachside Group. This will support free musical events, bringing the community to life and providing income to local musicians as well as boosting local tourism and assisting in bushfire recovery for the town.

A new and interesting collaboration called Sydney Improvisers Composers Kollektiv Orchestra, which is known as the SICKOrchestra or SICKO, has been supported with \$40,000 to present concerts of new quality music and multiple arts twice a month over a year in Sydney, Wollongong, Newcastle and Katoomba. The collective includes members of the Sydney Symphony Orchestra, Song Company, Synergy, Ensemble Offspring and Sirens Big Band and it will play alongside eminent musicians and composers from jazz, improvisatory and electronica scenes. I am enormously proud of this Government's support. Music Now is a great program and it is doing a great deal to stimulate diverse and vibrant night-time economies.

NATIVE FORESTS

The Hon. EMMA HURST (12:45): My question is directed to the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts regarding his responsibilities for the Heritage Act. Thousands of hectares of high conservation value old-growth forests and State forests on the New South Wales North Coast have been protected from logging because they are rare and precious ecosystems that provide irreplaceable habitat for many threatened species. Given that our precious native wildlife is in decline and those areas are vital habitat to ensure their survival, why is the New South Wales Government considering removing heritage protections from any areas currently off limits to logging?

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) (12:45): I will take the question on notice.

COUNTRY UNIVERSITIES CENTRE

The Hon. TARA MORIARTY (12:46): My question is directed to the Leader of the Government in the Legislative Council representing the Premier. Does the Government stand by the Deputy Premier's 24 July comments on ABC Radio when he was challenged about the \$16 million Country Universities Centre funding and rejected the use of business cases and cost-benefit analysis, saying, "When does a business case ever matter?"

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) (12:47): I will refer that question to the Premier and obtain an answer as soon as she is able to respond appropriately.

PRIMARY SCHOOL MOBILE DENTAL PROGRAM

The Hon. SHAYNE MALLARD (12:47): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on the new free mobile dental checks for schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:48): I thank the Hon. Shayne Mallard for his question. We all know that establishing good oral health habits early in life is crucial to help children maintain good oral health throughout their lives. Last week I joined the Premier, Minister Hazzard and Minister Ayres at the launch of the new mobile dental clinic for schools program that will provide 35 mobile clinics to carry out checks and provide dental care to primary schoolchildren, thanks to a \$70 million investment over four years. I acknowledge the Federation of Parents and Citizens Associations of New South Wales and the New South Wales Aboriginal Education Consultative Group. Representatives of those fantastic organisations were present at Penrith South Public School and have been very important supporters and drivers of this initiative.

Up to 136,000 primary schoolkids in 200 priority schools across western Sydney, the mid North Coast and the Central Coast will now have access to a free dental check-up, teeth cleaning and X-rays to look for dental decay. In addition to a comprehensive dental check-up, more treatment will be available if needed, as well as a review appointment within 12 months if required. The mobile dental program will build on existing public dental services by bringing NSW Health dental practitioners into New South Wales primary schools, making it easier for all Medicare eligible children to access vital dental care services for free.

A healthy mouth and teeth ensures that kids can get on with their lives without discomfort or embarrassment, which is why it is important that we treat them and teach them about oral health at an early age. Every year thousands of children are admitted to hospitals across the State with potentially preventable dental conditions, including gum disease and tooth decay. If left untreated, dental problems can make it very difficult for students to stay focused in class and complete their work and it can also lead to school absences. Dental problems can also disrupt a child's sleep so they arrive at school tired, making it difficult for them to concentrate. In addition to the dental check-ups, the new program will help to reduce presentations by providing information on good oral hygiene and nutrition. As stated previously, it is crucial that our children are educated on the importance of regular health check-ups while they are young to prevent more serious issues later down the track.

While the focus of this program is on kids getting their teeth checked for free in new mobile clinics visiting primary schools, it will also set them up for a lifetime of good dental health. I thank the principal and the staff of Penrith South Public School who facilitated our attendance. I also thank the students who gave us an opportunity to see demonstrations of the dental work. The kindergarten students who were being examined by the dentist were far braver than I would be when visiting the dentist. They took it all in their stride and were excited for the opportunity to get their teeth checked while at school. Initiatives such as this, where areas of government work together to provide good outcomes for kids, is exactly what we should be focusing on. I commend everyone involved in this great rollout.

COUNTRY UNIVERSITIES CENTRE

The Hon. MARK BUTTIGIEG (12:51): My question is directed to the Minister for Education and Early Childhood Learning representing the Minister for Skills and Tertiary Education. Given that senior New South Wales economic officials expressed concern that Country Universities Centre had overestimated completion rates, what steps are being taken to monitor the data on completion rates being provided by CUC?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:51): I thank the honourable member for his question asked of me representing the Minister for Skills and Tertiary Education in the other place. I note that the question is quite specific in relation to data collection. That is not information that I have with me in the House. I am happy to take the bulk of the member's question on notice and get some information for him in relation to the specific issues that he has raised.

STATE ECONOMY AND JOBS

The Hon. MARK LATHAM (12:52): My question is directed to the Minister for Finance and Small Business representing the Treasurer. Is the Minister aware of the recent CommSec report showing that New South Wales has fallen behind Victoria in economic performance? Given that New South Wales has banned economic activity in nuclear power, uranium mining, most of the gas industry, new coalmines and power stations in the Hunter Valley, the Sydney and Newcastle economies and the Pyrmont Ritz Hotel, when will the Government lift the ban on those industries and projects and reignite economic growth, investment and jobs in New South Wales?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:53): I thank the member for his question. Globally, economic growth remains subdued, trade is slowing and expenditure is decreasing by small businesses, large corporations and households. In New South Wales we face our own challenges. We have a soft housing market, which has wiped out \$10.6 billion of forecast stamp duty revenue from the budget since 2017. In April the Federal budget cut a further \$2.3 billion in GST for New South Wales as consumers tightened their belts. This State is suffering through its worst ever drought. Even in this place, some members think important job creating projects around the State that benefit local communities and economies should be opposed.

In the face of all this, the strong leadership exhibited by this Government means New South Wales is nevertheless in a strong position. It had a surplus of \$802 million in 2018-19. It is in negative net debt for the fourth year and has a triple-A credit rating. More importantly, the Government is taking steps to invest to stimulate the economy and create jobs. A record \$93 billion of infrastructure investment driving job creation is continuing the legacy that New South Wales is the jobs capital of Australia and the engine room of the nation. Since 2011 over half a million jobs have been created in New South Wales, which is more than any other State. We are cutting payroll tax to encourage businesses to invest, which the Opposition opposed at the 2019 election.

In January 2019 our unemployment rate was at its lowest on record at 3.9 per cent, and as of June the State's participation rate was at a record high of 66.2 per cent. We are also investing in more frontline staff—4,600 teachers, 5,000 nurses and midwives, 3,300 more health professionals and 1,500 more police. We are ensuring that there is always work for those who want it and a fair reward for those who do it. We are the party of the worker. We are facing economic headwinds but our strong financial management means we will be able to continue to create jobs.

The Hon. Trevor Khan: Point of order: I know I am not perfect, but the number of interjections is excessive.

The PRESIDENT: I congratulate the Minister for not acknowledging those interjections; I know it was difficult. I thank him for restraining. The interjections were getting out of hand. I was about to call Opposition members to order, but I knew the time was soon to expire. Let us not see that happen during a supplementary answer.

The Hon. MARK LATHAM (12:56): I ask a supplementary question. Given the Minister's correct identification of the impact of the drought and the need for job replacement strategies in country New South

Wales, will the Government now lift the ban on uranium mining, which would be a major boost to economic activity in western New South Wales?

The PRESIDENT: The supplementary question is introducing new material. I cannot be 100 per cent positive because of all the interjections, but I do not believe uranium mining was mentioned in the Minister's answer. I will allow the Hon. Mark Latham to speak on this. Is the member able to tie in that information as a relevant part of a supplementary question?

The Hon. MARK LATHAM: The Minister mentioned the impact of the drought and the need for a job replacement strategy in New South Wales, so a legitimate supplementary question is to seek further information about what those strategies might be and give one specific example to which the Minister can now respond.

The PRESIDENT: That is a much better way of asking the supplementary question; it was not put in that direct way. I allow the supplementary question.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:58): It is a legitimate question. The mining industry is often under attack by people who never want to see jobs created in this State and plenty of those people, even members in this place, put jobs at risk rather than seeking opportunities that ensure that people in rural areas have opportunities of gaining access to jobs. Often mining jobs are the main jobs that people in rural areas are able to access. The honourable member has introduced into this place the Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019 to repeal uranium mining. That bill will no doubt be considered by members in due course and robust debate will take place in relation to its terms.

The Hon. WALT SECORD (12:58): I ask a second supplementary question. Will the Minister elucidate his answer in regard to expressing disappointment that the Federal Government made cuts to funding allocations for New South Wales? What steps has he taken to ensure that New South Wales gets its fair share of the GST allocation?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:59): That is a fair point. On Friday the Treasurer is attending a COAG meeting of Treasurers in relation to GST allocation, among many other agenda items. The Treasurer of New South Wales has been at the forefront of advocating for a better deal on GST for the State. In fact, he has identified some initiatives for debate to be had on the manner in which suboptimal States conduct their economies and the fact that they are getting more than their share of GST funding despite inefficient economic management. It is a good question but sometimes the Opposition does not like to hear the answer, because we are dealing with New South Wales propping up Labor States that cannot manage their economies. That is the problem that we have. In fact, we ought to be thankful to this Treasurer for all the work that he does to look after New South Wales. It is a good question because it underpins the strength of advocacy from members of the Government.

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

Supplementary Questions for Written Answers

PARRAMATTA EAST PUBLIC SCHOOL

The Hon. ADAM SEARLE (13:01): I have a supplementary question for written answer directed to the Minister for Education and Early Childhood Learning. In relation to the answers given this day on Parramatta East Public School, will the Minister elucidate her answer by providing the dates and details of all representations in whatever form that she and the Government have received from the community and from the member for Parramatta on the issues at Parramatta East Public School?

Rulings

TAKE NOTE OF ANSWERS TO QUESTIONS

The PRESIDENT (13:02): During debate on the motion to take note of answers yesterday, points of order were taken during the contributions of the Hon. Adam Searle, the Hon. Walt Secord and the Hon. John Graham. I indicated that I would examine the transcript and consider the matters carefully. Sessional Order No. 28 (2) provides that debate on the motion to take note of answers "may canvass any answers". In the 11 sitting days since this sessional order came into effect, I have sought to ensure that debate is relevant to "answers". Consequently, I have ruled that it is in order for a member to use the take note of answers debate to indicate that: in their view, a Minister has not fully or appropriately answered a question; to indicate their support for a Minister's answer; and to indicate an aspect or part of a question that they believe has not been sufficiently answered.

On the other hand, I have ruled that it is not in order for a member to use the take note of answers debate to attack the contribution of a previous speaker, to raise matters which are not relevant to a Minister's answer or

to themselves provide the answer that they wish the Minister had given. I have also indicated that the take note of answers debate is not an adjournment speech, a private member's statement or a take-note debate on another matter such as the budget. It is a take note debate on "answers". On a number of occasions the three members strayed from the take-note debate on answers, so I uphold the points of order. Of course, it is open to the House to vary the sessional order if it is the desire of members that the scope of debate should encompass more than just answers. However, in the absence of any change to the sessional order, I will continue to apply the rules that I have just outlined.

I will seek to rule on points of order as briefly as possible so as to not unduly interrupt members' three-minute contributions. I would also ask that any members taking a point of order seek to do so as succinctly as possible, and not do so in order to use up another member's limited time to contribute to debate. Put simply, a point of order can be called on the basis that something is out of order. I will deal with the matter quickly with a yes or no answer. But I do not want a two-minute point of order that requires a one-minute ruling.

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DANIEL MOOKHEY: I move:

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

DROUGHT ASSISTANCE

The Hon. DANIEL MOOKHEY (13:05): I take note of the answer that was given by the small business Minister in response to a question asked by the Hon. Mick Veitch in relation to drought relief. I draw members' attention to the extraordinary choice of words the Minister made in his answer. The Minister was asked about public concerns expressed by a variety of small business owners who had the opportunity to meet with him on his tour. He called them "this small group of disgruntled small businesses". That is the way in which the Minister characterised small businesses in drought-afflicted towns that came to listen to him, ask questions and provide a fair view about how the forum went.

Imagine if you were that small business, listening to the question today, to hear the Minister use the floor of Parliament to characterise you in that way. That is itself an outrageous use of question time. When answering the question, the Minister should have known better. The other reason why I take umbrage with the Minister's answer is because it was incomplete in at least two respects. He said it was a disgruntled group of small business people; he met with two chambers of commerce. Representatives of the Gunnedah Chamber of Commerce and the Narrabri Chamber of Commerce made these comments. The information he provided to the House was not accurate in that respect.

He tried to pass this off as one or two small businesses when, in fact, it was their representatives. This is on the public record and in the public domain. He should have known a lot better than that. But even if we give him credit, when he articulated a reason as to why he characterised them as disgruntled, he said that it was because they were asking questions to do with Federal jurisdiction and responsibilities of the Federal Government. I draw members' attention to the fact that the Minister was accompanied by the Small Business Commissioner, who has a responsibility, as betrayed by the Government, to resolve inter-jurisdictional disputes for small businesses so that they do not have to. In fact, a huge part of the Small Business Commissioner's job, and the small business Minister's job, is to ensure that there is adequate interaction between the policies of the New South Wales and Commonwealth governments. If you happen to be a small business owner in Gunnedah, you are not spending your time resolving bureaucratic tensions; you are rebuilding your businesses in response to the drought. That is the purpose of the job. None of that information was provided. I assert that it is—

The Hon. Catherine Cusack: Point of order: The member is out of order. He is talking about the answer that he wanted, rather than the answer that he received.

The PRESIDENT: The member has been in order for most of the debate but he is starting to drift in relation to the Small Business Commissioner. The member may continue.

The Hon. DANIEL MOOKHEY: The Minister should have provided a complete statement of his tour and should not have characterised them as disgruntled small businesses. [*Time expired.*]

COMMERCIAL FISHING INDUSTRY

The Hon. MARK BANASIAK (13:09): I take note of a written answer provided by Minister Adam Marshall regarding my question about latency and commercial fishing reform. He states that the reform was not about removing latency or latent shares. He also states that there is no easy way to quantify latent effort and that it is very difficult to quantify what a latent share is. If that is the case, I would suggest that the Department of

Primary Industries [DPI] should stop referring to it in their material. I would also suggest that the Minister should get his house in order and ensure that they follow the direction. It is correct to say that the shares themselves are not latent because many of the commercial fishers hold multiple shares in multiple fisheries. They do this to ensure that they have a sustainable income across the whole year and do not concentrate on one particular species for the whole season. But that is something this Government chose to ignore when it introduced this reform. It ignored the fact that people were sustainably fishing certain species and were leaving others alone so they could grow. The Government is punishing those people for being sustainable by not issuing them with acceptable levels of quota.

The Government's "comprehensive package" is little more than a bunch of loans that will land fishermen in debt. The \$16 million subsidy goes nowhere near covering the losses that some fishermen have incurred. Some fishermen were going to have to spend up to \$200,000 to buy back their own businesses and the shares that they had rightfully owned for many years. It would be interesting to find out how the \$16 million subsidy was distributed. Fishing buyouts at \$20,000 per business is also a fairly disgusting issue. Twenty thousand dollars is only a drop in the ocean compared with what some of those commercial fishers have spent to keep their businesses going. The questions that I am asking are not a fishing expedition; they are quite targeted.

The Hon. Niall Blair: Point of order: The member has clearly indicated that he is not talking about the Minister's answer; he is asking further questions. The member is out of order.

The PRESIDENT: The member should return to the Minister's answer. I will make a further ruling when the take-note debate is over.

The Hon. MARK BANASIAK: I finish by saying that this situation is quickly developing into possibly the biggest scandal to have ever engulfed this Parliament!

The PRESIDENT: Order! One of the difficulties I have when a take-note debate contribution is about written questions and answers received and tabled, as opposed to questions and answers that I have had the benefit of hearing in question time, is that I do not have that information in front of me. I have to accept that when a member is making a contribution to the take-note debate the member is complying with my previous rulings. It is up to a Minister or a member to take a point of order and indicate to me if they are not. I cannot interrupt the member when I do not have the question or the answer in front of me.

MUSIC NOW

The Hon. JOHN GRAHAM (13:12): I take note of the Leader of the Government's answer to the question on the Music Now program. Aspects of the Minister's answer were welcome, in particular the project he announced with Mary's Group—he indicated to the House that there was \$40,000. Members of the House would recall the discussions we have had about the future of the Basement. Mary's Group has taken over the Basement and I hope that this support for that group—albeit it is at the Lansdowne Hotel—will mean that the group is able to lift what it is doing. It is a remarkable group that is revitalising the city. That funding is welcome. However, the Minister's answer would have been complete if he had indicated that we are still far behind Victoria on funding—

The Hon. Catherine Cusack: Point of order: The member is now speaking about the answer that he believed the Minister should have given; not the answer that he received.

The PRESIDENT: The Hon. John Graham was doing extremely well when he complimented the Minister at the beginning of his answer. It is open for the member to indicate, for example, that he was disappointed certain areas were not covered in the answer. I do not have a problem with that. But it is not for the member to answer the question.

The Hon. JOHN GRAHAM: I was disappointed that the Minister did not refer to the fact that Victorian funding is at \$27 million over four years, while it is just \$5 million—

The PRESIDENT: It is one thing for the member to say he is disappointed that the Minister did not answer X, but the member is introducing new material by talking about what Victoria or anyone else is doing.

The Hon. JOHN GRAHAM: I was disappointed that the Leader of the Government made no reference to the contemporary music plan, which is 18 months overdue. We are the only State on the mainland without such a plan. I was disappointed that the Leader of the Government did not answer fully nor indicate what other measures the Government is taking to revitalise the economy after dark. Research by Access Economics shows the benefit to Sydney alone could be worth \$16 billion a year, which was referred to in other answers from the Government. We can do much more and I was disappointed that neither of the Ministers who spoke today referred to that.

PARRAMATTA MUSEUM

The Hon. MARK LATHAM (13:14): I take note of the answer provided by the arts Minister about the Powerhouse Museum relocation to Parramatta. The Minister and other Government members have said it is a project for "western Sydney." I would note that for the large population living in south-west Sydney who rely on public transport—from Glenfield to Macarthur—the current venue at Ultimo is more accessible than Parramatta. Respectfully, Parramatta has not been well served by public transport. It can be a very difficult place to travel to, even by road. Western Sydney is becoming so vast that Parramatta is a central western Sydney location. But for those who live anywhere from Glenfield to Macarthur, and right through to Oran Park, it is much easier to catch the very good East Hills, Glenfield and airport line into the city—the Government has provided a very good rail link with efficient services—and then catch the very good light rail that goes to Ultimo.

The nearly one million residents who live in that area would find its current location more accessible than Parramatta. Given the many projects that need to be funded in western Sydney, I respectfully submit to the Minister that the project is a waste of money and resources that could be better spent elsewhere. We should not be promoting the project—as the Minister did in his answer—as a western Sydney project. It is for central western Sydney; it does not service the people of south-west Sydney. The Government should reconsider this as soon as possible.

ABORIGINAL LANGUAGES ACT

The Hon. WALT SECORD (13:16): I take note of the Aboriginal affairs Minister's answer to the question about the Aboriginal Language Act, which was passed in 2017 and will not be proclaimed until 2020.

The Hon. Don Harwin: No later than March 2020.

The Hon. WALT SECORD: No later than March. In the Minister's answer he said that once the Act is proclaimed the trust will have two years to deliver. Are we actually looking at 2022?

PARRAMATTA MUSEUM

The Hon. SHAYNE MALLARD (13:17): I acknowledge and welcome the arts Minister's answer to the question about the new Powerhouse Museum in western Sydney. It was excellent to hear the Minister's update on the project, which was taken to two elections by the Liberal-Nationals Government and is now proceeding. The Minister is correct in saying that it will be the centrepiece of the emerging Parramatta arts and cultural precinct. It will form part of the civic link to the CBD and along the river to Old Government House, the gardens and north Parramatta. I note also the broad range and depth of submissions to the design competition. The Minister acknowledged that there were 74 submissions from 20 countries. It is truly exciting that this Government is delivering on its promise to western Sydney and that the Powerhouse Museum project is on track for delivery in 2023.

MUSIC NOW

STATE ECONOMY AND JOBS

The Hon. ROSE JACKSON (13:18): I take note of the answers given by two Ministers. First, I take note of the answer given by the Leader of the Government on live music in New South Wales. Whilst none of the projects he mentioned were objectionable, I was disappointed that he did not touch on any of the core challenges faced by the live music industry in New South Wales. It was the equivalent of reviewing a live music gig and talking about how clean the venue's bathrooms were, instead of talking about the performance of the band onstage. I was disappointed that while mentioning venues such as the Lansdowne Hotel, the Minister did not mention, for example, the World Bar, which has hosted Flume, Gang of Youths, Nina Las Vegas and many more. The owner of the World Bar, Steve Ward, recently said—

The Hon. Catherine Cusack: Point of order: It is one thing for the member to be disappointed by an omission. To then start quoting the owner of a venue that has been omitted is straying a long way from the Minister's answer.

The PRESIDENT: I uphold the point of order.

The Hon. ROSE JACKSON: I was disappointed that the Minister did not fully and appropriately mention in his answer the committee of this House that investigated live music in New South Wales. That committee described live music as in crisis and made recommendations such as the establishment of a music development office.

The Hon. Wes Fang: Point of order—

The PRESIDENT: I uphold the point of order that I anticipate the member was going to take. The Hon. Rose Jackson's body language indicates that she well and truly understands.

The Hon. ROSE JACKSON: I was disappointed in the Minister's answer because I felt it did not address a number of the core challenges about live music that have been regularly and repeatedly put on record in this House and outside it. I also note the answer given by the Minister for Finance and Small Business about the New South Wales share of the GST. The Minister mentioned the regular and repeated advocacy by himself and the Treasurer in the State's share of the GST. I might have taken him a little more seriously had he mentioned the Treasurer in 2018 describing the New South Wales share as "perverse and unfair".

The Hon. Wes Fang: Point of order—

The Hon. ROSE JACKSON: I am quoting your Treasurer. In 2017 he described the New South Wales share of the carve-up as "patently unfair". In 2016 he complained that the GST carve-up as unfair and "does not reward ... reform". Year after year we hear the same broken record, but no results. It is the Government's mates in Canberra. If the Government has a problem, it should stop complaining about it. In 2016, 2017, 2018 and 2019 we have heard the same complaints, but no results.

STATE ECONOMY AND JOBS

DROUGHT ASSISTANCE

The Hon. MATTHEW MASON-COX (13:21): The answer given by the Minister for Finance and Small Business gave me a warm glow. I was very much of a mind that he spoke eloquently and with great knowledge about where the New South Wales economy is at and about the opportunities for growth, particularly in regional New South Wales.

The Hon. John Graham: Point of order: The member surely must have heard a different answer.

The PRESIDENT: There is no point of order.

The Hon. MATTHEW MASON-COX: I was particularly thrilled when the Minister quoted economic statistic after economic statistic off the top of his head. He is truly across his brief and is willing to share that information with the House. That is something to be commended. Members opposite may well reach that sort of standard one day—if they knew what an economic textbook looks like. The reality is that it adds to the tenor of this place. I also take note of the answer given by the Minister for Finance and Small Business on the drought and the struggle of many businesses in regional New South Wales. It is very worthy of him to share in this place his comments on some of the businesses he has been out to see. He understands personally and emphatically, at a very empathetic level, the struggle of businesses in regional New South Wales. I encourage the Minister to continue to do the wonderful job that he is doing and continue to share with this place his clear knowledge about the direction of the economy.

PASSFIELD PARK SCHOOL

The Hon. PENNY SHARPE (13:23): I take note of the answer given by the Minister for Education and Early Childhood Learning about Passfield Park School. I welcome the Minister's comments on the cleaning of the mould throughout that school. It is a school for special purposes and all of the students there have some sort of disability. I welcome the fact that there has been some cleaning, but these are really just bandaid measures to deal with much broader problems at the school. I intend to put questions on notice to the Minister. We need more than a timetable of early planning. The Minister, when asked, said that she is committed to early planning. That is good; we will hold her to that.

The real issue is that the parents and kids at that school need to know the time frame for fixing the problems. The fact that a school for kids with disability has ramps that are too steep and doors that are too narrow is simply outrageous. That should not be happening in this day and age at any public school in New South Wales. I accept that the Minister mentioned that there used to be another school. Frankly, the basic notion of disability inclusion must include every kid getting to attend a school where they have the access that they need. The parents and kids at that school need a time frame now, not just: Yes, we are planning. Let us remember that there was no money allocated to the school in this year's budget.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:25): I avail myself of the opportunity given by shadow Minister the Hon. Daniel Mookhey to give a detailed explanation of my regional tour. In the member's contribution he was disappointed that I had not done so; I propose to do so now. First I will correct a number of things. I met with the Tamworth Business Chamber, the Narrabri Chamber of Commerce and the Gunnedah and District Chamber of Commerce and Industry. The honourable member was

quoting from a headline of a paper in Gunnedah. Only the Gunnedah chamber expressed some disappointment. The Narrabri Chamber of Commerce was so thrilled with my visit that it has invited me back to present its small business awards in three weeks. I cannot wait to go because it is a fantastic community that really looks after the interests of the small businesses in that area.

To suggest that the Narrabri Chamber of Commerce was disappointed with my visit is a parody of its endorsement of all the things that we had done. I also take issue with the member's suggestion that the Small Business Commissioner was not acting in her capacity as a go-between in Federal issues. In fact, the commissioner spent some time with the disgruntled small business owners in relation to the issues that they raised. The member should ensure that he is appraised of the full facts and not just the small bit that was quoted in a newspaper expressing the views of one business owner. He ought to ensure that he comes to this place having done his homework. However, I am delighted to give some indication of my tour.

We started in Tamworth. I met with the mayor and the chamber of commerce that very first afternoon and sorted out, in many respects, a lot of the issues of red tape and the like that Tamworth Regional Council faced. The next day we were in Premer to talk about agritourism. That night I again met with the Tamworth Business Chamber at a fantastic hotel in Tamworth. The following day we travelled to Gunnedah and had an early breakfast morning with the Gunnedah and District Chamber of Commerce, and then went out to Wee Waa. We then went to Narrabri and met with the Narrabri Chamber of Commerce and the mayor of Narrabri Shire Council, Cathy Redding. We had a fantastic intervention with the Narrabri community. Bingara, Barraba and all those communities that are doing it really tough in the drought do not say that there is anything wrong with listening to country people. One of the things we need to do is listen to country people. [*Time expired.*]

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

Motion agreed to.

Written Answers to Supplementary Questions

ABORIGINAL LANGUAGES ACT

In reply to **the Hon. ADAM SEARLE** (7 August 2019).

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)—The Minister provided the following response:

I am advised:

The Government's priority has always been to ensure work stemming from the Aboriginal Languages Act 2017 (the Act) is shaped by further and genuine engagement with Aboriginal communities on the composition of the Languages Trust established by the Act and the contents of the first Strategic Plan.

Once the Act has been proclaimed, the Trust has two years to deliver on the Strategic Plan. To ensure the Trust have the opportunity to deliver on this important work, we do not want to compromise the Act by imposing a shorter timeframe for them by proclaiming the Act significantly earlier than the Trust being established.

The Government will open expressions of interest for membership of the Trust in September this year. This will include a rigorous recruitment process with the regular probity checks to meet the expectations as statutory appointees.

The Government intends to proclaim the Act no later than March 2020, to coincide with the appointment of board members of the Aboriginal Languages Trust. However, Government will consider proclaiming the Act and establishing the Trust earlier if feasible and appropriate to do so.

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

Private Members' Statements

MINNAMURRA RIVER SAND MINING

Mr JUSTIN FIELD (15:02): The South Coast is home to many beautiful areas and committed communities that value their connection to the environment and pride themselves on finding a balance between the built environment and nature. When this balance is not struck properly, communities understandably react and we are seeing that right now in the community of Minnamurra and the surrounding Kiama and Shellharbour areas. Boral Sand has made a planning application to expand its Dunmore sand mining operation just west of Minnamurra and it is clear that Boral has failed to find the right balance with its new proposal. The area that it proposes for new sand pits to be dug is a kilometre away from existing sand pits and in parts as close as 100 metres to the high watermark of the Minnamurra River.

One of the pits will be 27 metres deep and directly adjacent to endangered ecological communities, including valuable habitat types such as littoral rainforest, Bangalow Sand Forest, Casuarina swamp forests and

salt marsh. I regularly pass through that area between my home on the South Coast and this Parliament. I have also visited the proposed sites and met with community representatives, who are vehemently against the proposal. Last month I attended a community protest against the proposed new sand mining and I was blown away by the response from that community. Well over 500 people descended on James Oates Reserve headland overlooking the mouth of the Minnamurra River to make clear their objection to any sand mining near the river.

There were representatives from the Shellharbour and Kiama councils. Both councils have passed motions objecting to the plans. There were also speakers from the Friends of Minnamurra River, the Gerroa Environmental Protection Society as well as the Minnamurra Progress Association. The event was also supported by the local Surfrider group. The 500-plus community members passed a unanimous motion at the gathering declaring the Boral proposal unwelcome in their community and then proceeded to spell out the words in a human sign reading "No Boral Sand Mine" on the headland in letters about 15 metres high. It was a remarkable sight on a beautiful day, next to one of the most gorgeous coastal areas one could imagine in this State.

Those South Coast residents and I understand the need to supply sand for construction but there are alternative locations in New South Wales that do not place at risk the natural environment and tourism values of the region. In what way does this destructive proposal fit into the Government's South Coast Marine Tourism Strategy and other plans for the region? It does not. This is short-term thinking when Boral and the Government need to be doing long-term planning to meet construction needs while protecting beautiful coastal communities. I stand with the community of Minnamurra and join them in saying, "No Boral Sand Mine" on the river, near the river or on the flood plain of that river. I implore the planning department and the planning Minister to back the community and oppose the plan.

POWER GENERATION

The Hon. LOU AMATO (15:05): It is our duty to provide the people of our State with the most efficient energy production with the least amount of harmful emissions. I acknowledge that the amount of scientific literature on CO₂ emissions is overwhelming and in many cases contradictory. If I take the middle approach then I can confidently say that CO₂ emissions should be sensibly managed. I understand also that managing CO₂ emissions must not place our nation at a disadvantage due to ridiculously high energy costs. Obviously there are alternatives such as solar and wind generation of electricity but those methods fall short of the power generation that coal- and gas-fired stations provide. A study done by SMR Technologies found that renewable energy production is unreliable, resulting in a cost to the public of around four times that of nuclear power generation. Cheaper electricity costs provide manufacturing and business sectors with a more competitive platform on the international market, resulting in more jobs for the people of our State.

Some may argue that the construction of nuclear power plants, including the refinement of yellow cake and enrichment into fissile Uranium-235, produces substantial carbon inputs. But a similar problem occurs with the building of coal-fired power stations and the subsequent extraction and transportation of coal, which emits large quantities of CO₂ during the burning cycle. Once constructed, a nuclear power plant is the most efficient and cleanest form of energy production available with current technology. Natural gas produces substantially lower emissions than coal-fired stations. However, a paper published by the National Aeronautics and Space Administration, otherwise known as NASA, on 22 April 2013 reveals it is far deadlier than nuclear power. NASA claims natural gas fired stations cause about 40 times more deaths per unit of electric energy produced than nuclear-generated electricity. NASA quantified that by stating, "We found that despite the three major nuclear accidents the world has experienced, nuclear power prevented an average of over 1.8 million net deaths worldwide between 1971 to 2009".

Australia ranks number one in the world in uranium reserves. Australia has approximately 30 per cent of the world's total uranium deposits. We have the raw materials right on our doorstep to provide abundant electricity. The time has come for us to seriously look at the benefits of nuclear power. Nuclear power is more efficient and reliable than renewables and estimated to be four times cheaper to produce. Nuclear power generation would require intense government involvement to ensure safety and mitigate the possibility of the highly fissile isotopes produced during fusion falling into the wrong hands. However, we are a clever nation and with proper consultation and commitment, we can without doubt achieve both reduced CO₂ emissions and cheaper energy costs for the people of New South Wales.

LANDCOM

The Hon. ADAM SEARLE (15:08): I make some comments about a recent call for papers. Honourable members will recall that we had an extensive call for papers in relation to Landcom and allegations of bullying against two persons. In relation to the call for papers that are available publicly, there are two issues. One is the investigation into allegations against the chair of Landcom. There is a redacted submission accompanying the investigator's report, addendums and various other bits and pieces which I will not go into, but the submission to

the Secretary of NSW Treasury, Michael Pratt, appears to conclude quite clearly that, whatever is in the investigator's report, Ms Jones should not continue as the chair of Landcom. That is the only possible reading from the publicly available document; and yet Ms Jones has returned to her duties as the chair of Landcom.

I understand that the Minister is obtaining an answer to questions asked this week but it is a very strange situation when a recommendation made to the head of Treasury is one thing and the outcome appears to be another. I urge honourable members to examine the privileged material produced in relation to this because a reading of those matters would cause even greater concern to be instilled in the hearts and minds of honourable members. Clearly, something has gone seriously wrong. I call upon the Government to explain why the chair of Landcom has been returned to duty in those circumstances.

In relation to the second complaint of bullying against Ms Amanda Chadwick, there was no return to work but we know an investigator was appointed to inquire into the matter. Whatever the outcome of an investigation might be—substantiating or not substantiating the complaints—usually there is some type of outcome, but in this case there is not and there is no explanation. But we know from the publicly available material that Ms Chadwick, although appearing to be still within her probationary period at Landcom, was paid out a significant amount of money. That seems to be a pattern at Landcom and is one of the reasons I think there should be an investigation or an inquiry into the administration of Landcom. I have a motion to that effect on the *Notice Paper*. The issue is: What has gone wrong here?

Again turning to the publicly available material, there is a third matter where there was no complaint of bullying, but in a survey result there were complaints of bullying made against a former Landcom executive. The then CEO of Landcom was so incensed and concerned about this that, judging by the emails, he appointed an investigator and seems to have pursued this person even into their new employment, so concerned was he that no amount of bullying should remain on the books—but not with Ms Chadwick. These matters should be properly investigated.

VEGAN DIET

The Hon. EMMA HURST (15:11): Australia has a new reputation on the world stage as the vegan nation—and it is easy to see why. Australians of all backgrounds identify as vegan, including top-level athletes, such as New South Wales Origin coach and footballer Brad Fittler, Olympic runner Morgan Mitchell, cricketer Adam Zampa and pro bikini competitor Alice Nguyen. Recently someone else joined team vegan and propelled us forward rapidly. I am referring to big business. Many major Australian brands are pouring money into research and development for vegan products—all vying for their share of this rapidly growing market.

Unilever has released a vegan Magnum and a vegan Cornetto, Hungry Jack's has added a second vegan burger, Domino's has vegan pizza with vegan cheese and Grill'd has stated that it is working towards a 50 per cent vegan menu in all of its 136 Australian outlets by 2020. Even retail giants like Coles and Woolworths have got their ticket on the vegan train as both outlets not only stock plant alternatives to replace animal flesh and secretions but also now make a significant number of their own vegan products. An article in the *Australian Financial Review* in June 2019 stated:

This is not just a fad – it's a shift in where we're going with food, how we're thinking about it.

The article discussed the absolute boon experienced by a vegan company during its initial public offering [IPO]. The company, Beyond Meat, had its share price surge 163 per cent on its first day of trading, which is a feat not even achieved by the likes of Uber, Facebook or Google. Beyond Meat was the most successful IPO in over 20 years, with the last company to rival its success being eBay all the way back in 1998. Australia is the third fastest growing vegan market in the world. Couple this with a 6 per cent decline in 2018 in the Australian beef industry and the lowest dairy production in two decades and we are seeing a consumer revolution.

We are not alone in our transition. The United Arab Emirates is the second fastest growing vegan market and China, our largest trading partner, is the fastest growing vegan market in the world. Currently, with such a strong domestic vegan market, we have the opportunity to help our farmers to transition to crop growing—both for the constituents we represent and for the farmers—to help them stay relevant and viable in an ever-changing world.

VARUNA NATIONAL WRITERS HOUSE

The Hon. SHAYNE MALLARD (15:14): Today I speak about Varuna, the National Writers House—one of the many hidden gems of the Blue Mountains arts and cultural community. Varuna's mission is to inspire the creation of Australian writing that enriches and shapes our culture and to facilitate writing that is celebrated nationally and internationally. It supports the development of excellence, innovation and diversity in writing work. Varuna has a unique history. Originally the home of writers Eleanor Dark and Dr Eric Dark, the house and gardens of Varuna were gifted to the Australian public by their son, Mick Dark, in 1989 to be used as a retreat for writers.

If you visit Varuna, which a stunning Art Deco mansion on clifftop drive to Katoomba that is surrounded in solitude by amazing gardens, you will see a plaque at the entry door celebrating the opening of Varuna by former Liberal arts Minister the Hon. Peter Collins. Since that time, Varuna has inspired a generation of new Australian writing through its program of fellowships and writers' residencies.

Earlier this year I was pleased to visit Varuna House and to meet some of the writers in residence working away in a peaceful but collaborative creative environment. On behalf of the arts Minister, I presented a grant of \$100,000 for a new wheelchair accessible studio. This grant for the 1930s Katoomba property was received under the New South Wales Government's Creative Capital Fund, which is targeted to assist in capital works in arts venues in western Sydney. Being a classic Art Deco building, the writers' retreat has accessibility challenges compounded by heritage considerations for those writers who may need a wheelchair or other mobility assistance. The grant will largely pay for a separate but integrated accessible accommodation garden studio for writers to use while still participating in the atmosphere and unique life of Varuna.

This year Varuna House will be hosting the inaugural Blue Mountains Writers' Festival, which will be held from 22 to 25 August 2019. The Blue Mountains Writers' Festival will be a celebration of place, writers, writing and reading, with the best writers and thinkers from around Australia coming together to share ideas, spark conversations and inspire creativity. An inspiring program that involves many venues in the Katoomba region includes poetry, dance, children's programs, workshops and studios as well as various dinners. One highlight is the participation of visiting Indian poet and dancer Tishani Doshi and her latest collection called *Girls coming out of the woods, clearing the ground to scatter their stories*.

I look forward to attending. I encourage other members to get to the Blue Mountains that weekend for what is sure to be a great inaugural writers' festival. I also acknowledge the board of Varuna and the many volunteers, particularly the chair of Varuna's board, Ms Jennifer Scott, and the executive director, Veechi Stuart, both of whom are extremely dedicated women who seek to foster deeper appreciation of Australian literature and to share the transformative power of the written word.

INDIAN INDEPENDENCE DAY SEVENTY-THIRD ANNIVERSARY

The Hon. DANIEL MOOKHEY (15:17): Nearly 73 years ago India achieved its independence. For the generations who lived at the whims and mercies of a brutal occupying power, for the thousands beaten, imprisoned, hanged and murdered for asking for their freedom, and for the millions who with hartals and marches, fasts and protests exposed the brutal actions of Britain's Raj until the British people themselves turned against colonialism, we celebrate the seventy-third anniversary of your triumph.

Why remember India's independence? Why should we Australians care? We care because a land once infamous for famine today triumphs over hunger. We care because a people effectively illiterate today are renowned for their science and for their advanced technology. We care because in modern India, Australia has a like-minded nation to partner with to jointly campaign for peace, freedom, democracy and prosperity in our joint neighbourhood. We care because the political methods employed by Indians to secure their liberation were so peaceful and pioneering. Just before Dr King sanctioned the 1960 North Carolina sit-ins in his struggle for integration in the American south, he reflected on Mahatma Gandhi's philosophy. Dr King said:

I came upon the life and teachings of Mahatma Gandhi. As I read his works I became deeply fascinated by his campaigns of nonviolent resistance. The whole Gandhian concept of satyagraha was profoundly significant to me. As I delved deeper into the philosophy of Gandhi my scepticism concerning the power of love gradually diminished, and I came to see for the first time that the Christian doctrine of love operating through the Gandhian method of nonviolence was one of the most potent weapons available to oppressed people in their struggle for freedom.

This principle became the guiding light of our movement. Christ furnished the spirit and motivation while Gandhi furnished the method.

People of all faiths, on all continents have drawn similar inspiration. In places as far away as Selma and Soweto and in places as near as Walgett and Moree, activists have read from the textbook written by India's freedom fighters about how the struggle for social justice should be waged and how it could be won. In our Australian democracy it is impossible to picture the campaigns for racial equality for first nation's people, for the liberation of LGBTIQ people, the modern environmental movement or the modern labour movement without summoning the memory and tactics of the Indian independence movement. We remember that too. New South Wales now has a statute of Mahatma Gandhi in Parramatta, our most culturally diverse city. It opened earlier this year and we had the fortune of having the President of India attend for its opening. In the coming days, there and elsewhere, the Indian diaspora will be gathering to celebrate India's liberation. To them and to all those marking the occasion, I simply say Jai Hind.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): There is also a statue of Ghandi in San Francisco.

GARY BURNS

The Hon. MARK LATHAM (15:20): I bring to the attention of the House letters forwarded to me recently by Mr Gary Burns, a serial complainant to the Anti-Discrimination Board of NSW. Mr Burns has lodged hundreds of trivial and vexatious complaints, mainly directed at a Queensland resident, Bernard Gaynor, but also a series of media commentators. Unbelievably, in a New South Wales justice system experiencing long court delays and a lack of resources for the volume of work, Mr Burns has been allowed to eat up huge amounts of public money and staff time pursuing his personal obsession with comments about sexuality. He has used these New South Wales tribunals to pursue interstate residents and even third party comments on social media.

Mr Burns described this activity as "his work in life". The letters reveal Mr Burns' true state of mind. How such an individual has been allowed to milk the New South Wales human rights system beggars belief. Clearly, the experience has emboldened him to the point where he feels comfortable in sending menacing letters to a member of Parliament, trying to warn me off from mentioning his matters in the course of my work. I have asked questions on notice about Mr Burns and his serial complaints to the Anti-Discrimination Board of NSW, followed up by the NSW Civil and Administrative Tribunal [NCAT]. I have not received adequate responses from the Attorney General, but I will persist in my work.

Most disturbingly, the first letter I received ends with Mr Burns advocating for George Pell to "be bashed to death in prison by a bikie using a dumbbell from the prison gym". The second letter, which I received today after my launch of the binary pack yesterday, again makes abusive and improper suggestions about my good self. This is the person whose serial complaints have been entertained and at times encouraged, by the Anti-Discrimination Board of NSW. At every turn the Department of Attorney General and Justice has backed Mr Burns in his vengeful campaign against Mr Gaynor and others. No effort has been made to do what common sense would require—sitting this person down and telling him the New South Wales human rights and justice system is not there as his personal plaything to pursue grudges and vexatious nonsense. The president of the Anti-Discrimination Board of NSW has failed in her responsibility to tell Mr Burns of this reality and I would argue the Attorney General has also failed as the second gatekeeper.

But I can say this to Mr Burns and anyone else who wants to try to warn me off my work: I am not easily intimidated. I believe in the genuine privilege of being a member of Parliament. We must pursue matters with due regard to our independence, our facts and the public interest. I will not be intimidated, but I will be pursuing these matters. I strongly urge the Attorney General, the president of the Anti-Discrimination Board of NSW and those running NCAT to realise that Mr Burns' file is full and that he has lodged so many trivial vexatious matters at huge public cost that we can no longer go down this path. Sanity must prevail and Mr Burns must be pulled into line.

COMMUNICATIONS WITH MEMBERS OF PARLIAMENT

The Hon. NIALL BLAIR (15:23): As I do not know how much longer I may take a seat in this House, I thought I would let out the in-secrets as to how to lobby a member of Parliament and how not to lobby a member of Parliament. One of the things I have learnt in the eight years that I have been here is that form emails do not work. All we do when we start receiving a form email is set up a rule in our inboxes and make sure that the spam goes straight into a folder where it is bypassed, usually by every one of the eyes of the members of Parliament. Secondly, bullying does not work when it comes to emails. It certainly does not work when you try to convince a member of Parliament how to vote on a piece of legislation before them by attacking their values and everything they may stand for.

In the lead up to the debate on the abortion bill, which is currently before the other House, a lot of people want to engage with members of Parliament about how they may be voting. Some people are doing this in a way that is getting our attention. Those who want to talk in a reasoned and respectful manner about legitimate concerns and take the time to make an individualised approach to a member of Parliament, outline their concerns and why they have those concerns will always get the ears and the eyes of a member of Parliament. That will engage a two-way debate. A member of Parliament can ask for further information. That is what I have been able to do with some of the emails that I have received in relation to this. Telling a member of Parliament that they may change their mind when they go to hell or liken a decision that they may make to some sort of holocaust or Nazi regime is not the way to do it. Chasing members down the street from the front of Parliament House because they respectfully said they did not want to sign a petition is also not the way to do it.

We all know how serious this issue is. We do not need 5,000 form emails. We certainly do not need to be attacked about what our gods will do to us. My God will judge me about what I do and that is between me and my God—not your God, not anyone else's God. You leave that to me and my God. But if you want to have a respectful debate about a matter that is dividing society and that is very important, then you approach that in a respectful way. As I said, this works for every debate that we have in this House. This has worked on many other

conscience votes. If you are just lazy and sign up to a petition that generates a form email, it goes into the folder. We set a rule up, we bypass it. If you want to be taken seriously, engage with the detail, do it respectfully and we will always listen.

ST GEORGE HOSPITAL

The Hon. SHAOQUETT MOSELMANE (15:26): As with many at his age, my 82-year-old father has multiple health challenges, but he copes, thanks to our public health system and my youngest sister, his carer. My dad is always grateful for our public health system. He is always singing praise for Gough Whitlam and Bob Hawke for Medicare. Recently he had a bad experience at St George Hospital. He and a number of others were patiently waiting to be wheeled into the operating room, only to be told that their surgery would not proceed because there were no overnight beds available. He was shocked and disappointed. I am informed that around six patients were told to go home that morning and a similar number were told the same thing the following day. Apparently this happens regularly in winter—almost every day.

St George is a well-funded hospital with great doctors and nurses. Yet with hundreds of millions of dollars spent and many more earmarked for St George Hospital, patients are told to go home because of the lack of available overnight beds. One could only conclude that either the Government has failed to provide St George Hospital with enough funding to address such an apparent shortage or that the Government has failed to address incompetence somewhere in the hospital management hierarchy. Irrespective of which answer one accepts, the Government is responsible for such incompetence. Some \$277 million was spent on the St George Hospital redevelopment project, completed in 2017, and another \$385 million was earmarked for upgrade to deliver world-class healthcare at St George Hospital, we are told. In a major February 2019 upgrade statement for St George Hospital, the Premier is quoted as saying:

We are not only building new and upgraded hospitals across the state, we are also ensuring people receive the best possible healthcare they need.

It seems pouring money into buildings may not resolve the health services crises at St George Hospital. Looking at the latest data from the Bureau of Health Information from January to March 2019, the following can be seen about St George Hospital: 52.8 per cent of patients in the most urgent category in the emergency department did not start treatment on time and more than 1,600 patients were on the elective surgery waiting list at the end of the quarter, a 19.3 per cent increase on the same time last year. These are damning statistics and some of the worst in the State. The health Minister must now address the Government's failures at St George Hospital, provide funding where needed, and investigate and fix such health services mismanagement problems before the crisis worsens.

PARLIAMENTARY DEMOCRACY

Reverend the Hon. FRED NILE (15:29): I make a general appeal to my colleagues in this House. The public is often cynical about the state of politics. This is true of politics nationally and, in particular, the politics of New South Wales. I believe this is largely because we have entered a period of history in democracy where citizens are increasingly divided on important questions. Some of these divisions cannot be reconciled. In this climate it is incumbent on members to spend more time reflecting on exactly why we are here. This is more important than ever. A great British parliamentarian, Edmund Burke, once said that while a parliamentarian has an obligation to represent the views of his constituents, he also has a responsibility to vote in a way that he knows to be right. Sometimes that means making unpopular decisions that distress the constituents who put members in Parliament.

Burke's famous speech was made to the electors of Bristol. I remind all members of the principles he enunciated. He was ultimately saying that leadership does not mean slavishly following popular trends. If the majority of constituents elect a representative to Parliament, whether it is the House of Commons in the 1700s or the New South Wales Legislative Council in 2019, they are placing their trust in that member of Parliament to make decisions on their behalf about matters of which they may be unaware. Making decisions that are unpopular is an act of leadership. Making decisions that may upset or anger constituents is the kind of leadership that statesmen are remembered for. Yet after Edmund Burke made his famous speech he was voted out by his constituents. But who can remember the names of any other parliamentarians who were re-elected in that election?

It is claimed that Burke's principles are the foundational pillars of political movements around the English-speaking common-law world. His legacy is one that any representative in a democratic society should aspire to. This lesson is even more relevant today than it was when Burke made his speech. We can all agree that society seems to be increasingly divided. In that context, good leadership is more vital to the health of democracy than ever. But the health of a democracy cannot be maintained by emotional appeals to supposed rights. Reason and rationality, which are rooted in the values that are derived from our Christian heritage, should be the supreme guiding light of the debate. New South Wales parliamentarians have been debating some very contentious issues in the past week. I hope that my colleagues will take these remarks to heart during future debates.

*Motions***SURF LIFE SAVING SYDNEY BRANCH****Debate resumed from an earlier hour.**

The Hon. NATALIE WARD (15:33): I was speaking earlier about the wonderful South Curl Curl Life Saving Club, also known as "South Curly", which has existed since 1918. No lives have been lost on the watch of this lifesaving club, which is magnificent. Funding from the New South Wales Government for the South Curl Curl Life Saving Club totalled \$2,000 to provide online governance training for committee members. I thank Minister Rob Stokes. A number of lifesaving clubs fall within his electorate of Pittwater. He is a very capable member. He, his wife and children all patrol. They are very involved and enjoy supporting their local community. Perhaps we should invite the Hon. Walt Secord to attend at some stage. The surf lifesaving clubs are very well represented thanks to the Mr Stokes' advocacy and commitment to his local area.

The New South Wales Government has established the Stronger Communities Fund, which assists the Northern Beaches Council to fund projects. Many clubs received assistance for important projects thanks to the fund. Mona Vale Surf Life Saving Club is close to a number of members' hearts. Mona Vale is one of the busier beaches on the northern beaches. During the previous summer season there were 63 rescues and 200 first-aid cases at the club. Mona Vale Surf Life Saving Club is proud to have 1,300 members, including 240 active patrolling members. I thank members for their consideration. I commend the motion to the House.

The Hon. SCOTT FARLOW (15:35): Surf Life Saving NSW works to improve safety on our beaches and other coastal areas in New South Wales by providing vital lifeguard and rescue services. I commend the Hon. Taylor Martin for bringing this motion to the House. It is an issue that he cares deeply about. He is a surf lifesaver himself—I have seen him on the beach at Terrigal.

The Hon. Natalie Ward: In Speedos?

The Hon. SCOTT FARLOW: Not in Speedos, but ready, willing and able to assist the community as a surf lifesaver, along with the member for Robertson, Lucy Wicks, MP, and a former member of this Chamber, the Hon. Mike Gallacher, MLC, who has contributed to the Terrigal surf patrol, which does a fantastic job. Each summer over 21,000 members don the iconic red-and-yellow uniforms at beaches across the State. Every single patrol member is trained to the highest possible standard and dedicates countless hours each season to protect the people who enjoy the beaches along our coastline. Coordinated from the Surf Life Saving NSW State Operations Centre on Sydney's northern beaches, Surf Life Saving NSW is responsible for saving over 1,000 lives since 2008.

Manned 24 hours a day, 365 days a year, this network of dedicated volunteers has become an indispensable part of coastal safety, with a key focus on developing a relationship with other emergency stakeholders. With 30 years of experience, the Australian Lifeguard Service NSW is one of the largest providers of lifeguard services in the Southern Hemisphere. The origins of Surf Life Saving NSW and Australian lifesaving can be traced back to the actions of Mr William Gocher at Manly Beach in September 1902—as the Hon. Natalie Ward is aware. Although lifesaving remains a top priority, surf lifesaving has evolved into a movement capable of offering diverse opportunities to all. For example, lifesavers can begin their journey in nippers, grow up to patrol beaches, volunteer in education to help train other lifesavers, serve their club in a variety of roles and compete in surf sports.

Each season surf lifesavers spend in excess of 650,000 volunteer hours patrolling most of the accessible beaches along the New South Wales coastline, giving back to the community in a variety of ways. Surf Life Saving Australia is an organisation that prides itself on saving lives, creating great Australians and building better communities. Currently the surf lifesaving network provides services to over 90 individual locations, 15 local government authorities, one resort, two national parks and, with ongoing expansion, it employs in excess of 330 lifeguards each year. The New South Wales Government has always supported our surf lifesavers by providing additional funding to help them get the job done.

Surf Life Saving NSW works to improve safety on our beaches and other coastal areas in New South Wales by providing vital lifeguard and rescue services. In January 2019 the Government announced that over the next four years it will provide \$16 million to Surf Life Saving NSW to fund new jet skis and vehicles, additional emergency response beacons, community engagement officers and an innovative new beach wi-fi project to educate tourists. As part of the package, 10 new emergency response beacons will be installed at coastal blackspots to better protect swimmers. This technology has proven to be a great success and allows beachgoers to access help in secluded, unpatrolled areas. The beacon sends out a quick alert so that support can be dispatched in an emergency.

This year's budget will also fund a trial of beach wi-fi to better communicate with and educate swimmers. International visitors now receive surf lifesaving messages on aeroplanes when they arrive in Australia. There is great need for water safety when so many international visitors want to enjoy our coastline—as they should, because it is the best in the world. This will involve real-time safety alerts, which will be translated into seven languages, issued to beachgoer's digital devices. These crucial updates could prevent drownings, especially of people who may not speak English and are not familiar with the conditions.

The Government's investment is a huge boost for Surf Life Saving NSW. Its volunteers and staff do an amazing job keeping our beaches safe and this increase to their funding will enable them to save more lives than ever. The increase is in addition to the \$1.7 million per year that the Government continues to provide to Surf Life Saving NSW under a longstanding cooperative agreement. I am pleased to advise that Surf Life Saving NSW will also receive an additional \$1 million for expenditure as part of its budget to maintain and upgrade its radio network and to provide more rescue equipment for surf clubs. The Government will provide nearly \$24 million in funding to Surf Life Saving NSW over the next four years. That extends to all the people involved in Surf Life Saving NSW, including the nippers—

The Hon. Taylor Martin: Name them.

The Hon. SCOTT FARLOW: I will name a couple. My nephews and nieces, Harrison, Jayden, Chloe and Lily, are all nippers at Coogee. They do an amazing job. I named them for the Hon. Taylor Martin, who always loves when people are named during contributions to debates such as this or during an adjournment speech. The Hon. Walt Secord and the Hon. Natalie Ward will both appreciate that surf lifesaving has become an export market for Australia, particularly in Israel. A couple of years ago when I travelled to Israel I met a gentleman on the plane who was taking surf lifesaving to Tel Aviv. It is also being exported to India. At the Australia India Youth Dialogue I learnt that the winning entry the year before was a project to bring surf lifesaving to the beaches of Kerala in India.

Surf lifesaving in Australia is leading the world. Surf Life Saving NSW is a wonderful volunteer organisation, and its many dedicated volunteers are spending their time not only on Australian beaches but also taking surf lifesaving all around the world. Surf Life Saving NSW strives to create a safe environment on Australia's beaches and along our coastline through patrols, education, training, public safety campaigns and the promotion of health and fitness. I am sure all members will join with me in congratulating Surf Life Saving NSW and the thousands of volunteers at beaches across New South Wales. I commend the Hon. Taylor Martin for bringing this motion to the House.

The Hon. LOU AMATO (15:42): I thank the Hon. Taylor Martin for moving this motion, which recognises our sometimes unthanked heroes: members of Surf Life Saving NSW. I acknowledge the valuable contributions of the Hon. Natalie Ward and the Hon. Scott Farlow. On 18 October 1907 Surf Life Saving Australia was formed to do exactly what its name suggests: save the lives of Australians enjoying the world's most beautiful surf beaches. No-one would argue against the fact that New South Wales is blessed with the most breathtaking and pristine surf beaches anywhere on planet earth.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! The level of conversation in the Chamber is too loud. Members should lower their voices out of courtesy to the Hon. Lou Amato, who is making a valuable contribution to the debate.

The Hon. LOU AMATO: A day at the beach is an integral part of Australian culture. Many of us will remember the saying, "Water is a good servant but a bad master". No words could be truer. The call of the ocean is strong in many of us and the freedom of riding the waves is one of life's great joys. However, our ocean beaches are dangerous places, where many lose their lives to drowning, shark attacks and other dangers of that beautiful but sometimes alien environment. Many of us take for granted the great works of those who volunteer their services to mitigate the dangers of enjoying a great day at the beach. Surf Life Saving NSW has dedicated people who do so much more than rescue swimmers in trouble. The organisation is actively engaged in educating people about how the use of drugs and alcohol increases the danger of drowning.

People on surf patrols monitor water movements and find the safest places for swimmers to enjoy the beach, sometimes closing a beach when the conditions are known to be treacherous. Without aerial reconnaissance, large predatory sharks could move in undetected on swimmers. However, our great volunteers are on the job warning swimmers of impending danger. Unfortunately, many swimmers drown, and without the immediate resuscitation skills of our highly trained surf lifesaving volunteers many lives would be lost. On occasion I have witnessed young children and adults who are in intense pain from a bluebottle sting being treated by our beach heroes. Not only does Surf Life Saving Australia serve our community with distinction, saving lives; it also provides a platform to build community spirit in those who engage as volunteers. I thank all the volunteers

for their contributions to keeping our beaches as places of recreation and joy. I again thank the Hon. Taylor Martin for his motion, which recognises the unsung heroes who keep our beautiful beaches safe and enjoyable.

Debate adjourned.

Committees

SELECT COMMITTEE ON ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

Establishment, Membership and Chair

The Hon. MARK PEARSON: I move:

That private members' business item No. 111 outside the order be precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK PEARSON (15:48): I seek leave to amend private members' business item No. 111 outside the order of precedence for today of which I have given notice by omitting paragraph 2 (c) and inserting instead:

"(c) three crossbench members, being Mr Banasiak, Ms Boyd and Mr Pearson."

Leave granted.

The Hon. MARK PEARSON: Accordingly, I move:

1. That a select committee be established to inquire into and report on the effectiveness of arrangements for the administration and enforcement of the laws of New South Wales for the protection of animals from cruelty, and in particular:
 - (a) the effectiveness of the charitable organisations currently approved under section 34B of the Prevention of Cruelty to Animals Act 1979 ("the Act") in achieving the objects of the Act, namely:
 - (i) to prevent cruelty to animals;
 - (ii) to promote the welfare of animals by requiring a person in charge of an animal:
 - (a) to provide care for the animal;
 - (b) to treat the animal in a humane manner; and
 - (c) to ensure the welfare of the animal.
 - (b) the ability of the charitable organisations currently approved under section 34B of the Act ("the approved charitable organisations") to achieve the objects of the Act, including:
 - (i) the level of funding provided by government;
 - (ii) perpetrator and community education about ensuring animal welfare;
 - (iii) any conflicts of interest or potential conflicts of interest between the investigation and enforcement of the Act, and one or more of the following:
 - (a) commercial activities of the approved charitable organisations including corporate sponsorship;
 - (b) industrial proxy membership payments or donations; and
 - (c) private interests of board members, consultants, and senior staff.
 - (c) the adequacy of the standard of care and kill rates for stray, surrendered or seized animals under the control or supervision of the approved charitable organisations;
 - (d) whether it is effective and appropriate for non-government charitable organisations to be granted investigative and enforcement powers for criminal prosecutions under the Act, with regard to their:
 - (i) capacity to exercise those investigative and enforcement powers;
 - (ii) ability to exercise those investigative and enforcement powers in relation to commercial premises and intensive farm operations involving high numbers of animals;
 - (iii) ability to conduct cases to test the application of legislative provisions in the Act;
 - (iv) accountability to government and the community;
 - (v) exemption from the provisions of the Government Information (Public Access) Act 2009; and
 - (vi) exemption from administrative review under the Administrative Decisions Review Act 1997.
 - (e) whether any limitations and deficiencies of the administration and enforcement of the Prevention of Cruelty to Animals Act 1979 are common to other national or international jurisdictions which use similar models;

- (f) whether the Government should establish a specialist unit to investigate animal cruelty complaints and enforce animal protection laws, either as part of the NSW Police Force or as a separate statutory enforcement agency; and
 - (g) any other related matter.
- 2. That, notwithstanding anything to the contrary in the standing orders, the committee consist of seven members comprising:
 - (a) three Government members;
 - (b) two Opposition members; and
 - (c) three crossbench members, being Mr Banasiak, Ms Boyd and Mr Pearson.
- 3. That the chair of the committee be Mr Pearson.
- 4. 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 alternate between Opposition, crossbench and Government members, in that order, with equal time allocated to each;
 - (d) transcripts of evidence taken at public hearings are to be published;
 - (e) the chair may make arrangements for the committee to visit and inspect sites relevant to the work of the committee, provided that the owner and/or occupier of the site, as the case requires, has given any necessary permission;
 - (f) 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
 - (g) 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.
- 5. That the committee begin its inquiry in the third week of October 2019 and report by 2 April 2020.

I want members to be aware that I considered seriously concerns that committee staff are overwhelmed by the existing committee workload. Therefore, this inquiry will not begin until the third week of October 2019 and will not report back until 2 April 2020.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:49): On a number of occasions the Government has clearly expressed its position regarding the establishment of select committees. The committee system is a credit to this Chamber. Having come to this place, I appreciate that it is one of the vibrant aspects of the work of this House. A strong system is already in place that is reinforced in many respects by the changes to debates about committees and the way the House operates. Establishing another select committee to conduct an inquiry that could easily be run by an existing portfolio committees strikes me as wasteful. It puts an undue burden on the staff who support the committee system. While I understand the honourable member's intent, it appears to me that Portfolio Committee No. 4 - Industry or Portfolio Committee No. 7 - Planning and Environment would be perfectly capable of conducting an inquiry of this nature. With those few words, I oppose the establishment of the select committee.

The Hon. MICK VEITCH (15:51): I lead for the Opposition in debate on the motion to establish a select committee to look into aspects of the Prevention of Cruelty to Animals Act. It is important to recall that, for a range of reasons, the Labor Party went to the State election with a policy of reviewing the Prevention of Cruelty to Animals Act. I understand that within government a body of work is being undertaken on animal welfare and the like, and I expect that to continue. The former Minister is in the Chamber; he may well have some views about that but he may not be able to tell us. The reality is that the Prevention of Cruelty to Animals Act has not been properly reviewed for quite some time. I note the Minister's comment about the committee structure that we have in this Chamber, which is—as I have said many times—an outstanding feature of this place and which assists us to do our work examining matters in detail. Whether we need another select committee is a matter for the House.

There is an issue not just with committee staff and Hansard staff who support us in our work, but also with managing our own workloads and making sure that we are not being stretched by having too many

committees. I recall the latter days of the last term of this Parliament when there were quite a few committee hearings. Members were passing each other in hallways while racing backwards and forwards to hearings. Trying to keep on top of the submissions and other committee work proved quite daunting for many of us. The Opposition supports the motion. We think it is timely to have a review of the Prevention of Cruelty to Animals Act. My only concern is that this review does not go to the extent I would like and does not quite match the policy that the Labor Party announced during the election campaign when we sought a full review of the Prevention of Cruelty to Animals Act. However, we will support the motion.

The Hon. WALT SECORD (15:53): I support the motion as amended moved by Animal Justice Party member the Hon. Mark Pearson. I am part of a group of parliamentarians who are committed to the more humane treatment of animals. I believe this planet was not created just for our benefit; we are here to share this world. I believe all creatures have rights and I do not debate the matter of animal sentience. Every day we witness the capacity of animals to experience feelings such as suffering or pleasure; negative feelings or emotions, including pain, fear, boredom and frustration; and positive feelings, such as joy. Animals enrich our lives, and our engagement with them helps us to become better human beings. They also increase our general wellbeing and longevity. Sadly, animals are the only companions that some people have. Animals teach children empathy and how to care for others. For the record, I have had many spirited debates with my colleagues about puppy farms and the rights of poultry and pigs to be treated humanely. I have also attended Voiceless events in Sydney. On that note, I deeply wish that I could be vegetarian but it is not possible for me yet. But I digress.

I note that paragraph 1 (b) of the motion canvasses charitable organisations. On that subject, members will be aware that I have a longstanding association with the Cat Protection Society of NSW, which is a charitable organisation based in Newtown. In October 2018 I was delighted to host the society's sixtieth anniversary celebration here at Parliament House. Members will be aware that I migrated to Australia almost 31 years ago, and I have now lived here longer than I lived in Canada. My entire life on both continents has been connected to animals and enriched by them. As a child in rural Canada, I had many pets: cats, chickens, rabbits, ducks, fish and mice. In Australia I have had several dogs and cats, including a mixed-breed dog, Sam; a tabby named Gary; and, most recently, an ex-street cat, Brutus. Sadly, they have all passed away. In fact, Brutus passed away several weeks ago and was buried in my North Bondi backyard. He was around 12.

I delayed getting a cat after Gary died because our bond was so deep that I did not think I could ever replicate it. Luckily, I was wrong: I found Brutus. I had observed and admired the work of the Cat Protection Society of NSW for almost 25 years, so in January 2014 when I was looking for a pet I approached the society. After a rigorous screening process, I adopted Brutus. We bonded and had a deep relationship; we were well suited each other. My point is that it was a successful adoption, and I thank the Cat Protection Society staff for matching us. It was done with the care, concern and compassion that the Cat Protection Society is rightly known for. My experience with the Cat Protection Society is a testament to the value of charitable organisations in the field of animal protection. I commend the motion.

The Hon. NIALL BLAIR (15:56): My life is now complete knowing that the Hon. Walt Secord had a cat called Gary—hopefully after Nathan "Garry" Lyon, the great bowler. The committee proposed by this motion would duplicate, to a certain degree, what the Government is doing. The Government has agreed that the Prevention of Cruelty to Animals Act needs to be updated; that is why it initiated the Animal Welfare Action Plan. The action plan contains six points: first, modernise the policy and legislative framework, which includes reforming all three animal welfare Acts in New South Wales and corresponding regulations, codes and standards; secondly, implement companion animal breeding practice reforms and communicate changes about new rules that apply to advertisements for the sale of dogs and cats; thirdly, improve the effectiveness of compliance and enforcement efforts, which includes reviewing animal welfare related penalties and enforcement tools; fourthly, ensure that sound research and scientific practices are used to develop policy and legislation by investing in research activities to help better understand animals and their welfare; fifthly, engage with key stakeholders and ensure that all views are respected and considered in developing policy and legislation; and, sixthly, invest in our systems and processes.

We know that the legislation is quite outdated. We know that there is a lot that probably could be reviewed and consolidated, and that we need to look at the agencies that are responsible under the Act for the enforcement of animal welfare legislation. The Government has also said that we need to review the penalties associated with animal cruelty and, where necessary, improve them. When I said that the Government is already doing what this committee intends to do, the Hon. Mark Pearson disagreed. He is right: The Government is not doing what he wants this committee to do. We all know that the Hon. Mark Pearson wants this committee to beat up the RSPCA because he has a longstanding disagreement with that organisation about a number of animal welfare enforcement matters in this State. That is why the motion consistently mentions the charitable agencies—it is targeted directly at the RSPCA.

We know that because when I was the responsible Minister the Hon. Mark Pearson said constantly that he wanted New South Wales police to play a greater role. I know the committee will consider the Government being an investigative agency under the Prevention of Cruelty to Animals Act. At the moment, the Government sets policy and has at arm's length the organisations authorised under the Prevention of Cruelty to Animals Act to investigate and prosecute animal cruelty. This motion is nothing more than the Hon. Mark Pearson's attempt to get back at the RSPCA. It will take up the time of the people who are seeking to overhaul the whole system. The Government agrees that something needs to be done, but it opposes the motion because staff should be getting on with the changes that are needed in New South Wales.

Ms ABIGAIL BOYD (15:59): The Greens support this motion. I thank the Hon. Mark Pearson for moving it. It is clear that the administration and enforcement of the Prevention of Cruelty to Animals Act is not meeting community expectations. I agree that members of this Chamber have a lot of committee work but I understand that efforts have been made to delay the start of this particular inquiry. I look forward to sitting in the committee inquiry and listening to experts and stakeholders tell us of their experiences about the administration and enforcement of the Act. I appreciate that a review by the Government is about to get underway. I view this inquiry as being quite useful for that process and I hope that the Government—including the Government members on the committee—use the information we gather for the purposes of that review. I welcome us getting ahead of the game when it comes to what will hopefully be some legislative reform.

The Hon. BEN FRANKLIN (16:00): The New South Wales Government takes animal welfare very seriously. The Government has made it clear that any act of animal cruelty is directly opposed to the values that it and the New South Wales community holds. The welfare of animals is in everybody's interest, and the Government is ensuring the right framework is in place to support best practice. This includes standing beside our animal welfare enforcement agencies to make sure they are empowered to take action when needed.

The Government has committed to reforming the animal welfare legislation in this State—a process referred to by the former Minister the Hon. Niall Blair—which we are trying to get on with, instead of undertaking yet another inquiry into the very same thing. As the Hon. Mark Pearson is aware, a key component of our legislative reform will be looking at compliance and enforcement. The motion before the House to establish this committee will duplicate the work that this Government is already on track to do. Once again, it will pull resources away from the Government getting on with the job. I have spoken before about this kind of thing happening again and again. Matters of this kind should be examined by portfolio committees; that is what they are for. A select committee will take resources away from the Government, which is already acting on this issue.

There is no denying that people who do the wrong thing should be punished and face fines under the Prevention of Cruelty to Animals Act 1979. That is why we encourage members of the public to report suspected animal cruelty to one of the enforcement agencies. That is because we value the good work that our animal welfare enforcement agencies do. Inspectors from the RSPCA NSW and the Animal Welfare League NSW have the power to lawfully investigate acts of animal cruelty and to rightly take action against people who mistreat animals.

The Prevention of Cruelty to Animals Act provides inspectors with a range of powers to address animal cruelty. This includes seizing an animal if the inspector suspects, on reasonable grounds, that the animal is in distress or if an offence against the Act or regulation is being or is about to be committed. The RSPCA NSW and the Animal Welfare League NSW have been mainstays in the community and play a key role in promoting optimal animal welfare and responsible pet ownership. This Government will continue working with the RSPCA NSW and the Animal Welfare League NSW in their important work in enforcing the Prevention of Cruelty to Animals Act.

A memorandum of understanding has been developed between the New South Wales Government, the RSPCA NSW and the Animal Welfare League of NSW. It came into effect in January 2016 and addresses how the enforcement agencies maintain appropriate separation of their general advocacy functions and their enforcement functions. As charitable organisations, the RSPCA NSW and the Animal Welfare League are also required to report through the Australian Charities and Not-for-profits Commission reporting framework. This Government supports and will continue to support the role of our animal welfare enforcement agencies. The Government opposes the motion.

The Hon. EMMA HURST (16:03): I support my colleague the Hon. Mark Pearson moving to establish this long-overdue select committee on the administration and enforcement of New South Wales laws regarding animal cruelty. With horrific stories of animal cruelty and neglect making daily headlines, and the RSPCA reporting an average of 15,000 animal cruelty complaints every year, it is clear our laws are failing animals across New South Wales. Our laws are weak and they are not being forced and cannot be enforced. There is no doubt that this inquiry will make the case for change. In practice, the NSW Police Force, the RSPCA NSW and the Animal Welfare League can enforce the main cruelty legislation in New South Wales—the Prevention of Cruelty to Animals Act. But, in reality, the majority of this enforcement, investigation and prosecution is done by the

RSPCA NSW, which is a charitable organisation relying almost entirely on the public for the majority of its income.

The Hon. Niall Blair: How much from Government?

The Hon. EMMA HURST: Let me repeat: The criminal legislation that protects animals in New South Wales is enforced by a private, publicly funded charity with extremely little funding from the Government. I am not a regular donor to the RSPCA and I wonder how many members in this House are. But if your neighbour is beating a dog, do you expect the RSPCA to investigate, to house that dog, to give that dog veterinary treatment and to prosecute the person for beating that dog? If so, with what money and with what support? Is this seriously the right framework for protecting animals in New South Wales?

We have the power in Parliament to make changes and to take action on behalf of all animal lovers across New South Wales to protect animals. I urge members to take the first step forward and support this urgent inquiry. Only then can we find out how badly our system is broken. I wonder if that is what the Government is really afraid of. The system is broken. It is failing animals and we need to find out what we need to do to fix it.

Mr DAVID SHOEBRIDGE (16:05): I support the motion to establish this long-overdue review—as it has been called by other members in this debate—of the laws in this State that are meant to prevent cruelty to animals. I commend and endorse the words of my colleague Ms Abigail Boyd, who leads for The Greens on questions relating to the protection of animals. I also endorse and support the words of the Hon. Mark Pearson and the Hon. Emma Hurst in their explanations of why this inquiry is essential.

There have been cries from Government members that there is some funding provided to the RSPCA by the Government. It is a fraction of the RSPCA's costs. The RSPCA website reveals that only a tiny percentage of its funding—some 2 per cent—comes from Government. This select committee will inquire into "whether it is effective and appropriate for non-government charitable organisations to be granted investigative and enforcement powers for criminal prosecutions under the Act". Surely that is a fair thing for the committee to look at. What other part of our criminal law that deals with cruelty and violence do we contract enforcement of out to a charity?

The reason the Government is satisfied with the existing laws and does not want this inquiry is because it is quite happy for animals to be protected by a charity, not a properly funded, separate government investigative unit or a properly funded specialist part of the NSW Police Force. The Government is clearly out of touch with the balance of the community. Members of the community cannot believe it when I tell them that our prevention of cruelty to animals laws are principally enforced by a charity and not by police. The community values animals and responds far more strongly and far more emotionally—as they should—when they see cruelty being inflicted on animals and when they see the indifference of this Government when it comes to protecting the interests of animals. This committee will also inquire into:

- (f) whether the Government should establish a specialist unit to investigate animal cruelty complaints and enforce animal protection laws, either as part of the NSW Police Force or as a separate statutory enforcement agency,

Of course the committee should be inquiring about that. Members of this place should inform the community about how weak our animal protection laws are. The community knows that animals are not being protected. People want an organisation that is well resourced and independent on the beat. The more people know that animal welfare laws are enforced by an underfunded charity, the more they will be appalled at the lack of movement by this Government and the more they will endorse this important inquiry. [*Time expired.*]

The Hon. MARK PEARSON (16:09): In reply: The Hon. Niall Blair said "arm's length". The Government is keeping the protection of animals through criminal legislation at arm's length. Would we want children to be protected by a body that is at arm's length from the Government? Should the agencies responsible for mentally ill or vulnerable people or women subjected to domestic violence be at arm's length from the Government? The answer is no. We should be watching this matter very closely and have a department that is able to administer, investigate and prosecute under our criminal legislation where necessary. No other criminal legislation in New South Wales is administered, investigated and prosecuted at arm's length except for the Prevention of Cruelty to Animals Act 1979. This is not about wanting to bash up the RSPCA, the Animal Welfare League or any other organisation. This is an inquiry as to the efficacy of the administration of the Prevention of Cruelty to Animals Act—nothing more. I welcome every member's contribution, including the cats Gary and Brutus. I commend the motion to the House.

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

The House divided.

Ayes23

Noes 18

Majority..... 5

AYES

Banasiak, Mr M
Buttigieg, Mr M (teller)
Faehrmann, Ms C
Houssos, Mrs C
Mookhey, Mr D
Nile, Revd Mr
Searle, Mr A
Shoebridge, Mr D

Borsak, Mr R
D'Adam, Mr A (teller)
Field, Mr J
Hurst, Ms E
Moriarty, Ms T
Pearson, Mr M
Secord, Mr W
Veitch, Mr M

Boyd, Ms A
Donnelly, Mr G
Graham, Mr J
Jackson, Ms R
Moselmane, Mr S
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
Taylor, Mrs

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

Roberts, Mr R
Ward, Mrs N

Motion agreed to.

Documents

LANDCOM

Production of Documents: Order

The Hon. ADAM SEARLE: I move:

That private members' business item No. 156 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ADAM SEARLE (16:21): I seek leave to amend private members' business item No. 156 outside the order of precedence by inserting the following paragraph at the end:

2. That Landcom provide indexes for any papers returned in both hard copy, in no less than 12-point font, and in electronic copy in a searchable format.

Leave granted.

The Hon. ADAM SEARLE: Accordingly, I move:

1. 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 Minister for Planning and Public Spaces, Department of Planning, Industry and Environment, the Premier, Department of Premier and Cabinet, the Treasurer, the Treasury, UrbanGrowth NSW Development Corporation, or Landcom:
 - (a) all documents created since 1 January 2017 relating to the recruitment process for a new CEO of Landcom managed by Russell Reynolds Associates;
 - (b) all documents created since 1 January 2017 relating to the participation of Inspirational Workplaces, Helen Crossing or any other third party in relation to the recruitment process for a new CEO of Landcom;
 - (c) all documents created since 1 January 2017 relating to the appointment of Mr John Brogden as CEO of Landcom;
 - (d) all documents including reports, correspondence, emails and briefing notes relating to any communications with the Premier, Treasurer or any other Minister concerning the recruitment process for a new CEO of Landcom managed by Russell Reynolds Associates;
 - (e) all documents including reports, correspondence, emails and briefing notes relating to any communications with the Premier, Treasurer or any other Minister concerning the appointment of Mr John Brogden as CEO of Landcom;
 - (f) all legal advice obtained in relation to the appointment of Mr John Brogden as CEO of Landcom; and
 - (g) the review of Urban Growth/Landcom conducted by Mr Jim Betts in 2016 or 2017.

2. That Landcom provide indexes for any papers returned in both hard copy, in no less than 12-point font, and in electronic copy in a searchable format.

This is a second call for papers related to Landcom and I am very cognisant that the previous call for papers has resulted in a significant return, both privileged and non-privileged, which I and others are diligently working our way through. This call for papers specifically relates to the recruitment of the current chief executive of Landcom. Landcom is a State-owned corporation with a board and is self-governing. It is well-known that Mr Brogden, a former leader of the Liberal Party, was the part-time chair of the board prior to becoming the chief executive. The reason for the call for papers is that when the position of chief executive fell vacant the organisation engaged an external recruitment company to find a suitable candidate or candidates, bearing in mind that Landcom is the State Government-owned developer. It used to create affordable house and land packages for people who at that time could not afford to buy in the commercial market. While it does engage in urban renewal projects, it no longer does that. On taking office this Government, through its control of Landcom, decided that Landcom would not compete with private developers in that part of the market.

Rather than putting the name of the person found to be the suitable candidate through the process—whatever happened—that did not happen. Instead, bizarrely, the vacancy continued. The part-time chair who, despite having significant political experience had no experience in the development industry, was made the acting CEO, and then at some point—and I believe without any merit selection process—was made the full-time chief executive. Upon appointment the remuneration for that role was increased from \$500,000 to over \$600,000. It is a matter of record that Landcom's staffing has been reduced by 20 per cent or 30 per cent, at a time when its liabilities seem to be increasing. There is a question mark over its management, which is addressed by the previous call for papers. Now we need to focus on what happened with the recruitment for this position. I have laid out the theory and I am calling for the papers. I think this House ought to do so in the interests of greater accountability and transparency.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:24): Nine applications for the production of documents under Standing Order 52 are on the *Notice Paper* today. That number is on top of all the other Standing Order 52 notices. Notwithstanding the pleas that this is all about transparency in government, I repeat that the power which is given to this House is being abused.

Mr David Shoebridge: Point of order: The Minister is casting aspersions on the Hon. Adam Searle's application under Standing Order 52, calling it an abuse. To describe the application under Standing Order 52 in that way is casting aspersions on the motivations of the member, and it is contrary to the standing orders. The Minister should know better.

The Hon. Wes Fang: To the point of order: Clearly the Minister was saying that the number of Standing Order 52 applications on the *Notice Paper* is high. He was commenting on the number, not the particular Standing Order 52 application that we are currently debating.

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): I ask the Minister not to use that terminology.

The Hon. DAMIEN TUDEHOPE: I withdraw any suggestion I made. The call for papers may give rise to a perception that this is an abuse of process. I again set out what I think this House ought to adopt as a process for the use of the power which has been given under Standing Order 52. It needs to be demonstrated that there is a legitimate forensic purpose in respect of the application; that there have been previous applications for the documentation which have not been complied with, which gives rise to a suggestion that there is a lack of transparency in relation to the process; and there should be an assessment of whether the use of the power under Standing Order 52 is in fact so onerous as not to justify the use of the power in the circumstances. I have no idea how many documents are involved in this application. I know that according to previous applications under Standing Order 52 it may amount to truckloads of documents. If that is in fact the case and we are spending millions of dollars of taxpayers' money pursuing Standing Order 52 applications, without necessarily suggesting that transparency is an issue, then in those circumstances we ought to be very careful about the use of the power. [Time expired.]

Mr DAVID SHOEBRIDGE (16:28): The Greens support this call for papers.

The Hon. ADAM SEARLE (16:28): In reply: Turning to the three points raised by the Minister, I have set out a legitimate forensic purpose. I do not accept that the three tests outlined by the Minister have to be met, but on the assumption that it is a good starting point, there is certainly a legitimate forensic purpose. The second point is about previous requests not being complied with. While it is true that we have not made requests in respect of this call for papers, there was noncompliance in respect to the previous Landcom return to order, which is mysteriously unexplained. The Government is tardy when dealing with Government Information (Public Access)

Act applications and it fights tooth and nail, agency by agency, hoping against hope that the timeliness of those documents will pass or the applicant will drop off.

Who can forget my application for the light rail documents, for which I fought for some two years? We had to go to the NSW Civil and Administrative Tribunal where we won and then lost on appeal on the basis that the documents had a certain character. But, bizarrely, when a committee of this Parliament compelled their production that did not seem to bear any relationship to the basis on which this Government had sought to withhold them. This Government has form, and it is bad form.

The third thing is about onerousness. Let me explain to the Minister how the public service deals with these requests. Because of digitisation the documents are in a database, the people responsible type in the key search words, that generates a list of documents and they are the documents they pull out. It is not like someone has to go and make individual judgements about whether this document or that document is inside or outside the call for papers—which might be in relation to the Landcom production where they produced 165,000 pages with a very poor index. Landcom's index not only is very large, it is also very hard to read and has not been provided in a format that is readily searchable. If there is query about whether there is something to be hidden, then that gives rise to an apprehension—no greater. Putting all of those things together I think the case for this call for papers is well and truly made out.

I leave the Government with this, and it is not a criticism of any person and certainly not the staff: If Government members were very concerned about the quantum of documents, it would be good if they were to develop a process whereby they sit down with the mover and say, "What is the key document? What are you after?" Sometimes that has happened, and for full transparency in relation to this matter I have had discussions with representatives of the Government today but we were not able to reach an accord. Sometimes that can be headed off but not always, and not in this case. I urge honourable members to join with me.

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

Motion agreed to.

MIGRATION POLICY

Production of Documents: Order

The Hon. MARK LATHAM: I move:

That private members' business item No. 145 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK LATHAM (16:32): I seek leave to amend private members' business item No. 145 outside the order of precedence by inserting "directly" after "all documents" in paragraph (c).

Leave granted.

The Hon. MARK LATHAM: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 35 days of the date of passing of this resolution the following documents created since 1 July 2018 in the possession, custody or control of the Premier, Department of Premier and Cabinet, Minister for Planning and Public Spaces, Department of Planning, Industry and Environment and the Greater Sydney Commission:

- (a) all documents relating to the Government's promise in October 2018 to halve the overseas migration intake for New South Wales;
- (b) all communications with Federal Government Ministers, staff and agencies concerning reduced migration intakes for New South Wales;
- (c) all documents directly relating to the impact of immigration levels on Sydney's growth and urban functionality;
- (d) all documents relating to the creation, work program, reports and recommendations of the expert panel established on 31 October 2018 consisting of Jim Betts, Peter Shergold and Carolyn McNally to develop a New South Wales population policy to be submitted to the Federal Government in early 2019; and
- (e) 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 move this motion because of a frustration expressed in the House earlier in the week that unfortunately here in New South Wales there is somewhat of a culture of governments not even making any attempt to answer questions. I came from a place where every government will not want to provide the full information about material to Opposition and crossbench people, but there would be half an attempt in Canberra at least to provide some useful

information where one would think: Oh well, that was worth it. I asked the question and I got some form of answer.

In question time in June my colleague the Hon. Rod Roberts asked the Leader of the Government if the Government was still committed to its election promise of reducing by 50 per cent the number of overseas migrants coming to New South Wales so as to ease overpopulation and overdevelopment pressures in Sydney. Since the 23 March election, what action has the Government taken to fulfil the promise by way of lobbying the Federal Government since the 23 March election. That is holding the Government to account. This was a big deal before the State election. The Berejiklian Government promised that it would work with colleagues in Canberra to halve the immigration rate coming into New South Wales. That was to take off the congestion pressure and overdevelopment, which was a hot-button issue throughout the Sydney metropolitan area. We heard a lot before the election about immigration rates—nothing about abortion. After the election it is the exact opposite—everything is about the abortion bill—and we have heard nothing about the Government fulfilling its promise on immigration.

When the Leader of the Government in the Legislative Council undertook to get more information, my office and that of the Hon. Rod Roberts chased it up—as we do as a tight One Nation unit. We got the following answer back from the Leader of the Government, on behalf of the Premier, as follows, "New South Wales is collaborating with the Commonwealth to develop an effective national population framework. Over the next four years we will be spending \$93 billion on infrastructure." We did not ask about the second part. We were basically told that they are developing an effective national population framework.

There was nothing about fulfilling the promise to halve the immigration rate into New South Wales, nothing on a report by the Shergold committee that was set up with great fanfare to develop a new strategy or going down to Canberra and insisting their colleagues did the right thing. That was going to be delivered in January. We have heard nothing about that. What happened? So this call for documents through Standing Order 52 is an attempt to hold the Government to its election promise and find out what it has done. We are asking for documents on what communications the Government has had with the Federal ministry. We are asking for the work program and reports of the Shergold committee and we want a full and comprehensive answer.

The lesson here for the Berejiklian-Greenwich government is twofold. The first is to answer its questions and ensure it has accountability to the Parliament. As a young man I was taught, as were others, to take the Parliament seriously. It is a useful forum for gathering information for the better making of public policy and public debate. The Government should take the Parliament seriously, take us seriously, and answer the questions in full. The second is for the Berejiklian Government to fulfil all of its election promises made prior to 23 March. We will be insisting on that; it is critical for the people of Sydney. One big issue that all parliamentarians in this great metropolitan area would know about is the population pressure. The population of Sydney is growing by 100,000 people a year. The projections are that our population will continue to grow by 100,000 a year—almost a full local government area—which will cause traffic congestion and time away from family.

I can point to schools in western Sydney such as Oran Park Public School that has 42 demountables. It looks like Manus Island—there are demountables piled everywhere. Even the toilets are demountables. Anyone going to Edmondson Park and Leppington train stations will find a shortage of car parking spaces. There are 1.3 million people moving in west of the M7 but there is no planning for a new public hospital. I can point to all the congestion and planning problems—as soon as roads are widened, they are at capacity again. I instance the retrofitting of Narellan Road. It started out as a horse track. It is now very wide and elaborate but it has heavy traffic congestion in the morning.

Planning in western Sydney has never been adequate. We know about the population pressures and that they come mainly from the overseas migration program. It is not the fault of the migrants themselves. Australia should be in control of a migration program that has urban sustainability for Sydney and proper planning built into it, where the State Government has accountability through answering the legitimate questions put in this place and delivering material that fulfils its election promises. We have seen this movie too many times: Governments make these promises about immigration but they never do anything. We are holding them to account.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:37): The Government opposes the motion. I put that against the framework of the number and use of this power that has been imposed on the Government arising from this process, and the many millions of dollars of taxpayer money that is now being spent on complying with Standing Order 52 applications. While I do not quibble with the bona fides of the application; it is couched in terms of holding the Government to account in relation to its election promises. There are other ways of elucidating this information without proceeding down the Standing Order 52 path. In those circumstances the Government opposes the motion.

The Hon. ADAM SEARLE (16:39): The Opposition supports the motion relating to the call for papers on the basis that the Government made certain commitments before the election and the Parliament is obligated to hold the Government to account. Labor does not share One Nation's objectives in relation to migration, but we say that Sydney has been beset by a lack of proper planning. The Opposition accepts that there has been inappropriate development in large swathes of Sydney and an over-intensification of development in some areas, which have taken more than their fair share while others have not. The Opposition also acknowledges that governments have failed to synchronise the delivery of physical and social infrastructure such as schools, hospitals and transport as development has taken place, particularly on Sydney's urban fringe. That has led to situations in areas such as the Wollondilly and Camden electorates. The Opposition believes it is very important to hold the Government to account. When the Government has made commitments, the Parliament is entitled to see where fulfilling of those commitments is up to.

Honourable members will recall that a little over a year ago the Federal Government invited the New South Wales Government to participate in a discussion around migration. The current Premier declined. Months later, when the Federal Government was making observations emerging from that process, the Premier said that New South Wales should have a place at the table. Very properly Prime Minister Morrison reminded the Premier that New South Wales had been offered a place at the table but had not taken it up. That led to a series of commitments outlined by the Hon. Mark Latham. Let us see what the Government has done. Let us see what its plans are. Let us see how this Government is collaborating with the Commonwealth. Let us see if the Government is keeping any election commitments it has made. That is a matter for members of this House to debate and for the wider community to adjudge. However, on the issue of calling for papers to hold the Government to account, the Opposition supports the call.

Mr DAVID SHOEBRIDGE (16:41): The Greens do not blame immigration or immigrants for the decades of failings of State governments to provide adequate infrastructure for New South Wales. The Greens do not blame multicultural Australia for the congestion in Sydney or for the failure to provide adequate schools, hospitals and transports, and never will enter into that game. The Greens reject the politics that tries to link congestion to migration. We think it is wrong and unprincipled, and The Greens will oppose it every time we hear it. Not only that; The Greens reject the type of politics that suggest we can build either a physical or a bureaucratic wall around New South Wales to prevent people who come to this country from moving into New South Wales. The Greens believe that going down that path is deeply wrong in principle. As I said, The Greens will speak out against it every time we hear it. However, the Greens do not oppose the production of documents by the Government.

One of the reasons we do not oppose it would be if the Government was making any move to suggest that a bureaucratic or physical wall could be built in New South Wales to prevent migrants from entering New South Wales when they come to Australia. If that has at all been suggested in any communications between the Berejiklian Government and the Morrison Government it needs to be called out at the outset. The Greens believe that whatever negotiations are going on should be transparent. Whatever policies are being developed should be developed in the full light of public scrutiny. While I am quite certain that the member who moved the motion has diametrically opposed positions on the substance of migration and the migration debate, all members of this House share the frustration of a government not answering questions and not providing relevant information when it has been given time and opportunity after opportunity to provide it. The Minister is complaining about the number of calls for papers because this Government has a problem with transparency. It is about time the Government got over it.

Reverend the Hon. FRED NILE (16:43): The Christian Democratic Party supports the motion. As outlined by the Hon. Mark Latham, we are very concerned about the pressures on our State and on our city of Sydney. The issue should be very carefully examined so that the numbers of people and our resources match and do not exacerbate the problems that exist at the moment.

The Hon. MARK LATHAM (16:44): In reply: I thank honourable members who contributed to the debate. I will respond briefly to the points that have been made. The Minister at the table, my friend the Minister for Finance and Small Business, has said that the cost involved in this call for papers is a burden on the Government. I think the Minister might find that the cost is minimal. The documents referred to in the motion most likely will reflect that the Government has done very little in implementing this policy. The Minister will have to scout around and find a few scraps of paper to send around to the One Nation office or the Clerk's office. That will reveal that the Government has not fulfilled its promises, which is a problem in itself, but I do not think the Government will be loading up truckloads of documentation about what has been done since 23 March to fulfil the election promise with the re-elected Morrison Government. Let us clear away that furphy.

The Minister also said that there are alternative pathways. My word, there are: The alternative pathway is to answer the question that the Hon. Rod Roberts put to the Leader of the Government in the Legislative Council

and send around to the One Nation office on level 11 all the evidence that the Government is implementing its policy. The Premier has placed on the agenda for the COAG meeting tomorrow the report and work of the Shergold committee set up for this new population and immigration strategy for the benefit of urban sustainability and avoiding overdevelopment in Sydney. Let us have a look at the letter the Premier sent to the Prime Minister listing the matter for COAG. Has that happened? I doubt it very much.

It certainly has not been mentioned in the media. If there have been telephone calls, give us a report. After the Prime Minister's joyous re-election, I rang Scott Morrison and said, "Scott, the most important thing you've got to do is help us implement our election promise—'Good for Sydney'—to reduce the immigration rate and take the pressure off congestion and overdevelopment." Show us the letters or report on the letters that have been sent to the re-elected Prime Minister, given that the Liberal Party and The Nationals would earnestly be acting on its election promise now. We suspect that none of those things has happened. There was nothing to report and the Government has been caught out.

The Standing Order 52 call for the production of documents has occurred to get to the details and fulfil the important accountability role of this Chamber—the House of review and accountability—to let the people know what the re-elected Berejiklian Government has been doing about this all-important election promise. We have seen this movie before. After the 2010 Federal election, Julia Gillard said she would do something about population policy impacting upon Sydney. She appointed a new Minister, Tony Burke, and then nothing happened. Political leaders make these promises, but people get ripped off time after time.

In response to the contribution made by Mr David Shoebridge, let me say that we are not blaming migrants. We are calling on the Federal Government to develop policy in collaboration with the State. It is in Australia's best national interests for governments to control the immigration numbers and they should determine them for the benefit of the Australian people first and foremost. One Nation is not blaming the migrants. In fact, One Nation adopts a good neighbour policy, which I recommend to The Greens wholeheartedly. It is a good neighbour policy of looking after all Australians—whether they live right next door or up the street or in the next suburb. Let us get our city sustainable, our country livable and make sure we look after everyone who comes here and wants to work hard and do the right thing. [*Time expired.*]

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

Motion agreed to.

BLUE MOUNTAINS ASBESTOS MANAGEMENT

Production of Documents: Order

The Hon. ADAM SEARLE: I move:

That private members' business item No. 165 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ADAM SEARLE (16:48): I move:

That, under Standing Order 52, there be laid upon the table of the House within 7 days of the date of the passing of this resolution the following documents created in the possession, custody or control of SafeWork NSW, the Ombudsman's Office, the Minister for Customer Service, the Minister for Better Regulation and Innovation, the Premier, the Department of Customer Service or the Department of Premier and Cabinet:

- (a) any draft or final report into SafeWork NSW's management of asbestos in the Blue Mountains, whether arising from the complaint made by Blue Mountains City Council about the conduct of SafeWork NSW or otherwise, and/or related issues; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House. For the purpose of full disclosure, as is known by most members of this House, I mention that I am a resident, a former councillor and a former mayor of the city of Blue Mountains. I do not believe I was ever involved in matters that currently are the subject of the inquiry. I refer honourable members to the NSW Ombudsman Annual Report of 2017-18 at page 72, where it refers to a complaint made about the conduct of SafeWork NSW. The entry in the annual report says:

The complaints were made by the Blue Mountains City Council after the conduct of SafeWork NSW. Having reviewed the information we have received and considered the overriding public interest, we started a formal investigation into a number of related issues ...

There was some media coverage of that at the time. Some honourable members will be aware that at the heart of this was a controversy about whether or not there was asbestos on some land at Lawson that had been owned by the State Government and transferred to council. Certainly there were issues about whether persons were exposed to risk and associated issues about council's policies. It is a matter of record that the current Government tried to

suspend the council and, after some legal manoeuvrings, a public inquiry is currently underway into a number of these issues. Indeed, I note that the report of the public inquiry entitled *Supplementary Interim Report: Term of Reference 4*, dated 31 July 2019, was tabled in the other place this afternoon. As far as I know, council has complied with all of the regulatory interventions of SafeWork. Obviously, matters have been periodically reported to council and there is an inquiry underway, but in the midst of all of this there was a complaint, we learn from the Ombudsman's annual report, made about the conduct of SafeWork NSW.

Given the amount of transparency and ventilation that all of these issues are receiving, including through the commission of inquiry instigated by the Government, this House should seek, obtain and have available to it whatever the results of the investigation on the Ombudsman into that matter. It may be that the matters were dismissed and found to be lacking in substance or the issues may be otherwise. But there has been no word from the office of the Ombudsman about where things are up to or what has happened as a result. Hence, in the interests of transparency and accountability, this House should call for the documents outlined in the call for papers, which—unlike other calls for papers—are very narrowly confined. We seek the final report, if there is one, and any draft report. It is hard to see on what basis the Government would seek to resist this; nevertheless, we would urge all honourable members to join with us and call for these papers.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:51): This is the fifth order for papers under Standing Order 52 to be dealt with today. I refer to the comments by the Leader of the Government earlier today on the matter of orders for papers. I again encourage members to be reasonable in their motions and to feel free to discuss the final details with the Government. The Government accepts the powers of the House to compel documents, but would again urge caution against using this power too frequently. The administrative burden on the public service is significant; I ask members to keep that in mind.

The Hon. SHAYNE MALLARD (16:52): This is a fishing expedition clearly designed to assist the Blue Mountains City Council in its issues with the independent commissioner who is inquiring into the handling of these issues. To think that the Parliament is used to acquire these documents that will assist the council in its defence is an inappropriate use of Standing Order 52.

The Hon. Adam Searle: Point of order: I believe the honourable member has impugned my motivation. I ask him to withdraw.

The Hon. SHAYNE MALLARD: Is the Deputy President going to make a ruling?

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): I will consult with the Clerks.

The Hon. Adam Searle: To the point of order: I have made it clear that the purpose in calling for the documents, as far as I am concerned, is to have more transparency and accountability around these issues and to have them brought into the public light. I have not called for them to assist any party or person, particularly not anyone appearing before a statutory inquiry, and that is the allegation the honourable member has made.

The Hon. SHAYNE MALLARD: To assist with time limits on this speech, which the Hon. Adam Searle regularly does, I will withdraw the imputation that he has suggested and continue with my speech. In an adjournment speech some time ago I reported to this House on the appalling situation of the asbestos contamination in the Blue Mountains. I refer members to that adjournment speech. The Blue Mountains City Council commissioned three reports. One report was leaked to *The Sun-Herald*—which I used for the information to the Chamber—where workers were exposed. As a result of that exposure, 130 council employees were screened for dust exposure and 77 were deemed to be of medium to high risk based on exposure. It is not just a theory or an allegation; it is genuine exposure to asbestos.

The acts were identified in the report as a potential breach of regulation 419 of the Work Health and Safety Regulations, which states it is unlawful to "direct or allow a worker to carry out work involving asbestos". The council directed their workers to screen soil stockpiled with asbestos. When the staff reported what they thought was asbestos, they were told to sit inside their truck and wear a basic health mask. The council exposed its staff, and the family members who wash their clothes, to asbestos. This is not a small matter; an independent investigation is being conducted at this time. This call for papers runs across that inquiry and it should not go ahead. The inquiry is obviously engaged with WorkCover about this exposure. There are two other reports at the council in response to my adjournment speech. I was attacked in the media and the council said it was going to release those reports. They have not been released. Council has sat on the reports it commissioned about the asbestos. [Time expired.]

Mr DAVID SHOEBRIDGE (16:55): The Greens support this order for papers under Standing Order 52. We support all of the information in relation to the Blue Mountains City Council coming out. We have often struggled with the Ombudsman to have information released. I find it troubling that the Ombudsman seems to think there are some special rules about disclosure that apply to the Ombudsman and they do not apply to the

rest of the bureaucracy. I also acknowledge that there is a real issue that has the residents of the Blue Mountains deeply concerned. If The Greens were of the view that the release of the Ombudsman's report would in any way prejudice the ongoing inquiry, we would not support it. However, we cannot see a valid argument for how the release of the Ombudsman's report would in any way compromise the inquiry.

I commend the work of The Greens councillors on the Blue Mountains City Council in seeking to act in the best interests of residents and seeking transparency on asbestos through its reports. It has not been easy. There have been hard politics on the local council. Both councillors support the local council. No-one wants to see the State Government jump in and take over the local council, which has been a concern at different times. But treading that fine line to ensure that residents are protected and that information is out in the public domain is hard local politics. The Greens local councillors have been doing that hard politics and supporting transparency. As part of that agenda in supporting transparency, The Greens will be supporting this Standing Order 52 so the Ombudsman's report can be released.

Reverend the Hon. FRED NILE (16:57): The Christian Democratic Party supports this order for papers under Standing Order 52. For many, many years I have been on the record in voicing my concern about the impact of asbestos on the health of the citizens of New South Wales. I have been following the debate about the neglect by the Blue Mountains City Council and I support anything that can be done to remedy that situation. It is important that the Ombudsman's report be made public so we can see where the problem lies, why there was a neglect by the Blue Mountains City Council and have it rectified immediately.

The Hon. ADAM SEARLE (16:58): In reply: I thank all honourable members for their contribution. The contribution of the Hon. Shayne Mallard shows the ongoing campaign against the Blue Mountains City Council and the Government.

The Hon. Shayne Mallard: Point of order: The member is doing what he accused me of doing—that is, suggesting motivation.

The Hon. ADAM SEARLE: I am happy to withdraw. The issue here is clearly a matter of public record—as soon as this issue of asbestos was raised with the elected council body, it acted swiftly, resolutely and as publicly as it could. The honourable member, others and I are not privy to the contents of all of those documents. What I would apprehend is, in the course of investigations, there may be information which may well be prejudicial to individuals. I note that SafeWork NSW was involved and that the deliberations of other bodies have not been completed. It may well have been decided to be prejudicial to reveal information. We do not know why or what information has not yet been revealed. But, as Mr Shoebridge has indicated, this call for papers does not cut across the inquiry.

Like the Blue Mountains City Council, members on this side of the House support the public inquiry. We do not want any secrecy around any of the issues associated with the matters which are the subject of the inquiry. The Ombudsman's investigation is an important one—we just need to know what happened. Were the council's complaints upheld, were they dismissed and found lacking in substance, and what is the reasoning and the rationale? These are reasonable inquiries for this House to pursue. We are mindful that there is a public inquiry. There is no prejudice to that inquiry by calling for this information.

Mr David Shoebridge: Surely they have it.

The Hon. ADAM SEARLE: Well, the inquiry may or may not have it, but if the inquiry does not have it, this document could well be of assistance. But we do not need to go into that. This touches on matters of significant public interest. We take the issue of asbestos contamination and exposure very seriously, as I always have in my professional life, whether I was on that council or in another role, as a legal practitioner and as a member of this House. I think all honourable members would want all issues associated with this matter to be brought to light. Let us call for these documents. To take the Hon. Bronnie Taylor's point about onerousness, we are not seeking a huge number of documents in this call for papers. We are asking for one report or its draft.

The Hon. Shayne Mallard: What about the council reports they will not release?

The Hon. ADAM SEARLE: You should ask them why.

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

Motion agreed to.

*Motions***WOMEN IN SPORT****Debate resumed from 20 June 2019.****The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (17:02):**

It gives me great pleasure to speak to this terrific motion of the Hon. Natalie Ward. I will start by recognising the positive change we have seen in the landscape of women's sport in recent years. It was not long ago that women's sport was considered an afterthought. Netball, AFL, football and cricket have had enormous success with their national women's leagues, with record crowds, unprecedented broadcast deals and television audiences. In 2018 rugby union launched the Super W and rugby league launched the NRLW elite competitions. Women and girls' participation in non-traditional female sports like cricket and football codes is absolutely increasing.

Sporting codes and corporations are now realising the commercial and social value of engaging women in sport. They also see the power of promoting female role models. Despite this progress, more work is needed to address issues, including out-of-date sporting facilities that were designed to meet the needs of men, increasing the number of women in leadership and coaching positions and delivering sport in a way that is appealing to women and girls. Why does it matter? Apart from increasing physical wellbeing, research shows women and girls involved in sport are more likely to have higher self-esteem and mental health, more likely to have better social networks, and having women and girls participate in sport also challenges outdated perceptions of women, thereby reducing gender inequality.

In short, by making sport more accessible and welcoming to women, the associated benefits will flow through the whole community. The New South Wales Government is committed to increasing the number of women who participate in sport at all levels. That is why the Her Sport Her Way strategy was released in December 2018. The four-year \$5 million strategy features 29 initiatives across four key pillars that aim to increase the number of women and girls playing sport, invest in the provision of sport facilities that support women and girls, maximise investment in women's sport across government, corporate sector and media and support the sector to increase the number of women in leadership positions.

Almost 800 stakeholders, industry thought leaders and potential new partners gave input to the development of the strategy through workshops and focus groups. As Minister for Mental Health, Regional Youth and Women in New South Wales I am confident that Her Sport Her Way will drive powerful positive change for women and girls in sport. Her Sport Her Way is included in the NSW Women's Strategy 2018-2022. Our whole-of-government, whole-of-community policy framework aims to improve the economic, social and physical wellbeing of women and girls across New South Wales. A key focus of the strategy is a partnership with the University of Newcastle for the statewide rollout of a groundbreaking program targeting fathers as change agents to improve their daughters' physical activity levels, sport skills and social and emotional wellbeing.

The Her Sport Her Way grant program, which is backed by innovation think tanks and workshops, will support the sector to expand and enhance female participation on and off the field. This is a really important program to encourage fathers as well. I know it made a difference to our girls' lives to have their dad, Dunc, by the sideline, learning all about netball and becoming quite the expert—a little bit different to the sports he had played. I thought that was terrific. Fathers are really important role models for young women. Other highlights of the program include prioritising the development of female-friendly facilities across the New South Wales Government's current suite of sport facility grant programs, and continued collaboration with the NSW Institute of Sport to attract, develop, retain and progress high-performance female coaches in New South Wales.

It is really important to acknowledge that a lot of sporting facility changing rooms were built in an era when women were not playing a lot of the sports that they are now. That is why I am really pleased to be part of the Government that has been upgrading those changing rooms and sporting facilities. I looked at one just recently in Wagga, where that exact thing was happening. It is really important that you have the facilities for people to be able to play the sport. The changing rooms are really important as well. They have not been up to the standard that they should be. I am really excited that we are investing in numerous changing rooms across the State. Her Sport Her Way will complement other Office of Sport initiatives, including bidding for women's World Cup sporting events, such as the 2023 FIFA Women's World Cup and the 2027 Netball World Cup.

We really have to look at the benefits not only when we talk about elite sport but when we talk about coaches and leadership. I give a shout out to Ash Barty, our tennis champion at the moment. I think she has conducted herself magnificently in every aspect. It sets such a wonderful example when sometimes in sport we do not see great examples being set. My girls think she is absolutely fabulous. It is not only elite sport. As a parent, one of the hardest things about the girls finishing school was not having Saturday sport. The girls were playing but there was a great benefit provided to families to chat by the sideline. I was in Orange recently. It was incredible

to see families and important people in the children's lives at the netball courts of the PCYC drinking coffee and talking while watching sport.

In rural and regional New South Wales where we are so affected by drought at the moment that the mental health and wellbeing of families and parents will greatly benefit from watching their children play sport on a Saturday. This is a terrific motion. I wish we talked more about the fantastic things that are happening for women. This is a great start. Watch this space because I think women's sport is at one of the most exciting times in generations. I really look forward to watching that develop for everyone, not just at the elite levels.

The Hon. COURTNEY HOUSSOS (17:09): I make a brief contribution to the motion on women in sport moved by the Hon. Natalie Ward. I indicate that the Opposition will support the motion. The question of women's participation in sport is a timely one for the House to consider. The Hon. Bronnie Taylor spoke about some of our high-profile recent successes and I reiterate her comments about Ash Barty's recent successes. She is a true role model and inspiration to so many young women who play tennis, as well as other sports. Not long ago the importance of successful, strong female role models was brought home to me when the Australian women's cricket team visited Parliament House. Fortunately, my daughter Anna was here that day and she had a fantastic time with Ellyse Perry. I give the incredible Ellyse a shout out for her amazing feats in the recent Women's Ashes series in the United Kingdom. She is another truly amazing example for young women in New South Wales. Later that summer, not long after Anna had a hit around with Ellyse and some of the other women, I turned on the cricket—I am a bit of a cricket fan—and Anna said, "No, I want to watch the girls." That kind of strong messaging is incredibly important.

This motion addresses building infrastructure at local sporting grounds. That is a crucial part of ensuring that young women participate in sport. Study after study shows that the longer young women stay involved in organised sport—particularly team sport—the bigger the impact on the confidence levels of those young women. It makes it easier to stay involved when you do not have to worry about how you will get changed, particularly during the difficult teenage years. It was quite some time ago for me, but it is seared into my brain. It is a difficult period of life, and if government can facilitate that then that is a very important thing. We also need to provide strong role models and ensure that questions about professional sporting coverage and role models are addressed as well. I commend the motion to the House. Anything that helps keep more women, particularly young women, playing sport should be congratulated.

Reverend the Hon. FRED NILE (17:12): I am pleased to support the motion moved by the Hon. Natalie Ward, supported by the Hon. Bronnie Taylor. I used to watch a lot of men's cricket competitions and now I watch the women's cricket. It is often better than the men's. They have developed their skills and expertise. As someone who loves cricket, I can see the way the women have concentrated on developing their skills in cricket, as well as in other sports. I encourage the Government to do all it can to encourage women to play sport and to support the women already playing sport with the correct and suitable facilities, including sporting grounds and other facilities. Women should have plenty of opportunities to engage in sport. On behalf of the Christian Democratic Party, I am very pleased to support this motion.

The Hon. BEN FRANKLIN (17:13): It gives me absolute delight to support the motion moved by the Hon. Natalie Ward. I speak in particular to paragraph 2 (a) and an issue related to it. In light of the renewed focus on female participation in public life, the wider workforce and, indeed, sport—and various people have talked about that and that is a wonderful thing—the various issues plaguing the female sporting industry have caught my attention. For decades female athletes have been exposed to gender imbalances in monetary rewards, as well as under-representation on boards and in leadership positions. Furthermore, they lack access to appropriate facilities and sufficient recognition and investment as a result. The women's sporting landscape has changed markedly in recent years and we have seen enormous success in elite women's competitions. Whilst that is great news, there is still a fair way to go for women in sport to achieve equity with their male counterparts when it comes to pay, conditions and acknowledgement.

The AusPlay Survey reports that in New South Wales overall sports participation rates for males and females are similar. However, some groups of girls and women participate at significantly lower levels. AusPlay found that outside of school hours the participation rate for girls aged 14 and under is 16 per cent, or one in six, compared with 25 per cent, or one in four, for boys aged under 14. The participation rate in sport or physical activity three times per week for women aged 15 to 17 years and 25 to 34 years was 51 per cent, compared with the New South Wales average of 59 per cent. The current New South Wales participation rate for women is 60 per cent, compared with 55 per cent for men. That statistic can be directly attributed to the Government's commitment to assisting women to participate in sport at all levels through grant programs, support for major sports events for women and active involvement in national and State policy development.

As for sports leadership, the case for gender diversity on boards and in leadership roles is well established. Evidence suggests that boards that demonstrate a progressive attitude and commitment to leadership diversity and

the role of women in their organisations will outperform those that do not. In 2015 women held 30 per cent of board directorships of NSW State Sporting Organisations [SSO], accounted for 16 per cent of NSW SSO chairs and presidents, and comprised 27 per cent of chief executive officers. Those figures are not great and need to be improved. This Government, sport Minister John Sidoti and his predecessor, the Hon. Stuart Ayres, are committed to assisting women to participate in sport at all levels. In October 2017 the office of Minister Ayres ran a forum entitled "Unleashing the Value of Women's Sport" at the Museum of Contemporary Art. The forum brought together people from sporting codes, corporations and other stakeholders to discuss the economic value of engagement through sponsorships of women in sport.

Former water polo world champion and athlete and Manager of the Office of Sport Kerry Turner opened the day with her story of getting women's water polo recognised as an Olympic sport. A quote from her speech that stands out in my mind reads as follows:

It's not ever about talent; it's about opportunity. Once we get to that stage, our value is unleashed. Women's sport is a leap of faith; the brands that have taken the leap of faith have all recognised the return. The power of seeing women playing sport is intangible; it influences so many things—from a new generation of powerful role models to a new generation of kids growing up with a redefined sense of self.

That is a clear indication of why promoting girls in sport from a young age is so very important. The Minister also announced the development of the Women in Sport Strategy to help shape the future of women's sport. The plan complements prior funding initiatives such as the near \$1 million provided by the Office of Sport to assist in increasing female participation in sports that identify strategies specifically targeting women. Cricket Australia is currently implementing its National Female Cricket Strategy, which is aimed at growing female participation in all levels of cricket and across all aspects of the sport including coaches, umpires, administrators and officials. Given that the sport is traditionally male-dominated, it is great to see grassroots initiatives rolled out by influencers within cricket to promote more gender-diverse strategies.

It is important to have a sporting world where women and girls are valued and recognised and have equal choices and opportunities to lead and participate in the activity they are passionate about and put extensive time and effort into. That is why the Government initiative in this particular area is a positive direction towards change. As I look to this new world where, appropriately, we are seeing equality on our television screens and on sporting fields for women and men's sport, I note a tweet from Annabel Crabb that states:

I was at the pub the other night listening to three blokes talk sport. After about 20 minutes the penny dropped that they only discussed women's sport in that time. Would not have happened five years ago.

I could not agree more. I commend the motion to the House.

The Hon. MARK LATHAM (17:19): I am a great supporter of female participation in sport, having spent endless Saturdays around the playing fields of south-west Sydney supporting my family's cricket and soccer teams. I am pleased to report that with very good players they mostly have been winning. I always keep a very close eye on one girl in particular; she is a bit of a gun and going great. It is fantastic and always a great part of any family weekend. Supporting female participation in sport is not just a matter of endorsing the Cricket Australia strategy that the Hon. Ben Franklin mentioned. It is not just a matter of providing the appropriate upgraded facilities and ensuring that no girl feels left out of any opportunity that a boy of comparable age and ability might enjoy. It is also a matter of having common sense.

One thing to understand about junior cricket is that a 16- or 17-year-old fast-bowling boy—a young Dennis Lillee—would not be bowling against girls of that age, because it can destroy the girls' confidence when they are batting. If they are hit badly in the stomach or torso, they could be quite demoralised and scared and potentially driven out of the game. You need to have common sense, and that certainly applies to the sports I have witnessed. Up to about the age of 12, the girls and the boys play cricket together. They have comparable ability and the boys do not have any strength advantage that could allow the fast bowlers to terrorise the girls, hurt them and drive them out of the game. But after the age of 12 or 13 it changes. Hormone development in adolescent boys gives them a strength that allows them to bowl so much faster. That is the reality; it is a fundamental truth. Would you then allow a young man with those advantages to bowl in a female sport? I am very concerned.

I participate in this debate because it has been brought to my attention today that Cricket Australia has released guidelines for the inclusion of transgender and gender-diverse people in community cricket. I would not for a moment look poorly upon the right of a person who is transgender to participate in sport in an equal and safe way that does not drive others out of the sport, but we need to be realistic. I call upon Cricket Australia to revise and rethink its guidelines. The requirement for a boy identifying as a girl and playing cricket with 16-, 17- and 18-year-olds is a commitment consistent with their display of gender identity and other aspects of everyday life.

There is no medical identification and certainly no medical examination. It is a policy of self-identification of gender. It is possible for a young Dennis Lillee to nominate as a female and play in that sport.

These are difficult issues, but people making these policies and participating in this debate have to make a choice. Do we think that is a level playing field that is fair on the girls who do not have the same strength and bowling speed? Does it have the potential to drive them out of the sport? We have to make a choice. Self-identification in this area runs a danger of a young fellow saying, "I am a girl for the purposes of this", and participating in sport when they have a strength advantage. I do not think self-identification is advisable.

The policy announced by Cricket Australia today runs the risk of driving young girls out of the game because of those strength advantages. The Hon. Penny Sharpe can shake her head, but I have witnessed these real-life realities on the playing fields. Would any parent want their young girl driven out of the game by the strength advantage of someone born a boy, playing the game and hitting them with a leather cricket ball? Let us be honest: A leather cricket ball, when launched at speed, is like a missile. It is a dangerous implement in any game of sport. If the member does not understand that, then I respectfully suggest through the Chair that she does not understand much about what girls need to have a true level playing field for sport participation.

The Hon. Penny Sharpe: I'm glad you know what girls need, Mark.

The Hon. MARK LATHAM: Well, I think you need common sense. I say to the Hon. Penny Sharpe that my knowledge of cricket is born of hours, days—endless time—supporting the game and understanding the commonsense proposition that a 15-year-old boy hurling a missile will drive young girls out of the game.

The Hon. Natalie Ward: Point of order—

The Hon. MARK LATHAM: If that is your objective, it is foolhardy and counterproductive.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): A point of order has been taken. The member will resume his seat.

The Hon. Natalie Ward: My point of order goes to relevance. While members have a wide latitude in debates such as this, they should in some way relate their comments to the motion at hand. I ask that you direct the member to be relevant to the motion at hand.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): I remind the Hon. Mark Latham and the Deputy Leader of the Opposition that interjections are disorderly at all times. I am not going to be overly restrictive on interjections; I note previous rulings that they can be tolerated if they facilitate debate. However, I think the line was crossed. The Hon. Mark Latham will not encourage interjections. He will remain relevant to the motion as it has been drafted.

The Hon. MARK LATHAM: My understanding of the development of this policy is that it has raised concerns even within the transgender cricket community, which understands the danger that it can cause and that it can be counterproductive. I am just calling for a commonsense reassessment of what has been put. Generally in games where strength is part of the sporting advantage, all other things being equal, a fully developed male will beat a fully developed female. If members think that is going to raise the morale and the expectations and hopes of girls that they can be effective in those games and be treated as equals, they need to recognise the physical reality that we are talking about.

There is nothing worse in this space than girls feeling like they are being driven out of a game because of a physical fear of being hit by a missile such as a cricket ball or feeling that they cannot win or compete because it is not girls against girls. This is a very difficult area. I call upon Cricket Australia to talk to those members of the transgender cricketing community who originally participated in the consultation process. I am told that they dropped out because of their worry about the direction the policy was taking. Cricket Australia should go back to those wiser heads in the transgender community and develop a different policy to the one that has been released today.

I am not saying that transgender people do not have a legitimate voice in this debate; they do. My understanding is they dropped out of the consultation and the full development of the policy. Cricket Australia should listen to some of those people, understand the nature of the game and allay the legitimate fears of parents and, I am sure, young girls that this is not a level playing field. It will not foster the development of girls' cricket. We have a wonderful Test team. Ellyse Perry is a fantastic competitor and role model. We want more girls to play cricket, but the authorities run a risk that needs to be addressed. I ask them to please go back to the drawing board and start again.

The Hon. WES FANG (17:27): It is with great pleasure that I fully support the motion of the Hon. Natalie Ward. As I was preparing to debate the motion, I came across an interesting article by Kate Palmer, CEO of Sport Australia. In her opinion piece, she stated:

It's time to rewrite the language of Australian sport. We need to drop the unnecessary, divisive labels, and erase the gender bias that has become accepted and ingrained. There is no longer a place for the sub-category known as "women's sport". There is just

sport. It belongs to all. It's what everyone plays. There is an important distinction between women's sport and women in sport. It is the latter that we must continue to support in all its forms. We must create more opportunity for participation and build on the huge advancements that have already been made. To show just how far we have come, in the 1900 Olympic Games only 22 women participated, that is just 2.2 per cent of all competitors. In 1928 women were able to compete in track and field events at the Olympics. The first year women were given equal prize money at Wimbledon was in 2007. In 2015 women's teams were added to the FIFA video game and in 2016 the first Women's Big Bash League [WBBL] was played. Now we have the likes of Sally Pearson, who won gold at the Olympics and the World Championships. I take this opportunity to wish her well in her retirement, which was announced this week. Today we have all spoken about Ash Barty, who won the French Open. Alyssa Healy and Ellyse Perry have dominated world cricket. Sam Kerr leads the field in football and Stephanie Gilmore is a seven-time world surfing champion. I could go on about just how incredibly well Australia is represented by women in sport.

I believe that televised coverage is absolutely crucial to increasing opportunity as well as public knowledge of women in sport. Under the 2018 cricket broadcasting deal with Seven Network and Fox Sports, all women's international matches are guaranteed to be shown on free-to-air television for the first time. In addition, the 36 Women's Big Bash League games not shown on Seven and Fox Sports will be live-streamed through cricket.com.au and the Cricket Australia Live app. We have just seen Australia hoist the trophy for the Women's Ashes in a dominant display over the old enemy.

Australia is planning to defend, on home soil, the World T20 crown that it won in Antigua last November. Before then, the team visits the West Indies again for a bilateral series. Sri Lanka will visit in October. Long-time sponsors of the national women's cricket team, CommBank, commissioned a survey to gauge the rising interest in women's cricket. The research revealed a 48 per cent increase in interest in both digital and televised broadcast coverage of women in sport from last year, with 53 per cent of Australians now watching broadcasts or attending live women's sporting events.

A record crowd of 53,034 attended the Australian Football League Women's [AFLW] grand final at Adelaide Oval on 31 March 2019. The Australian Football League [AFL] has reached a deal with Fox Footy to broadcast every AFLW match live from 2019 to 2022. Some matches each round will be shown on two Seven Network channels. In March 2018 Foxtel announced that it will show 90 per cent of all women's sport on Australian television, which is four times more than all free-to-air networks combined. More than 60 codes and competitions will be shown across Fox Sports channels. The announcement came after the Federal Government announced that Fox Sports would receive \$30 million in broadcast funding to cover under-represented sports. Nielson Sport has reported that in Australia the women's sport audience topped 10 million in the 2017-18 seasons of AFLW, WBBL, W-League and Suncorp Super Netball. It is incumbent upon our broadcasters to keep televising the coverage. The demand is clear. People want to watch women in sport. Jacqui Mooney of *Australian Women's Health* stated:

The public and media hunger has never been higher—there is more buzz and eyeballs. We've been captivated by women's sport, and it is igniting stories everywhere.

I congratulate the Australian Government on its announcement in March that \$150 million will be spent supporting the development of female change room facilities at sporting grounds and swimming facilities across Australia. Much like the New South Wales Government's investment in the Easts Rugby Club change rooms, this is an important step for women who want to participate in sport. The Her Sport Her Way strategy by this Government aims to empower women and girls to have full access to opportunity and choice, be valued for their diversity, be recognised for their contribution and be able to participate in all aspects of life freely and safely.

Across the four pillars of participation, places and spaces, leveraging investment and leadership, Her Sport Her Way came to a crucial finding that we need to rethink, through a female lens, the way that sport is delivered, coached, marketed, led, sponsored and consumed. Over the next four years this strategy will drive the way this Government looks at sport in New South Wales and how we can shape the future of women in sport. I offer my congratulations to Easts Rugby Club on its commitment to equality for women in sports, and also on its one-point win over the weekend against the Western Sydney Two Blues. I thank the Hon. Natalie Ward for moving this motion.

My daughter Audrey is in her first year of soccer at Wagga United. She plays in the mixed competition. I noted the contribution of the Hon. Mark Latham. I think there may be a need for separated sport as Audrey grows older because I pity any boy who goes up against her—they will probably end up injured! I commend the motion to the House.

The Hon. SHAYNE MALLARD (17:34): I support this important motion moved by the Hon. Natalie Ward. I thank her for bringing it to the attention of the House. The quest for gender equality in sport has come a long way, but the starting point was a long way behind. We should celebrate the progress, but also acknowledge there is still much to be done. The dial is shifting, just not fast enough. I will speak about what can be done and what is being done, and also pay tribute to our fantastic Australian athletes. I note that this motion is about women in sport and not women's sport, which is important. Earlier this year CEO of Sport Australia Kate Palmer started

a conversation about the need to rewrite the language of Australian sport and the subcategory known as "women's sport". She stated:

There is just sport. It's for everyone. Football, for example, is not a game played by men. By differentiating "women's football", the usual connotation is that the "women's" version is the inferior brand.

While gender equality is a basic standard of industry, the sporting world has some catching up to do. People examining why women's sport is deemed as inferior to that of their male counterparts often find that the common themes of media attention, sponsorship deals, wages, access to resources and performance levels are raised as excuses. Many of Australia's highest performing sportswomen have struggled to snag sponsorship deals, and when they do the marketing campaigns often have sexual overtones.

One such example is when, in 2004, FIFA President Sepp Blatter suggested women soccer players "wear tighter shorts and low-cut shirts" in order to "create a more female aesthetic" and attract more male fans. Have things changed since 2004? Recent trolling of an amazing photograph posted online of Australian Football League Women's [AFLW] player Tayla Harris highlights the appalling attitudes that still persist towards female athletes. The photo was censored by the Australian Football League [AFL]. We still have a long way to go. The lack of women's sport on television is another major problem. Moya Dodd, member of the FIFA executive committee stated:

People might be conditioned to thinking that women's sport isn't good to watch because they've not seen it for decades. But it didn't begin like that.

Furthermore, Canberra Capitals coach Carrie Graf decried the priorities of the media and stated:

Dogs and horses get outrageously more coverage on the sports pages than women in sport.

According to a 2014 Australian Sports Commission report, television executives stated that it is not their responsibility to champion any sport, arguing for a market-driven approach to broadcasting. One way in which this could be countered is through continued Federal Government funding for women's sport to be broadcast on the ABC. The more women's sport is played on television, the more people will watch it and the demand will grow.

It is important that the profile of women's sports and stars of women's sports are built in the media so that they attract valuable sponsorship and broadcast deals. There is also a gross under-representation of women in high performance coaching and executive positions. In executive positions, women comprise 24 per cent of CEOs across the 63 national sporting organisations funded by Sport Australia and the Australian Institute of Sport. The picture is no better for female high-performance coaches, who represent less than 15 per cent of coaches across Australia's high-performance system. Real change can come from giving women more seats and a voice on sporting boards. A fresh female perspective provides an incentive for sporting bodies in the often hyper-masculine world of sport.

I also discuss the significant gender pay gap in sport. Two examples of this are the W-League and AFLW. In the W-League the minimum salary a player can earn this season is \$12,200. In the A League for men over 20 it is over \$64,000. AFL players earn around \$370,000 on average, while AFLW players earn just \$9,700 on average. There is no doubt that those wages are stopping a number of sportswomen from reaching their potential, with many having full-time or part-time jobs as well as playing professional sport. I cannot stress how critical it is for young women to see role models holding positions of influence in sport who, in turn, can drive change from within.

I pay tribute to several female Australian athletes that are paving the way for the generations to come. Ash Barty recently soared to the number one ranking in tennis. Samantha Kerr is Australia's best footballer and one of the best in the world. Ellyse Perry is a dual international competitor in football and cricket and recently won the Ashes. Stephanie Gilmore is a six-time world surfing champion. I could name many more. While we do still have a long way to go, the New South Wales Government is serious about supporting women in sport.

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): Order! Members who wish to talk will take their conversations outside the Chamber. The member deserves to be heard in silence.

The Hon. SHAYNE MALLARD: That is why last year the then sports Minister, Stuart Ayres, launched the Women in Sport Strategy and Her Sport Her Way. This four-year, \$5 million strategy features 29 initiatives across four key pillars. Those initiatives aim to increase the number of women and girls playing sport; invest in the provision of sport facilities that support sports for women and girls; maximise investment in women's sport across government, corporate sector and media; and support the sector to increase the number of women in leadership positions.

A key focus of the strategy is a partnership with the University of Newcastle for the rollout across the State of a groundbreaking program targeting fathers as change agents to improve their daughters' physical activity levels, sport skills and social-emotional wellbeing. Other highlights include prioritising the development of female-friendly facilities across the Government's current suite of sport facility grant programs and continued collaboration with the NSW Institute of Sport to attract, develop, retain and process high-performance female coaches across the State. Those initiatives should be applauded. I again thank the Hon. Natalie Ward for moving this motion. While we have come a long way for women in sport, we still have a long way to go. I commend the motion to the House.

The Hon. TAYLOR MARTIN (17:41): I commend the motion of the Hon. Natalie Ward regarding Ashleigh Barty's achievements and particularly her role in inspiring women and girls across the nation.

Mr David Shoebridge: Isn't the motion about Easts Leagues?

The Hon. TAYLOR MARTIN: The motion is about women in sport.

Mr David Shoebridge: It's about Easts Rugby, mainly.

The Hon. TAYLOR MARTIN: Well, women in sport as a whole.

Mr David Shoebridge: And the change rooms.

The Hon. TAYLOR MARTIN: That's alright, David. You can speak about what you would like to speak about. I would particularly like to speak about Ash Barty, if that is all right with the House.

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): Order! I remind members that interjections and responses to interjections are disorderly. I ask the Hon. Taylor Martin not to engage with Mr David Shoebridge.

The Hon. TAYLOR MARTIN: I think it is great that we have the chance to discuss the subject of women in sport this evening. I particularly wish to highlight a few sportswomen in Australia who are championing a new-found enthusiasm in our community for women in sport. Ash Barty's win in the French Open in May was extremely exciting for many who had been waiting for an Australian woman to win that grand slam for the first time since 1973. During the tournament she dropped only two sets. As she reached the quarterfinals and semifinals, many people joined the late night "Barty Party" as it became clear that she was in with a real shot of winning the tournament.

Australians admired the class, humbleness and genuine excitement of Ashleigh Barty when she won—especially due to its contrast with some current Australian male players. Her rise to the world number one ranking in June was quite the achievement, becoming just the second Australian female to achieve that ranking, following in footsteps of Evonne Goolagong Cawley 43 years earlier. While her reign as world number one ended earlier today, Barty is now in the history books as the Australian female to hold the spot for the longest at eight weeks. I am certain that Ash Barty will continue to be a force and it will not be long before she regains the position. Over the past few years elite women's sport has been growing in recognition. Rugby league has seen the launch of an elite women's tournament in 2018.

Mr David Shoebridge: The motion is not about rugby league. It is about rugby union. That's the other one.

The Hon. TAYLOR MARTIN: Registered female participation doubled over the last three years. I suggest that when Mr David Shoebridge gets the call he can speak about whatever aspect of women's sport he wishes. I have spoken about Ash Barty and now I wish to speak about women's rugby league and I will get onto Australian Football League Women's [AFLW] shortly.

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): Order! I agree with the member's suggestion. I ask that Mr David Shoebridge cease interjecting.

Mr David Shoebridge: Point of order: I fully support hearing about Ash Barty and the other amazing female athletes.

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): What is the member's point of order?

Mr David Shoebridge: The member's speech does not relate to the motion, which is very clearly about Easts Rugby club and the \$1.8 million—

The Hon. Natalie Ward: We've had transgender and you didn't object to that.

Mr David Shoebridge: Well, I wasn't here. I would have taken a point of order to the earlier motion had I been. This motion is about \$1.8 million in funding to the Easts Rugby club's female change rooms, this Government's initiative in that regard and Easts Rugby club's commitment to equality for women in sport.

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): There is no point of order. Wide latitude is extended to members on these sorts of motions. The Hon. Taylor Martin has the call.

The Hon. TAYLOR MARTIN: As I was saying, registered female participation has doubled over the past three years, particularly in rugby league. This includes a 29 per cent increase in 2018 alone. I do not understand why The Greens want to shut down discussion on women's participation in sport. The Government and I think it is a great thing. This was no doubt off the back of the 2017 Women's Rugby League World Cup, which was held in New South Wales and supported with a grant of \$500,000 from the New South Wales Government, which the Hon. Natalie Ward pointed out in her motion. In June more than 10,000 people packed North Sydney Oval for the Women's State of Origin, which was significantly more than expected. It is important to note that New South Wales won both male and female State of Origin competitions this year. Last month we also saw the first National Rugby League game officiated by a woman, Belinda Sharpe. I am sure this House congratulates Ms Sharpe on her outstanding achievement—maybe not The Greens.

Netball is working towards becoming fully professional within the next five years. Players' contracts doubled last year and a parental policy was introduced to support new mothers playing in the Super Netball league. The New South Wales Government has provided \$27 million towards Netball Central at Sydney Olympic Park and will bid for the 2027 Netball World Cup to be held in Sydney. The Diamonds are arguably one of the most successful Australian national teams, having won 11 World Cups and three Commonwealth Games gold medals. Unfortunately, despite being undefeated prior to the final, last month the Diamonds missed out on winning its twelfth World Cup, going down in the final by just one point.

Female cricketers are the best paid of any women's team sport in Australia. The Australian team has been incredible at building a fan base. The Ashes, held last month, was a great result for Australia. The team lost just one game and won the series 12-4. I know many people are looking forward to the Twenty20 World Cup that is being hosted by the New South Wales Government in Sydney next year.

I will also talk about surfing, which is a sport close to my heart. Surfing has always had Australian women competing at an elite level. I am glad that the quality of the women's competition is being recognised with equal prize money at World Surfing League events. Women's sport at the elite level is growing in recognition, in part because it has an audience that had previously not been catered for. Every AFLW game is now broadcast live on Foxtel, while all women's international cricket matches are guaranteed to be shown on free-to-air television. Women's Big Bash League [WBBL] cricket games are either broadcast live on television or streamed online. Four Super Netball league games are broadcast every week. More than 10 million people watched an AFLW, WBBL, W-League or Super Netball league game in 2017-18.

Last year the Government launched the NSW Women's Strategy 2018-2022. This strategy provides a whole-of-government and whole-of-community policy framework that aims to improve the economic, social and physical wellbeing of women and girls across New South Wales. Sport obviously plays a role in this. The strategy states: Participation in sport creates inclusive, equitable, healthy and safe environments for women and men, girls and boys. The rise of women's elite sport in NSW provides significant opportunities to challenge traditional norms and stereotypes, and promote diversity in sport leadership. It is an exciting and empowering social shift that is breaking traditions, expectations and creating a new cohort of role models.

This excellent motion from the Hon. Natalie Ward recognises many female sporting participants and the work that the New South Wales Government is doing. I commend the motion to the House. I look forward to hearing the contributions of other honourable members to this debate.

Debate adjourned.

Documents

TABLING OF PAPERS

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

Local Government Act 1993—report of the public inquiry into the Blue Mountains City Council entitled *Supplementary Interim Report: Term of Reference 4*, dated 31 July 2019.

I move:

That the report be printed.

Motion agreed to.

PLANTATION FORESTS PRIVATISATION**Production of Documents: Order**

Mr DAVID SHOEBRIDGE: I move:

That private members' business item No. 158 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr DAVID SHOEBRIDGE (17:50): I seek leave to amend private members' business item No. 158 outside the order of precedence as follows:

- (a) omit "14 days" and insert instead "21 days"; and
- (b) inserting at the end of paragraph (b) "excluding documents that do not refer to such matters and relate to the regular business functions of the Forestry Corporation".

Leave granted.

Mr DAVID SHOEBRIDGE: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of the passing of this resolution the following documents created since 1 July 2018 in the possession, custody or control of the Treasury, the Premier, the Forestry Corporation of NSW or Department of Planning, Industry, and Environment:

- (a) all documents relating to establishing a market price or mechanism for the sale for New South Wales State Forests plantation forests;
- (b) all documents relating to the potential sale or lease of plantation forests in New South Wales, excluding documents that do not refer to such matters and relate to the regular business functions of the Forestry Corporation;
- (c) all communications between the Treasury and the Department of Planning, Industry, and Environment regarding the pricing, marketisation and sale or lease of plantation forests in New South Wales;
- (d) all communications from Treasury and the Department of Planning, Industry, and Environment to the financial sector regarding the pricing, marketisation and sale or lease of plantation forests in New South Wales, and
- (e) 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.

There are approximately 230,000 hectares of publicly owned radiata plantations in New South Wales. The great bulk, but not all of them, being in the Tumut-Tumbarumba area and the southern slopes that extend from there. Those forests provide hundreds of regional jobs and hundreds of millions of dollars of income to the regional and New South Wales economy. This is especially so when one considers the multiplier effects of the jobs in planting, preparing, maintaining and harvesting, as well as in the various large industrial facilities that deal with the downstream processing. Approximately a quarter of all of the timber frames used in the entire national housing construction industry are sourced from New South Wales publicly owned plantations. Those plantations are critical to getting our forest industry on a sustainable footing, moving away and finally ending native forest logging while also ensuring that we retain and grow high-quality jobs in the regions.

I recently visited that southern part of the State, and I can tell honourable members that there is extremely strong public support for the retention of the plantations, and their extension in a sustainable way over marginal grazing land into the future as an essential part of sustainable growth in jobs in the region. That is why it is deeply distressing that multiple reports have come to my office, from the financial markets in particular, that the Government is seeking a method with the finance markets of pricing the publicly owned plantation estate for sale. The Government is going to market and trying to come up with a way to price the 230,000-odd hectares of publicly owned plantations in a way that it can pretend it will get value when it privatises and sells them. There is no way the New South Wales Government would get a decent economic return. There is really only one serious player—perhaps two—who would ever consider buying the plantations in New South Wales.

I note that towards the end of the previous Labor Government's administration it had been looking at privatising and selling the plantation estates. It was only after pressure from the union movement and from inside and outside the Labor Party that it shelved the plans to privatise the plantation estate—and I am glad it did. The figure that has been touted for the sale price is about \$1 billion. That is what the Government is looking at. It thinks it can get \$1 billion in a cash grab from the sale of the plantation forests in New South Wales. It has sold pretty much everything else, so it is looking around for something to sell. It is notorious that this is what the Government is doing. That is why we are making this call for papers under Standing Order 52, to find the documents and the details, and to shed some transparency on what the Government's moves and motivations are.

We have had discussion with the Government about the terms of the call for papers under Standing Order 52. We have increased the time for compliance from 14 days to 21 days because the Government represented to us that it could not comply within 14 days. We are happy with that and have moved the amendment to increase it to 21 days. The Government was also concerned about paragraph (b), which read:

(b) all documents relating to the potential sale or lease of plantation forests in New South Wales;

The concern was that may cover just the ordinary documents that the Forestry Corporation is creating for the purpose of improving its business practice. That is why we have agreed to the additional limitation—that it excludes those documents that do not refer to such matters and relate to the regular business functions of the Forestry Corporation. We do not want just to get its standard churn of business improvement documents; we clearly want the matters expressed in the motion. I commend the motion to the House. It is timely and essential. I can tell honourable members now that thousands of people's jobs and livelihoods depend upon this and they will be wanting to have an immediate say if the Government is—as is the very real concern—moving to privatise the plantations in this State.

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) (17:56): I refer honourable members to the comments that I made this morning, which apply to this motion as well. However, while I note that this is today's sixth order for papers under Standing Order 52, I thank Mr David Shoebridge for his willingness to work with the Government on the amendment to the motion. This will assist in reducing the administrative burden on the public service, as will the extension of the deadline.

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

Motion agreed to.

Bills

REPEAL OF KOSCIUSZKO WILD HORSE HERITAGE LEGISLATION 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 (17:58): I move:

That this bill be now read a second time.

I do not intend to make a lengthy second reading speech on the Repeal of the Kosciuszko Wild Horse Heritage Legislation Bill 2019 because it is a straight repeal of a bill that was passed in this House in June 2018. The bill, which has now become an Act, was strongly opposed and continues to be opposed by the Labor Party, environmentalists, scientists, tourism and other small business operators who rely on Kosciuszko National Park for their ongoing successful operations. The bill, now an Act, was also strongly opposed by some brumby organisations.

The Hon. Wes Fang: We love brumbies.

The Hon. PENNY SHARPE: Are you going to interrupt the entire time I am speaking?

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): Order! The Hon. Penny Sharpe will proceed.

The Hon. PENNY SHARPE: Members may recall that this was a very hot debate. Essentially, the bill promoted strongly by the member for Monaro in the last term of Parliament put the protection of wild horses above the environmental, cultural, economic and social values of the State's only alpine national park, Kosciuszko National Park. It cast aside over 75 years of bipartisan consensus on the best way to manage the park—that being through the National Parks and Wildlife Act, with appropriate advisory and review committees, and appropriate attention given to the 28 endangered flora and fauna species within the park. The bill threw out over two years of work that had been done by the former Minister for the Environment, the Hon. Mark Speakman.

For a long time people were aware that the wild horse population in Kosciuszko National Park was growing at an unsustainable rate. A recent count suggests that around 8,000 horses are now in the park. They are more spread out across the park than ever before and are increasingly getting into the higher, more fragile parts and alpine areas. That means they are doing untold damage to the park. They are not only threatening native

species such as the mountain pygmy possum, broad-toothed rat and corroboree frog but also destroying the bogs, ferns, sponges and the way in which the entire water system operates within the park.

Why is that important? It is important because the headwaters of both the Murray River and the Murrumbidgee River come from that park. As their numbers have continued to explode across the park, horses have flattened out the bogs, ferny areas and sponges. Increasingly, they are impacting on water quality down the river—in fact, they are destroying the water quality not just around Kosciuszko and the Monaro but causing impacts for farmers in the Far West and all the way down the Murray. This has been recognised as an enormous problem for quite some time by scientists, environmentalists, farmers and others who use the park on a regular basis. Many reports have been written about it. Indeed, the Australian Academy of Science in Canberra has done extensive work on this matter—to which I refer members who are seeking more information.

The simple fact is that this is a real problem and it is a problem that the Government previously recognised. Former Minister for the Environment the Hon. Mark Speakman established a committee to consider a draft horse management plan for the park. It was two years in the making and looked at all the science and worked with many people. There was extensive community consultation. The draft horse management plan was widely supported and dealt with the difficult issue of too many horses in the park. We cannot hide from that fact. The plan recommended that over a period of 10 to 20 years horse numbers in the park be reduced. It is important to note no-one is saying that horses be eliminated completely from the park. There is very strong recognition across the Monaro and by many other people of how we feel about those horses, their heritage value and stories about the role of brumbies in Australian history and throughout the Snowy Mountains.

However, according to the science and as visitors to the park will confirm, there are too many horses. The horses are destroying the park. They are destroying the water and endangering not just threatened native species but also tourism and other job opportunities around Jindabyne and other places. Many small tourism operators rely on the park for their economic wellbeing. They create hundreds of jobs. One operator employs over 100 people—50 people full time and up to 100 people during the peak season. One hundred jobs in Jindabyne is a lot. Members opposite should listen to those tourism operators. Even if they do not care about corroboree frogs or mountain pygmy possums, they should care about the economic impact on the park, the money that visitors generate and the wealth it creates in the area.

But I digress. The draft horse management plan outlined a range of activities designed to reduce horse numbers over time, including rehoming methods and research into fertility control. But we cannot hide from the realisation that a culling program is needed to reduce horse numbers in the park. I know many members are horse lovers and find that very difficult. However, we talk about culling invasive species all the time—whether it is deer, rabbits or pigs. The damage being done to this park can no longer be ignored. After all the hullabaloo from the Deputy Premier, nothing has happened as a result of the Kosciuszko Wild Horse Heritage Act 2018. The Deputy Premier still has not established the committee he promised and has done nothing to reduce horse numbers in the park. Other than horses dying from starvation and poor health as a result of overpopulation, which is a terrible animal welfare outcome, there has been no reduction in numbers. Nothing has been done to remove horses from the park.

It is clear what needs to happen. If we are serious about looking after the water—it really is the birthplace of the Murray and the Murrumbidgee rivers—and if we are serious about protecting this fragile alpine park, we must repeal the Act. We need to restore a proper plan to manage the horses in Kosciuszko National Park. At present they are completely and utterly unmanaged. We need to finalise the draft horse management plan. We must accept that we need to work towards this outcome and back National Parks and Wildlife Service officers and others to work through the issues. It is that simple.

Repealing the Act is straightforward. This bill will repeal the Kosciuszko Wild Horse Heritage Act, reversing the Deputy Premier's legislation that placed horses above every other animal in the park. The Act put up barriers to managing the horse population. It is as simple as that. I am keen to speak to members about my bill because there is a lot of information out there. I have started the process of speaking to members about why we need to repeal the Act and why I believe we can get a much better outcome that manages the horses sustainably while protecting the park. I reflect on some of the community activity that has occurred in bringing forward this bill. A large group of people have worked extremely hard to repeal the Act since it became law last year.

A large group of bushwalkers walked from Sydney to the summit of Kosciuszko, collecting signatures for petitions and raising awareness along the way about the need to protect the park. I pay tribute to them for bringing this matter to the attention of the broader New South Wales community and for highlighting their love of the park and the need to take action. They have presented a petition signed by more than 10,000 persons, which I believe will be debated in the other place in a couple of weeks. Since then, scientists and other international experts have called on New South Wales to take stock and put in place a better regime that gives primacy to our

management of national parks. I thank the Invasive Species Council, which has done incredible work putting the facts on the table in relation to the problems caused by horses in the park.

I thank tourism operators like Richard Swain, an Aboriginal man who has deep connections to the park. His father was one of the people, after McKell, who established the park and who was involved in soil and soil restoration after the damage of hooved animals was recognised. That was when McKell was the Premier. Richard is a very passionate supporter of this cause. He understands deeply the changes that are happening in the park. He has photographs of what should be boggy swampland that has basically been turned into hard basketball courts by the impact of the horses' hooves and the destruction that horses are causing to the creeks and waterways that feed the entire catchment.

I pay respect to Richard and to the other traditional owners who came to Parliament a few weeks ago to ask us to take this action. They did not do that lightly. The point that they make is pretty obvious. The park has been around for tens of thousands of years. As I said earlier, it has been the headwaters of the Murrumbidgee and the Murray for all that time. That water was clean and pure and it sustained communities from one end of the State to the other, from the east to the west. Yet within 125 years, with increasing horse numbers in the park, we are managing to destroy it. We continue in that vein at our peril. I recognise the continued efforts of Richard and other traditional owners to raise the issue with us, to argue the case and to put forward the science.

I also recognise a scientist with whom I have been working closely examining the proposals that were passed last year and why they should be reviewed. I particularly pay my respects to Associate Professor Graeme Worboys, who is an expert in the management of Kosciuszko National Park. He understands what needs to be done. He was very important to my drafting of Labor's policy before the most recent State election about how to deal with Kosciuszko National Park. He recognised that this is not just about horses; it is actually about the desperate need for investment in catchment repair and replanting many of the snow gums that have been lost over time. An enormous amount of work needs to be done to protect this very fragile place. I ask members to repeal the Act and do just that. I look forward to speaking to members in coming weeks to provide more information. In conclusion, this is a straightforward bill. It simply repeals an Act that I think was ill-founded, should not have been passed and fundamentally is continuing the destruction of Kosciuszko National Park.

Debate adjourned.

Motions

WAGE THEFT

The Hon. ROSE JACKSON: I move:

That private members' business item No. 136 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ROSE JACKSON (18:12): I move:

1. That this House notes that:
 - (a) business owner and chef George Calombaris is the latest employer to have been found guilty of underpaying workers at his MAdE Establishment by up to \$7.8 million and some staff are still waiting for money they are lawfully owed;
 - (b) wage theft is prevalent in our community, particularly affecting low-paid and young workers in the hospitality and retail industries;
 - (c) wage theft occurs when working people are not paid salaries, including overtime and penalty rates, they are lawfully entitled to, and it involves stealing money working people have rightly earned;
 - (d) wage theft is not acceptable in any form and it is obvious current laws are too weak to prevent its repeated occurrence; and
 - (e) congratulates unions including United Voice and HospoVoice on their work in helping uncover wage theft and standing up for hospitality workers.
2. That this House calls on the Government to urgently take the necessary legislative action to criminalise wage theft.

By and large, Australia's industrial relations system is successful because everyone involved is subject to an important and historically contested balance fought out over generations between business owners and those who work for them. The value that is generated by those enterprises, in which everyone has a stake, is allocated to business owners as profit and to working people as wages. Who is entitled to what is not a random or arbitrary figure. It is picked over, queried, pushed and pulled until we land on what can broadly be considered something approximating a fair allocation of this value. Wage levels are set; leave, overtime, penalty rates and superannuation are agreed; and workers get on with the job.

If a worker took money from the till, they would be guilty of theft. If they took money from the till every night, it is likely they would go to jail because that is stealing, which disrupts the legitimate balance that has been hammered out. Rightfully, they would be subject to criminal sanction for stealing from the business money to which they are not entitled. Wage theft is no different: It is bosses stealing money from workers—money to which they are not entitled. When we treat wage theft differently from workers stealing money from the till, the balance between employers and their staff—the balance that underpins industrial harmony in this State—is interrupted. Trust breaks down. People become less motivated. They are scared and they are resentful. Productive and harmonious workplaces are disrupted in the systemic breakdown of our wage payment system.

Wage theft, underpaying legally mandated minimum wages, not paying superannuation, not paying for breaks and overtime, threatening visa status, leaving out leave entitlements, making illegal deductions from workers' wages, and paying all-inclusive hourly rates that turn out to be not so all inclusive amounts to a crisis that occurs not just in small operations that perhaps do not have advanced human resources departments, but also in large companies and some of Australia's best-known businesses. What about 7-Eleven, which was caught systematically underpaying thousands of workers and stealing \$110 million in workers' wages? Once it was caught out, it pretended to pay back the wages in full but continued wage theft through some franchisees requiring employees to pay back some of the money in cash. With Pizza Hut, 92 per cent of franchisees were non-compliant with legal obligations. At Red Rooster in Brisbane migrant workers were paid as little as \$8 an hour.

With MADE Establishment, which is owned by George Calombaris, workers were paid low salaries and pressured to work long hours for no overtime. Superannuation was not paid to workers. Employers who do not pay superannuation put further pressure on our age pension system because people experience a lasting reduction in post-retirement incomes. Not paying fair wages leads to less tax being paid. It ties up the work of the Fair Work Ombudsman and the Federal courts. I am not referring to low-level or inadvertent underpayments. This practice is not isolated or uncommon; it is widespread. The entire business models of large sections of certain industries are built on a bedrock of wage theft: The hospitality, retail, agriculture and accommodation sectors have particularly high instances. Wage theft has been normalised. One young hospitality worker in New South Wales told me that since 2013 he has worked at 12 venues across Sydney and in one of those venues he was paid properly. Legal Aid reports that it receives inquiries every day from people who suspect they have been underpaid.

International students in temporary work and those on temporary work visas are particularly at risk. The international student market is a massive part of our economy in New South Wales. If our State gets an international reputation for exploiting these kids when they come here to learn and to earn a little on the side to support themselves, that is a very big risk for this important part of the New South Wales economy. The Federal Government's Migrant Workers' Taskforce found that as many as half of Australia's temporary migrant workers are being underpaid. It is obvious that wage theft is a serious problem that is seriously affecting already vulnerable workers such as young people, casual workers and migrant workers—and it is getting worse. The solution is to enact criminal laws against the underpayment of workers. Serious exploitation necessitates a criminal sanction with a serious prospect of jail sentences for substantial and intentional cases. The Federal Government recognises this. On 24 July the Prime Minister said:

Right now, the Attorney-General is drafting laws to deal with criminalising worker exploitation.

When will the New South Wales Government get on with the job of criminalising wage theft in this State?

The Hon. MARK LATHAM (18:17): I thank the Hon. Rose Jackson for moving the motion and bringing such an important matter before the House. I make clear the One Nation policy, which is always to support the wages and working conditions of employees, and indeed extend their rights further—particularly taking privacy issues away from the workplace. This is a new age of corporate activism. But it is also a new age of feudalism and serfdom because some companies think because someone works for them they also own their personal views, their private life and their religious faith. Workers have rights away from work. We in this Parliament must act to defend those rights as a paramount concern.

In the case of George Calombaris, he acted in a very unacceptable way. There is no defence for what he did. He said he did not know about the bookkeeping, but that is not a legitimate excuse. Wage theft of any kind is unacceptable. I know that the ABC underpaid 2,500 casual employees for six years. The Hon. Rose Jackson is suggesting that criminal sanctions should be applied under the New South Wales justice system. If she wants to lock up chef George, she will be down at Ultimo locking up some of the ABC management.

The Hon. Rose Jackson: Oh, you got me!

The Hon. MARK LATHAM: I am not meaning to get you; I am not trying to be tricky. I am trying to be consistent but also to make the important point that if you lock up Calombaris in this case one assumes that his restaurants will go broke and the workers will be unemployed. That might be an overreaction that, in a practical sense, acts against the interests of the workers. I am raising a concern about the best long-term interests of the

workers. Wage theft is unacceptable and we should all speak against it in the strongest possible terms. But if the cost is throwing workers on the employment list, I am not too sure that is what we want to achieve. Perhaps it would be wiser to recognise that the penalty for someone like Calombaris, who is a very wealthy person, should be making compensatory back payments to workers with interest. That might be in the interests of the workers, fair play and employment, while ensuring that he receives a strong message from the system that what he has done is completely unacceptable. We have laws that people do not profit from crime. Through governmental systems we try to get the money back and give it to those with greater need.

I am all for punishing people such as Calombaris, who has no excuse—being a celebrity chef must be a good existence. You have to attend to the basics of respecting the staff and looking after the people who got you there in the first place. I raise that concern. I welcome the Hon. Rose Jackson's response in her right of reply. I am not keen on throwing people out of work because their boss is in jail. Perhaps we should take the money from those rich individuals and give better compensation to workers so they are financially better off, given what they have been through. There is a moral dimension, in that they have missed out and been ripped off over many, many years. [*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) (18:21): I make a brief contribution to debate on the Hon. Rose Jackson's motion on wage theft. At the outset, it is important to note that the New South Wales Government is committed to ensuring that all workplaces are fair and that workers are free from exploitation. Workers are entitled to receive their lawful wages, which are set out in relevant awards and agreements. This Government believes any employer found guilty of exploitative behaviour should be subject to the full force of the law. Recent media reports have aired allegations of wage theft in a number of businesses, particularly in the retail and hospitality sectors. This has prompted a renewed policy discussion about wage theft. However, the examples that have been reported in the media, including one particular matter and others referred to in the honourable member's speech, took place within private sector businesses. As a result, they are subject to Federal industrial relations law.

Following the referral of powers to the Commonwealth to regulate private sector workplaces in 2009, New South Wales has retained only a limited authority to regulate such workplaces. State industrial relations law applies principally to New South Wales government sector employees, with very minor exceptions. Meanwhile, the industrial arrangements for private sector employees are covered almost exclusively under the Commonwealth's Fair Work Act. I note that in paragraph 2 of the motion the Opposition advocates the enactment of State laws to criminalise wage theft. It has done so today in this motion and also earlier during the election campaign. But such laws would face constitutional obstacles. State laws of this kind are specifically excluded by the Fair Work Act and criminalising wage theft may not overcome this prohibition. Any State laws that trespass on the Commonwealth's remit may well be found to be constitutionally invalid. As a government, we will not advocate for laws that are beyond the powers of this Parliament. That means the Government has an objection to the second paragraph of the motion.

I note that the Commonwealth Parliament recently passed the Fair Work Amendment (Protecting Vulnerable Workers) Act 2017, which aims to address the exploitation of workers. This legislation creates new relevant offences and strengthens the investigative power for the Fair Work Ombudsman. The New South Wales Government is an active and influential partner in the national fair workplace relations system. As such, it continues to remain engaged. But the motion calls on the Government to pass legislation that would likely be struck down. I request that the two paragraphs of the motion be put in seriatim.

Mr DAVID SHOEBRIDGE (18:24): The Greens support the motion moved by the Hon. Rose Jackson. The motion deals expressly with wage theft by George Calombaris, the *MasterChef* judge and so-called celebrity chef. That is an appalling case of somebody with extraordinary wealth—compared with those working for him—who was willing to run a business that did not give his workers their legal entitlements. That is an appalling state of affairs. But he is far from alone. In this regard, I commend the investigative work of Anna Patty, workplace editor for *The Sydney Morning Herald*. She has been doing some extraordinary work identifying wage theft by the Escarpment Group. The Escarpment Group runs the Hydro Majestic Hotel at Medlow Bath, Lillanfels Resort & Spa and Echoes Boutique Hotel & Restaurant in Katoomba, Parklands Country Garden & Lodges in Blackheath and The Convent Hunter Valley.

As a result of Anna Patty's work, recently the Fair Work Ombudsman and the Department of Home Affairs began an investigation and the Ombudsman has raided the business. Why? They did so because it was clear that the staff—many of whom are on 407 training visas—are effectively prisoners in the workplace. They are being paid for a 38-hour week and their pay sheets show them working 7.3 hours a day. However, their handwritten diaries and business records show them working not the 7.3 hours a day for which they are being paid, but 11 hours a day. Worse still, the business is forcing workers to return \$480 out of their wages each week—

their meagre wages; their underpaid wages—so that their employer can give them a shared bedroom and meals at a house. They could rent the entire house for \$500 a week. This is shameful wage theft and shameful exploitation. When the workers complain about it, the employer gets them evicted from the country. It terminates their contract, makes a complaint to the immigration officials, has their visa cancelled and has them kicked out of the country.

People talk about a Fair Work Act, but it is a joke of an Act. There are next to no rights for workers. Yes, George Calombaris has exploited his workers. It is happening across the country because the Fair Work Act is not a Fair Work Act. Yes, we should have a parallel State regime. The Minister is right: We need amendments federally to allow us to return some teeth to the State industrial laws.

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): I will now leave the chair. The House will resume at 8.00 p.m.

The Hon. JOHN GRAHAM (20:01): I thank my colleague the Hon. Rose Jackson for moving this important motion. I welcome the comments already put on record about wage theft. For me the most important part of this motion is the comments that members have made referring to this as a structural part of the economy. The real worry is that in some parts of our economy—for example, hospitality and retail; I will come to transport shortly—this practice has become a part of the business case and how businesses work. I will talk specifically about hospitality.

Workers in hospitality are some of the hidden victims of the night-time economy crisis that is going on in Sydney. As the business cases for venues and restaurants come under pressure and the city shuts down at night, the people paying the price are often the workers in those establishments. It is no surprise that in recent years we have seen some high-profile chains come into the public spotlight on this issue, as their basic business models have come under pressure. At the moment this is a Sydney issue, made worse by what is going on with the city's broader night-time economy. We know that if we change some of those policy settings the upside is potentially \$16 million per annum in revenue; some of that would flow to those workers by paying them the wage and entitlements that they have earned. That is one of the things I would love to see, particularly in the hospitality sector.

The Opposition does not accept the Government's position that this is in some way unconstitutional. Firstly, this motion does not spell out what specific legislative action the New South Wales Government should take to criminalise this behaviour. The motion is quite broad and we commend it in those terms. We do not agree that New South Wales does not have the constitutional power in its grasp to act on this. The Leader of the Opposition will speak further on that matter. Finally, I indicate that this is also an issue in the transport sector. Just this week the Federal Circuit Court imposed a penalty of \$90,000 in a case brought by the Transport Workers' Union against Sydney-based company Eagle Tours. Four hard-working bus and coach drivers were paid a flat rate when they should have been paid for overtime. Again, this sort of wage theft is a part of the business model of companies in some sectors. [*Time expired.*]

The Hon. ROD ROBERTS (20:04): I move:

That the question be amended by omitting paragraph 2 and inserting instead:

2. That this House endorses the principle of additional financial penalties on wage theft employers, with these monies paid for the benefit of the employees ripped off.

The Hon. ADAM SEARLE (20:05): I have no objection to the substance of the amendment moved by the Hon. Rod Roberts, but I do not see that it should be a substitute to paragraph 2 of the original motion. I will address paragraph 2 of the original motion. The Fair Work Act 2009 provides for the creation of legal minimum rates of pay and for mechanisms for recovery in the case of non-payment and underpayment. However, it does not touch the criminal law of this State. If this State chose to criminalise wage theft—for example, to make it a species of theft, larceny or perhaps even fraud—then depending upon how such a provision was drafted it would be entirely within the constitutional remit of the State to make that part of the State's criminal law.

When Labor announced its policy for a new law to cover wage theft to address systematic, ongoing and widespread failure to pay money and provide other employment conditions with criminal penalties against companies and the possibility of jail for directors—that is, up to 14 years, the penalty you get for theft—there was robust discussion about whether the criminal law was the best place for this. In the hospitality sector those wages are not the riches of the earth. In the 7-Eleven scandal the average underpayment per worker was nearly \$40,000 on the award. You can imagine how low the pay of those people must have been. It was akin to, dare I coin the phrase, "modern slavery"—apparently a matter that we do not need to have in law in this State.

Wage theft is a matter that needs to be criminalised to send the strongest possible signal of disapproval from Parliament to society as a whole. This is not just a matter of an omission or overlooking a non-payment or an underpayment. As the Hon. John Graham has said, it is a central part of the business. In the 7-Eleven scandal

the head franchisor centralised the wages systems. The company must have known that it was stealing from the pockets of low-paid workers to build its corporate profits. I have no problem with the substance of the amendment moved by the Hon. Rod Roberts—I think it is a great addition. However, I do not think it should be in substitution to the second paragraph of the motion. Criminalising wage theft will not end it but I think it is necessary to change the public conversation. The Opposition has always said that if someone forgets to pay a shift loading, a penalty rate or applies the wrong instrument those are mistakes. Genuine mistakes will not and should not be caught by our policy. If you consider cases such as 7-Eleven, Pizza Hut, Domino's Pizza, Caltex—the Caltex case was so bad they folded their whole franchise system. [*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) (20:08): Contingent upon the Hon. Rod Roberts' amendment proceeding, the Government will not insist on its request that the motion be put in seriatim.

The Hon. MARK LATHAM (20:09): There is no doubt that the Hon. Adam Searle, QC, always makes a lot of sense in this place. He has taken charge now ahead of his assisting solicitor, the Hon. Rose Jackson. Together they are indeed a formidable team, but they still have not answered the question that we posed in defending the ultimate right of workers to have a job. If you lock up the bosses and the businesses collapse, the workers are unemployed. That cannot be seen as a practical, desirable outcome. We all want to give it to those crooks. So if over dinner we discussed it and there was a joint bench, a Latham and Jackson set of judgements, we would be locking them up every second day. There is no doubt that we are serious about bringing those people to justice, but you cannot cut off your nose to spite your face. You cannot get emotional and let those desires run away with the practical truth—that is, if we lock up the bosses, Calombaris and company, then the restaurants close and the workers are without a job.

While we feel emotional, and the natural friends of the workers are worked up about it, we also have to have the practical consideration of keeping people in employment. I welcome the fact that the Hon. Don Harwin is seeing the sense of the One Nation amendment, and while Labor is supporting it, it needs to answer the question that we posed in defending the ultimate right of workers to have a job. If workers are unemployed then it cannot be of benefit to those workers. I understand the argument from the Hon. Adam Searle, QC, and the assisting solicitor will reply on behalf of the great workers' party, the Labor Party, but I think One Nation has the best practical consideration—to keep them in work and do something good for the workers. Confiscate some of the outrageous wealth of George Calombaris, earned at the expense of the surplus value of the working class, pay the workers their back pay with hefty interest and the compensation they are entitled to. The workers keep their jobs, they have more money in their kick and the bosses get a pretty firm message that they are never going to get away with this dreadful practice of wage theft.

The Hon. ANTHONY D'ADAM (20:11): I move:

That the amendment of the Hon. Rod Roberts be amended by inserting Mr Roberts' paragraph as an additional paragraph at the end and not omitting paragraph 2.

Why are we in this situation in the first place? This is a result of the collapse of the compliance system that has operated in the industrial system in this country. In the past unions had a capacity to enter work places with unfettered right of entry that would enable them to carry out appropriate inspections. Unions had a place. The underlying principle that applied in our industrial relations system was that workers, through their unions, were able to enforce the rights and conditions that were established through awards.

That right has been under sustained attack by those on the other side of this Chamber, by the Liberal Party and conservative forces in this country. Because that system has been under attack, the entry rights of unions have been rolled back. We have seen a green light given to disreputable employers to exploit their workers. This is a fundamental problem with the direction that our industrial relations system has taken. I object to the notion that by criminalising wage theft in this country it will be a burden on employment and damage job creation. The purpose of criminalisation is to provide a disincentive. If the penalties are sufficient, then the problem will disappear, it will start to recede. It will be a deterrent to this behaviour. That is why we need to institute appropriate changes to our laws to ensure that wage theft is criminalised.

The Hon. MARK BUTTIGIEG (20:14): I support the motion. I wish to address some of the things my colleague the Hon. Anthony D'Adam raised about the presence of unions in the workplace, as well as the comments of the Hon. Mark Latham that if George Calombaris was locked up then the business would go into liquidation and there would be no more jobs. It does not follow that because the head of a business chain is jailed the business closes and people lose their jobs. There are all sorts of mechanisms for receivership and continuing the business so people stay employed. That is not a valid argument. Those on the other side of the House do not take this matter seriously. They are constantly into unions. Their Federal colleagues established a royal

commission, a witch-hunt into unions, largely as a by-product of the former Leader of the Opposition, Bill Shorten, being a unionist. They are constantly attacking unions in the workplace. If unions had right of entry and the ability to organise in these places this would not happen in the first place.

The Hon. Niall Blair: Point of order: My point of order is that the member should direct his comments through the Chair. He should also address members by their correct title. If the member wants to cast aspersions on anyone on this side of the House then he should do so by substantive motion, rather than by sledging members across the Chamber willy-nilly.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): I uphold the point of order. I ask the member to return to the leave of the motion.

The Hon. MARK BUTTIGIEG: I was referring to the Government's attitude towards unions in the workplace and the nexus between the unions' ability to organise in a workplace and stopping the very wage theft we are debating today. The motion should be supported. If the Government is serious about wage theft, it should criminalise it. As the Hon. Adam Searle has articulated, it is constitutional and does not cut across the Fair Work Act. It should do something about it.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): Order! Pursuant to standing orders debate is interrupted to allow the mover of the motion to speak in reply.

The Hon. ROSE JACKSON (20:17): In reply: I am pleased with the amendment moved by the Hon. Rod Roberts, as is the shadow Minister for Industrial Relations, who is taking the lead and has been an excellent advocate for Labor on tackling the wage theft crisis. However, the fundamental issue remains that civil penalties already exist for wage theft and they are not working. This needs to be a criminal matter. Money is being stolen from workers' pockets. That is a criminal act and we have to get serious about it. As the Hon. Adam Searle outlined, the New South Wales Government definitely has options to deal with this as a criminal matter and we should be doing just that. Some of my colleagues have raised other solutions and I thank them for their contributions.

If unions were stronger and had more rights to address this in the first instance—to pick up early on those potentially inadvertent errors and mistakes that may be made—we would not get to the serious, systemic criminal wage theft that goes on. But unions do not have those powers because of policy decisions made by conservatives and the problems get out of control. Unions cannot come in early and get on top of it. There is no option but to make this a criminal matter in this State. The Government has a role to play. When the Government is making procurement decisions and tenders are coming in that can only be based on wage theft, when they are accepting tenders for cleaning, security and construction, it is obvious that it is cutting corners. Cutting wages is central to the way that tenders are being put together. The Government has an obligation to ensure that there is no wage theft in those tenders.

That is an obligation that the Government has to take very, very seriously to set the highest standards. I say again: I am more than happy with the financial penalties that have been moved in the amendment. That is a sensible and serious way to address this. However, at the end of the day if it is intentional, if it is systemic, if it is sustained and if the business owner continually steals money that workers have earned through contributing their blood, sweat and tears to the business, that is a criminal act and that person should go to jail. We do not want people like that running businesses in this State. We do not want them running businesses if they are stealing money from workers' pockets. [*Time expired.*]

The DEPUTY PRESIDENT (The Hon. Taylor Martin): The Hon. Rose Jackson has moved a motion, to which the Hon. Rod Roberts has moved an amendment, to which the Hon. Anthony D'Adam moved a further amendment. The question is that the amendment of the Hon. Anthony D'Adam to the amendment of the Hon. Rod Roberts be agreed to.

The House divided.

Ayes20
Noes21
Majority.....1

AYES

Boyd, Ms A
Donnelly, Mr G
Graham, Mr J
Jackson, Ms R
Moselmane, Mr S

Buttigieg, Mr M (teller)
Faehrmann, Ms C
Houssos, Mrs C
Mookhey, Mr D
Pearson, Mr M

D'Adam, Mr A (teller)
Field, Mr J
Hurst, Ms E
Moriarty, Ms T
Primrose, Mr P

AYES

Searle, Mr A
Shoebridge, Mr D

Secord, Mr W
Veitch, Mr M

Sharpe, Ms P

NOES

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

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

Mallard, Mr S
Mitchell, Mrs
Taylor, Mrs

Martin, Mr T
Nile, Revd Mr
Tudehope, Mr D

Blair, Mr
Fang, Mr W (teller)
Harwin, Mr D
Maclaren-Jones, Mrs
(teller)
Mason-Cox, Mr M
Roberts, Mr R
Ward, Mrs N

Amendment of the Hon. Anthony D'Adam to the amendment of the Hon. Rod Roberts negatived.

The PRESIDENT: The question is that the amendment of the Hon. Rod Roberts be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

REMAPPING OLD-GROWTH FORESTS

Mr JUSTIN FIELD (20:29): I move:

1. That this House notes that:
 - (a) the Government is planning to allow logging in thousands of hectares of old-growth and high conservation-value public forests on the North Coast that have been off limits for decades;
 - (b) these forests are rare and important ecosystems which provide irreplaceable habitat for many threatened species, such as koalas, gliders, quolls, frogs and owls;
 - (c) they have been protected as part of the nationally agreed reserve system for decades and have been granted state significant heritage protection for their historical significance, including to Aboriginal people, aesthetic significance, research potential, rarity and valuable habitat;
 - (d) this process is being driven by a desire to access more timber, based on a Forestry Corporation calculation that new rules under the Coastal Integrated Forestry Operations Approvals [CIFOA] to protect koala habitat and threatened ecological communities could result in a small timber supply shortfall of up to 8,600 cubic metres per year;
 - (e) despite advice from the Natural Resources Commission [NRC] that this wood supply shortfall "represent[s] the worst case scenario and may never be realised", the Premier requested the NRC consider remapping old-growth forests and rainforests to meet this shortfall;
 - (f) a pilot study of 13 areas of state forest found that remapping could open up 78 per cent of protected old-growth forest to logging, despite all sites having vitally important habitat;
 - (g) the Government has committed over \$2 million to this remapping process, despite this cost far outweighing the \$1.5 million value of buying back the contracts for the maximum claimed timber shortfall;
 - (h) the funding is being provided by the Government despite the NRC recommending that any remapping and rezoning should be paid for by Forestry Corporation as the beneficiary; and
 - (i) remapping on private land has already opened up over 29,000 hectares of previously protected old-growth forests to logging in recent years.
2. That this House agrees that remapping old-growth forests:
 - (a) breaks the Government's commitment to no erosion of environmental values under the new CIFOA;
 - (b) is based on timber supply impacts that are not verified and probably do not exist; and
 - (c) is a subsidy to logging which exceeds the value of the extra wood supply.
3. That this House call on the Government to:
 - (a) end the remapping and rezoning of old-growth and rainforest on public and private land;
 - (b) ensure no areas of forest currently protected will be opened up to logging; and

- (c) conserve native forests to protect biodiversity, store carbon and provide new tourism and recreational opportunities.

Many will be surprised to learn that right now the New South Wales Government is developing plans to allow logging in thousands of hectares of old-growth and high conservation-value public forests in New South Wales, in particular on the North Coast. Those forests have been off limits from logging for decades. The day after the election, the Premier spoke about adopting a new approach to climate change and environmental policy. The language indicated that the Government was looking to develop an environmental legacy of its own. However, this Government's policy of permitting logging of high conservation-value old-growth forest areas, which have been put aside to protect them for decades, is not how a conservation and environmental legacy is achieved.

I will provide some background information for members who may not be aware of what is going on. In 2018, largely without consultation, the Government rewrote the logging rules in New South Wales. I will read from a summary that the Nature Conservation Council distributed to its members. If honourable members have not seen it, I encourage them to read it because it is quite instructive. As part of the process, there was identification of a small potential shortfall in wood supply. I will deal with that in more detail later. The Premier asked the Natural Resources Commission [NRC], which at the time was under the Premier's purview, to investigate whether remapping and rezoning old-growth forests could be used to allow logging in areas that had been put aside and protected for decades. That was being done in an attempt to find ways to meet a wood shortfall.

The investigation was undertaken despite the Natural Resources Commission advising the Government that the supply shortfall may not be real and may not be determined once logging had occurred. The NRC undertook a pilot study of 13 areas on the North Coast. By reference to the remapping model the commission determined that rezoning could open up approximately 78 per cent of old-growth forest to logging. By continuing with that process, the New South Wales Government puts at least 14,600 hectares of high-value wildlife habitat on the chopping block. The most bizarre aspect of this is that \$2 million was put towards the cost of the remapping exercise, and that cost is greater than the value of the wood shortfall that the Government is trying to supplement. For the benefit of the economic conservatives in this House, I repeat: The value of the wood that the Government is trying to get is less than is being spent on the mapping exercise to determine whether it can be cut down. That is how absurd the process is.

This all came about because when the new forest rules were made, the Government made a commitment which is commonly referred to as the twin commitments: No wood supply loss and no loss of conservation value. But clearly one is being prioritised over the other. Wood supply is being prioritised over environmental values. As I said, the wood supply question is the subject of significant debate. On 12 July I wrote to the Premier, the Minister for Energy and Environment and the forestry Minister and Deputy Premier, the Hon. John Barilaro.

The Hon. Wes Fang: That was a good move. He is a good Minister.

Mr JUSTIN FIELD: We will see about that. Nearly a month has passed and I have not received a response to my letter, despite the process occurring right now. I will read part of the letter that goes to the issue of the shortfall of supply. The letter states in part, "The assumptions of a wood supply shortfall that have ultimately precipitated this process are contested." As I mentioned earlier, environment groups are of the view, which I am sure is not surprising to many, that forestry cannot claim an impact on timber supply via the two key things that changed in the new forestry rules. Those two things are that, as part of the process, there was mapping of threatened ecological communities and there would be new koala prescriptions. I do not want to become too technical, but the threatened ecological communities had already been mapped and protected under the old rules. The new rules did not change the wood supply availability. The koala prescriptions protect a small number of small trees per hectare in areas with koala populations. Those types of trees are not available or are not useful as sawlogs anyway. Clearly there is no impact of the changed rules on the availability of wood.

The whole presumption that there is a wood supply shortfall and the whole reason the Government is spending \$2 million to get \$1.5 million of wood is clearly questionable, if not absolutely and utterly false. The reality is that if there is any type of shortfall in our State forests it is because the industry is unsustainable. The same quantity of wood obtained in previous years is not able to be obtained now because the wood supply has not been managed sustainably. This goes to the heart of the issue with the hardwood forestry industry in our State forests in New South Wales. It is important to understand that the old-growth areas are part of what is termed the State's informal reserve network. They were designated and protected for their high conservation value in the nineties. The Government may respond to what I have said by saying, "We realise they were incorrectly mapped. At the time the surveys were done in the nineties, the technology we had was not as good as it is now. Since then we have done more studies and we have better satellite imagery and we have better people doing the mapping. We have realised that they are not high conservation old-growth forests anymore."

Let us be clear about how those areas came to be protected in the first place. In the nineties there was a comprehensive process to set down a system of reserves in New South Wales. People from the conservation sector, people from the forestry sector, people from the State Government sector and the Federal Government sector agreed on what areas should be protected and what areas could be opened up or maintained for forestry operations. Some of those areas were agreed to be put in informal reserves because they were perhaps small areas that were not large enough to become part of a national park, or they were not contiguous with a national park, or they provided a really important corridor for plants and animals to be maintained between national parks or between areas of high conservation value.

It is critical to note that the environment movement was prepared to accept that some of those areas would not have the full protection of a national park, but they were deemed to be of such significant conservation value that the environmentalists were prepared to accept less protection for those informal areas because of the conservation values. That was accepted by governments of the day and by the forestry industry. This Government opening up those areas now is an extreme breach of faith in a process that was accepted by the Government and by the industry. It will be seen by the environmental movement as a significant net loss of conservation areas. It is absolutely clear that this process will break the Government's own twin commitments, especially with regard to the erosion of environmental protection. It will result in logging of high conservation-value forests.

Where do we go from here? As I understand—and I want to explain why I say "as I understand" because it is a little bit confusing—currently the NRC is developing some type of draft process. I thank Minister Stokes for the opportunity he made available to me to meet the Natural Resources Commissioner and staff to go through what is going on. I really appreciate the staff and the commissioner for giving me their time. However, I remain unconvinced by the justification for the process and I remain confused about what happens next. As I understand it, a draft is being developed but it is not clear if that is a draft process for how the Government would conduct the remapping and rezoning exercise or if it is going to be a set of draft maps.

In my letter to the Premier and to the relevant Ministers, I asked that, while this uncertainty remains in the process and no conservation stakeholders are formally engaged, the process be put on hold until we can get a better handle on what is going on. I have asked the Minister to explain to me what the process is, what the draft that is going to come out later this year will look like and what the public consultation will be. They have not been able to answer me. The argument goes that the Natural Resources Commission is independent. But it has been engaged by the Government to do this work. To be honest, that is unsatisfactory and I hope the Minister can address that question in the Government's response to this motion.

If this process is going to go ahead—and I say "if" because the whole premise is unclear yet as to whether or not there is a shortfall—we need to have an independent process. It might be that that committee process that occurred in the nineties is a good one to re-establish. Did the logging rules change any of the outcomes for wood supply? Did that have an impact and, if so, what is the shortfall? If the Government is not prepared to go back to the process that established those reserves in the first place but instead is going to review them, then what confidence can the public and environment have that this is going to meet the Government's own commitments to maintain conservation values? As I said, I have not had a response to those letters I wrote almost a month ago to the Premier, to the Minister responsible for forests, the planning Minister, who is responsible for the Natural Resources Commission, or the environment Minister. Yet this process kicks along. The environmental movement is not engaged directly in this process and we are not clear what is going to come out in the draft or even what the draft is going to be.

That is a slap in the face to the environmental movement, which has tried to work constructively since the election with the Premier who has said that she wants to develop an environmental legacy for the Government. I am pleased to be able to bring this motion tonight and give the Government an opportunity to answer some of those questions and for other members to become aware of this significant environmental issue in New South Wales. If some of those key questions I raised cannot be answered, if there cannot be more certainty around the process, there is no way this can continue. That is why I hope I can get the support of members tonight or whenever this motion concludes for an end of the remapping and rezoning of old-growth forests and rainforests on public and private land.

We have only really talked tonight about public land, but this is based on an exercise that the Government has trialled on private land. Already we have seen significant areas of old-growth forest and rainforest that had been protected under the previous biodiversity laws of this State being knocked over. That is clearly unacceptable, given what is known about the extinction rates globally and in particular in Australia. The New South Wales Government's reports have shown that forestry operations and tree clearing on private land is one of the biggest drivers of extinction in this State.

The second element of the motion calls for no areas of forest that are currently protected in New South Wales to be opened up for logging. That is an absolute bare minimum expectation of the public. With those

extinction rates, with the threats of climate change and with what we know about how important forests are for locking up carbon and how important we know forests are for clean water and clean air, we should not be logging more. If anything, we should be looking at how to exit the native forest logging industry. I am not talking about that tonight.

This motion does not go to that. It goes to protecting those areas that are already protected. The third element of what the motion calls for is for us to conserve native forests to protect biodiversity, store carbon and provide new tourism and recreational opportunities. I hope that when we get around to talking about the end of native forest logging in New South Wales, we can look constructively at opportunities to keep those forests standing, how we can take advantage of those for the environment, for local communities and for the plants and animals that rely on those healthy forests. I thank the House for its consideration of this motion and I look forward to the debate.

Debate adjourned.

Bills

INDUSTRIAL RELATIONS AMENDMENT (CONTRACTS OF CARRIAGE) BILL 2019

Second Reading Debate

Debate called on and adjourned.

Documents

URBAN PLANNING AND POPULATION DENSITY

Production of Documents: Order

The Hon. MARK LATHAM: I move:

That private members' business item No. 154 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK LATHAM (20:46): I seek leave of the House to amend private members' business item No. 154 outside the order of precedence by inserting in paragraphs (a) and (b) "directly" after "all documents".

Leave granted.

The Hon. MARK LATHAM: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 35 days of the date of passing of this resolution the following documents created since 1 January 2018 in the possession, custody or control of the Premier, Department of Premier and Cabinet, Minister for Planning and Public, Spaces, Department of Planning, Industry and Environment, the Greater Sydney Commission and Minister for Customer Service:

- (a) all documents directly relating to the urban planning and population density exemptions granted to the City of Ryde in May 2018;
- (b) all documents directly relating to any further urban planning and the population density exemptions granted to other Sydney local government areas;
- (c) all documents concerning the assessment of Sydney local government areas whose services and infrastructure cannot cope with increasing residential population levels where advice has been provided to Government about over-development, as per the Premier's statement in August 2018 that some parts of Sydney "cannot handle extra development"; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

In May 2018 the Berejiklian Government placed restrictions on residential growth in the Ryde council area. New residential rezoning applications were frozen for two years. The local government area's [LGA] medium-density code was also suspended. This raised the question across the over-developed Sydney metropolitan area: Why did this intervention not apply to the rest of Sydney, for every other suburb experiencing over-development and infrastructure shortages and the massive problems of congestion? Three months later, Premier Berejiklian conceded that some parts of Sydney "cannot handle extra development". But when pressed by the media to name these areas, the Premier said she could not talk about them—a stunning lack of frankness and honesty. These became the suburbs that "dare not speak their name" in the urban development debate and sensible planning debate in Sydney.

The Hon. Damien Tudehope: I will tell you.

The Hon. MARK LATHAM: The Minister is suggesting he will name the suburbs. I welcome that. It should have been done in August of last year. It was good enough for Ryde local government area—a marginal Government electorate—to get an exemption and that was then extended to the then planning Minister's electorate of Lane Cove. It was good enough for Lane Cove to have the exemption. Then the northern beaches—again, in a coincidentally Government-held electorate—got an exemption. The people in Campbelltown have congestion, towers going up, population growth and a lack of services, and they are asking: "Do we deserve an exemption?" The people in Liverpool have towers going up and land releases in the western districts around the airport and they are asking, "Can we be deserving of planning exemptions?" Right through western Sydney this is the case.

It is true that the great weight of urban population growth in Sydney is being carried by western Sydney. It has been that way for 50 or 60 years. The planning projections, where the head of the Greater Sydney Commission lives, are for minimal growth. The planning projections in the electorate of Willoughby are minimal. The growth in Lane Cove and the northern beaches, even though they received exemptions, is nowhere near the scale of growth found in Blacktown, Penrith, Liverpool, Camden, Wollondilly and Campbelltown. In the borough of Chatswood there is one exemption in the Willoughby electorate held by the Premier, but the rest of it is fairly sedate.

It is not on a scale of western Sydney. Our region carries the great weight of those development pressures. As I mentioned earlier, the infrastructure, the planning and the provision is not there for car parking, hospitals, train and road services, and demountable buildings in schools. But the population growth and the extraordinary emergence of construction and apartment towers indicates there are population pressures in western Sydney and we have not been considered in the Government assessment of areas that deserve planning exemptions. So this is an order for papers under Standing Order 52 for accountability and transparency.

If it is good enough for Victor the Inflictor to get the job done for his people in Ryde. If it is good enough in Lane Cove and the northern beaches, it has to be good enough for western Sydney. It is a basic, simple proposition of fairness and Governmental transparency. The order for papers under Standing Order 52 is to collect information and make it available to Parliament and the people of the Sydney metropolitan area to look at why Ryde, in particular, had that initial exemption in May 2018, to look at the documents for the further planning exemptions they were granted and to reply to the Premier's statement that there are other areas of Sydney that cannot handle extra development. Name them, identify them and, in fairness to the people who live there, let us look at their particular needs.

When I saw a planning amendment bill was on the *Notice Paper* earlier in the week I wanted to include an amendment that there be an annual assessment of every part of Sydney covering population growth, congestion and service and infrastructure provision to see if those exemptions would be appropriate. I wanted an independent, annual process so that everyone in Sydney knows where they stand—not subject to the politics of marginal seats, not subject to a Lucy Turnbull assessment of the needs of Liberal Party moderates at the Greater Sydney Commission, but a fair and independent assessment of everyone in the Sydney metropolitan area to see what—

[A Government member interjected.]

The Hon. Shayne Mallard is suggesting Lucy Turnbull will give favourable consideration to the Liberal Party driers and hardliners. I do not see that happening; that would be a turn-up for the books.

The Hon. Shayne Mallard: Point of order—

The Hon. MARK LATHAM: The Turnbull family would be embracing the hardline Liberal Party faction.

The Hon. Shayne Mallard: When I take a point of order the member has to be quite. I contend that the Hon. Mark Latham has misrepresented me in the debate. I ask him to withdraw that comment.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): I do not know that he did. The member will remain relevant to the motion.

The Hon. MARK LATHAM: I can only report on what I thought I had heard. If the member is saying it is true that Lucy Turnbull— [Time expired.]

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:52): This is the seventh order for papers—

The Hon. Matthew Mason-Cox: We can't get enough.

The Hon. DAMIEN TUDEHOPE: You can't get enough. I was previously a member in the other place. As the member for Epping, I recall that overdevelopment was the predominant issue in the electorate. The delivery of Urban Activation Precincts and the perception that every time you build a station you have to build a high-rise

around the station was, on a superficial level, very supportable. However, the delivery of high-rise developments was often not necessarily accompanied with the delivery of other things, such as roads and parking. I understand the member's motivation. I thank him for working with the Government on the order for papers under Standing Order 52. In many respects, that is the way it should be done. The member has made a case about why it is necessary and he has a manner of working with the Government in which it can deliver the papers to him and minimise the burden on the public service. With those few comments, are we opposing this? Yes, the Government opposes the motion. No, I withdraw that. We do not oppose the motion.

The Hon. JOHN GRAHAM (20:52): I welcome the 360-degree turn that the Minister has just taken.

The Hon. Niall Blair: It was a 180.

The Hon. JOHN GRAHAM: Well, in fact, it was 360 degrees. He started out in favour—I merely observe that it was performed elegantly in the end. The Opposition supports this motion. I appreciate the Minister's remarks about the way this process has been conducted. I have one comment to add on the broader policy observations made by the honourable member. He is correct to ask questions about this case in Ryde and what that means for other areas. This was a subject of discussion with the former planning Minister at estimates at a time when Ryde was the only local government area which had been given this exemption.

Under some degree of questioning, the Minister made it clear that anyone would be welcome to ask for this exemption, which I am sure was of real interest to many of those councils and populations that feel the infrastructure and planning pressures to which the honourable member has referred. The Opposition will support the motion and it will certainly look closely at those documents when they arrive.

The Hon. MARK LATHAM (20:56): In reply: I thank the Government for its support of the motion. I did not think the finance Minister was a pirouette sort of guy but that 360-degree turn was beautiful to watch in all its glory. I thank the Opposition for its support for the motion. This question goes to the heart of Standing Order 52. On behalf of One Nation, I have previously outlined the four criteria by which we judge those resolutions. In recent times we have added a fifth: When the Government does not answer questions in the public interest or provide the information, we will seek it through an order for papers under Standing Order 52.

On big policy issues like this we will support other members in Parliament who do the same, whether it is the question of what the Government is doing about the migration cut and the way in which that question was not answered in question time; or in the subsequent answer that was furnished to One Nation; or when the Premier at a press conference in August 2018 says that other parts of Sydney "cannot handle extra development", but when asked by a journalist, "Can you name these other areas?", she says she could not. If the Premier had answered the question and said, "We have done a planning department assessment and it is Liverpool, Campbelltown, Penrith, Blacktown, Parramatta and all the other areas that are under supreme congestion and overdevelopment pressure", that would have been a just and right process.

Those areas should not be determined by politics alone, the politics of marginal electorates run by the Government in the shadow of an election campaign. Everyone in Sydney deserves a fair go from the Berejiklian-Greenwich government, and that is all we are asking.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): The question is that the motion be agreed to.

Motion agreed to.

Motions

DISABILITY SERVICES

Ms ABIGAIL BOYD: I move:

That private members' business item No. 150 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms ABIGAIL BOYD (20:59): I move:

1. That this House notes that:

- (a) independent disability advocacy, information and peak representative organisations play a critical role in upholding the rights of people with disability, including assisting people with disability to achieve full inclusion through individual advocacy and systemic advocacy work;
- (b) without secure long-term funding commitments from the Government, people with disability will not have local advocates to turn to when they face issues of discrimination, exclusion or poor treatment, which can happen in any area of life: education, health justice, transport, employment, accessing infrastructure and community activities;

- (c) the Government has indicated it will cease funding disability advocacy on 30 June 2020;
- (d) the National Disability Insurance Scheme does not fund advocacy, either within an individual's funded plan, or through the Information, Linkages and Capacity Building [ILC] tier of the scheme; and
- (e) the Ageing and Disability Commissioner Act 2019:
 - (i) legislates for the Ageing and Disability Commissioner and Community Visitors to make referrals to independent advocacy services, where appropriate;
 - (ii) requires a member of the Ageing and Disability Advisory Board to be a representative of independent specialist advocacy, information and representative organisations for people with disability in New South Wales; and
 - (iii) requires the Commissioner to prepare a report by 31 December 2019 in relation to the funding arrangements for independent specialist advocacy, information and representative organisations for people with disability in New South Wales in consultation with such organisations.

2. That this House:

- (a) supports secure, long-term funding for independent disability advocacy, information and peak representative organisations in New South Wales;
- (b) recognises that without Government commitment to continue funding arrangements beyond 30 June 2020, many independent disability advocacy, information and peak representative organisations in New South Wales will be forced to commence closure before 31 December 2019 (including laying off staff and giving up premises) and will be unable to adequately fulfil the functions ascribed to them under the Ageing and Disability Commissioner Act including contributing to consultation on the Commissioner's report into funding; and
- (c) calls on the Government to ensure that secure, long-term funding for independent disability advocacy, information and peak representative organisations is provided as soon as possible.

During debate in this House on the Ageing and Disability Commissioner Bill, many members spoke about the funding of independent disability advocacy organisations. Many members—from the Government, the Opposition, the Shooters, Fishers and Farmers Party, and the Animal Justice Party, as well as The Greens—put on record their support for the continued funding of those essential organisations. The final version of the bill approved by both Houses contained a number of references to independent disability advocacy organisations, which is a reflection of the vital work that they do. Those references include section 29 (4), which requires the commissioner's advisory board to include a representative of independent specialist advocacy services for people in New South Wales; and sections 12 (1) (d) and 22 (1) (h), which legislate for the commissioner and for community visitors to refer people to those services where appropriate.

In the course of our debate on the bill and also during the course of the short inquiry on the bill, we heard that there is currently a funding gap. Independent disability advocacy organisations are not funded by the Federal Government through the NDIS, either within an individual's funded plan or through the Information, Linkages and Capacity Building tier of the scheme. Section 26 of the Ageing and Disability Commissioner Act requires the commissioner to:

- (a) prepare a report in relation to the funding arrangements for independent specialist advocacy, information and representative organisations for people with disability in New South Wales ...

That report is to be provided by 31 December 2019 and the commissioner must:

- (b) consult with independent specialist advocacy, information and representative organisations for people with disability in New South Wales in relation to the report ...

Effectively, section 26 allowed the Government to defer the issue of funding for another six months, rather than dealing with it in the context of, or at the time of debate on the bill. The Government's willingness to legislate for the commissioner to inquire into the funding arrangements of advocacy organisations is welcomed. However, by refusing to guarantee funding in the meantime, the Government is frustrating the purposes of section 26 as well as, ultimately, frustrating the realisation of the objects of the Act, which are to protect and promote the rights of adults with disability and to protect them from abuse, neglect and exploitation—something that independent disability organisations have been working on for decades, which they will be unable to continue doing without immediate secure funding.

Independent disability advocacy organisations are closely watching as the hours tick by. The Government's funding will stop in less than 11 months. Without guaranteed funding past June 2020, many of those organisations will be forced to commence closure of their operations well before 31 December and well before they can be consulted for the purposes of the commissioner's report. Leases of premises will not be renewed, new staff will not be hired and existing staff will seek out other jobs with better long-term prospects. In the event that the commissioner's report recommends guaranteed, secure long-term funding for advocacy organisations—as, in our view, it likely will—it will be far too late for many of them to keep their doors open.

For those able to continue operating, which have not yet lost staff and premises or which are able to re-hire and enter into new arrangements for premises, the uncertainty of the funding will have cost the community dearly in respect of how much attention and resources will have been diverted away from advocating for people with a disability in the meantime. The result will be that the services provided by the committed and skilled people in advocacy organisations will be further limited. People with disability will not have local advocates to turn to when they face issues of discrimination, exclusion or poor treatment. They will not have anyone to champion their rights through individual and systemic advocacy work. It is unfortunate that the Government needs a reminder that the funding of independent disability advocacy services is so urgent and so vital for so many people.

Without guaranteed long-term funding, some of the most vulnerable people in our State will be unable to access the support they so desperately need. Services will close down, skilled people will be out of work and people with disability will be left behind. We can do so much better. We can do so much better by those who have dedicated their lives to help others. We can do so much better for people with disability in New South Wales. I urge members of this House to support this motion calling on the Government to ensure that secure long-term funding for independent disability advocacy, information and peak representative organisations in New South Wales is provided as soon as possible.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:04): The Government opposes the motion. I must commence by saying that I have been a strong supporter of disability advocacy groups and, in fact, was instrumental in ensuring that there was funding guaranteed in the 2018-19 budget for disability advocacy services. Against that background, I say that the Government made the first order of business for the new disability commissioner an inquiry into the levels of disability funding for disability advocacy groups. So what I would suggest to the honourable member is that while I recognise the sentiment behind ensuring that funding for disability advocacy groups is secured—and I can understand some of the rationale behind saying that leasing premises and employing staff requires with it some sort of planning and some sort of certainty—I must say that there is that opportunity to, in fact, engage in that process or sufficient time to engage in that process.

It seems what the honourable member is saying is, "We want it now and we do not want to have to wait until the disability commissioner has done the report." The report is due in December, which is in three months' time. I do not think, necessarily, that she has been able to indicate or identify a particular disability advocacy service which is in imminent danger of closing. She may be able to do that and I would not quibble with it. But I must say that perhaps she is a few months early in moving this motion.

I make further observations. In the other place the Minister for Families, Communities and Disability Services confirmed that the needs of advocacy groups would be heard. I must say that the suggestion today that the Government would be ceasing funding to advocacy services is a bit alarmist in view of the fact that the inquiry is going to take place. We have a big commitment in the disability commissioner and the Government has every confidence that the commissioner will conduct that inquiry into advocacy services with a level of transparency so that the member can have the confidence that those advocacy services will be properly listened to. The Government opposes the motion.

Mr DAVID SHOEBRIDGE (21:07): I endorse the work and the words of my colleague Ms Abigail Boyd. I listened to the Minister's contribution with care.

The Hon. Damien Tudehope: You did not.

Mr DAVID SHOEBRIDGE: I did. The remarkable point was that the Minister, who has the resources of the Government, said to The Greens, "Name a disability advocacy service that will be impacted." Every disability advocacy service in New South Wales will be impacted—every single one—because they do not get Federal funding. The way this works is if a not-for-profit organisation is surviving hand-to-mouth on grant funding, and if its funding has been terminated, and if a report will be delivered to the Government by 31 December which will then sit with the Minister for two or three or four months—or, in some cases with this Government, two years—then that organisation will start shedding staff. In fact, they are already shedding staff.

Delaying the announcement until, at best, early 2020 will already be crippling every disability advocacy organisation. That is the substance of Ms Abigail Boyd's point: The decision already made to wait until December to provide a report—a decision on which will not be made for months after—is already crippling the disability advocacy organisations that are essential for people with disability in this State. That is the point of the motion. I call upon members to endorse it.

The Hon. MATTHEW MASON-COX (21:09): I reflect on some of the comments that have been made in this debate, particularly to some of the practical difficulties that The Greens members have alluded to, with respect to disability advocacy services. We are where we are because of what I would loosely call a political

compromise in relation to the debate on the Ageing and Disability Commissioner Bill. That was not ideal. I do not think Ms Abigail Boyd, who moved this motion, thinks it was ideal, but we are where we are. The responsible Minister has made it clear that it is his intention to move as quickly as possible to determine a suitable level of funding for those disability advocacy organisations.

An amendment to have the inquiry report by 30 December 2019 was introduced with good will, and that is an appropriate response in the context. I think we can take great confidence from the Minister's public comments that he will move quickly to deal with any issues that arise, and to settle the funding and ensure that there is certainty as soon as possible. We need to accept his word in that regard. The Government will continue to work with the Commonwealth Government in the disability reform area, NDIS funding and the like, which still needs to be settled. This also impacts on the disability advocacy funding.

There is some uncertainty at State and Commonwealth levels. The new Minister has the utmost good will to resolve the matter as quickly as possible. Let us give him the opportunity. I encourage organisations that are caught up in this—organisations that do not have the funding to provide certainty on premises, staff or other practical day-to-day issues—to contact the Minister and put their cases to him. If there is a compelling, dire need I am confident that the Minister would be realistic about supporting such an organisation. I am sympathetic with what the member has put forward but I think the response from the Government is balanced in light of the debate we have had. Hopefully the issue can be resolved as soon as possible and there will not be any unintended consequences for organisations that rely on this funding.

Ms ABIGAIL BOYD (21:11): In reply: I thank the Hon. Damien Tudehope, Mr David Shoebridge and the Hon. Matthew Mason-Cox for their contributions. I will respond to the contribution of the Hon. Damien Tudehope. Those organisations are not saying, "We want this and we want it now." When we had a debate on this issue two months ago the organisations reminded us that they may have to close their doors. It is quite heartbreaking to think of the impact that will have on people with a disability in this State. If the review happens in December it will be too late. If the review is an honest attempt to ensure that these organisations have sufficient funding to continue long term, the very fact that it is not being held until 31 December completely frustrates its aim because it will simply be too late.

I will not repeat the views I expressed a couple of months ago on the Ageing and Disability Commissioner. The Greens still have serious concerns about the ability of the commissioner to do the work that has been assigned to him within a budget of \$3 million. I agree with the Hon. Matthew Mason-Cox that we do not want to be here. The discussions on funding a couple of months ago were not ideal, and they are not ideal now. We are here because the Minister has not come to the table with those disability organisations. They are in dire need. They have not been heard. That is why I have moved this motion today.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): The question is that the motion be agreed to.

Motion agreed to.

Documents

PARKES HOSPITAL AND LACHLAN HEALTH SERVICE

Production of Documents: Order

The Hon. MARK BANASIAK: I move:

That private members' business item No. 159 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BANASIAK (21:15): I move:

1. 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 created since July 2016 in the possession, custody or control of the Ministry of Health or the Minister for Health and Medical Research which disclose:
 - (a) the steps taken by the Western NSW Local Health District to recruit medical practitioners with specialist skills or qualifications in obstetrics and anaesthetics to fill vacant positions at Parkes Hospital or Lachlan Health Service;
 - (b) how, where, when and for how long any such positions were advertised;
 - (c) the number of applications received or inquiries made in relation to advertised positions, any interviews and the result of any such application or inquiry; and
 - (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

2. That documents returned to this order in response to paragraph 1(c) be redacted to remove any identifying personal details of applicants for advertised vacancies.

Under Standing Order 52 I call for documents with respect to the recruitment of medical practitioners with specialist skills or qualifications in obstetrics and anaesthetics. A few calls for papers have come and gone since my arrival in the Legislative Council. I have listened to members on both sides discuss how they feel the process should occur. The Government has a particular view about what should be done before members call for papers under the Standing Order 52 process.

Some of the suggestions raised by various Government members have included talking directly to the Minister or Minister's office about the request, asking questions during question time or making enquiries with the government department concerned. In relation to this issue my colleague in the Legislative Assembly, Phil Donato, has made attempts to get answers from the office of the Minister for Health and Medical Research, Mr Brad Hazzard, to no avail. He was fobbed off with the response that he will get back to him when he can. Phil is still waiting.

My colleague Phil Donato asked a question regarding this matter during question time, in front of a gallery of Parkes residents, before the winter break. Instead of answering the question, the Minister used the time to make personal attacks against my colleague in the upper House, the Hon. Robert Borsak. I will not go into the personal animosity that Brad Hazzard has for the Hon. Robert Borsak; suffice it to say that Brad Hazzard is not a Minister that we hold in high regard. Standing up to bullies in government and elsewhere in society, and standing up for circus, farmers, rural communities, shooters, fishers, greyhound breeders and the taxi industry—just to mention a few—is why we are here and what we do best.

Mr Hazzard showed contempt for the people of Parkes, contempt for another member of the Legislative Assembly and contempt for the parliamentary process. What makes matters worse is that he was not called to order by the Speaker. Thankfully, the President in this place demonstrates fair and balanced rulings. My colleague Phil Donato has made enquiries directly with the Western NSW Local Health District. The staff sat in his office and lied to his face about costs being a contributing factor in the decision-making process. They have the audacity to come into our offices and think that our members live under a rock. Only when evidence surfaced contradicting their statements did they come clean, and now they have failed to comply with further requests for information on this matter.

Those armchair experts in the department may be able to sell a pup to their Ministers, but they will not be selling one to us. So, regrettably, we are here with this motion regarding a call for papers under Standing Order 52. We are here because the health Minister refused to be transparent. We are here because he showed contempt for parliamentary processes. And we are here because either he has no control over the departments in his portfolio, or he has directed it to be deliberately obstructive. We would have preferred that this process did not need to be used in this instance. However, we are here, and I would ask that the Government does not show further contempt for honest and transparent governance, and instead supports this motion. The bill that is being debated in the other place at this time has monopolised media attention this week, but I strongly argue that the issue of adequate health services is even more important. I strongly urge both sides of the House to support this call for papers under Standing Order 52.

The Hon. WALT SECORD (21:18): On behalf of the Labor Opposition I state that Labor will support the motion moved the Hon. Mark Banasiak on behalf of the Shooters, Fishers and Farmers Party. It relates to a call for documents under Standing Order 52 relating to the recruitment of medical practitioners at Parkes Hospital and the Lachlan Health Service, which is known locally as Forbes hospital. I note that in his inaugural speech the member referred to the lack of maternity services in rural and regional New South Wales. He is clearly passionate about those matters and deeply concerned. Since the 1990s the number of maternity units in Australia has halved. Unfortunately, this is part of a trend that has seen a reduction in regional maternity services. Independent data shows that over the past 20 years there has been a 47 per cent increase in the number of babies born before arrival at hospital. It is one thing to be heavily pregnant and know that the nearest hospital is some suburbs away, but in rural and regional areas it is some hours away—and that is a completely different prospect.

The process of labour and the timing of labour, in particular, is unpredictable from mother to mother and from birth to birth. It can progress more quickly than expected, creating immense pressure for mothers and their families if there is a great distance to cover. Not surprisingly, in recent years the Rural Doctors Association of Australia has spoken out about the risk. I acknowledge that the member for Orange, Phil Donato, Country Labor and local health union officials have been agitating for improved health services in the Central West, particularly maternity services at Parkes. I also understand that on a recent visit to the Central West my colleague the Hon. Mark Buttigieg had locals register and raise their concerns about this service.

The Hon. Mark Buttigieg: Parkes.

The Hon. WALT SECORD: It was at Parkes. Those locals say that health services in the Central West are at "crisis point". I too have been following this matter for some time and recognise that there is widespread community concern about the so-called temporary closure of maternity services at Parkes. My colleague the shadow health Minister Ryan Park is particularly exercised about this growing problem. I understand that the Parkes birthing service was closed in June. This has forced Parkes mothers to travel to Forbes or Orange to have their babies. The Berejiklian Government claims that there is a shortage of obstetricians at Parkes. The local health district claims this is only temporary—it is relying on locums, who are hard to recruit. The community will argue that this is just a smokescreen for lack of funding from the Berejiklian Government. The Standing Order 52 request will obtain the documents and we will find out the real story. Maternity services across rural and regional areas are in difficulty. On 22 April I visited Yass District Hospital with Queanbeyan-based MLC, the Hon. Tara Moriarty.

The Hon. Natasha Maclaren-Jones: Point of order—

The Hon. WALT SECORD: We met with local mums. They had problems similar to the Parkes—

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! When a point of order is taken the member with the call will cease speaking.

The Hon. Natasha Maclaren-Jones: We are debating a call for papers under Standing Order 52 in relation to another hospital, not Yass, which is outside the motion.

The Hon. WALT SECORD: I have been advised that four GP obstetricians and four anaesthetists are needed—

The Hon. Natasha Maclaren-Jones: To the point of order—

The Hon. WALT SECORD: —at Parkes! I am talking about Parkes. Are you a mind reader?

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

The Hon. Natasha Maclaren-Jones: I ask for a ruling on my point of order, which was on relevance.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! The Hon. Walt Secord's time has expired. He will resume his seat.

The Hon. NATASHA MACLAREN-JONES (21:22): I note that this call for papers under Standing Order 52 is the eighth on the *Notice Paper* for today. I refer to the comments made by the Leader of the Government earlier today about orders for papers. I place on record a response to some of the comments made by the mover of this motion. The Government opposes the motion. I am advised that the Minister has offered to provide the information to the Hon. Mark Banasiak. However, this offer was dismissed. The electorate office of the member for Orange only recently requested the same information that is a subject of this motion; a response is also being prepared in relation to his request. As has been mentioned, the member for Orange recently placed a question on notice about the same issue and the answer is not due until 5 September.

The New South Wales Government has been consulting with the local community, including the member for Orange, regarding the availability of health services. I am advised that since June the member for Orange has been briefed on a monthly basis and in person by the Western NSW Local Health District board chair, chief executive and the executive director. Minister Hazzard has also engaged with the member for Orange on this issue. The Minister's office met with the member in mid-June and has provided information subsequently. The Minister has also engaged with the Mayor of Parkes, Councillor Ken Keith, and the Mayor for Forbes, Councillor Phyllis Miller, regarding this matter. The Western NSW Local Health District is undertaking formal engagement with stakeholders regarding long-term service models that will be safe and sustainable. The active engagement has enabled input from a range of individuals, such as mothers who have used or intend to use local maternity services as well as subject matter experts, community and health sector representatives, and unions.

Consultation, engagement and careful consideration of key factors are critical to keep the needs of the community at front of mind. Important issues such as critical service delivery, safety, availability of medical practitioners and the required infrastructure are also being considered. All those things are being examined in detail to ensure that the final service model will meet the immediate needs of the community in the Lachlan area and be sustainable over time. The Government opposes the motion and has been working to help the local community. It is unfortunate that the Shooters, Fishers and Farmers Party is not considering the Government's offers to provide further information on this matter. I encourage members to be reasonable when considering Standing Order 52 requests as they place a burden on the public service.

Ms CATE FAEHRMANN (21:25): The Greens support the motion as the Government has serious questions to answer. After just three years, the \$73 million Parkes Hospital has temporarily closed its doors due

to a lack of obstetricians and anaesthetists. That is a disgrace. Pregnant women are now required to travel half an hour to Forbes maternity hospital. This comes after recommendations that the maternity services at Parkes be downgraded from level 3 to 2, meaning pregnant women who suffer complications will have to travel 30 minutes to Forbes hospital for surgery. Without a supervising obstetrician, even a low-risk pregnant woman with second-degree tears will have to be sent somewhere else to be sutured.

The shortage of doctors at Parkes Hospital has long been predicted, as services have struggled for years to attract enough doctors. The Western NSW Local Health District has cited the difficulty in finding doctors with the required specialties in obstetrics and anaesthesia for Parkes as the main reason behind the closure. However, the Western NSW Local Health District failed to plan ahead appropriately to fill the shortage. In its report *Review of maternity services of Lachlan Health Service 2018*, the downgrading of maternity services at Parkes Hospital was suggested for its potential to:

... relieve the burden on hospital-based model of care ... relieve the financial burden on locum expenditure ...

The Western NSW Local Health District—in other words, the Government—needs to be transparent about the processes it has undertaken to attempt to hire those medical professionals at Parkes Hospital. We know that Parkes shire has a growing population of about 15,000 while Forbes shire's population is around 10,000. With the closure of Parkes Hospital, the Forbes District Hospital has now effectively doubled its intake of maternity cases, putting additional strain on nurses and staff. The Western NSW Local Health District has left Parkes and Forbes with a maternity service that is not adequate for those growing communities. Without a long-term plan to restore those services, The Greens support the motion. We need to know the thinking behind this appalling lack of planning that has left regional New South Wales and the Parkes community without those essential services.

The Hon. MARK BANASIAK (21:27): In reply: I thank the Hon. Natasha Maclaren-Jones, the Hon. Walt Secord and Ms Cate Faehrmann for their contributions to the debate. I acknowledge the comments by the Hon. Natasha Maclaren-Jones. However, unfortunately I must refute them. I do not believe the Minister calling someone's staff member on their personal mobile five minutes before we walked into the House today is genuine consultation or an attempt to engage with us and provide answers. I have seen the email correspondence between the member for Orange and the department. The language contained in that correspondence suggests his office is just being fobbed off and delayed. There has been no actual attempt to provide an answer at an expedient time. I do not feel there has been a genuine attempt to engage with us. It is an important issue. The people of Parkes deserve better than having to come to this place and listen to a health Minister carry on like an absolute clown instead of actually answering the question.

The Hon. Niall Blair: Point of order: If the Hon. Mark Banasiak wishes to reflect on a member in the other place he should do so by way of substantive motion. This motion is about a call for papers. The member should leave the personal attacks out and speak to the issue at hand.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I noted the Hon. Mark Banasiak had erred in that manner earlier, but no point of order was taken. I acknowledge that he is a new member but he is required to move a substantive motion if he seeks to attack directly members of either House. I uphold the point of order.

The Hon. MARK BANASIAK: I conclude by saying that there has not been a genuine attempt to consult with me or anyone from my party. The consultation has been tokenistic and there have been delay tactics. We have tried to follow the process to obtain the information without using Standing Order 52. However, we have been brought here by the inaction of the Government. We ask that honourable members support this Standing Order 52 call for papers.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The question is that the motion be agreed to.

Motion agreed to.

Motions

CLIMATE CHANGE FUND

The Hon. MARK LATHAM: I move:

That private members' business item No. 137 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK LATHAM (21:31): I move:

That this House supports the abolition of the NSW Climate Change Fund, which will deliver lower electricity bills across the State, and put an end to wasteful spending that has nothing to do with climate change.

It is well overdue to axe the New South Wales electricity tax. It is a \$300 million slush fund. The money is collected from electricity distributors and passed on to consumers in both the household and business sectors. That amounts to \$70 to \$80 per year per consumer in this State. While the fund claimed to have some usefulness early on when it was mainly used for converting household appliances to more energy-efficient uses, one needs to ask: How many times can people buy an energy-efficient toaster? That tends to happen once in a household—people convert to more energy-efficient appliances and get on with being more energy efficient. You cannot keep coming back with these subsidies again and again.

The Hon. Adam Searle: There are more households now, Mark.

The Hon. MARK LATHAM: Inevitably, a fund such as this logically loses its usefulness over time. The Leader of the Opposition interjects in defence of the fund. Surely he must be concerned that where the fund used to record in its annual report its impact on emissions, that no longer happens. What sort of fund costing \$300 million a year and driving up electricity prices around New South Wales does not report on the impact it might be having on emission levels? Furthermore, what sort of fund fails to provide any accounting on the reserves held for the money not spent? It has been suggested to me that the fund's reserves—there is nothing recorded in the annual reports—could run to \$1.3 billion. That is an extraordinary amount in what we used to call a hollow log. I am sure the shadow Treasurer will examine that matter very closely.

There are many arguments that the fund has had its day in terms of accountability and usefulness. Every member speaks in the media about how their party will lower electricity prices. The immediate way of doing that in New South Wales is by axing the electricity tax in the form of the climate change slush fund. *The Daily Telegraph*—acting on my very able question on the *Notice Paper* that elicited the information—published the reality that the fund is now being spent on flood mitigation. What has that got to do with climate change?

Ms Cate Faehrmann: Oh!

The Hon. MARK LATHAM: Wasn't the dam drying up and wouldn't fill again? Ms Cate Faehrmann's mentor, Flannery, said the dam would not fill again. Why are the flood mitigation works in marginal electorates? It is a slush fund. The fund is being used for koala protection. That is a noble cause, but should it be at the expense of higher electricity prices? The fund is being used for national parks access. I congratulate The Nationals on supporting at their recent Inverell conference an excellent resolution to abolish the Climate Change Fund. I know that the Parliamentary Secretary for Energy and the Arts takes a close interest in those matters. Given the immense power he wields inside The Nationals—and in the halls of their conference—it would have been impossible to pass a motion to abolish the Climate Change Fund unless the Hon. Ben Franklin agreed with it. Without his support, it could not have possibly passed the National Party conference.

Each of The Nationals members who are in the Chamber—the Hon. Wes Fang, the Hon. Ben Franklin and the Hon. Niall Blair—of course always act on the resolutions of their rank and file. They are men dedicated to being in touch with the views of National Party rank-and-file members and branches. When The Nationals support a resolution to get rid of the climate change slush fund and drive down electricity prices in New South Wales—saying that the fund has run its course, is not accountable, is not reporting its impact on emissions, is not reporting on its reserves and its day is done—of course members of The Nationals in this place will vote in line with that conference resolution. I am pleased to be doing the work of those National Party MPs by putting this motion before the House. I welcome the fact that The Nationals will support the motion. There are six of them and there should be five of us, so we have 11 votes in the can and we are looking to build on that number.

I know that the shadow Treasurer is looking at the hollow log. Labor Party MPs are worried about high electricity prices impacting on working-class families in western Sydney and driving up the cost of living—it is a universal theme in today's politics. So the obvious thing to do with a fund that is not performing its original purpose is just to get rid of it, bring down electricity prices and give the long-suffering consumers some relief when it comes to power costs. This is a very fine motion that should do quite well in the Chamber.

The Hon. BEN FRANKLIN (21:35): I oppose the motion moved by the Hon. Mark Latham for two fundamental reasons. The first reason is the fund contributes to programs that deliver energy savings and reduce emissions, programs that deliver reliable, clean and affordable energy, and programs that increase resilience to a changing climate. The Empowering Homes program is an example. It is a great program announced during the recent State election campaign that will enable the installation of more than 300,000 solar battery systems across the State over the next 10 years by giving home owner-occupiers access to interest-free loans for the purchase and installation of those systems.

It will unlock \$3.2 billion in clean energy investment over the life of the program, adding up to 3,000 megawatt hours of storage into the New South Wales energy system when it is done. It will create jobs, reduce emissions, increase system security and reliability, place downward pressure on energy costs for all users,

and it is being funded out of the Climate Change Fund—so too will the Smart Batteries for Key Government Buildings program, the Solar for Low Income Households program and the Regional Community Energy program. They are excellent programs. They are lowering emissions and lowering costs, and I am proud to support them.

But there is a second reason. The motion considers abolishing the Climate Change Fund but there is no consideration whatsoever of the unintended consequences and what it potentially could mean. What will the flow-on effects be? What will the potential costs be from breaches of contract? What will be the budgetary impacts? We cannot in two or three lines in a motion simply slice something from the budget that could cost tens of millions if not hundreds of millions of dollars in unintended consequences—who knows? Consideration of a motion like this involves proper assessment of its economic impact. What is the alternative? How will we fund the excellent initiatives such as the ones I have talked about already? As fond as I have become of the Hon. Mark Latham, this motion is reckless. It will have a range of negative consequences and it must not be supported.

The Hon. ADAM SEARLE (21:38): The Opposition joins the Government in opposing this motion, but perhaps for different reasons. We do not share the Government's rosy appreciation of the successes of the fund over past years. This Government—to use the words of the Hon. Mark Latham—has treated the fund as a hollow log. It has underspent the resources placed in the fund over a number of years. Yes, there were problems, such as a lack of transparency around reporting and raiding the funds in the bank account for projects that, at best, had only a tangential connection with climate change. The matters cited were things such as resealing roads because somehow global warming had melted the asphalt. The Government was moving resources from the Climate Change Fund to fund bushfire mitigation measures that were originally funded from the budget.

The Government raided the fund in a manner that should not be allowed, but that is not a reason to abolish it. It is a reason to impose tighter conditions on what may be spent out of the fund and how the funds may be applied to ensure that they go to genuine climate change adaptation and mitigation measures, as occurred when the Climate Change Fund was established by the former Labor Government. The Opposition contends that the Climate Change Fund should be returned to its original purpose, not abolished. The Opposition urges all honourable members to join us in opposing the motion.

The Hon. NIALL BLAIR (21:40): My contribution to the debate will be brief. I could not fail to state for the record that some new initiatives exist for which I take credit. When I was the Minister for Primary Industries, I partnered with the NSW Farmers Association and we came up with a range of projects to help farmers consider new ways of farming and reduce energy costs on their farms. That was funded through the Climate Change Fund. I dismiss the generalisation that the fund was used as a way of addressing budget black holes or directing funds to a particular sector. The Government worked very carefully with the NSW Farmers Association to identify projects that would make a real difference on the ground for farmers, such as how farmers would adapt to new types of pastures, considering their energy use on the farm, and finding better ways of managing that energy use. All those projects met very clearly the criteria of the Climate Change Fund and they will make a big difference to the farming sector in this State. I needed to state that for the record during this debate.

Ms CATE FAEHRMANN (21:41): The mover of this motion, the Hon. Mark Latham, stated in his inaugural speech just a few months ago that he is not a climate denier and he also said that he respects the science. Yet in his speech tonight he signalled to the Government that One Nation would support upgrading our capacity to tap into Queensland's energy—which he described as "coal rich"—and that One Nation would support the State Government tendering for a supply contract exclusively for coal-fired power. He also stated that One Nation would support the abolition of all targets, subsidies and special deals for renewable energy supplies. He said that One Nation would support abolishing the New South Wales Climate Change Fund, which is the true purpose of this motion. He also expressed support for coal seam gas in Narrabri and Pilliga.

The Climate Change Fund is very small compared with what the New South Wales Government should be spending to manage climate change, but it is important because it represents vital action by the Government to support climate change management. The Government is not doing much at all. Why is it so important for the Government to do anything about climate change? Unless Government members have been living under a rock, they will know that so much more needs to be done when it comes to climate change. According to the Intergovernmental Panel on Climate Change, the reduction in global emissions needs to peak by 2020 if we are to have any hope of keeping global warming within 1.5 degrees.

In New South Wales last summer there were record-breaking temperatures. In New South Wales, Noona recorded a new minimum overnight temperature of 35.9 degrees and Broken Hill recorded unprecedented temperatures of 45 degrees over four consecutive days. White Cliffs, Wilcannia and Albury recorded their hottest days since records began. Europe has endured the hottest summer ever. France experienced its hottest ever temperature of 45.9 degrees. The Arctic is burning, for goodness sake! Peatlands, which are the second largest carbon stores on earth—second only to the ocean—are on fire. Temperatures in the Arctic are increasing at a much

faster rate than the global average. We know that climate change is well and truly upon us, yet we have the Hon. Mark Latham from One Nation sounding like Tony Abbott. The Hon. Mark Latham talked about electricity taxes and tried to be the Tony Abbott of One Nation—and he will probably go the same way as Tony Abbott in his political career.

Mr JUSTIN FIELD (21:44): My contribution to this debate will be brief. It probably does not surprise many to learn that I oppose the motion. However, I share concerns expressed about the Climate Change Fund. I have been most vocal about the underspend of the Climate Change Fund and critical of the Government for not doing more with the financial resources it has. It is an absolute disgrace for the Government to have money in its coffers when now is the time to be spending it on mitigation and reducing carbon emissions. I was not surprised to read the article in today's edition of *The Daily Telegraph*, but I checked the source of the information through the questions on notice process. I was interested to see this question:

How much would the average New South Wales electricity consumer save per annum if the Climate Change Fund was abolished?

The answer states:

The average NSW household would not save money if the CCF were abolished. Between 2017-2022, the average household will pay around \$22 to the fund each year. During the same time, CCF funded programs will save the average household approximately \$61 in energy costs each year.

I wonder whether that answer was given to *The Daily Telegraph*—I am not sure whether the newspaper would publish it. However, the premise of the argument—that abolition of the fund will save people money—is a lie. It is not true. We have the Minister's answer on paper, but of course we have known the answer for many years. The first big international reports on climate change were economic ones. The Stern report and the Garnaut report were about the cost of inaction being much greater than the cost of taking action. It is a real shame that the money in the Climate Change Fund is not being spent on things that will make a difference.

Tonight we should be debating why we have not set out a legislative pathway for the Government to meet its own targets. Without putting a pathway on the record of this House, there is no way the Government will reach its net zero emissions target by 2050. That target is the bare minimum that must be achieved simply to survive on this planet. We need to do more. I appreciate the full-throated support of the Government for the Climate Change Fund in this debate tonight, but I plead with the Government to spend the fund's money on things that will make a real difference.

At the time of the Snowy Hydro sale, I advocated that all proceeds of the sale should be directed to the Climate Change Fund and to regional communities for projects that will reduce emissions and help those communities to cope with the challenges that climate change is bringing to the bush. What a missed opportunity it was when the Snowy Hydro money was not used to make a real difference, especially in the lead-up to the drought. I hope we do not have another drought that results in the very same situation for regional communities that right now are feeling the brunt of the impacts of climate change. I thank the Hon. Mark Latham for moving the motion and for giving members an opportunity to discuss this issue in the House.

Mr DAVID SHOEBRIDGE (21:47): As a member of The Greens, I too oppose the preposterous motion that has come from One Nation seeking the abolition of the New South Wales Climate Change Fund. It is notable that the Government opposes the motion, which is good. But the idea put forward by One Nation that the Climate Change Fund and addressing climate change are pushing up electricity prices is plainly laughable. One Nation members have been drinking too much of *The Daily Telegraph* Kool-Aid and have failed to recognise some of the most significant developments delivered to retailers and households in the past few months as a result of renewable energy.

Last month, as a result of the vast increase in wind and solar renewable energy delivery in South Australia the wholesale price of electricity in the South Australian market fell to zero dollars. That occurred because so much renewable energy was being pumped into the grid. Renewable energy done well drives prices down. The reason the cost decreased to zero dollars is that, once renewable is installed, it has a next to nothing delivery cost. What is preventing electricity prices going down is the Jurassic attitude coming from One Nation about climate change. If we want to address electricity prices, we invest in renewable energy. If we want to make that effective and cheap, we invest in the grid so that renewable energy can be supplied 24 hours a day. That is how we drive down energy prices.

The nonsense that is coming from the likes of One Nation, supported by some rogue elements of the Coalition, that nuclear is somehow going to be the solution to energy prices is utterly out of this planet in terms of economics. The cost of the two major nuclear reactors that are being built in the United States and Europe is something in the order of \$30 billion to \$40 billion each. That is \$30 billion to \$40 billion to build a nuclear reactor on a 20-year construction program. Even if nuclear power was—and it is not—a rational solution to climate change, the thought that that would drive down energy prices is like talking to an energy advocate from Mars.

Their views should be kicked out of the Chamber. Their views on the Climate Change Fund are extraordinary and we oppose this motion. [*Time expired.*]

The Hon. MARK BUTTIGIEG (21:50): I oppose the motion. With due respect to the former leader of the Labor Party, he is barking up the wrong tree. By and large, the reason we have high electricity prices is because retailers are gouging the market because the Government lifted the cap on what retailers could charge. There is a monopoly on generation, combined with an oligopoly in retail. The generation and retail markets are colluding to push prices up. The network charges that contribute to consumers' electricity bills have been brought under control as a result of the Australian Energy Regulator driving down network costs. The problem is that retailers are gouging and generators are colluding to manipulate the market. The problem is not the Climate Change Fund. The fact that the Climate Change Fund might not be spending its money efficiently is a separate issue altogether which needs to be fixed, as my colleague the Hon. Adam Searle pointed out. That is the crux of the problem. I oppose the motion on that basis.

The Hon. MARK LATHAM (21:52): In reply: The great Peter Walsh once said, "The Greens get their economics from the fairies at the bottom of the garden." That fantastic notion was on display this evening—we can all pay \$300 million to the State Government but we are better off as electricity consumers. This is a fantastic notion. Then there is the idea that in South Australia electricity is free. I suppose in the middle of a blackout it is free. If they are not supplying the resource, they cannot be charging for it. This Martian energy advocacy that we have heard from The Greens shows that at the bottom of the garden they are getting no better, no more rational and are of no more use to anyone in this debate or consumers. We heard from The Greens but for all the usefulness they claim is in the climate change slush fund, they could not point to anything it has achieved. Can they identify the emission reduction? It is not in the report. Nobody knows.

How can The Greens support a \$300 million impost on households and businesses in New South Wales when they cannot point to any improvement in carbon emissions? If this fund is unable to report on any improvement in carbon emissions, how could any person be supporting it? How could such a proposition be supported? It is fantastic to think we are all better off; the energy is for free. We pay the \$300 million but nobody can say what the impact is of this saving the planet project. The truth is, The Greens have never seen a tax they did not like. Any tax at any time will do. It does not have to report, it does not have to be logical. The Greens are happy with any tax, at any cost, at any time as long as it is hurting working people, putting them out of work and driving up the cost of living.

I welcome the comments by the Hon. Adam Searle that are critical of this fund, but those criticisms verify the need to close it down. Its usefulness has expired and the Government is clearly using it as a slush fund for flood mitigation in marginal seats, national park access and all things unrelated to climate change. Therefore, it should be closed down. If Labor comes up with an election policy about something that is better for the future, we will examine that in due course. On the Government side, I was immensely impressed, as I always am, by the energy and commitment of the Hon. Ben Franklin.

But I am sure all those good members of the National Party who rocked into Inverell would be saying: Where was he at the conference? His speech would have been ultimately impressive and persuasive in Inverell, but in the absence of it one can only assume there is not much point being an Energiser bunny in Macquarie Street if you are as mute as a Trappist monk in Inverell. The Hon. Ben Franklin has got the commitment and the energy to put on a display on all occasions to persuade the rank-and-file members, but tonight I am with the rank-and-file members of the National Party. They want this slush fund closed down and I am with them 100 per cent.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The question is that the motion be agreed to.

The House divided.

Ayes5
Noes36
Majority.....31

AYES

Banasiak, Mr M
Nile, Revd Mr

Borsak, Mr R (teller)
Roberts, Mr R

Latham, Mr M (teller)

NOES

Amato, Mr L
Buttigieg, Mr M (teller)

Blair, Mr
Cusack, Ms C

Boyd, Ms A
D'Adam, Mr A

NOES

Donnelly, Mr G	Faehrmann, Ms C	Fang, Mr W
Farlow, Mr S	Field, Mr J	Franklin, Mr B
Graham, Mr J	Harwin, Mr D	Houssos, Mrs C
Hurst, Ms E	Jackson, Ms R	Khan, Mr T
Maclaren-Jones, Mrs (teller)	Mallard, Mr S	Martin, Mr T
Mason-Cox, Mr M	Mitchell, Mrs	Mookhey, Mr D
Moriarty, Ms T	Moselmane, Mr S	Pearson, Mr M
Primrose, Mr P	Searle, Mr A	Secord, Mr W
Sharpe, Ms P	Shoebridge, Mr D	Taylor, Mrs
Tudehope, Mr D	Veitch, Mr M	Ward, Mrs N

Motion negatived.

The PRESIDENT: According to sessional orders, proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

The House continued to sit.*Documents***NSW LAND AND HOUSING CORPORATION CONTRACTS****Production of Documents: Order**

Mr DAVID SHOEBRIDGE: I move:

That private members' business item No. 166 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr DAVID SHOEBRIDGE (22:05): 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 Housing NSW or the Department of Family Community Services:

- (a) any contracts entered between the NSW Land and Housing Corporation and Spotless and Broadspectrum during the period January 2017 to December 2019 for services related to public maintenance and planned works; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is an excellent motion. We should get the contracts soon. I endorse the motion to the House.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (22:06):

The Government will not support this order for the production of papers on the basis that details of contracts entered into are disclosed on the eTendering NSW website. Mr Shoebridge would be well aware that any contracts of this nature are commercial-in-confidence, including those subject to the call for papers. It may assist Mr David Shoebridge to understand that the Legislative Assembly Public Accounts Committee undertook an inquiry entitled "Management of NSW Public Housing Maintenance Contracts", which reported on the committee's recommendations in October 2016.

The then Minister for Social Housing, the Hon. Pru Goward, responded on behalf of the Government in April 2017. Since then, the Department of Family and Community Services has reported on progress, which was provided to the Public Accounts Committee in the other place. I draw the attention of all honourable members to this report, the Government's response and the progress report on the committee's recommendations. On this basis, the Government cannot support the motion.

The Hon. ADAM SEARLE (22:07): The Opposition will support this order for the production of documents. The Government should pay attention to the most recent independent legal arbiter's report, which found yet again that the claim of commercial-in-confidence by itself is not enough to withhold a document, even a contract, from public scrutiny. In fact, that is just one ground. The Government may claim privilege, but that does not stop the House calling for documents and for honourable members to peruse it in order to determine whether there is any interest in taking it to the next step. We are persuaded by the arguments outlined by Mr David Shoebridge in calling for those documents. We support the motion wholeheartedly.

Mr DAVID SHOEBRIDGE (22:07): In reply: The Greens, and in particular my colleague in the other place Ms Jenny Leong, has reviewed the report from the committee in detail and has seen the inadequate responses the Government has given. Anyone who has spoken to someone in public housing would know the maintenance is extremely slow. Workers almost never turn up within weeks or months of any damage showing. When they do turn up, the maintenance is often poorly done. We also know that the State is paying through the nose to a couple of well-connected corporates to deliver this substandard service to public housing. We want to see the contracts, not some massaged response from the Minister. To hide behind commercial-in-confidence to deliver this information to the House for the reasons the Opposition has made clear is not a proper basis on which to oppose the motion.

The DEPUTY PRESIDENT (The Hon. Niall Blair): The question is that the motion be agreed to.

The House divided.

Ayes22

Noes19

Majority.....3

AYES

Banasiak, Mr M
Buttigieg, Mr M (teller)
Faehrmann, Ms C
Houssos, Mrs C
Mookhey, Mr D
Pearson, Mr M
Secord, Mr W
Veitch, Mr M

Borsak, Mr R
D'Adam, Mr A (teller)
Field, Mr J
Hurst, Ms E
Moriarty, Ms T
Primrose, Mr P
Sharpe, Ms P

Boyd, Ms A
Donnelly, Mr G
Graham, Mr J
Jackson, Ms R
Moselmane, Mr S
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
Ward, Mrs N

Blair, Mr
Farlow, Mr S
Khan, Mr T
Mallard, Mr S

Mitchell, Mrs
Taylor, Mrs

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

Nile, Revd Mr
Tudehope, Mr D

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

CHRISTIAN FAITH

Reverend the Hon. FRED NILE (22:16): Earlier today I made some remarks about the principles that motivate my role as a member of the Legislative Council and I want to elaborate on those remarks. I have represented the Christian Democratic Party in this House for over 38 years. Before that I was the national director of the Festival of Light and Community Standards Organisation from 1973 and was involved with many of the major moral debates occurring in our society. My history of political service has been informed and motivated by my Christian faith, of which I am not ashamed. Contrary to some Christians, I believe in the Apostles' Creed: that Jesus Christ was born of the Virgin Mary, that he was crucified under Pontius Pilate, that he was dead and buried and that on the third day he rose from the dead and ascended into heaven.

My faith is a very practical one. I note that in the *Bible*, in Romans 13:4 where the apostle Paul was giving advice to the Christians in Rome, he stated that "the government is the minister of God". I honestly believe that we all have a responsibility to pray and seek God's guidance and direction on all the issues we confront—not only religious issues or church issues, but also issues relating to all practical matters that confront us, such as is

occurring in Parliament now on the issue of abortion. I prefer to use the word "service" rather than "activism", but as I said I am not ashamed of my belief in Jesus Christ as my Lord and Saviour. I see my role here more as a vocation in service of those higher ideals.

As I campaigned in the Festival of Light on many moral issues, I was convicted—I believe by God—that I should not be outside Parliament House, knocking on the door and lobbying the members of Parliament, but rather that I should be inside Parliament. I asked myself: Unless I am elected, how could I be inside Parliament? That led me to form the Christian Democratic Party. Originally it was the Australian Family Action Movement. Then it was called Call to Australia Party, because there was a big Call to Australia movement. Finally we adopted the name Christian Democratic Party.

As a Christian my views and values are shaped by my biblical world view. I believe the *Holy Bible* is inspired by the Holy Spirit—as it states in the Bible. Some people may be Christians, others not. That is fine, because to the Christian understanding coming to Christ our Saviour must be voluntary and can never be coerced. All people of good faith would recognise that the civilisation we have come from, and remain a part of, is strongly connected to the Christian faith. My values are, therefore, objectively valid and their validity could well be acknowledged even by some non-Christians. This was acknowledged by Professor Jürgen Habermas in his debate with then Cardinal Joseph Ratzinger in 2007. The debate was published by Ignatius Press in a small volume titled *The Dialectics of Secularization*.

What was remarkable in that debate was that one of the founding members of the Frankfurt School, which was influential in forming what we know today as cultural Marxism—which is having a big effect on our social values and legislation—admitted that our civilisation would not be able to exist without the Judeo-Christian moral framework. That is quite an admission for such a prominent intellectual of the secular Left to have made. In his book *Civilisation*, Sir Kenneth Clark—later Lord Clark—made the observation that nobody could reasonably call the European Dark Ages dark if they honestly look at the beauty and art that were created by the people of the time. Indeed, let us not forget that the major centres of learning, the first universities and scientists, were all sponsored by Christian churches and Christian leaders. [*Time expired.*]

AUSTRALIAN CYCLIST CALEB EWAN

The Hon. NIAL BLAIR (22:21): I acknowledge the recent accomplishments of Australian cyclist Caleb Ewan. Caleb was born in Sydney in 1994. He spent his first 10 years in the city before moving to the Southern Highlands. As a resident of Bowral he was heavily involved in the Southern Highlands Cycling Club. He first got into cycling at the age of eight, influenced by his father. It was pretty clear early on that he was going to be a champion. In 2010 Caleb was the Junior National Road Race Champion. The next year he won multiple disciplines on the track, and went on to become a world champion at the Junior Track World Championships. His first professional wins came in the second and third stages of the 2015 Herald Sun Tour. This year he took three stages of the Tour de France. In 2018 he moved to Lotto-Soudal, the Belgium team, to be the lead sprinter.

In the early stages of this year's Tour de France, Caleb was quite disappointed. He was getting onto the podium but he just could not pull off a win. It was obvious that he needed some extra inspiration, so a group of us Aussies decided to head over to Toulouse to watch the boy from the Southern Highlands Cycling Club win his first stage of the tour. It was really special for me, as a cycling fan, to be there because I used to watch this kid ride past my front gate. We all knew that he would be a champion. We used to see him having a coffee in Bowral after a ride. We are all happy that he made it to the Tour de France—we knew he would.

Caleb won stage 11 in Toulouse and he also won stage 16. Then he won the final stage of the tour on the Champs Elysees. He battled his way, made the cut-offs each day as a sprinter and got to the final stages in one piece. During the final sprint he came from nowhere. He took the wrong line—the hardest line, in the gutter and in the bumpy part of the road—but his power got him across the line. It was a remarkable accomplishment. I am sure that he will go on to be one of the greatest sportsmen this country has ever seen on the world stage.

Caleb Ewan is better known overseas than he is in Australia. Like many others in this sport, he has had to leave Australia and go across to Europe, where the sport is much better rewarded and celebrated. He is certainly doing everyone back here proud. During the tour he crashed a number of times. He did not do it easy; he showed how tough he is. The day after he won stage 11—it might be a bit self-indulgent to recall this—the group of Aussies I was with decided to go to the final climb of a really big stage before they got stuck into the Col du Tourmalet the next day.

We waited for five hours on the side of the road with the Aussie flag as the peloton came through. It just so happened that Caleb was on our side of the road. We were screaming out his name and waving the Aussie flag. He had dirt all over the back of his shirt because he had a crash earlier in the day, but he gave us a wry Aussie smile and a wink. He knew we were there. We were very proud to see him. He was representing not just the

Southern Highlands and New South Wales, but Australia. We wish him well. His wife and young baby were there to see him win two of the stages. Those were very special moments. We will hear more of Caleb in the future.

PREMIER'S PRIORITIES

The Hon. JOHN GRAHAM (22:26): I wish to speak about the Premier's Priorities in education, and their interaction with NAPLAN. I spoke on this issue in the Parliament yesterday. I was restricted in the contribution I could make at that time so I return to the question now. When Labor was last in government these priorities were captured in the State Plan. Under this Government, that was replaced with the Premier's Priorities and I want to describe what that has meant in education. First, there are fewer priorities. While we have spoken in this House about one of those—the aspiration to increase the percentage of students in the top two bands of NAPLAN or its equivalent—we no longer have a target to decrease the percentage of students at or below the bottom 20 per cent. Our priority now is just about the top students, rather than lifting the bottom students. That loss of focus is key to understanding why New South Wales education results have been slipping. The problem in the performance of New South Wales relative to other jurisdictions is related to the long tail in our test results: the bottom students.

Secondly, New South Wales has changed the target. The performance of students in the top two bands of NAPLAN were originally targets that focused on numeracy and literacy. The targets now only measure numeracy and reading. We have moved away from a broader consideration of some of the other measures—writing, grammar and spelling—and are now focusing on reading. Finally, the period of measurement has been changed. If one looks at the Premier's priority for education on the website, it is measured only from 2014. Earlier measurement, and earlier aspirations to increase the results, are nowhere to be found. They have been scrubbed from the record. It is the oldest government trick in the book: If you do not like the results, change the target. That is what has happened here. There are fewer targets, over different measures, over less time and the education of the children in this State is suffering as a result.

That is the story in education. It is a much broader story about the State Plan itself and the shift to the Premier's Priorities. When the State Plan was last reviewed in 2010 it had 34 priorities and 83 measurements—the vast sweep of activity of the New South Wales Government. By 2017 that had shrunk to just 30 priorities and 34 measurements of specific areas. In 2019 a reading of the Premier's Priorities indicates we are down to 14 priorities. That is the story of what has gone on with setting out broad goals and aspirations for how government will perform in these areas. How are we doing in education? The one measure that we do have is how our top students are performing.

In 2008 the average percentage score of students in the top two bands of NAPLAN was 32.19 per cent; in 2016 that had dropped to 31.58 per cent. We had gone backwards by 0.6 per cent. What is that figure today? I want to be careful here—I cannot say whether this is a directly comparable figure because of the way that some of these priorities have shifted. However, the figure published now is 31.9 per cent. I certainly invite being corrected by the Minister or the department as to whether those figures are comparable. If they are, we simply have not increased the performance of those top two bands of students. On the single measure that we have, there is no real progress in New South Wales. What worries me more are the other things we are not measuring and focusing on—the things we know are holding back the relative performance of New South Wales when it comes to education. That should be our priority.

ANIMAL AGRICULTURE

The Hon. MARK PEARSON (22:31): Animal agriculture is reaching a crisis point in Australia. There are multiple challenges ahead for Australia's farmers from the impacts of the climate emergency, overexploitation of land and water and how farmed, wild and introduced animals are treated. Farmers cannot continue to do what they have always done because it no longer works; in fact, it never did. The environment and animals have always suffered as a consequence of farming. The consequences of that harm are now unavoidable. The leaked report on land use by the Intergovernmental Panel on Climate Change [IPCC] makes it clear that it will be impossible to keep global temperatures at safe levels unless there is also a transformation in the way the world produces food and manages land. The IPCC proposes a major shift to plant-based diets in order to reduce agricultural land use, freeing land to be returned to habitat and to reduce greenhouse gas emissions.

The Government needs to speak honestly with our farmers and help them with funding to adjust to a new world, including changes in social attitudes about who and how we farm. I say "who" we farm because animal activists are making it clear that the recognition of individual animal sentience demands change. The very *raison d'être* of farming animals for food is in question. These concerns can no longer be brushed aside as the rantings of a few individuals given that two million Australians are now following a predominately plant-based diet. Barely a week goes by without yet another expose of animal cruelty. Last fortnight has seen reports of eye gouging and breaking the tails of cows at a large Tasmanian dairy, cruelty charges finally laid against Emanuel Exports

for its horrific treatment of sheep frying to death on the *Awassi Express*, and the illegal Victorian abattoir where sheep suffered agonising and prolonged deaths. The findings of a report commissioned by the Federal Government entitled *Australia's Shifting Mindset on Farm Animal Welfare* should be a wake-up call to all animal farmers. Some 95 per cent of people want to see improvements in animal welfare. The report states:

... the major driver of this shift is an increased focus on animals' level of sentience and related capabilities ...

This report indicates:

... a fundamental community belief that animals are entitled to the protection of relevant rights and freedoms, closely aligning with activist sentiment.

These beliefs are spread across States and Territories and between capital cities, regional towns and rural areas. You would expect that New South Wales industry leaders and the Berejiklian Government would be chastened by these existential threats to animal agriculture. Sadly, they have only paid attention to the spin doctors and pandered to the fearmongers. As one example of spin without substance, the NSW Farmers delegates at its annual conference last week passed a motion that animal industries use the term "processing" in lieu of, and to the complete exclusion of, the term "slaughter". Do they think the public will not notice that animals are still transported to slaughter?

We have seen the Berejiklian Government's response to animal activism and community concerns about farmed animal cruelty. Instead of overhauling the investigation and enforcement of animal welfare laws or funding research into the emerging industries of alternative proteins, we have the "right to farm" dogma and the draconian penalties for farm trespass under the fig leaf of biosecurity. We need to re-imagine the Australian landscape with farms that grow plant proteins, integrate into the environment and take less water from our rivers—where our wild animals are once again able to share in our boundless landscape.

ARTSTATE NSW

The Hon. BEN FRANKLIN (22:36): Tonight I speak about Artstate 2019, the regional arts conference being held in Tamworth later this year. This amazing four-year project, now in its third year, shines the spotlight on regional arts and culture. It was conceived in 2016 after the enormous success of the biannual national arts conference Artlands held in Dubbo that year. In 2017, under the supportive eye of arts Minister Don Harwin, Regional Arts NSW was granted four years of funding to develop the conference to explore exciting possibilities and provide opportunities for arts and culture across regional parts of the State. The conference brings together regional and metropolitan artists and arts organisations around key themes, which emerged from the previous conference, reflecting the diverse landscape of regional New South Wales.

I am delighted to say that the first two Artstate events, held in Lismore and Bathurst, were a wonderful success and a huge accomplishment for the sector and those communities. The inaugural Artstate in Lismore in 2017 was an incredible success, with 200 registered delegates and over 8,000 people attending one or more of the 34 arts program events, all using local suppliers and businesses as part of the event management. Expenditure reviews and surveys of the local spend of delegates conservatively put the total local spend at an incredible \$300,000, with an average daily spend of \$350. Delegates and audience members described the event as "inspiring", "engaging" and "invigorating". I congratulate Peter Wood and the Northern Rivers team on a wonderful event. The success continued with Artstate in Bathurst in 2018. The event exceeded expectations with 258 registered delegates, with an average daily spend of \$597 per day of the conference and an estimated 4,500 attendees at one or more events in the arts program. Congratulations to Steven Champion and all involved on another great success.

Artstate aims to stimulate regional, national and international speakers to share their experiences and knowledge while showcasing the best that regional New South Wales has to offer. This year's event in Tamworth will stretch over four days, starting 31 October. It will celebrate excellence in arts in regional New South Wales and showcase some of the best talents from the New England North West region. I have no doubt that this year's conference will continue the exceptional track record of this event, reaffirming the extraordinary talent and importance for the arts in our regions. I was fortunate to attend the launch of this year's Artstate in Sydney on 23 May at the Australian Museum, and I am thrilled to be attending the event in Tamworth later next month.

This year delegates will enjoy a two-day conference program discussing the themes of "On Country - In Country" and "Arts in the Age of Uncertainty". A highlight for Tamworth is the visual arts program, featuring contemporary textile-based works that celebrate the town's famous focus on textile art. The program is open to the public and is set to include an open-air concert featuring country music legend Roger Knox—or "Black Elvis". With speakers from across the country and overseas taking part, I have every confidence that this year's Artstate will be just as successful as, if not more successful than, the first two. I pay credit to Regional Arts NSW CEO Elizabeth Rogers and her team for the incredible job they have done in turning Artstate into the success it is today.

As Parliamentary Secretary for the Arts, I know how important these projects are, not just for our State as a whole but also for our local communities. In July I had the opportunity to visit the set of the Australian television series *Doctor Doctor*, shot predominantly in the beautiful New South Wales town of Mudgee. The production has been well received by the town, with locals appearing as extras and many dollars spent courtesy of the investment variously going into catering, restaurants, hair and make-up purchases, as well as everything from local taxis to office supplies. The show recently wrapped its fourth shoot in Mudgee. It contributed \$12.5 million to the local economy and employed over 120 cast, crew and extras per week each year. Some 94 per cent of the production spend was spread between the Sydney metropolitan area and regional New South Wales, with Mudgee benefiting specifically by a \$500,000-plus production spend within the town alone.

It has been a major windfall for the town, which has suffered greatly from drought. The production made a generous \$10,000 donation to the Mudgee drought fund. This is just one example of the incredible impact the arts can have and how much our regional communities are benefiting from them. The arts are critical to the future of our State. I could not be more proud of the work of Regional Arts NSW and Create NSW for highlighting and supporting the extraordinary creative talent we have throughout our regions. I hope to see members from all sides of the House in Tamworth for this year's Artstate.

DOG ON THE TUCKERBOX MONUMENT

The Hon. MICK VEITCH (22:41): The Dog on the Tuckerbox is an iconic historical monument located at Snake Gully, five miles from Gundagai—well, 7.2 km in contemporary measurement. The Dog on the Tuckerbox site is north of Gundagai adjacent to the Hume Highway. It is a great spot to have a break when trundling along the Hume Highway, particularly if you are aware of driver fatigue. In 1928 Frank Rusconi suggested a memorial using the legend of the Dog on the Tuckerbox, and in 1932 the proposal was taken up by the community. On 11 August 1932 *The Gundagai Independent* wrote:

A monument should be erected at the nine mile peg, dedicated to the pioneers and bullockies, who made the highway of to-day possible, and there should be an unveiling ceremony during "Back to Gundagai Week".

It is a tribute constructed with a nod to the pioneers of the area. Inspiration was drawn from a work practice of the bullock drivers, or bullockies, who transported supplies over many miles through rough terrain and treacherous conditions. If the bullockies had to leave their wagon for any reason they would leave their trusty dog to guard their possessions while they were away. This was an important task for a much-trusted companion.

Bullockies were also known for their love of verse and rhyme so it is unsurprising that a fable emerged about a dog who fouled his owner's tuckerbox. The poem *Bullocky Bill* humorously describes a series of misfortunes faced by the drover, culminating in his food being spoiled by his dog who sits either in or on his tuckerbox. For those who are not aware, a tuckerbox is an Australian colloquialism for a box that holds food, similar to a lunchbox but larger. *Bullocky Bill* was written by an otherwise unknown poet who used the pen name Bowyang Yorke and was first printed in 1857. A later poem by Jack Moses drew on the Bowyang Yorke poem for inspiration and was published in the 1920s.

In 1932 the Dog on the Tuckerbox monument was erected as part of the Back to Gundagai week. It was unveiled by Prime Minister Joseph Lyons on 28 November 1932. In the original poems the dog sits on the tuckerbox nine miles from Gundagai, but the organising committee decided to place the monument five miles from Gundagai as this would be more convenient for tourists using the Hume Highway and would encourage more visitors to the site. A dog monument had been first erected at a site nine miles from Gundagai in 1926. Local stonemason Frank Rusconi was responsible for the idea of the dog monument. He made a small model of a dog and sent it down to Oliver's foundry in Sydney to be cast in bronze. Mr Rusconi had a remarkable career. Interestingly, his works include the choir staircase and black marble side altar at Westminster Abbey. Mr Rusconi is also responsible for another local attraction at Gundagai, the Marble Masterpiece.

The Marble Masterpiece is a miniature baroque palace consisting of 20,948 hand-turned and polished pieces of marble, which is on display at the Gundagai Visitor Information Centre. I urge all honourable members to take a bit of time out of their journeys south along the Hume Highway and deviate into Gundagai to inspect the Marble Masterpiece. The Back to Gundagai committee also ran a competition to choose the best inscription for the Dog on the Tuckerbox monument. Brian Fitzpatrick of Sydney won and his inscription at the base of the monument says:

Earth's self upholds this monument
To conquerors who won her,
When wooing was dangerous
And now are gathered unto her again.

Also at the base of the monument is a wishing well and the money collected there is usually donated to the local hospital. Since 1992 there has been an annual Dog on the Tuckerbox Festival held at the site. Indeed, for a few

years now there is also the Snake Gully Cup race meeting conducted at the same time as the festival. The famous Dog on the Tuckerbox suffered recently at the hands of a vandal. The vandal's acts were caught on camera and placed on social media, subsequently leading to the vandal handing himself in at a Wagga Wagga police station.

The dog was knocked from his tuckerbox. He lost an ear. He was left to lie unsettled on the ground. Outrage has followed. However, there is a silver lining to this incident. The dog has been lovingly spruced up and will be returned to his well-known tuckerbox. His ear has been reattached. As the Mayor of Cootamundra- Gundagai Regional Council, Councillor Abb McAlister, said to me last week, the incident has raised a lot of national media and aided in promoting the local community. I urge all honourable members to stop over at the Dog on the Tuckerbox site, take a spell from their drive and put a few coins in the wishing well to assist the local health service. The dog is back in his rightful place, sitting atop the tuckerbox five miles from Gundagai.

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

Motion agreed to.

The House adjourned at 22:46 until Tuesday 20 August 2019 at 14:30.