



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Tuesday, 20 August 2019

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Tuesday, 20 August 2019

The PRESIDENT (The Hon. John George Ajaka) took the chair at 14:30.

The PRESIDENT read the prayers and acknowledged the Gadigal clan of the Eora nation and its Elders and thanked them for their custodianship of this land.

Governor

ADMINISTRATION OF THE GOVERNMENT

The PRESIDENT: I report receipt of a message regarding the administration of the Government.

Bills

REPRODUCTIVE HEALTH CARE REFORM BILL 2019

First Reading

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

The Hon. PENNY SHARPE: I move:

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

Motion agreed to.

The Hon. PENNY SHARPE: I move:

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

Motion agreed to.

Committees

REGULATION COMMITTEE

Reference

Mr JUSTIN FIELD (14:33): I move:

1. That the Regulation Committee inquire into and report on the impact and implementation of the:
 - (a) Local Land Services Amendment (Critically Endangered Ecological Communities) Regulation 2019; and
 - (b) Local Land Services Amendment (Allowable Activities) Regulation 2019.
2. That the committee report by 24 October 2019.

Motion agreed to.

LEGISLATION REVIEW COMMITTEE

Reports

The Hon. TREVOR KHAN: I table the report of the Legislation Review Committee entitled *Legislation Review Digest 3/57*, dated 20 August 2019. I move:

That the report be printed.

Motion agreed to.

SELECTION OF BILLS COMMITTEE

Reports

The Hon. NATASHA MACLAREN-JONES: I table report No. 22 of the Selection of Bills Committee, dated 20 August 2019. I move:

That the report be printed.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: I move:

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

- (a) Racing Legislation Amendment Bill 2019;
- (b) Gambling Legislation Amendment (Online and Other Betting) Bill 2019;
- (c) Crimes Amendment (Zoe's Law) Bill 2019;
- (d) National Parks and Wildlife Amendment (Tree Thinning Operations) Bill 2019; and
- (e) Repeal of Kosciuszko Wild Horse Heritage Legislation Bill 2019.

Motion agreed to.**STANDING COMMITTEE ON SOCIAL ISSUES****Reports**

The CLERK: According to standing order, I announce receipt of report No. 55 of the Standing Committee on Social Issues entitled *Reproductive Health Care Reform Bill 2019*, received this day, together with transcripts of evidence, tabled documents, submissions and correspondence, received out of session and authorised to be printed on 20 August 2019.

The Hon. SHAYNE MALLARD (14:36): I move:

That the House take note of the report.

I shall make a few brief comments about the report as the Chair of the Standing Committee on Social Issues. Members would have a copy of this report. It was delivered to their offices earlier this afternoon. I see that there are some copies with the Clerks. The Reproductive Health Care Reform Bill 2019 is a private member's bill that was referred to the Standing Committee on Social Issues by the Legislative Council's Selection of Bills Committee. This followed the passage of the bill through the Legislative Assembly. This is the second short format inquiry conducted by the social issues committee following the earlier inquiry into the Ageing and Disability Commissioner Bill 2019. Similar timelines and procedures were followed for this inquiry. The bill seeks to reform the law relating to terminations of pregnancies and regulating the conduct of health practitioners in relation to terminations. It seeks to remove terminations from the Crimes Act 1900 and establish them in a standalone health care Act.

The operation of short format inquiries is a process that the Legislative Council is adapting to and something that we need to discuss at another time outside of this specific report. However, given the short time frame for this inquiry, it was still able to canvas a broad representative sample of opinion and submissions on the bill. In particular, I note that there were over 14,000 submissions via the website portal or email; there were 15 hours of hearings over three days; there were 15 panels of witnesses grouped into areas of interest; there were 44 witnesses, including 10 senior religious leaders and representatives; there were approximately 300 questions asked by committee members of the panels; and there were 174 pages of *Hansard* transcript produced.

The inquiry heard from religious leaders, ethicists, right-to-life and right-to-choose advocates, academics, women's organisations, and the legal and medical professionals amongst the 44 witnesses. The witness list for the hearings was determined through consultation with all committee members on 7 August. No suggested witnesses were excluded and nearly all were available to give evidence. The hearings were extended into a third day to facilitate several religious leaders who were unable to make the earlier hearings.

During the inquiry, the committee considered a number of concerns that were raised by stakeholders, including the appropriate gestation period, conscientious objection, counselling and sex selection, amongst other issues. The committee acknowledges these concerns and has recommended that the Legislative Council proceed to consider the Reproductive Health Care Reform Bill 2019 and consider any amendments in the Committee stage that may address stakeholder concerns raised during the inquiry. This report does not seek to take a position on the bill; rather it presents the evidence and opinions as presented to the inquiry for the Legislative Council to consider in debating the bill.

Finally, I sincerely thank my fellow committee members—Ms Abigail Boyd, the Hon. Niall Blair, the Hon. Greg Donnelly, the Hon. Rose Jackson, the Hon. Trevor Khan, the Hon. Natasha Maclaren-Jones and Reverend the Hon. Fred Nile—for the restrained and generally civil manner in which this contentious issue was examined last week. I note also that the public galleries were respectful of the process. I thank the Clerks and secretariat for their professional dedication and skills. The committee particularly singled out the Deputy Clerk, Steven Reynolds, and the Clerk Assistant - Committees, Stephen Frappell, for their commitment to this report. It

also thanks other members of the hardworking secretariat, including Elise Williamson and Sam Griffith. I commend the report to the House.

Debate adjourned.

Documents

BLUE MOUNTAINS ASBESTOS MANAGEMENT

Return to Order

The CLERK: According to the resolution of the House of 8 August 2019, I table documents relating to an order for papers regarding the management of asbestos in the Blue Mountains, received on 15 August 2019 from the Secretary of the Department of Premier and Cabinet.

Correspondence

The CLERK: I table correspondence received from the General Counsel, Department of Premier and Cabinet, dated 9 August 2019, and correspondence from the Ombudsman, dated 14 August 2019, relating to an order for papers regarding the management of asbestos in the Blue Mountains.

NSW LAND AND HOUSING CORPORATION CONTRACTS

Correspondence

The CLERK: According to the resolution of the House of 8 August 2019, I table correspondence received from the General Counsel, Department of Premier and Cabinet, dated 14 August 2019, relating to the order for papers regarding the NSW Land and Housing Corporation contracts for public maintenance and planned works.

Committees

STANDING COMMITTEE ON LAW AND JUSTICE

Government Response

The CLERK: According to standing order, I announce receipt of the Government's response to report No. 67 of the Standing Committee on Law and Justice entitled *2018 Review of the Workers Compensation Scheme*, tabled on 12 February 2019, received out of session and authorised to be printed on 9 August 2019.

STANDING COMMITTEE ON LAW AND JUSTICE

Government Response

The CLERK: According to standing order, I announce receipt of the Government's response to report No. 68 of the Standing Committee on Law and Justice entitled *2018 Review of the Compulsory Third Party Insurance Scheme*, tabled on 12 February 2019, received out of session and authorised to be printed on 9 August 2019.

Petitions

PETITIONS RECEIVED

Reproductive Health Care Reform Legislation

Petition requesting that the House reject the Reproductive Health Care Reform Bill 2019 on the basis that the bill will place mothers and their unborn babies at risk by increasing access to abortion, places no effective restrictions on late term abortion and imposes an unwarranted legal obligation to facilitate abortion through referral, received from **the Hon. Scott Farlow**.

Reproductive Health Care Reform Legislation

Petition requesting that the House unanimously oppose the Reproductive Health Care Reform Bill 2019 on the basis that there has not been adequate community consultation and that the bill fails to consider physicians with a conscientious objection and protect women who may be coerced into undergoing the procedure, 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 on the basis that there has not been adequate community consultation and that the bill fails to consider physicians with a

conscientious objection and protect women who may be coerced into undergoing the procedure, 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 it places mothers and their unborn babies at risk by increasing access to abortion and that the bill fails to consider physicians with a conscientious objection and protect women who may be coerced into undergoing the procedure, received from **Reverend the Hon. Fred Nile**.

Reproductive Health Care Reform Legislation

Petition requesting that the House reject the Reproductive Health Care Reform Bill 2019 on the basis that it will put mothers and unborn babies at risk by increasing access to abortion up to 22 weeks, that there are no effective restrictions to late-term abortion and that the bill fails to consider physicians with a conscientious objection, received from **Reverend the Hon. Fred Nile**.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: PETITIONS

The Hon. TAYLOR MARTIN: I seek the leave of the House to suspend standing orders to allow the presentation of a petition from 230 citizens of New South Wales concerning the Reproductive Health Care Reform Bill 2019, which is irregular as it is not addressed to the President or the Legislative Council.

Mr David Shoebridge: Who is it addressed to?

The Hon. TAYLOR MARTIN: It is not formally addressed. I can quote from the paperwork if that would suffice. I quote, "Your petitioners therefore respectfully request that the Legislative Council reject the Reproductive Health Care Reform Bill 2019 when it comes before the House to be voted on."

Leave granted.

Irregular Petitions

REPRODUCTIVE HEALTH CARE REFORM LEGISLATION

The Hon. TAYLOR MARTIN: I move:

That standing and sessional orders be suspended to allow the presentation of an irregular petition from 230 citizens of New South Wales requesting that the House reject the Reproductive Health Care Reform Bill 2019.

Petition received.

Notices

PRESENTATION

[During the giving of notices of motions]

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

Later,

The PRESIDENT: I remind members that I have already called a Government member to order for interjecting during the giving of notices of motions. That should have made it clear to all members that I am prepared to call other members to order. That is my last warning.

Later,

The Hon. Catherine Cusack: Point of order: It is just plain rude and disrespectful to members to interject. Mr President, you have given two rulings in relation to that. I ask you to take a firm stand on this issue.

The PRESIDENT: I thank the Hon. Catherine Cusack for her point of order. I was about to call a member to order when she sought the call. I call the Hon. Walt Secord to order for the first time. I am well aware of what is on the list today and what matters will be dealt with. Members can imagine how reluctant I am to call members to order for the first, second and third time, but I will insist that all members comply with the standing orders and the conventions of this House. I do not intend to allow members at this early stage to flout those standing orders and conventions and, more importantly, to flout the warnings I give. I believe I am being fair in this regard.

*Business of the House***POSTPONEMENT OF BUSINESS**

The Hon. EMMA HURST: I move:

That business of the House notice of motion No. 3 be postponed until 17 September 2019.

Motion agreed to.

*Committees***SELECT COMMITTEE ON ANIMAL CRUELTY LAWS IN NEW SOUTH WALES****Membership**

The PRESIDENT: I inform the House that the Clerk has received the following nominations for membership of the committee:

Government:	Mr Amato Mr Blair Mr Mason-Cox
Opposition:	Mr Secord Mr Veitch

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

The Hon. DON HARWIN: I move:

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

Motion agreed to.

CONDUCT OF BUSINESS

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) (15:06): I move:

1. That the order of the day for the second reading of the Reproductive Health Care Reform Bill 2019 be called on forthwith.
2. That proceedings on the bill take precedence of all other business except questions this day and on Wednesday 21 August 2019, until the second reading is agreed to or is interrupted by the adjournment of the House.
3. That if debate on the second reading is interrupted by the adjournment of the House on Wednesday 21 August 2019, the resumption of the interrupted debate stand an order of the day for Tuesday 17 September 2019.
4. That if the second reading of the bill is agreed to before the adjournment of the House on Wednesday 21 August 2019, consideration of the bill in Committee of the Whole stand an order of the day for Tuesday 17 September 2019.
5. That proceedings on the bill take precedence of all other business except questions on Tuesday 17 September 2019 and Wednesday 18 September 2019.

I congratulate the Hon. Shayne Mallard on the excellent summary that he gave earlier about the committee process. I am sure other members found the summary helpful, as I did. I thank members of the Standing Committee on Social Issues and the staff for their diligence over the past 10 days while conducting the inquiry into the provisions of the Reproductive Health Care Reform Bill 2019. When we discussed the Selection of Bills Committee recommendation that the inquiry take place, I flagged that I would move a conduct of business motion today on how we would deal with the bill. That is what I am doing now.

At that stage I thought there was an overwhelming likelihood that the whole of the second reading debate and the Committee stage would be concluded in three days and I said as much. But I also said that the House would be the master of its own destiny in that respect. I am now of the view, and so are Government members, that there is a real risk that will not be possible. There is a strong chance that the Committee stage would be interrupted at midnight on Thursday when we had the hard adjournment. The preference of Government members is that we deal with all of the Committee stage in one sitting week. Hence the provisions in the fourth part of the motion.

There is also a view amongst Government members—some of whom are supporters of the bill, some of whom are opponents—that we should take more time to consider the report and what, if any, amendments should be made to the bill. To ensure that those amendments are well founded and will not create problems with the interpretation of the bill, there is a benefit to be gained by conducting the whole of the Committee stage in the

next sitting week, commencing 17 September. Having discussed it amongst ourselves, that is the collective view of Government members—not just those who have expressed a wish to look at further amending the bill.

As a result of the provisions of the conduct of business motion honourable members will have four weeks from today to consider how the bill might be amended. That is a very reasonable amount of time, although I imagine some members would prefer longer. I accept that, but I think four weeks is not unreasonable. This motion is about what happens on Government business days; I am not seeking to bind the House about what it should do this Thursday. Government members still feel that the risk of the Committee stage being split is not desirable. They will vote to have the debate on Tuesday and Wednesday this week and then go over to the following week. Of course, the House is the master of its own destiny. If an honourable member chooses to amend this motion we can have that discussion, but the Government's position is as I have put it. I commend the motion to the House.

The Hon. ADAM SEARLE (15:12): The Opposition will be supporting the Government's motion but will seek to amend it. Accordingly, I move:

That the question be amended by:

- (a) inserting in paragraph 2 "and Thursday 22" after "Wednesday 21";
- (b) omitting in paragraph 3 "the resumption of the interrupted debate stand an order of the day for Tuesday 17 September 2019" and inserting instead "the resumption of the interrupted debate stand an order of the day for next sitting day"; and
- (c) omitting in paragraph 4 "before the adjournment of the House on Wednesday 21 August 2019" and inserting instead "this week".

The Opposition welcomes the Leader of the Government's motion to facilitate the second reading debate of the Reproductive Health Care Reform Bill 2019. It is a matter of record that the substance of the bill will be a conscience vote for both Government members and Opposition members. Having commenced the debate in this place, there is a not unreasonable expectation across the community—as well as in this place—that this House should have the fullest opportunity to debate the matter to finality during the course of the week. That would be the ideal, irrespective of the views that individual members may take about the substance of the bill.

Although we might have a different view to the Leader of the Government about whether the prospect of splitting the Committee stage of the debate presents a significant problem, we do have concerns regarding paragraph 3 of the motion. From advice I have sought from the Clerk, it would appear that it could preclude the House from continuing the second reading debate on Thursday. It could be that when we get to the adjournment tomorrow, the second reading debate has not been finalised. There may still be some way to go. The Government resolution muzzles the House. It says that we cannot continue the debate on Thursday; the second reading debate must go over until after budget estimates.

Though we may disagree with the Government about splitting the Committee stage, there is a logic to saying that this week we should at least have the second reading debate and any second reading vote—if that is where we get to. We accept the need to have the Committee stage dealt with after budget estimates. We also accept that, even if Thursday was also allocated to the debate on this bill, we may still not have concluded the debate. Members should not be muzzled or restricted but should have the fullest opportunity to participate. The House should give itself the opportunity of at least concluding the second reading debate this week, if that is where the debate gets to.

We do not think that precluding the possibility of further debate on Thursday is a good idea. There are different opinions on this bill in this place, in the other place and right across the community. We all accept that the substance of this bill, regardless of one's views, is an important matter. The community expects that this place apply itself diligently to completing the task once commenced. We should give ourselves the best opportunity of finalising the second reading debate this week. I ask the Government to accept the amendments I have proposed in good faith. The amended motion would not require a second reading vote this week. It would not mandate that we must finish the second reading debate this week. It would simply give the House and honourable members the best opportunity to achieve that milestone this week. I ask all honourable members to join with the Opposition to support the amendments.

The Hon. ROBERT BORSACK (15:17): I commend the Government for taking this action today. It is a good move and gives us the opportunity to think through the issues and have a proper second reading debate. Based on representations that our party has been making, we support the Government's motion. It is important we have a bit of breathing space and that the community has a chance to think about the amendments that will be put on the table during the Committee stage. It is also important that the Government consider those properly, and we all consider how this is going to be done when we come back.

We do not support the taking of private members' day on Thursday. I do not understand how something coming out of the lower House as a private member's bill transmutes itself into Government business in this House. Perhaps it should have been dealt with on Thursday as a private member's bill, since it was sponsored by private members. Regardless of that, it is a good move to have a more considered view and a more considered discussion about how this is going to be handled. We have had literally thousands of representations on this. It is a very important matter and the whole community needs an opportunity to sit down, think about it, talk about it and come to a proper landing. I commend the Government for taking this action today.

[Interruption from the gallery]

The PRESIDENT: Order! I welcome the visitors in both the President's gallery and the public gallery who have come to watch proceedings today. For those who have not visited before, I will explain that just as we have rules for members of this House we also have rules for visitors. Whatever visitors may think about what is said, they must watch the debate in silence. There is to be no applause, jeering or other gestures. Visitors are not permitted to attempt to talk to any members in the Chamber and no audible conversations are to take place between visitors. No photography or filming is permitted, other than by the media photographers whom I have authorised. I ask visitors to please follow all instructions from the officers of the Parliament.

The Hon. MATTHEW MASON-COX (15:21): I will make a couple of remarks to reflect the statements of the Hon. Robert Borsak and give this debate some needed perspective. Members would be well aware that the debate on this bill, through its progress in the other place up until this moment in this place, has occurred over the course of some 20 days or thereabouts. It is worth understanding—without reflecting on a decision of this House—that we have had a rather truncated committee process. The committee that was charged with the responsibility has delivered a very fine report in a very limited time. That report has given at least some stakeholders an opportunity to reflect on the issue and have their concerns about or support for the bill reflected in the committee process. But the reality is that the Legislative Council has not had an opportunity to reflect on the report—it has been tabled just today. Indeed, our opportunity will come about the next time this House sits after the short three-week break.

At the same time there is still very strong debate in our communities about this bill and about some of the proposed amendments that are causing serious concern. I think the Government, through the Leader of the Government in this place, has made the right decision to have the second reading debate dealt with this week and to then pause so that members can go back to their communities, reflect upon the proposed amendments and speak to each other about how to best progress the bill through the amendment phase in one fell swoop in three weeks. That is wise given the circumstances existing in many communities and the great concern that the bill has been rushed through the lower House and may be rushed through this House. They are real concerns in our community.

Many proponents of the bill believe that it is sufficient to rely on a process from another State, be it Queensland, Tasmania or Victoria, which have had Law Reform Commission reports, a number of bills and a number of committee inquiries. The reality is that this is New South Wales. We have not had an opportunity to look at the specifics of this bill and we have not had what I would call a comprehensive committee process over a number of months to properly consider a complex and controversial bill that brings up issues not just relating to abortion but also to religious freedom and other matters. This is a very complex bill and I ask members to pause and reflect on that and on the concern in many quarters that this bill is perceived to have been rushed through the other place and indeed this place.

Another issue I bring to the attention of members is that the Government's position was indeed a compromise amongst its members in the upper House. It is important to put that on the record. This is a non-government bill and non-government bills are generally dealt with in this place on a Thursday during private members' business. In the other place the Government made the decision that the best way to handle the bill was to allow the debate to take place during Government business time. This House makes its own decisions about how it handles bills. The normal and general position would be that this bill would be dealt with on a Thursday during private members' business in competition with the many other issues that private members wish to raise. We generally deal with upwards of 20 issues during that time.

If this bill was dealt with in the normal course of business it could well take months to get through it. But this Government, as a compromise amongst its own members in this House, made a decision to dedicate two days of Government business time for the second reading debate in order to facilitate the progress of this bill, which I personally do not want to see facilitated. I put that on the record. I believe that in this case the process has been compromised. I do not wish to see this bill promoted above any other item of private members' business. However, I am willing to support the Government on this procedural motion to ensure that it is effected in this place, even though I personally do not agree with the Government's position. It is important to get the perspective right.

This is not something the community wants rushed. I do not believe it has an expectation that it should be rushed. The community as a whole wants parliamentarians to deal with such a complex and controversial bill in a very considered way. I do not think to date it has been dealt with in a very considered way. I do not consider a five-day inquiry to be appropriate, particularly when in the same week in this place we passed a motion to set up committee for a five-month inquiry into animal cruelty—a committee of which I am now a member as a result of an earlier motion. We have given five months for animal cruelty but five days for a very complex bill that deals with life, death and abortion. I have said enough. At the end of the day we need to understand that perspective. I ask members to consider that as they vote.

The Hon. PENNY SHARPE (15:27): I make a short contribution to this matter. The Opposition does not oppose the vast bulk of the Government's proposal. This is Government business for the day. As is the tradition of the Opposition, we will not seek to frustrate the decision-making of the Government on a day on which it decides what takes precedence. That is the first point I make. I do not want to get into the substance of the debate on this bill, that will happen later today and I will be quite happy to deal with these matters then, but the second point I make is that I utterly reject the notion that this bill is being rushed through Parliament and is not being properly considered. There has been a parliamentary inquiry that has included 14,000 submissions, 2½ days of public hearings, rallies and thousands of emails and phone calls. This is a matter that members of this House have considered for decades, either formally as members or as part of their contemplation on these matters.

As strongly as the opponents of this bill feel, the proponents feel equally passionately about the issue. I make the point that some of the people arguing against the bill are seeking to delay it further even though it is clear that under no circumstances and no amendments will they end up supporting the bill. Women have waited 119 years for us to remove this from the Crimes Act; we can wait another couple of weeks to continue this debate. The Opposition's amendment to the motion does not seek to guarantee anything other than a provision that we will not preclude continuing the debate this week. I ask members to support the amendment.

Reverend the Hon. FRED NILE (15:29): I put on the record my support for the proposition presented to the House by the Leader of the Government, the Hon. Don Harwin. It has been a very helpful and positive way of dealing with the legislation, which has caused a lot of controversy about the speed in which it has been introduced and so on. It will take some of the heat out of the debate to follow the procedure as moved by the Leader of the Government. I also support his proposal that private members' day still be reserved for genuine private members' business.

The Hon. WALT SECORD (15:30): I support the amendments moved by my colleague the Hon. Adam Searle. For the record, I will be voting yes to the bill. But make no mistake: This has been bungled by the Government. Make no mistake: Women of New South Wales have been waiting for 119 years and now the Premier is delaying it to save herself. I am deeply disappointed that she did not speak in the debate.

The Hon. Trevor Khan: Point of order: I hate to do this, but members already have been straying from the motion and the amendments that are before the House. Plainly some people wish to make their second reading contributions now. It would be better for all concerned if they stick to the point and get us to the point of debating the actual bill.

The PRESIDENT: I also indicate to the honourable member that imputations in relation to other members—in particular, members in the other House—are unnecessary and are not permitted. I ask the honourable member to speak to the motion and/or the amendments that are before us. There is no need to reflect on members in either this House or the other House.

The Hon. WALT SECORD: Mr President, I am mindful of your ruling. I make the point that under the motion put forward by the Government, this bill will be further delayed. Women in New South Wales have been waiting 119 years and they are being told by the Government and the Premier to wait longer. I commend the amendments.

The PRESIDENT: The Hon. Don Harwin has moved a motion, to which Hon. Adam Searle has moved an amendment. The question is that the amendment be agreed to.

The House divided.

Ayes 19
Noes 20
Majority 1

AYES

Boyd, Ms A
Faehrmann, Ms C

Buttigieg, Mr M (teller)
Field, Mr J

D'Adam, Mr A (teller)
Graham, Mr J

AYES

Houssos, Mrs C
Mookhey, Mr D
Pearson, Mr M
Secord, Mr W
Veitch, Mr M

Hurst, Ms E
Moriarty, Ms T
Primrose, Mr P
Sharpe, Ms P

Jackson, Ms R
Moselmane, Mr S
Searle, Mr A
Shoebridge, Mr D

NOES

Amato, Mr L
Borsak, Mr R
Franklin, Mr B
Latham, Mr M

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

Banasiak, Mr M
Cusack, Ms C
Harwin, Mr D
Maclaren-Jones, Mrs
(teller)
Mason-Cox, Mr M
Roberts, Mr R
Ward, Mrs N

Blair, Mr
Fang, Mr W (teller)
Khan, Mr T
Mallard, Mr S
Mitchell, Mrs
Taylor, Mrs

PAIRS

Donnelly, Mr G

Farlow, Mr S

Amendment negatived.

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

Motion agreed to.

*Bills***REPRODUCTIVE HEALTH CARE REFORM BILL 2019****Second Reading Speech**

The Hon. PENNY SHARPE (15:43): I move:

That this bill be now read a second time.

It is with great pride I bring to this House the Reproductive Health Care Reform Bill—a bill that has been decades in the making. This bill updates laws that were made 119 years ago, at a time when there were no women in our parliaments and women were still not allowed to vote. This bill, if passed, will rightly place women's reproductive health care in New South Wales within the legal framework of our health laws, not our criminal laws. I bring this bill forward today on behalf of the 15 members of Parliament from across different political parties who have come together to say that threats of jail for women and their doctors have no place in the laws of New South Wales. I wish to place on record my deepest thanks for the many women and men, and the over 70 organisations they represent, who have contributed to the development of this bill. Your wisdom, expertise, empathy and understanding of abortion laws and the needs of women in New South Wales have helped the working group and the co-sponsors draft the bill we debate here today.

To those who have never given up fighting for laws that trust women and respect that women and other pregnant people are not just capable but entitled to make decisions about their own bodies and their own lives, I thank you. To those women who have, by telling their own stories of abortion, dared to seek their own arrest and in doing so have drawn the attention of the broader public to the absurdity of our current laws, I cannot thank you enough for being prepared to speak out when we know so many cannot. To the women who have sidled up to me at the supermarket, at the park or on the train and those who have sent me notes, emails and messages of support, often telling me your own most private and intimate stories, know that we have heard you. To the medical practitioners, the nurses, the doctors, the social workers, the counsellors, the receptionists, the paramedics and the security guards who only want the best for every patient, thank you for the work you do; you are heroes.

In recent weeks there have been many thousands of words written and spoken about this bill and what it is seeking to do. There have been thousands of submissions to the inquiry by the Standing Committee on Social Issues and there have been rallies, emails, letters and phone calls. Some of the commentary has been accurate; much of it has not. We have to understand the facts. There are thousands of safe, lawful abortions conducted in

New South Wales each year, but our current laws are archaic and unclear. They create barriers for patients and for doctors. The current arrangements do not stop abortion; they create a two-tier system and great hardship for women based on where they live and how much they earn.

In our cities, those with money can end an unwanted pregnancy safely and with minimal disruption to their lives and their employment. For those who live in regional and remote areas, and for those struggling with the weight of financial disadvantage, the situation is complex and leads to later-term abortions that are more expensive and have greater risks. And while many—myself included—wish this was not the case, unplanned pregnancies are a fact of life. On some estimations, half of all pregnancies in Australia are unplanned. Some are a delightful and welcome surprise; some are not. Unplanned pregnancies happen for a range of reasons. These reasons are private and intimate, and are nobody's business except that of the pregnant person and their doctor.

In 2019 with all the technology we have, it is still the case that no contraception is 100 per cent effective. Contraception can fail even when used correctly and consistently. The World Health Organisation estimates that even if all contraceptive users used contraception perfectly in every sexual encounter, there would still be six million unintended pregnancies every year. It is wrong to place access to this vital health care in a criminal framework. It is even worse when women live in a world where they do not always have a free and autonomous choice about their own bodies. We live in a world where one in three women experience some form of sexual assault, including rape and incest. We live in a world where domestic violence is an all too common reality for too many women.

Reproductive coercion is a significant factor in these abusive relationships. It is unconscionable that a woman should have the trauma and violation of sexual assault or violence compounded by being forced through nine months of a pregnancy. That is why this bill is before the House. Abortion should be regulated in the same way as all other surgical and medical practices. At its core this bill seeks to codify the common law arrangement with regards to women seeking pregnancy terminations in New South Wales. It recognises that terminating pregnancies is part of our current laws—laws that allow abortion to occur underpinned by fragile legal frameworks and through the prism of criminal law. This bill gives certainty to women and their medical practitioners and enshrines New South Wales best practice in ethical and health standards guidelines and practice. The bill is closely based on the approach taken by Victoria and more recently Queensland as abortion has been taken out of the crimes Acts in these States.

This bill does six things. The bill removes regulation of abortion from the Crimes Act and puts it in a standalone health Act. The law that currently regulates terminations is found in sections 82 to 84 of the Crimes Act 1900 and has remained unamended, despite significant social and technological change, since the Crimes Act 1900 was first enacted 119 years ago. The bill allows medical practitioners to administer a termination to a person who is not more than 22 weeks pregnant.

The bill allows medical practitioners to administer a termination to a person who is more than 22 weeks pregnant if they fulfil a test which requires the medical practitioner to consider the person's relevant medical circumstances, the person's current and future physical, psychological and social circumstances and the relevant professional medical practitioner standards and guidelines. After consideration of these factors the medical practitioner must be satisfied that in all the circumstances the termination should be performed and consult with another medical practitioner who, after considering those factors, must also be satisfied that the termination should be performed. It is very important to note that the bill does not constitute an expansion of the current law. Indeed, the current legal tests only require later term abortions to be considered by one medical practitioner, whereas in the bill it has to be considered by two.

The bill creates an offence for unqualified persons to administer or assist with the performance of a termination. The bill provides that a person who consents to, assists in or performs a termination on themselves does not commit an offence and abolishes any common law offence relating to the procuring of a person's miscarriage. Finally, the bill provides a statutory protection for medical practitioners or other registered health practitioners who conscientiously object to performing or assisting in the performance of a termination. The bill requires the medical practitioner to disclose their objection to the person seeking a termination as soon as practicable, as well as promptly referring the person to another health practitioner who the first health practitioner believes does not have a conscientious objection to the performance of the termination.

The bill before us has been passed overwhelmingly by the Legislative Assembly. The amendments passed in the Legislative Assembly and incorporated into the bill provide clarity and a balance of the issues presented in the bill. I anticipate that this House will consider a number of these amendments during this debate. I will not canvass those here but will deal with them in Committee—the Committee stage, I note, that will now be happening on 17 September. I know that there are those for whom the bill is an anathema that they could never endorse or support. I respect those with different views and know how genuinely these beliefs are felt. But I do ask that during the debate those who oppose the bill understand that those who propose the bill on this side do so

with the same level of conviction, conviction that women and others have a right to bodily autonomy and to make decisions that are in their best interests—our unshakeable belief is that women cannot be equal in our society until they have control over their own reproductive health and the ability to choose when and if they will have children.

Criminalising abortion does not stop abortion; it just makes it unsafe. All of the evidence shows that access to safe, legal abortion leads to fewer abortions—something that we can all agree on. The proponents of the bill support this change to the law because we have heard the stories of our friends, our mothers, our grandmothers, our aunts and our children. We have heard the stories of the past when women were harmed or died seeking illegal backyard abortions and we are determined to never go back to those days again. The reality is that no person wants to find themselves in the position of having an unplanned or unwanted pregnancy or, tragically, a much wanted pregnancy that is not viable or that threatens their life—but this is what happens to women every day. We seek to change the laws for everyone who has ever waited for the results of a pregnancy test they hoped would never come. We seek to change the law for those who have had a much-wanted pregnancy that did not go according to plan. We seek to change the law to trust and respect women in this State. I commend the bill to the House.

Second Reading Debate

Ms ABIGAIL BOYD (15:53): I speak on behalf of The Greens to support the Reproductive Health Care Reform Bill 2019. Along with Jenny Leong, my colleague in the lower House, I am a co-sponsor of the bill on behalf of The Greens but I am proud to say that every single one of our Greens MPs supports the bill. As with the issue of marriage equality The Greens do not have a conscience vote on this issue. Our policy position in favour of abortion decriminalisation is clear. Our conscience has nothing to do with the decisions made by others on the basis of theirs. Just as it is not for legislators to dictate who a person can love, it is not for legislators to dictate when someone must have a child.

The campaign to decriminalise abortion has been core business for The Greens for many decades. Our first election platform 35 years ago included women's rights to reproductive freedom as a core principle. As recently as this year's State election campaign we again promised to pursue the decriminalisation of abortion. Three years ago my Greens colleague Dr Mehreen Faruqi—at the time a member of this place and now a Federal senator—introduced the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 and instigated the first ever debate on abortion in the New South Wales Parliament. The introduction of that bill was part of a five-year-long campaign by The Greens NSW women's working group and Mehreen's office to remove abortion from the Crimes Act.

The work of Mehreen and Greens activists under the End12 banner put abortion law reform on the agenda in the New South Wales Parliament for the very first time. But of course that campaign did not come out of nowhere. It was part of a much broader and longer-running campaign. We stand on the shoulders of an uncountable number of activists, campaigners and feminists who have fought tirelessly for reproductive rights since abortion was criminalised in New South Wales more than 100 years ago. Without activist organisations like the women's liberation movement, the Union of Australian Women and the Abortion Law Reform Association fighting for the right to fertility control, bodily autonomy and access to abortion we would not be where we are today.

We are here because of the tireless work of advocacy and lobby groups working to remove abortion from the Crimes Act—organisations such as the NSW Pro-Choice Alliance, the NSW Women's Alliance and the more than 70 health, law and community sector organisations supporting these crucial alliances who have bridged the gap between Parliament and the views of the people of New South Wales, who overwhelmingly support the decriminalisation of abortion. We are here because of the ongoing work of the Women's March movement, various women's collectives in universities across the State and motivated individuals like 17-year-old school student Bella Ziade, who in June this year organised the massive Our Body Our Choice march.

To everyone who has got us to this point and everyone in this Parliament who has supported or will soon support the bill, thank you. I feel incredibly privileged to be one in a very long list of women who have played a part in this vital reform and to share this historic moment with all the pro-choice activists present while honouring those who paved our way. The decriminalisation of abortion in New South Wales will be the legacy of feminist activists young and old, whose protests, rallies, marches and direct actions prove that the real change happens in the streets. Progress can be excruciatingly slow at times but when change finally comes we can reflect on how every letter written, every conversation had, every story told, every rally held, every single contribution to a movement matters. We live in a democracy, one in which your voice matters so long as you choose to use it. Significant change like this does not happen through parliamentarians. Real and meaningful change happens outside of this place and it is our job as legislators to reflect that change in legislation.

Last week I took part in the 2½-day committee inquiry into the bill. The Greens did not support the need for an inquiry and the inquiry did little other than reinforce what we already knew—namely that the decriminalisation of abortion is supported by legal and medical professionals, by those working on the front line of the domestic and family violence epidemic and by those working in community health centres; and that decriminalisation is opposed primarily on religious grounds. We did not hear any evidence to throw doubt on the credibility of the professional organisations and experts supporting the bill and the reasons for their support. They supported Mehreen Faruqi's bill in 2016, they supported this bill when it went to the lower House and they support it now in the amended form in which it has come to the upper House, because every version of this bill to decriminalise abortion takes us a step closer to safe and legal access to abortion across New South Wales regardless of your postcode or your bank balance.

We also did not hear any evidence in the inquiry to suggest that those opposing the bill on religious grounds were doing so for reasons other than their firm and genuinely held beliefs. Consistent with those beliefs, most not only opposed the bill but also opposed the current legal status quo. In other words they wanted an entirely different type of law reform, one taking us towards even stricter control over the body of anyone with a uterus. Accordingly, their suggested amendments to the bill were aimed at creating further obstacles to those seeking an abortion rather than clarifying or improving the effectiveness of the bill.

Although not holding those religious beliefs myself, I have a deep respect for freedom of religious belief. Australia is a secular society—despite those who would prefer it to be otherwise—and we do not enshrine one religious belief in our laws to the exclusion of other points of view, including those with no religion. It should be each person's right to choose to make the decision on whether or not to end a pregnancy on the basis of their personal circumstances, including their own values and beliefs. I would not be party to legislation that forced someone to terminate their pregnancy and I stand against any legislation seeking to force someone to remain pregnant. It is my choice whether I decide to use my uterus to bring life into this world and no-one else's.

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

Visitors

VISITORS

The PRESIDENT: I welcome to the House the adviser to the Opposition Whip, the Hon. Mark Buttigieg, Trish Marinozzi, who was married on Sunday and is here today instead of on her honeymoon. I also welcome to the President's gallery an intern of the Hon. Shaoquett Moselmane, Ms Amira Thompson, a University of Technology Sydney student.

Questions Without Notice

MENTAL HEALTH

The Hon. ADAM SEARLE (16:00): My question is directed to the Minister for Mental Health, Regional Youth and Women. What is the Government's response to the use of physical restraints on mentally ill patients following last night's death of a 35-year-old handcuffed male at the Prince of Wales Hospital?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:01): I thank the Hon. Adam Searle for his question. It is a very tragic situation and my heart goes out to the family involved and the many affected people. We need to be extremely cautious and not make assumptions while this incident is being investigated. The Government will look at the results and recommendations of the investigation into this matter.

The safety and wellbeing of patients and staff is paramount in providing quality care. We are committed to reducing and eliminating where possible the practice of seclusion and restraint in mental health services across New South Wales. I caution that when we look at these incidents they are still under investigation. In the majority of cases when people present to emergency departments with mental health issues they are treated appropriately and well. I will look closely at the recommendations and the review as a result of this incident.

ARTS AND CULTURAL SECTOR

The Hon. TAYLOR MARTIN (16:02): My question is addressed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on how the Government is supporting the arts and cultural sector in New South Wales?

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (16:02): I thank the Hon. Taylor Martin for his question. The Government is committed to supporting the arts and cultural sector across Sydney and throughout regional New South Wales. One of the key ways this support is delivered is through

the New South Wales Government 2019-2020 Arts and Cultural Development Program [ACDP], which is administered by Create NSW, assisted by our new Artform Advisory Boards. As I previously advised this House, the Government is engaged in consultations through the Arts 2025 process and with the sector directly in shaping reforms to arts funding in New South Wales.

The feedback has resulted in a 2019-20 funding program that will provide greater simplicity and flexibility to applicants and a funding program that is more responsive to sector needs. These reforms reduce potential eligibility barriers and introduce fixed application time lines to provide arts and cultural organisations with certainty and stability. From discussions I have had with arts and cultural leaders and organisations, I know they are delighted that we have reduced the number of eligibility criteria from 26 to four, we have simplified 14 project categories down to two and we have consolidated multiple funding rounds into two open funding rounds each year. In addition, for the first time we have included long lead funding notification dates, including for touring across regional New South Wales, which will allow applicants to submit funding applications with greater scheduling confidence.

I am thrilled that these reforms coincide with a record \$61 million being provided in the ACDP in 2019-20. They will grow creative leadership and programming excellence in New South Wales and strengthen New South Wales arts and cultural activity that drives community and social benefits. The first funding round of this financial year opened on 5 August, with the second funding round opening in February 2020. This month to help the sector gain a better understanding of these reforms, Create NSW is conducting a series of information sessions for artists and organisations across regional New South Wales—I notice from social media that one was held in Broken Hill in the last few days. These sessions also provide a traditional opportunity for one-on-one consultations on specific funding applications before they are lodged. I encourage everyone to be bold and get their application in before September—*[Time expired.]*

MENTAL HEALTH

The Hon. PENNY SHARPE (16:05): My question is directed to the Minister for Mental Health, Regional Youth and Women. What is the Minister's response to community concerns and statements by the Police Association President Tony King who last week in the wake of the Sydney CBD stabbings criticised the Government for "the lack of resources and funding for mental health services" being provided by the Government?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:05): I thank the Hon. Penny Sharpe for her question and note that he is entitled to his opinion. We must be cautious about this. The majority of people living in the community with a mental illness are not and do not become violent. People are entitled to their opinions. We have an excellent mental health system and clinicians who are working very hard at what is often a complex job. We are halfway through the Mental Health Commission's Living Well strategic plan and I look forward to the report. There has been extensive consultation around the State to look at the results of the Living Well program. We need to be cautious that we do not stigmatise people with a mental illness. The Government has come far in dealing with mental illness and making it the forefront of our health service and we are doing a very good job. We need to ensure that we continue to understand what is best for our patients and consumers of the mental health system.

The Hon. PENNY SHARPE (16:07): I ask a supplementary question. Will the Minister please elucidate her answer as to whether she believes adequate resources are in place for funding of mental health services?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:07): I thank the Hon. Penny Sharpe for her supplementary question. The New South Wales Government is spending a record \$2.2 billion on mental health funding—

The Hon. Courtney Houssos: Yes, but it's not working.

The Hon. BRONNIE TAYLOR: —together with a \$700 million investment in capital infrastructure. To say that it is not working is the sort of comment that I was speaking about before. If members opposite put fear into people's minds about a mental health system, they may feel they do not want to put their hand up for help. I think that every member in this place would want people to feel that they can put their hand up for help. We have a good mental health system in this State, with people who are working hard every day to look after people with a mental illness. One in five Australians will suffer from a mental illness and most of them are being looked after well.

The Hon. Trevor Khan: Point of order: The Minister has been the subject of constant interjections and heckling from the other side. I ask that they be called to order.

The Hon. Mick Veitch: To the point of order: I have taken this point of order previously when the Hon. Trevor Khan has accused this side of the House of heckling and interjecting. He should be listening to members on his side of the House as well—they are heckling and interjecting just as much.

The PRESIDENT: I do not believe they are heckling. I believe that they are saying, "Hear, hear" and are being overly encouraging in a loud way. I uphold the point of order of the Hon. Trevor Khan. I also uphold the reply given by the Hon. Mick Veitch. At the end of the Minister's answer I had a lot of difficulty hearing what the Minister was saying. As I have indicated to members before, I need to listen carefully to the answers because of any first and second supplementary questions and the take-note debate. I would appreciate it from both sides of the Chamber, because I do not hear a peep out of the crossbench—they are always fantastic during question time. I do not need continual loud responses from either side of the Chamber during question time. It can no longer be a robust question time because of the changes to the sessional orders. The Minister has the call.

The Hon. BRONNIE TAYLOR: The Government has \$19.7 million to support key implementation initiatives to drive suicides towards zero in New South Wales. This is the second stage of an almost \$90 million commitment. This funding will support a range of initiatives providing communities with the most effective tools to prevent and respond to suicide. There is \$9.4 million over four years to hire extra mental health nurses for specialist mental health units and more mental health workers to improve access to psychological supports. There is an additional \$23.5 million to expand the capacity of Lifeline and Kids Helpline over four years, and \$9.6 million over four years to boost medical and mental health support services for those struggling with eating disorders. The Government is committed to a strong mental health system and I commend all of those who work so hard to deliver the excellent high-quality care every day.

The Hon. WALT SECORD (16:11): I ask a second supplementary question. Will the mental health Minister elucidate her answer in regard to her references to funding? How much of the more than \$2 billion goes to actual treatment services?

The PRESIDENT: I remind the Hon. Niall Blair and the Hon. Walt Secord they are already on one call to order.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:12): I thank the honourable member for his supplementary question. In the record spend of \$2.1 billion there are multiple frontline services being funded every day in every local health district [LHD]. If the honourable member would like specific answers about how much is being spent in each LHD, I am sure I can get that detail for him.

STANDING COMMITTEE ON SOCIAL ISSUES

Reverend the Hon. FRED NILE (16:12): My question without notice is directed to Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Leader of the Government representing the Premier. Will the Leader of the Government in this House explain how it is that the Standing Committee on Social Issues, which has received over 10,000 submissions from the public on a contentious bill, can be expected to adequately consider them in one single week, hold only two days of hearings and publish a report three days after their conclusion?

The PRESIDENT: Can I have the question? I remind all members of Standing Order 64 (1). Questions may be put to Ministers relating to public affairs with which the Minister is officially connected to proceedings pending in the House or to any matter of administration of which the Minister is responsible. The question is out of order.

REGIONAL EDUCATION

The Hon. WES FANG (16:14): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on education initiatives and progress in Young?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:14): I thank the honourable member for his question. I know he is a very strong advocate for many parts of southern New South Wales. Last week I had the opportunity to join the fantastic member for Cootamundra, Steph Cooke, on a visit to a number of the education projects and programs underway in her electorate in Young. It was wonderful to see firsthand the significant upgrades of St Mary's Primary School, which received more than \$675,000 in funding through the New South Wales Government's Building Grants Assistance Scheme.

Principal Andrew Casey and school captains Josh Cameron and Maddie James took us on a tour of the school to see the five newly refurbished year 1 and year 2 classrooms, as well as the school canteen, which now can also be used for lessons. A number of students were undertaking an activity following NAIDOC Week where they were painting amazing totem poles that will be put up in the school playground. It will be great to see those

when they are completed. We saw some of the artwork and met with some of the Aboriginal staff who were helping the children. That will be a great testament to the school when they are put on display later this year.

We also visited Young North Public School. As members would know, last week was Science Week. They were very lucky at Young North Public School because they had had a rocket crash-land in their playground. During Science Week students have been incorporating the rocket across a range of syllabus areas, including as a creative writing stimulus. I took the opportunity to hear from the Young North Public School captains, Oscar Taylor and Sophie Schulz, as well as vice captains Hamish Long and Sophia Sultan, who also told me about a program they have now got operating called Young North Stars.

This program is about having teachers paired with a group of students from kindergarten all the way through to year 6 and is a great example of Education's commitment to ensure that every student is known, valued and cared for in New South Wales' schools. The program enables students to have direct and ongoing support from a teacher, as well as support them to meet students in other grades to foster the strong sense of community, which is clearly evident at the school. I congratulate the leadership of Principal Ange Gay and Deputy Principal Nick Berry. In Young we also had the chance to meet up with the local mayor of Hilltops Council, Brian Ingram, to talk about the Young library project.

The Hon. Mick Veitch: The old shearer.

The Hon. SARAH MITCHELL: He is an old shearer. The Hon. Mick Veitch probably knows him. We also had the opportunity to visit the Young Regional School of Music to celebrate its thirty-fifth birthday, alongside CEO Matt Bolger. I congratulate the Young Regional School of Music. It does an important job in many of our regional communities, particularly offering musical education for children around Young. In a day of birthdays, we also got to celebrate Young Preschool Kindergarten, who are 51 years young this year. I can confirm there were two cakes, so that made the day pretty exciting. We were also treated to a memorable performance and joined by Dot Walton, a former teaching assistant, who spent 29 years working at the preschool. Congratulations to Dot for what was a great day. [*Time expired.*]

REGIONAL WATER SUPPLY

The Hon. MARK PEARSON (16:17): My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the water Minister. Will the Minister advise why successive water Ministers have ignored repeated warnings by their department that water supplies to far western towns would fail, including projections that Tamworth, Orange, Bathurst and Dubbo may also run out of water? When will the Government finally acknowledge that a combination of climate change and over-exploitation of our river systems by agriculture is killing the natural environment and our country towns?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:18): I thank the honourable member for his question and note the excellent calibre of water Ministers who have come in this place. As this relates to a Minister in the other House with a different portfolio, I will take the question on notice.

MENTAL HEALTH

The Hon. TARA MORIARTY (16:19): My question is directed to the Minister for Mental Health, Regional Youth and Women. What is the Minister's response to leading forensic psychiatrists who suggest that New South Wales magistrates lack confidence in the State's mental health diversion programs after finding that only one-quarter of mentally ill offenders are being directed to treatment?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:19): I thank the honourable member for her question and congratulate her on her first question as the shadow mental health Minister. The Statewide Community and Court Liaison Service was established in 1999 and operates in 22 of 150 courts. The service employs 1.8 full-time equivalent consultant psychiatrists, 18 clinical nurse consultants and an operations manager. The service's focus is to provide the magistrate advice on whether a defendant has a mental illness and is eligible to be diverted—charged with summary offences only—from custody into community care under sections 32 and 33 of the Mental Health (Forensic Provisions) Act 1990.

This care might be inpatient or it may be community-based. In the 2018-2019 financial year the service provided a comprehensive mental health assessment to 3,315 defendants. Of those defendants, 3,012 individuals or 91 per cent were assessed as having a serious mental illness according to criteria in the *Diagnostic and Statistical Manual of Mental Disorders* version 5 [DSM-5]. Of these, 2,500 individuals or 83 per cent were recommended for community treatment and were subsequently diverted from court. The remaining 17 per cent were refused bail by the magistrate and linked into custodial mental health services.

In the 2017-2018 financial year the service provided a comprehensive mental health assessment to 3,373 defendants. Of those defendants, 2,965 individuals or 88 per cent were assessed as having serious mental illness. Of these, 2,405 individuals or 81 per cent were recommended for community treatment and were subsequently diverted from court. The remaining 560 people or 19 per cent were refused bail by the magistrate and linked into custodial mental health services. Of those defendants, 2,905 individuals or 84 per cent were assessed as having serious mental illness. Of these, 2,376 individuals or 81 per cent were also recommended for community treatment and were subsequently diverted from court. The evidence clearly shows us that when we can treat people in the community and we can treat them for their mental health problems their reoffending is drastically reduced.

WOMEN OF THE YEAR AWARDS

The Hon. SHAYNE MALLARD (16:22): My question is addressed to the Minister for Mental Health, Regional Youth and Women. What is the New South Wales Government doing to recognise and celebrate the achievements of women in New South Wales?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:22): I thank the honourable member for his great interest. I start by discussing the importance of recognising the contributions of the almost four million women living in New South Wales. In my role as Minister for women I am privileged to meet inspiring women who through their passion and purpose are transforming New South Wales into a better and a more equitable State. Some are building businesses as female entrepreneurs, others are climbing the ladder in male-dominated industries and many are helping others as tireless volunteers and carers.

There is no doubt that reducing gender inequality requires a whole-of-community approach but as a government we are in a unique position to recognise and to promote women who are the role models for our future generations. This is particularly important for women and girls from vulnerable communities, to guide and to show them what is possible. You can't be what you can't see. I am thrilled to announce the NSW Women of the Year Awards 2020 Program is now open for public nomination. Women from across New South Wales can be nominated in seven categories—NSW Premier's Award for Woman of the Year, NSW Aboriginal Woman of the Year, Community Hero, Harvey Norman Young Woman of the Year, Rex Airlines Regional Woman of the Year, NSW Business Woman of the Year and the First State Super Lifetime Achievement.

Once a finalist is selected in each category the public can cast their vote. Public nomination and voting encourages involvement from the New South Wales community, the people whose lives may have been positively impacted by winners and finalists. A previous winner was Professor Hala Zreiqat, who is a trailblazer for women in science, technology, engineering and mathematics [STEM], a terrific winner and a very worthy one. I urge members on all sides of the House to submit a nomination and let the women in their lives know how much they are valued and appreciated. These awards are our chance to recognise exceptional women across the State, particularly those who have excelled despite adversity or made contributions that improve the lives of others.

The winners of the Women of the Year Awards will be announced at a gala event during NSW Women's Week in March 2020. My vision is that in 2020 the awards in NSW Women's Week will be bigger and better than ever. The week will be celebrated with a diverse range of activities designed to reflect the social, political and economic achievements of women. I thank the sponsors of these awards—Harvey Norman, Rex Regional Airlines and our platinum sponsor. I urge members to put in their nominations for the NSW Women of the Year. We look forward to seeing them all.

HOSPITAL SECURITY

The Hon. ROD ROBERTS (16:25): My question is directed to the Minister for Mental Health, Regional Youth and Women representing the Minister for Health and Medical Research. In light of last night's deadly incident at the Prince of Wales Hospital and the Government's interim report into improvements to security in hospitals, what is the Government doing in practical and real terms to protect nurses, hospital staff and patients in hospitals?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:25): I thank the honourable member for his question and note that there is a current review at the moment over security in hospitals and we look forward to the results of that. Staff safety is paramount to this Government and paramount to everyone. The people who work in our hospitals are at the coalface. After spending 20 years there myself, I feel very passionately about this as well. Everyone should be allowed to go to work and feel safe. As this is a detailed question and it relates to a Minister in the other place, I will take it on notice and get back to the member.

AMP FINANCIAL ADVISERS

The Hon. DANIEL MOOKHEY (16:27): My question is directed to the Minister for Finance and Small Business. What steps has the New South Wales Government taken in response to reports that one-third of

AMP financial advisers face a loss of their small businesses and extreme financial hardship because of AMP's decision to terminate their contracts or forcibly acquire them and pay only 60 per cent of market value?

[An Opposition member interjected.]

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:27): I didn't think it was funny at all.

The PRESIDENT: The Clerk will stop the clock. The Minister will resume his seat. I remind members that interjections are disorderly. I remind Ministers not to respond to interjections, in particular, interjections asking questions that encourage further interjections. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: I thank the honourable member for his question. Clearly a situation where a company underpays in relation to insurance policies which it provides to its insured is a serious issue primarily for the status of the company. I have had no correspondence in relation to that issue. I am happy to take the question on notice and provide a very detailed explanation of what, if anything, the Government is doing in that space. But I have to say that other than the question asked today I have had no correspondence in relation to AMP and the manner in which it is treating its policies and its insured. If there is a circumstance in which a company is undervaluing its insured and not paying properly on its policies—

The Hon. Daniel Mookhey: Point of order: I am not sure the Minister understood my question or heard it because it had nothing to do with insurance policies and practices. The question was about what steps the New South Wales Government has taken in response to reports that a third of AMP financial advisers face extreme hardship because of a decision of AMP to terminate their contracts as small businesses. Perhaps the Minister may wish to come back to that question.

The PRESIDENT: I ask the Minister to be directly relevant to the question. The Hon. Daniel Mookhey may recall that at the time the question was asked interjections commenced, so one can understand why the Minister may have misheard the question. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: I appreciate and thank you for your indulgence, Mr President, I had misunderstood the question. In many respects what this gives rise to are the recommendations of the Hayne royal commission. The decision taken by AMP in respect of financial advisers comes directly out of evidence given to the Hayne royal commission in respect of advice being given by financial advisers. To the extent that the honourable member seeks additional details about whether this is an appropriate space for the Government to be intervening in a decision by a corporate entity about the manner in which it conducts its affairs and responds to the recommendations of the royal commission, I will seek further details and come back to the shadow Minister on that issue. But I do say that this is a decision taken by the corporate entity primarily in response to concerns raised at the royal commission.

The Hon. DANIEL MOOKHEY (16:31): I ask a supplementary question. Will the Minister elucidate his answer by identifying which of the Hayne royal commission recommendations he says this action has been taken in response to?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:31): I will come back to the shadow Minister and identify the recommendations. A substantial body of evidence before the Hayne royal commission identified advice being provided by insurers and financial advisers. Often the concern raised by the royal commission was that financial advisers primarily were acting in the interests of the corporate entities they served rather than in the interests of the persons to whom they were selling products. That was the key part of the concerns raised by the royal commission in relation to the advice given by financial advisers from banks and insurance companies and the manner in which they were conducting their business. Fundamentally, corporate organisations should provide to their customers a balanced approach to ensure that they were acting in the best interests of the customer.

UNEMPLOYMENT STATISTICS AND JOBS CREATION

The Hon. MATTHEW MASON-COX (16:33): My question without notice is addressed to the Minister for Finance and Small Business. Will the Minister update the House on how unemployment in New South Wales is tracking and whether there are any alternatives?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:33): I thank the member for his question and interest in jobs creation in this State. The Australian Bureau of Statistics [ABS] data released last week once again confirmed something that the people of New South Wales know to be true—this Government is the best friend of workers in this State. Whether people work in a mine, in a department store, in a school or in a hospital, only one side of this House wants to support existing workers and create new jobs in New South Wales.

The Hon. John Graham: Say it like you mean it.

The Hon. DAMIEN TUDEHOPE: Let me tell the Hon. John Graham that the New South Wales unemployment rate is the lowest of any State at just 4.4 per cent, with 12,963 jobs added in July. In Labor Victoria the unemployment rate is 4.8 per cent. In Labor Queensland it is 6.4 per cent and in Labor Western Australia it is 5.9 per cent. The Government's \$93 billion infrastructure program is doing the heavy lifting when it comes to creating new jobs and new opportunities. This is made possible by asset recycling, which the Government took to the people of New South Wales. And who opposed the means by which we have transformed this State with new infrastructure? Those opposite! Each project—whether it is a new rail line, a stadium in Parramatta, a new or upgraded road, a school or a hospital—brings with it more jobs, more investment and more businesses to support communities in surrounding areas. This Government is the government of the worker and we are delivering for the people of New South Wales. But don't take my word for it. Let me read a short excerpt from a media release last week from the NSW Business Chamber:

The NSW unemployment rate fell to 4.4% while one in two new Australian jobs over the past year were created in NSW.

It goes on:

More than 160,000 jobs have been created [in New South Wales] since payroll tax changes came into effect with NSW having both the lowest unemployment rate among the states and the fastest employment growth in the country.

Unlike those opposite who wanted to cancel projects and raise taxes, we on the Government side of the House are working to deliver for the workers of New South Wales. [*Time expired.*]

EDUCATION FUNDING

Mr DAVID SHOEBRIDGE (16:36): My question without notice is directed to the Minister for Education and Early Childhood Learning. Does the Minister support the current system for the allocation of public education funds that has given Knox Grammar School \$458,000 for capital expenditure and during the same period Parramatta East Public School only \$214,000, in circumstances in which Knox Grammar has just opened a \$47 million performing arts auditorium with adjustable orchestra pit and has a school cafe with an onsite barista while the Parramatta East Public School has only 10 toilets for more than 500 students?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:37): I thank Mr David Shoebridge for his question. I know that equity in school funding is an issue that he has raised previously in the House. I make the point that this year's budget delivers a \$21 billion allocation for the Department of Education to support early childhood education, school education and vocational education and training. I add that in terms of funding allocated to non-government schools, of that the cluster will spend \$1.4 billion in around 950 non-government schools, which provide education for 35 per cent of students in New South Wales.

As Mr David Shoebridge would be aware and as other members would know, in March this year the Government made a commitment to invest \$500 million over four years to support non-government schools capital to be delivered through the Building Grants Assistance Scheme. From 2012 to 2018 the number of children enrolled in non-government schools in New South Wales increased by approximately 30,000 students, and that number is projected to continue increasing. As a government, we support the right of parents to choose the type of education that best suits their child. The Government is committed to ensuring that all students receive a high-quality education no matter what school they attend. In support of that approach, funding is provided to both government and registered non-government schools in New South Wales that do not operate for profit.

Mr DAVID SHOEBRIDGE (16:38): I ask a supplementary question. I thank the Minister for that answer and note that she referred to the education budget delivered by the New South Wales Government. Does the Minister accept that as the Federal Government gives no capital expenditure funding for public schools it is inequitable for the New South Wales Government budget to continue to fund capital expenditure at private schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:39): I refer to my original answer to those questions.

WOMEN IN NEW SOUTH WALES

The Hon. ROSE JACKSON (16:39): I direct my question to the Minister for Mental Health, Regional Youth and Women. Given the Minister's earlier answer canvassing the Government's purported support for women in New South Wales, why has the Government—

The Hon. Don Harwin: Point of order: The honourable member's question contains argument and is therefore out of order.

The Hon. ROSE JACKSON: I will rephrase the question.

The PRESIDENT: It does not work like that. I would like to look at that part of the question that has been asked so far.

The Hon. Daniel Mookhey: To the point of order: The member did not get a chance to complete the question. The convention of the House is that it is open to Ministers to ignore that part of the question that may contain argument and answer that part of the question that does not. Such an opportunity has been precluded because the member was not given the chance to ask the whole question.

The Hon. Adam Searle: To the point of order: Even where part of a question is ruled by the President to be out of order, that still allows the balance to remain in order.

The Hon. Catherine Cusack: To the point of order: Standing orders are very clear that terms of irony and argument are unacceptable in any question. The expression "purported support" is completely out of order. The Minister was quite right to take the point of order.

The Hon. Walt Secord: To the point of order: If you go to the *Macquarie Dictionary* there is not a connotation with "purported".

The PRESIDENT: The honourable member will resume his seat. I gave the Hon. Catherine Cusack the call. She made her point without interruption. Then I gave the call to the Hon. Walt Secord to address the Chair, which he was doing. It is not for the Hon. Catherine Cusack to have a debate with him. I missed half of what the Hon. Walt Secord said. I ask that he begin his point of order again.

The Hon. Walt Secord: If you go to the *Macquarie Dictionary* you will find there is no connotation with "purported". It is just describing and referring to the previous word.

The PRESIDENT: I indicate to all honourable members that I agree with the points raised, in particular the point made by the Leader of the Opposition that I have a discretion to remove that part of the question which offends and allow the balance of the question to be asked. The problem is having looked at the question in its entirety I cannot see how I can remove the part of the question that offends.

The Hon. Walt Secord: You're a fair President. You can do it.

The PRESIDENT: Complimenting the Chair does not help if the member starts to cavil with one of my rulings, no matter how nice he is to me. The Hon. Rose Jackson may reword the question when she has another opportunity to ask it.

MYALL CREEK MASSACRE SITE

The Hon. NIALL BLAIR (16:43): I address my question to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on how the Government is supporting commemoration at the Myall Creek massacre site?

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (16:43): I thank the Hon. Niall Blair for his question. Myall Creek is a nationally significant location, particularly for Aboriginal people in New South Wales. Importantly, it is the first example of truth telling and justice in some form for Aboriginals in our nation's colonial period. This was by no means the first or last massacre of Aboriginal people by colonists in our history, yet the Wirrayaraay and Gomeroi people who lived on that land remember this painful experience vividly in their commemoration. The events of 1838 are commemorated at the site near Myall Creek station, just outside of Bingara.

Last week I was honoured to join the member for Northern Tablelands, members of the Friends of Myall Creek Memorial, including Aunty Sue Blacklock—a descendant of those massacred—and local school children to acknowledge the significance of this site. To support ongoing education and healing at this site, I announced that \$25,000 would be granted to the Friends of Myall Creek Memorial for their twentieth anniversary of commemorations on the site next year in 2020. This is in addition to over \$1 million provided through the Regional Cultural Fund announced in March this year to complete stage two of the Myall Creek Cultural and Education Centre project. Stage one of the memorial has already been completed and stands as a moving story of the First People after squatters moved into the area and the tragedies that later unfolded.

The next stage of the project will unite the past with the present in a significant space where cultural meetings, traditional dance and storytelling can introduce school children to Aboriginal culture. The importance of this space to the ongoing connection to language and culture for the local First Nations people cannot be understated. It was heartening to hear that at their last commemoration event descendants of men who committed

those terrible crimes over 100 years ago joined the mourners to apologise for the actions of their ancestors. They were embraced and welcomed to the site with open arms. Myall Creek's cultural importance goes beyond its terrible history and it is now becoming a place where reconciliation can be fostered. That is appropriate. Whatever small justice was handed out in this case, it was, nevertheless, the first example of truth telling and justice.

DEPARTMENT OF EDUCATION STAFF PAYOUTS

The Hon. MARK BANASIAK (16:46): I direct my question to the Minister for Education and Early Childhood Learning. In the NSW Department of Education forward estimates, how much New South Wales taxpayer money has been set aside to cover payouts to teachers, teachers' aides, principals of primary and secondary schools, teachers at TAFE and other Department of Education employees in out-of-court settlements?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:47): I thank the Hon. Mark Banasiak for his question. I know this is an area that he is interested in and he has asked me about this issue in the House before. I will take the detail of the member's question on notice, given that he has asked for specific details in relation to amounts. Obviously these are operational matters that are dealt with by the department. I will seek advice and provide him with an answer in due course.

ARTS AND CULTURAL FUNDING

The Hon. WALT SECORD (16:47): I direct my question to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Why has the Berejiklian Government expanded the criteria for project funding from the NSW Arts and Cultural Funding Program to include artists and companies outside of New South Wales, and what is his response to concerns from New South Wales artists that this will dilute the funding pool that is available to New South Wales-based artists and companies?

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (16:48): I thank the honourable member for his question. It is a good question. I have thought about this in great detail. I gave some thought to this matter before I made the decision to do this. I am happy to tell the House why. There are many important objectives in funding the arts but one of them is to ensure that the people of New South Wales are exposed to excellence from around the country and, indeed, around the world. I am aware that a number of other States allow New South Wales-based artists and companies travelling to them to be funded under their programs. It occurred to me that it was simply wrong that New South Wales audiences, particularly regional audiences who would benefit the most, are unable to benefit from touring by the small-to-medium sector of performing arts companies from other States that would otherwise visit here in New South Wales.

We have some excellent companies in New South Wales, including the largest number of the major performing arts groups around the country. But the reality is that many of the major performing arts groups perform outside the State the majority of the time. It seems a little silly that if a major performing arts group or indeed a small-to-medium group from another State wanted to do a regional tour for audiences in regional New South Wales that we would not fund them for the sake of patrons of the arts and performing arts in New South Wales. Let us not forget that arts funding is not only for the artists but also for the audiences.

The Hon. WALT SECORD (16:50): I ask a supplementary question. Will the Minister elucidate his answer with regard to redirecting funding and changing the criteria? In his answer he said, "New South Wales audiences are exposed to excellence from around the country and around the world." How much of the funding will go to overseas-based artists rather than to regional artists?

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (16:50): In fact, that was a general comment in terms—

The Hon. Walt Secord: It was a direct quote.

The Hon. DON HARWIN: I am happy to respond to the honourable member if he will let me. That was a general comment about what I would like to see, which is for New South Wales audiences to see the best from around Australia and the world. But my distinct recollection of the guidelines is that it is only available to touring companies from other States, not international countries.

SCHOOL OF THE AIR

The Hon. TREVOR KHAN (16:51): My question is addressed to Minister for Education and Early Childhood Learning. What role does the School of the Air play in supporting isolated students and families in their community across New South Wales?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:52):

This is a great opportunity to talk about the importance of the School of the Air and the hard work of our distance educators and what they do every day to ensure students have access to a high-quality education no matter where they live. The School of the Air, located in Broken Hill, delivers education to geographically and socially isolated families across far western New South Wales. That includes families located up to 546 kilometres from the school in Broken Hill. Connecting through both face-to-face meetings and video collaboration, teachers in these networks have successfully worked together with curriculum experts to implement superior learning challenges for students. The school also ensures students' lessons involve use of the latest online technologies. As an education hub, the school's programs not only facilitate opportunities for students to excel academically but also provide them and their families with the ability to participate in local sports carnivals, wellbeing programs and social outings.

An example of this connectivity is the face-to-face mini schools that are held by staff at the School of the Air. At the last mini school in May 2019, 113 students, along with 85 parents and supervisors, joined together in Silverton. Students, parents and supervisors participated in a range of activities coordinated by the school, which included information to support student mental health. It is these opportunities that demonstrate how distance education helps our students develop the social and academic skills they need to lead successful lives in their own communities and beyond. As well as the support it gives distance education students, the School of the Air leads activities in similar remote schools and communities to ensure teachers continue to receive professional curriculum support for the development of learning programs for primary students.

That support is highlighted through the School of the Air's collaboration with the Pooncarie Public School, where staff from both sites meet twice a term for a group day to share professional learning. Those regular interactions have been highly valuable in meeting student needs. Additionally the school's staff are able to continue to share curriculum experiences with their colleagues in other remote communities, such as White Cliffs and Tibooburra. The School of the Air's commitment to professional learning for staff in both the school and surrounding centres places it at the forefront of new teaching practices using virtual collaboration technologies. As recently as this year the school implemented a rigorous program to improve the delivery of mathematics across the primary years.

Since commencing the new maths program the School of the Air has delivered six professional learning sessions to student supervisors to ensure they have the knowledge and skills to support curriculum delivery remotely. This is a great opportunity for all of us to reflect on the amazing work the School of the Air does. On behalf of the House, I congratulate the School of the Air staff for what they undertake to deliver quality education for students, particularly those in our most rural and remote communities, and for their ongoing commitment to supporting families in those communities, particularly during these current tough times.

DEPARTMENT OF EDUCATION STAFF PAYOUTS

The Hon. ROBERT BORSAK (16:55): My question without notice is directed to the Minister for Education and Early Childhood Learning. Over the past 10 years how much New South Wales taxpayer money has been paid to workers compensation providers for payouts to employees who have been bullied and harassed to the point where they have resigned, and what is the rationale that determines the amounts to be paid?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:55): I thank the honourable member for his question. Like another question asked of me earlier today by the Hon. Mark Banasiak, the honourable member's question contains some detail around specific amounts for compensation payments related to particular issues. I do not have that information with me in the House. As I said in my previous answer, I will need to seek some advice from the Secretary and the Department of Education on the matters he raised. I will take the question on notice and come back with an answer.

WALSH BAY ARTS PRECINCT

The Hon. JOHN GRAHAM (16:56): My question is directed to the Leader of the Government and the arts Minister. What steps is the Minister taking to find accommodation for the Australian Chamber Orchestra, Bell Shakespeare and the Australian Theatre for Young People as work on Walsh Bay Pier 2/3 has stalled?

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (16:56): I am happy to respond to that question. The honourable member concluded his question by saying that work is stalled. I want members to be absolutely clear that there is only one reason work is stalled or delayed and that is that some time ago a commercial tenant of Pier 2/3 took the Government's development approval for the process to proceed to court and won. That necessitated a redo of the project approval so that Pier 4/5 could proceed while we deal with Pier 2/3 separately and the matter of the legal challenge relating to Pier 2/3.

I want to make that absolutely clear. We hear all sorts of rubbish around the place about the Walsh Bay project. That is the only reason we are in this situation. We are absolutely determined to go ahead with Pier 2/3 and we are doing everything we possibly can to help the people who were proposing to be tenants of Pier 2/3 to make arrangements so that they will be fine. At every stage of this process we have been up-front with the Australian Chamber Orchestra [ACO], the Australian Theatre for Young People and Bell Shakespeare about the process. We have done whatever they have requested to assist them to negotiate new spaces.

Things are going well for Bell Shakespeare in respect to its existing accommodation. I understand the ACO is making good progress, and from recollection that also applies to the Australian Theatre for Young People. I know that people are not happy about what is happening; I am not happy either. But this matter has been basically forced upon the Government because of the legal challenge from the owner of Simmer on the Bay. That has been resolved and our intention is to proceed with the project as it was envisaged. Those companies have done a superb job in getting philanthropic support for what they propose to do and the right thing for the— [*Time expired.*]

The Hon. JOHN GRAHAM (17:00): I ask a supplementary question. Will the Minister elucidate on his reference to the court case which was taking place and which he blamed for the delay? Why, then, was Infrastructure NSW telling residents in June that there is no funding for the proposed works on Pier 2/3?

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) (17:00): I hear that, and frankly it surprises me because it is simply not correct. There are still funds that are available. The reality is, however, that when you get a delay, obviously an estimate for the construction of the project is time-limited and it expires. So we will have to get a new price for the construction of Pier 2/3 and that will mean that we will have to adjust the project budget at some point.

The Hon. Walt Secord: Another blowout!

The Hon. DON HARWIN: It is not a blowout for the reason that I have explained. It has been forced on us by the legal process. But it is totally incorrect to say that there is no money available to proceed with this project.

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

MEMBERS' SOCIAL MEDIA USE

The Hon. Don Harwin: I take a point of order: You may well wish to consider this, Mr President. During questions without notice I took a point of order on a question asked by the Hon. Rose Jackson. I requested that the standing orders be observed, and you made a ruling. The Hon. Rose Jackson has just tweeted:

The Govt called a point of order and shut it down. Shameful.

The fact that I am insisting on the standing orders being observed and, presumably, the fact that you made a ruling is apparently shameful! I invite you to call her to order. She is a relatively new member, and I understand that, but this is not acceptable. This should potentially be the matter of a President's ruling and I invite you to consider it.

The Hon. Penny Sharpe: To the point of order: There is no point of order. The standing orders do not cover this issue. If the Leader of the Government is so sensitive that he has a problem with that, then he should refer it to the Procedure Committee to deal with it in the future. There is no point of order that is currently allowed. In addition, the issue is one that our committees are dealing with in relation to what members are and are not allowed to do throughout committee hearings. The point that the Leader of the Government is making is better dealt with through that process rather than through the House, where currently no standing order covers it.

The PRESIDENT: I indicate to all members that the Leader of the Government raises a valid point of order. I do not intend to rule now on the matter. It justifies my closely examining the matter and coming back tomorrow to rule on the matter because it is something that will not only affect this situation but will also more than likely affect future situations—especially what is also occurring in committee hearings. I will reserve my ruling and come back tomorrow to report on the matter.

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. TARA MORIARTY: I move:

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

MENTAL HEALTH

The Hon. TARA MORIARTY (17:05): I ask that the House take note of answers provided today by the Minister for Mental Health, Regional Youth and Women in relation to mental health. There is a crisis in the mental health system in New South Wales and it is time that it was acknowledged by the Government and by the Minister. Today the Minister was asked whether mental health was adequately resourced but avoided answering directly, which presumably means the answer is no. Recently we have seen major serious incidents resulting in the deaths of a number of people over a very short period of time. I understand that these matters will be investigated and I understand that they are before the courts, but we need to know how these issues occurred and we need to get a clear understanding of how and why the system has failed. Today the Minister was asked about how much of the budget goes to actual treatment services but could not or would not answer.

The Hon. Wes Fang: Point of order: The member is reflecting on the answer given by the Minister, but the reflection is generally expected to be an accurate reflection, not one which is made up and mythical.

The PRESIDENT: There is no point of order.

The Hon. TARA MORIARTY: There are real concerns about serious gaps in care for people who have sought or who have been identified as needing help, be it in the mental health system directly or through the justice system or through the housing system. There needs to be a proper review of the system as a whole.

The PRESIDENT: I indicate that the member is starting to well and truly drift away from the answer. She should focus on the answer given, not give an answer or say what should happen.

The Hon. TARA MORIARTY: Understood. It is not good enough that the Minister could not tell us what amount or percentage of the budget is spent on actual treatment services.

The Hon. Niall Blair: Point of order: The member is now misleading the House. The Minister did answer the question and did give amounts. The member needs to be accurate in her contribution.

The PRESIDENT: There is no point of order. However, I remind the Hon. Tara Moriarty of my earlier ruling.

The Hon. TARA MORIARTY: I agree with the Minister that mental health workers, health workers, police, families and others are doing their best to help people who desperately need help. But they cannot do it alone and they cannot do it in a system that is not operating in the way that we need it to. The Minister was asked about a very serious incident involving a death and violence in a hospital last night, and she had nothing to say. It is not good enough that the Government and the Minister have nothing to say on the crisis in the mental health—

The Hon. Niall Blair: Point of order: A member cannot take note of an answer given by the Minister and then say the Minister had nothing to say, particularly on a sensitive matter like this. The member is misleading the House again.

The Hon. Adam Searle: To the point of order: You have already ruled on this matter. In taking that churlish point of order, the Hon. Niall Blair was cavilling with your ruling. He should be called to order because he knows better. In addition, the fact that he has a different view of the Minister's answers to members on this side of the House does not sustain his assertion. It is not a proper point of order.

The Hon. Niall Blair: Further to the point of order: I was entitled to make a second point of order on a different matter. It was directly related to the fact that the member had said that the Minister did not answer in a contribution, ironically, that was designed for the Minister's answer. I reject the assertions from the Leader of the Opposition and I am entitled to make as many points of order as I like.

The PRESIDENT: As the member's time has expired, I intend to reserve my decision on that matter.

ARTS AND CULTURAL FUNDING

WALSH BAY ARTS PRECINCT

The Hon. WALT SECORD (17:09): I wish to contribute to the take-note debate and support my colleague the Hon. Tara Moriarty. My contribution relates to the two arts questions directed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, the Hon. Don Harwin. With respect to the New South Wales arts and cultural program, there is disappointment in the arts community about the criteria. Members of that community are disappointed that they are fighting for meagre arts funding, arts resources. We have a hunger games situation, where artists are fighting each other for meagre resources. In his answer the Minister said that this fund would be used to fund interstate and overseas artists to come to New South Wales. Then he said that they would go to rural and regional areas. The hardest hit arts organisations are those in the rural and regional areas. The second point is that the Minister has a very bad track

record on this—taking millions of dollars away from arts groups and giving them to the Sydney Symphony Orchestra [SSO].

The Hon. Don Harwin: Point of order: The honourable member is making imputations about me which are quite false and disorderly.

The PRESIDENT: I uphold the point of order.

The Hon. Walt Secord: They are on the public record, Mr President.

The Hon. Don Harwin: Are you cavilling with the President's ruling?

The Hon. Walt Secord: I am sorry; I misunderstood and misheard. I apologise to the Chamber if that was the interpretation.

The PRESIDENT: Order! I remind the Hon. Walt Secord that he is already on one call to order. I do not like to be interrupted when I am making a ruling. I uphold the point of order raised by the Minister. I also indicate that the Hon. Walt Secord is starting to extend outside my ruling in relation to the contributions in take-note debates. I ask the member to confine his take-note contribution to the answer.

The Hon. WALT SECORD: I return to the take-note debate and the second question posed by my colleague the Hon. John Graham. It relates to the blowouts involving the Walsh Bay Arts Precinct. The Minister said that it was not a blowout. He said that there was no money and that it was not a blowout. I dispute that, and I think that arts organisations would agree with my observation.

BUILDING INDUSTRY MEETINGS

The Hon. PETER PRIMROSE (17:11): I ask that the House take note of answers to questions on notice. I have raised this matter before. I am concerned that this Government is a serial offender when it comes to not abiding by the sessional orders that require answers to questions on notice be directly relevant. I raised this a couple of weeks ago. It continues to happen in a range of questions asked by a range of members. I will cite two that are relevant to me. On 23 July I asked the Premier and the Treasurer, on notice, what I believe are important questions relating to building industry meetings. I asked:

Since the 2019 election, which local councils, peak building industry bodies, and related organisations have you met with to discuss building safety, including but not limited to the issues of the use of and register of dangerous product materials (such as combustible cladding), building standards, licensing of building professionals and concerns about the state's construction industry?

The answer I received began:

We are taking strong action to address issues in the building industry and protect homeowners.
We have announced David Chandler OAM as the NSW Building Commissioner.

In no way did it seek to come within a mile of answering my question.

The Hon. Walt Secord: A bull's roar.

The Hon. PETER PRIMROSE: Some would even say that it did not come within a bull's roar of answering my question. I have raised this matter before. I am not asking the Government to decide whether it is abiding by the sessional orders. That is not a decision for the Government. I have sought advice on this from the appropriate officers. The advice that I have received is that this is not within the sessional orders. So I am again asking the Government—in particular, the Leader of the Government—to go back through the questions that I have asked and re-answer them so that they do abide by the sessional orders. I ask the Government seriously to consider doing the same in relation to all honourable members' questions on notice. If the Government does not do that the Opposition will need to use other forms of the House.

AMP FINANCIAL ADVISERS

The Hon. DANIEL MOOKHEY (17:14): I take note of the answer given in question time by the Minister for Finance and Small Business in relation to the question I asked him about AMP. I was disappointed, firstly, that the Minister did not seem to evidence any knowledge of this issue in his preliminary answer to the question.

The PRESIDENT: Order! I have already dealt with this matter. It was accepted that that was the situation and I do not think it is appropriate, in a take-note debate, to indicate that in some way the Minister failed. The member should deal with the take-note debate on the answer.

The Hon. DANIEL MOOKHEY: Sorry. I was referring to the fact that the Minister, in the second part of his answer, was not able to evidence knowledge of a story which has been running in the community for a good two weeks and has been on the front pages of multiple national publications that fall well within the matters for which he has public responsibility.

Secondly, I was disappointed that the Minister, having taken the question on notice—as is his right—to seek further information and guidance on the matter, then nominated a theory that he says explains why AMP has made the decision to unilaterally terminate contracts of its own small businesses, paying them up to 60 per cent of market value. He said that this had, in some way, to do with the Hayne royal commission. I found that a bit jarring, because in today's *The Australian Financial Review*, the chief executive officer, who is responsible for making that decision, set out an entirely different case for what motivated the financial business industry.

In fact, he went on to say that the 600 advisers that he dismissed last week or the week before passed all the tests that were expected of them by all the regulators. Therefore, it is not correct to say that it has anything to do with the Hayne royal commission. An aspect of the Minister's answer that caused me further concern was that he said, effectively, that he is not sure exactly what New South Wales could do in this respect. I guess it would be troubling for any small business that heard that, given that New South Wales is the jurisdiction that supervises unconscionable conduct when it comes to business chains.

Ordinarily the Commonwealth does not regulate business-to-business relations, which I would have assumed that the Minister with responsibility for small business would know. To the extent to which any jurisdiction does have that responsibility, it falls within the remit of State governments. We have a Small Business Commissioner in place to respond to precisely the circumstances of AMP. I would have much preferred the Minister to evidence some knowledge of this matter. I accept and appreciate that he is going to take the question on notice. I intend to pursue this matter further in the Parliament. I hope that the Minister is able to come back with some alacrity to provide some guidance to these businesses who are facing extreme financial hardship as a result of this decision and are wondering precisely whether or not the New South Wales Government is willing to help them.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (17:17): I start by saying with respect to the Hon. Tara Moriarty's question that the report quoted in *The Sydney Morning Herald* that 25 per cent of consumers were diverted is seven years old. The correct figure is now 83 per cent. I remind the member that it is good to check the facts when asking questions like this. I also respond that this is a very tragic situation that has affected many people. My thoughts and comments today are about the family. I give them my best thoughts about what has happened. As I said before, we need to be extremely cautious in making any assumptions while the police are still investigating recent incidents. Demanding answers before any conclusion has been drawn on any of these cases is unconscionable.

The Hon. John Graham: Point of order: I ask the Minister be drawn back to the answer from a Minister.

The PRESIDENT: The Minister is responding to matters raised in relation to a take-note debate. It is not, in fact, a reply. I agree with that. The Minister is making a contribution. I believe the Minister was in order but I will examine this matter later and make a ruling.

The Hon. BRONNIE TAYLOR: Last week the Government also stated that NSW Health is reviewing all aspects of the care and treatment. We will not make further comment until those reviews are done. I say to the honourable member that constructive conversations about mental health are always very welcome.

The Hon. Daniel Mookhey: Point of order: You have ruled multiple times that members contributing to this debate should not be reflecting on the contributions of other members in the debate.

The PRESIDENT: I have indicated that imputations should not be made. However, in past rulings I have also indicated that it is appropriate for a member to indicate whether they agree or disagree with the contribution of another member. I did not hear an imputation of any kind in the Minister's response but I will examine that as well. The Minister has the call.

The Hon. BRONNIE TAYLOR: In response to insinuations that the Government was not talking about how much it is spending on mental health, I suggest that the honourable member go through *Hansard* and look at all the responses in the past. I have made numerous references to the amount of money and I will say it again: \$2.1 billion invested in mental health, double what was spent by the Labor Party when it was in power. [*Time expired.*]

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

Motion agreed to.

*Written Answers to Supplementary Questions***PARRAMATTA EAST PUBLIC SCHOOL**

In reply to **the Hon. ADAM SEARLE** (8 August 2019).

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning)—The Minister provided the following response:

As Minister for Education and Early Childhood Learning, I have received four representations regarding Parramatta East Public School.

1. 10 July 2019—Representation made by member for Parramatta Dr Geoff Lee, MP, on behalf of a constituent.
2. 10 July 2019—Meeting with member for Parramatta Dr Geoff Lee regarding school infrastructure in Parramatta, including Parramatta East Public School.
3. 23 July 2019—Comment from a citizen in response to a newspaper article.
4. 25 July 2019—Comment from a citizen in response to a newspaper article.

There have been no representations made to me regarding Parramatta East Public School from the Opposition education spokesperson.

*Bills***REPRODUCTIVE HEALTH CARE REFORM BILL 2019****Second Reading Debate****Debate resumed from an earlier hour.**

Ms ABIGAIL BOYD (17:21): The inquiry gave undue weight to—and a platform for—the arguments of those who would further shame and stigmatise those people who have undergone or are undergoing difficult reproductive health decisions. Some witnesses and committee members argued for the legislative process to be even further delayed, not content with the harm caused already by this antiquated law over the past 119 years. The campaign run by the sensationalist segment of our press, peddling fear and misinformation and completely out of touch with the majority of public opinion, now also threatens to delay the bill.

Although the inquiry heard from a number of religious leaders who were supportive of a woman's right to choose, the inquiry heard from a large number of men representing a range of faiths in which women are still prevented from being leaders. These same religious institutions that deny women decision-making leadership positions purely by virtue of them being women perhaps unsurprisingly also hold the view that women should not be decision-makers in relation to their own bodies. These witnesses appeared before the inquiry in their capacity as religious leaders—that is, to present their religious views. We are entitled in that forum to investigate these views that entrench sexism within our society or which seek to deny women their bodily autonomy. This morning outside Parliament 17-year-old Bella Ziade addressed the pro-choice rally. She stated:

Abortion is a personal choice, not a political debate. Politicians have no place in your doctor's office. But it seems that we now have to convince men that we deserve rights. We now have to prove the reasons for our rights. As if healthcare is not a fundamental human right. As if it is a privilege.

...

Abortion access saves lives. The beauty of the pro-choice movement is that you do not have to morally agree with abortion to consider yourself as pro-choice. That's why it's not called pro-abortion. It's an understanding that you can't make the choice for someone else and acknowledging that they have full control over that and not you. It is the political and ethical view that a pregnant person should have complete control over their fertility and the choice to continue or terminate a pregnancy.

She stated:

It is pro—"I'm not imposing my beliefs onto you", pro—"I have no right to tell you what's best for your situation", pro—"I am here to support and respect your decision". Personal objection to abortions does not grant the right to deny bodily autonomy to others.

Whether you know it or not, there is someone your life who has had an abortion. Up to one in three women in Australia have had an abortion. However, the criminalising of pregnancy termination in this State has ensured that accessing this safe and common medical procedure is deeply stigmatised. To all those who have shared their stories throughout this process, who have passionately advocated for the fundamental right of every person with a uterus to make their own decisions, you have my enormous respect and gratitude.

Decriminalising abortion is an enormous step towards the complete liberation of women, non-binary people and transgender men. The right to make one's own healthcare choices without the shadow of criminality is necessary and long overdue. Gender equality cannot be achieved when people born with uteruses are not able to choose their own futures. Coercive parenthood has devastating and often long-term physical, psychological and financial impacts. The inability to safely and legally access abortion on demand may mean for a pregnant person

being unable to engage in the level of employment needed to pay rent, exacerbation of existing mental health conditions, being ostracised from family or community or being unable to leave an unsafe relationship. What it always means is that we do not have control of our own bodies or choices. No-one—whether a partner, parent, or politician—can be allowed to control a pregnant person's access to the health care they want and need.

The Reproductive Health Care Reform Bill 2019 will decriminalise abortion up to 22 weeks' gestation and retain the existing legal understanding under which abortions are currently obtained for terminations after 22 weeks. This is the compromise position and is certainly not the outcome pro-choice activists had been hoping for. Late term abortions can become a necessity in a variety of circumstances including when fetal abnormalities are detected late in the pregnancy, when the pregnant person is experiencing domestic violence, when availability of accessible abortion services prevents earlier termination or when someone does not discover their pregnancy until late into their second or third trimester. A small percentage of abortions currently performed in Australia are done so after 22 weeks. This would not change were New South Wales to completely decriminalise abortion. Suggestions to the contrary are offensive and unrealistic. Sinead Canning, campaign manager of NSW Pro-Choice Alliance, contributed eloquently to the inquiry on the bill on this point. She stated:

There are women and families in New South Wales that have had terminations of pregnancy at a later gestation. These are not easy decisions. Their decisions were considered, their decisions were thoughtful, their decisions were compassionate and their decisions were made in consultation with their doctors, who found these procedures medically appropriate. There is going to be no difference if the bill is successful. Those who would condemn people for making such a decision are purposefully ignorant of the circumstances surrounding the choice to continue with a pregnancy at a later gestation. Women are not making these decisions on the fly. They are not making them flippantly and to suggest so is highly insulting to women everywhere.

Notably, the bill requires the sign-off of two doctors for terminations for pregnancies past 22 weeks. This creates an enormous disparity for pregnant people in rural or regional areas who are much more likely to not have access to multiple doctors, let alone multiple doctors who do not have a conscientious objection to abortion. Disparity of access extends to the extraordinarily high financial cost of terminating a pregnancy. As decades-long reproductive rights activist and Greens member Anne Picot said at a rally 40 years ago and again following a pro-choice rally outside Parliament earlier this month, "Abortion is a class issue. No amount of law has stopped rich women from getting an abortion when they need one."

While pregnant people can currently access an abortion, which would normally be considered illegal, if it would prevent serious danger to their physical or mental health, the consequence of this legal loophole is that most surgical abortions are performed outside the public health system and incur enormous costs to counter the risk of operating in a grey area of the law. The decriminalisation of abortion that the bill would deliver will pave the way for the proper incorporation of abortion into our public healthcare system, removing the high incidence of private provision, expanding geographic access and bringing us a step closer to genuinely universal health care. The bill will be far from the end of the journey towards delivering free, safe and legal reproductive health care. Along with so many inspiring activists and advocates The Greens will continue to campaign for the abortion access that the people of New South Wales deserve. This includes the delivery of completely free and publicly provided abortion on demand, the removal of upper time limits on access and the adequate accessibility of the RU486 abortion drug.

We must also remember that New South Wales will not be the last State to decriminalise abortion. South Australia is also in the midst of a campaign for the right to choose. In acknowledging the tireless work of the reproductive rights campaign in New South Wales I also acknowledge my friends, comrades and colleagues in South Australia whose work continues. It is time for New South Wales to walk confidently into a future where exercising the right to determine one's own health outcomes is not accompanied by the threat of criminal conviction. Let's get it done.

Reverend the Hon. FRED NILE (17:29): I speak in opposition to the Reproductive Health Care Reform Bill 2019. Earlier this morning I said to the media that a short way of describing the bill was to call it the killing bill. The so-called Reproductive Health Care Reform Bill has nothing at all to do with reproduction; it is a killing bill. The bill has nothing to do with health; it facilitates the destruction of life. The bill has nothing to do with care; it is a careless attempt to legislate an extreme ideology that is contemptuous of motherhood and the unborn's right to be born. The bill is no reform either; it is an act of vandalism.

The bill was introduced into the Legislative Assembly on 31 July 2019 by the Independent member Alex Greenwich. The bill was co-sponsored by 15 other MPs, including two Government Ministers. The bill was not a priority for the Government during its re-election campaign earlier this year: It was never mentioned. Yet it was prioritised over Government business and rushed through the Legislative Assembly with minimal debate. I moved that the bill be sent to the Legislative Council Standing Committee on Social Issues, which then occurred. The committee received submissions from the public for a week, held a two-day hearing and then drafted a report in the following days.

I proposed that the committee conduct its investigation and report in November, but that recommendation was rejected by the majority of the committee. The Government's time line was designed to have the bill ready for debate today when the Legislative Council opened for Government business. It was obviously scheduled so the bill could again be rushed through this House, also with minimal debate. It is remarkable that a bill on such a contentious issue has been rammed through Parliament with almost no debate other than what occurred in the Legislative Assembly, no meaningful committee review and woeful community consultation.

At the heart of the bill is the question of life, what it is and where and how it starts. That is a question that philosophers—both religious and secular—have been struggling with for hundreds, if not thousands, of years. The fact is that life is something that is impossible to quantify or measure tangibly. I find that every time somebody thinks they have the answer, their biases and prejudices lead to cherry-picking the criteria on which their views are formed. In my view as a Christian there is more to life than just the physicality of our existence, and I think even secular people can accept that as well. I often wonder why some people take the risk of supporting a policy or a law that may at the very least lead a rational and open-minded person to conclude that a bill such as this is destroying life. If there is a risk of something terrible happening, should a reasonable person take the plunge? I believe that life starts at conception and that it comes from God, the creator. I believe that destruction of the unborn at any point of its gestation is therefore by definition an act of killing.

But science is not silent in cautioning us here. Consider the following: In 2015 a study titled "Atrial dominance in the human embryonic heart: a study of cardiac function at 6-10 weeks of gestation", published in *Ultrasound in Obstetrics & Gynaecology*, found that the motion of the heart in a fetus can be monitored as early as 26 to 32 days. A 2007 study titled "Doppler study of the embryonic heart in normal pregnant women", published in the *Journal of Maternal-Fetal and Neonatal Medicine*, found that the mean heart rate at six weeks is 117 beats per minute and at 10 weeks it is 171 beats per minute—in other words, there is a heart beating in every baby in the womb. In a 2004 report titled "Fetal endoscopic surgery: indications and anaesthetic management", published in *Best Practice & Research: Clinical Anaesthesiology*, it was found that motor responses have been monitored in fetuses as young as 7½ weeks. The area around the mouth responds to touch at eight weeks. By 14 weeks the whole fetus is responsive to touch. Stimulus and response is the most basic indicator of sentience. What does this study illustrate if not some form of intelligence and therefore life?

A 1996 report titled "Embryonic and early fetal development of human taste buds: a transmission electron microscopical study", published in *The Anatomical Record*, found that at 15 weeks a fetus has fully developed tastebuds. This one I found most remarkable: In a 2010 study titled "Wired to be Social: The Ontogeny of Human Interaction", published in online peer-reviewed journal *PLOS ONE*, the authors had this to say:

... starting from the 14th week of gestation twin foetuses plan and execute movements specifically aimed at the co-twin.

...

These findings force us to predate the emergence of social behaviour: when the context enables it, as in the case of twin foetuses, other-directed actions are not only possible but predominant over self-directed actions.

It is unsurprising that the bill, which will facilitate the destruction of what is obviously alive, is so controversial. Solicitor Robert Haebich exemplifies the general complaints made by members of the legal community who have contacted me. In his letter he points out:

Parliamentarians are discussing what is a rushed bill which concerns a number of culturally fundamental issues about which there is and historically has been deep division within our society. However, so far as I am aware the provisions of the bill are not widely known to the public which the members of Parliament represent. In the circumstances at least some of the members of Parliament are not really in a position to state that they have been informed by a broad spectrum of their electorate, especially in light of the rush to pass the bill.

This became clear to me as a member of the committee reviewing the bill. It was obvious that many of the witnesses that were called did not understand how the bill operated and what the provisions meant. That is true for those who appeared before the committee. I was contacted by a number of professionals and activists who asked to appear but received no invitations or replies. For example, Ron Butterworth, a local psychologist with considerable experience in his profession, and NSW State Director of FamilyVoice Australia Greg Bondar could have provided valuable input to the committee but they did not have the opportunity because of the way it was scheduled and they were not called as witnesses. Solicitor Haebich goes on to add that the manner in which this bill was rushed through "... should have attracted censure by all parliamentarians for being anti-democratic." He stated further:

The bill is being broadly presented in the media as almost cosmetic in that it effectively removes the act of abortion from the Crimes Act.

Of course, nothing could be further from the truth.

Dr Robert Webb, barrister-at-law, has provided a scathing report on the impact of the bill on abortion in New South Wales. In it he states:

The abortion bill is not a bill that extends abortion to 22 weeks (or five and a half months) in regard to a normal and healthy pregnancy of a woman. The abortion bill extends termination beyond 22 weeks and right up to the time of birth.

He adds:

It is important to recognise that the abortion bill includes healthy pregnancies which have advanced beyond five and a half months from conception.

...

In the clearest terms, having regard to its deliberate and particular wording, the abortion bill enables the termination of life in circumstances where 'the terminated' is otherwise a child who would be able to survive, function and grow outside the mother.

Dr Webb is unequivocal in his criticism of the bill and he notes that its use of language—namely, "terminate" instead of "abort" as well as a preference for "person" instead of "woman" or "unborn child" where appropriate—is an attempt to sanitise what is in fact a gruesome law. He adds:

This is a deeply shocking bill. The community will never know what criteria might have been applied, or not applied, in relation to the termination of any pregnancy—including those pregnancies sufficiently advanced as to be viable outside the womb because the abortion bill allows for termination of life immediately prior to the time of birth it is reasonable, if not inevitable, that some lives will be lost after delivery from the mother as a result of wounds or injuries deliberately inflicted on the womb to ensure termination, with the death of what is then a child occurring after birth.

He goes on to say:

The abortion bill is a stain upon the honour of New South Wales and a blight upon this Parliament. Falling short of forced abortion and one child policies with economic penalties, it is amongst the most extreme legislative measures taken against the unborn.

Former member of the Victorian Legislative Council Dr Rachel Carling is now the CEO of Right to Life NSW. In a document circulated by her, she impeaches the bill on a number of grounds, which include: first, no request or informed consent is required for a doctor to carry out an abortion up to 22 weeks, the right to abort is an unfettered one; secondly, abortions for sex selection and other eugenic purposes are also unfettered up to 22 weeks; thirdly, abortions are virtually unfettered after 22 weeks all the way through to the moment of birth because the language of the bill is extremely broad. The bill allows for abortions in this time if the medical practitioner considers that "in all the circumstances, the termination should" be performed. As an example of how these laws operate in Victoria, between 2009 and 2017 there were 1,418 abortions performed for what is referred to as "maternal psychological reasons". Dr Carling states that "this is code for abortion on request".

It is telling that even with a process set up seemingly to ensure that the bill gets pushed through Parliament with minimal attention, there were still over 10,000 submissions received by the committee. I do not recall the last time a committee received such a volume of submissions in such a short period of time. Because of that volume, I am informed that for the purposes of the committee report only a representative sampling of the submissions could be considered in detail. That meant that only four submissions for the bill were considered with 36 submissions against—which may be the correct ratio, I am not questioning that.

Petitions have also been received in huge quantities, organised by various independent and allied groups. As members know, I presented petitions with thousands of signatures today. One online petition at Change.org was set up by *Family World News*—a newspaper that I publish—and had collected 6,159 signatures in almost one week as at noon today. That was done while Change.org actively tried to undermine the petition, with mischievous and misleading comments put on its web page. The community outcry against the bill is loud and clear. I made that point in my support for the Hon. Greg Donnelly's dissenting statement, which I fully support. I wrote:

It is incumbent on the Legislative Council, as a House of Review, to be guided by this outcry.

I remind my colleagues of this here and now. This House does not exist just for the sake of it. We have a purpose. The committee that was reviewing the bill was an upper House committee. It has a duty to provide adequate and meaningful public consultation, analysis and review of the bill's provisions. But under the circumstances, no reasonable person can say that this could have occurred in a week. Other committees on far less controversial bills have sat for significantly longer times—sometimes two, three or six months. We have cause to be insulted as State members of the upper House by the fact that the bill has been presented to us in this fashion.

Its process through Parliament so far has been contemptuous of the public and contemptuous of us as members. For those reasons, I have supported the motion of my colleague the Hon. Greg Donnelly that the bill should be referred to a joint committee of both Houses for proper review. Religious leaders from various faith communities obviously oppose the bill. I have received a number of statements and would like to place them on the record at this time, particularly the statement from Archbishop of Sydney Glenn Davies, who appeared before

the committee and gave very balanced evidence that I believe was very important. I quote from his letter to me dated 2 August 2019:

The Bill allows for an abortion well into the second trimester, namely 5 ½ months, for no other reason than the mother wants her pregnancy to end, and the life of her unborn child to come to an end. The doctor performing this operation does not even have to ask for a reason; it amounts to 'abortion on demand'.

He goes on to say:

Moreover, there is no obligation in the Bill requiring the medical practitioner to be satisfied that the woman voluntarily consents to have an abortion. Hence there is no legal protection for pregnant women who may be coerced into having an abortion. There is no provision for counselling in the legislation, despite the widespread recognition of its value in matters of life and death.

The Bill allows for late term abortions - so late, in fact that the termination of a pregnancy the week before an expected birth (if not the day before!) would be legalised. It is disingenuous to claim that this provision is rarely used. It should never have been drafted as a possibility in the first place.

Perhaps that says something about those who introduced and sponsored the bill. The Archbishop went on to say:

Provision for emergency procedures are already captured in clause 6(3). By allowing for an abortion up to the end of the third trimester, namely 9 months, all that the two doctors need to consider is 'that, in all the circumstances, the termination should be performed', on the basis of the undefined 'relevant medical circumstances' and the 'person's current and future physical, psychological and social circumstances'. Legislation should not require doctors to determine a patient's 'future circumstances'. It is difficult to see how the two doctors could justify not performing the abortion on the basis of this test, other than in circumstances where they consider that the abortion will give rise to a health risk to the mother.

I oppose the bill. I believe it is important to protect the life of the unborn. If we are going to err, we should err on the side of over-protecting an unborn baby than unnecessarily risk the life of that baby. I continue my opposition to the bill.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (17:49): I oppose the Reproductive Health Care Reform Bill 2019. I understand people have very different views about abortion and I understand those views are very deeply held. Members supporting this legislation have passionately explained why they believe this bill is necessary for advancing women's rights. I understand their views and their passion. Indeed, I would support them wholeheartedly if it were not for one inescapable fact that I cannot in good conscience ignore: That abortion is a matter of life and death—the life and death of an innocent child. That is not a matter of ideology, faith or religion. It is a matter of simple biological fact. Some 36 years ago Dr Landrum Shettles wrote a book entitled *Rites of Life: The Scientific Evidence for Life Before Birth*. Dr Shettles was one of IVF's earliest pioneers. He was intimately acquainted with the medical reality of human development before birth. In his book Dr Shettles said:

I oppose abortion ... because I accept what is biologically manifest—that human life commences at the time of conception.

He further stated:

I believe it is wrong to take innocent human life under any circumstances. My position is scientific, pragmatic and humanitarian.

I agree with Dr Shettles; so do countless doctors, scientists and people from all walks of life, here and around the world, including witnesses who appeared before the committee just last week. Thirty-six years after Dr Shettles published his book the reality of human life before birth is rendered even more vividly today with modern medical imaging technology—4D ultrasound gives us a window into the womb. We see the unborn child moving, playing, growing. A motor response can be observed on ultrasound from as early as 7½ weeks gestation. The science matches our everyday experience. When a woman is expecting, we naturally refer to the baby in her womb. When a mother loses her child she is not mourning a clump of cells; she is mourning a child, a unique human individual who lived inside her, if only for a brief time. And yet the bill we are debating today decrees that if the same child is not wanted, it is nothing more than excess tissue of no more value than a tumour.

Even the most ardent supporters of the bill demonstrate their own internal conflict over what abortion really involves. *Hansard* records the health Minister himself calling abortion "one of the most challenging and difficult decisions a woman could make in her life". With great respect, my question to the Minister is: Why? Why is having an abortion one of the most challenging and difficult decisions a woman could make? Why don't we talk the same way about other medical procedures, like having a mole removed? We all know what the difference is: Abortion ends the life of a human child.

If we wish to regard ourselves as a compassionate and humane society, this bill must not proceed. We owe it to the most defenceless human beings to speak up for them and defend their human rights, not take away their rights as this bill does. It has been suggested that this bill is a mere formality, that it does no more than adapt the letter of the law to what is already happening in practice. It has also been suggested that the bill's intent goes no further than removing abortion from the Crimes Act and placing it in a health framework. But neither of those

suggestions is true. The language of health care and decriminalisation is really a smokescreen to sneak an extreme agenda through this Parliament.

Fundamentally this bill is about rights but it is not about advancing rights; it is about removing rights—from children, from women and from doctors. For children in the womb, this bill removes the most fundamental right of all, the right to live. Once that right is extinguished, so is every other right. The only glimmer of hope the bill offers the unborn child is that after 5½ months gestation, a second opinion is required. But it is hardly a reprieve because the question on which the second doctor is asked to provide an opinion is whether the child should live or die. With its life on the line, the child has no voice in that decision, no advocate on its behalf.

If termination is to be the child's fate, he or she is further denied the right to be protected from pain. Evidence provided to the committee indicates that children suffer pain in abortions from as early as 16 weeks. Yet this bill does absolutely nothing to alleviate that pain. Aborted babies will also be exposed to the possible indignity of having their dismembered body parts sold and if a child is lucky enough to survive an attempted abortion nothing in this bill guarantees that baby the right to medical care, even though that is his or her right. On this critical issue, the bill once again shamefully turns a blind eye, opening up the real likelihood of children being born alive and left to die on the table.

This is a cavalcade of horrors. Where is the humanity? Our Parliament has passed laws that make it a criminal offence to harm threatened animal species. That includes jail terms of up to two years for harming the eggs of a spotted tree frog. Yet today we are contemplating a bill that maintains a chilling silence on the destruction of children in the womb up to birth, on the pain they will suffer, on the sale of their body parts and on their right to medical care if they miraculously survive. What has any of this got to do with putting abortion into a gold standard healthcare context? This bill is cruel and inhumane in the extreme. It will be a catastrophe for children's rights unless we do something about it.

Despite its friendly sounding name, this bill a catastrophe for women's rights too. Far from putting abortion into a women's health framework, it completely denies the reality of what abortion does to women's health. As the committee heard, the evidence is clear—physically and psychologically, abortion harms women. Yet not one person advocating for this bill is willing to acknowledge the fact. A bill that was truly in the interests of women would make sure they are at least offered counselling before going down a path that has caused countless women devastating physical and psychological injury. It would make sure they are offered appropriate aftercare. Yet on these important matters of women's health, the bill is completely silent.

One might think a bill purporting to advance women's rights would protect them from being coerced into aborting their baby, a practice that has been acknowledged and documented just last year by Marie Stopes Australia. Again, the bill is silent. One might think a bill purporting to advance women's rights would have safeguards against abortion being used to hide evidence of sexual abuse of minors. Once again, this bill is silent. The bill's silence is deafening. It erases fundamental rights and protections for the very women in whose name it was introduced. Even worse, this bill erases women altogether: first, by indulging in the language of radical gender theory, denying that it is women who carry children and, laughably, avoiding a single utterance of the word "woman" within the whole of the bill; and, secondly, by opening the door to sex selection abortion, in respect of which I will be moving an amendment.

As the evidence to the committee showed, the vast majority of victims of sex selection abortion are baby girls. A bill that claims to advance women's rights will instead do more than any bill in the history of this Parliament to erase women's rights and will even ensure that fewer women are born. This bill utterly fails the women of New South Wales. The bill removes rights from doctors too. The conscientious objection provisions in the bill do not protect conscience in any meaningful sense, as medical practitioners with a conscientious objection to an abortion will be required to refer patients to a practitioner who will perform the procedure. The evidence provided to the committee was clear: There are many doctors in this State who by simply following their consciences and their vow to do no harm would be turned into law-breakers if this bill passes.

I understand the Australian Medical Association [AMA] supports the conscience provisions in the bill. But is that right? It was not always so. The AMA does not speak for every doctor and on matters of conscience it has no right or standing to do so. Only six years ago the AMA itself made it very clear why forcing an objecting doctor to refer abortions is wrong. Writing in response to a similar clause in a 2013 Tasmanian bill, the then President of the AMA said the offending clause:

... removes the rights of medical practitioners to conscientiously object to particular treatments without having to facilitate the patient's access to the treatment ...

Respect for a conscientious objection is a fundamental principle in our democratic country, and medical practitioners expect that their rights in this regard will be respected, as for any other citizen.

Accordingly, [the clause] should be removed from the Bill.

He was referring to the Tasmanian bill. The statement by the AMA in 2013 has stood the test of time. The last time I checked, respect for conscientious objection is still a fundamental principle in our democracy and this bill fails to uphold that principle just as the Tasmanian bill did six years ago. Nothing the AMA says today can change that fact. It is unfathomable to me how members of this place can support legislation which is fundamentally illiberal and strips doctors of their fundamental freedoms.

I want to raise one final issue—an issue that many are simply too afraid or ashamed to admit: that by removing any connection between the lawfulness of an abortion and the mother's health this bill introduces into New South Wales law the kernel of eugenics. Right now abortion laws in New South Wales are founded on the principle that no harm should come to an unborn child unless it is necessary to preserve the health of the mother. In that framework the child cannot lawfully be aborted solely because of his or her particular characteristics. Under this bill, all that changes.

At least up to 22 weeks abortions can be performed on demand for any reason whatsoever. Preserving the mother's health no longer comes into the equation. As I have mentioned that means the bill allows abortion for sex selection. But it also means abortion can be requested because of any of the child's features that are considered undesirable. If a baby has a genetic disability like Down syndrome he or she can just be eliminated. If a baby is deaf or blind, has a cleft lip or is identified as having intersex characteristics it can be eliminated because of any one of those characteristics. This is a dark development for the State of New South Wales—a step down the path of designer babies and State-sanctioned eugenics. It flies in the face of anti-discrimination laws that we passed precisely to affirm the dignity of all members of the human family, regardless of skin colour, genetic make-up, disability or otherwise.

I do not raise this issue lightly but there is a longstanding historical connection between abortion and eugenics. One of the organisations that has been singled out for praise in the course of this debate by the bill's advocates is the Australian arm of abortion conglomerate Marie Stopes International. That organisation's namesake was a pioneer of eugenics and is in many ways the patroness of this bill and its supporters. But Marie Stopes also happens to have been a white supremacist and an anti-Semite. It is long past time that the world and this Parliament faced up to exactly what Marie Stopes stood for. Here is a recently published summary of her eugenic views: She founded the Society for Constructive Birth Control and Racial Progress. The clinic's purpose was to prevent the birth of so many of the racially inferior working class, of those she described as "the inferior, the depraved, and the feeble-minded". That is why her clinics were founded in poor areas.

Marie Stopes' slogan was "Joyful and Deliberate Motherhood, A Safe Light in our Racial Darkness." She believed, as she wrote in her 1920 book *Radiant Motherhood—A Book for Those Who are Creating the Future*, that "the sterilisation of those totally unfit for parenthood [should be] made an immediate possibility, indeed made compulsory". She contributed in 1920 a chapter to *The Control of Parenthood*, which was a sort of manifesto for her circle of eugenicists, arguing for a "utopia" to be achieved through "racial purification". Her ideas on racial purity included rabid anti-Semitism. She admired Hitler and in August 1939 sent him a slim volume of love poems she had written in 1935 when she attended the Nazi-sponsored International Congress for Population Science in Berlin.

Mr President, if you have seen banners outside this place with slogans like "Every child a wanted child", know they have their genesis in the racist and inhumane worldview of Marie Stopes. There are members of this Parliament who have called for statues of Lachlan Macquarie to be pulled down. Yet those same members applaud and promote the work of an organisation bearing the name of one of history's most vile eugenicists and white supremacists. It is high time this organisation and its supporters acknowledged the truth about Marie Stopes and disavowed her disgraceful legacy. I call on all members of this place to join me in condemning the horrific eugenics agenda pursued by Marie Stopes and, by opposing this bill, ensuring it never gains a foothold in New South Wales.

The issues I have raised with this bill are not irrelevancies. They are not trivialities. They are serious flaws in a law that will make drastic changes to one of the most important and divisive social issues of our time. On an issue of such great importance a responsible Government should be able to offer the public a gold standard healthcare bill—a bill that has been strengthened by a rigorous and consultative independent review process—a bill whose flaws have been identified, workshopped and rectified before it is put to a vote. In short, if we are to change the law in this area, the people of New South Wales deserve the best bill possible. No-one in this place can honestly say that is what we are offering. Instead we have a bill that has bypassed public and parliamentary scrutiny and, for reasons that remain unexplained to the Parliament and the people, has blithely ignored longstanding democratic processes.

Why should the people of New South Wales be denied their own opportunity to shape this law? The reality is that this bill is more about enforcing an ideology on the people of our State than it is about getting the best outcome for the women of New South Wales. The committee process proves the point. I understand that,

although the inquiry was open to submissions for a paltry five business days, more than 14,000 submissions were received. I ask the committee: Are we to believe that those submissions have been carefully considered? The people of New South Wales deserve to have a proper say and we owe them the respect of listening. Communities feel utterly betrayed by this process.

We owe it to those people to stop this sham and get the legislation right. That is the entire purpose of this Chamber—and no-one is stopping us from doing that except ourselves. We, as legislators, should never embrace legislation that removes rights and denies the humanity of a human child and then strips women and doctors of their rights too. That is what this bill does. When it passed the lower House there were scenes of jubilation and loud cheers and applause. But my thoughts then, as now, are with the silent ones who will fall victim to this bill—the innocents for whom this bill will not elicit cheers and applause but rather silent tears and, most distressingly of all, a silent scream. I oppose the bill.

[Interruption from the gallery.]

The PRESIDENT: Order! As I have already indicated to those in the public gallery, you are most welcome but we ask that you remain silent. Applause is not permitted. I do not want to be forced to clear the public gallery. I ask you please to adhere to my earlier ruling and now adhere to this second warning. There is to be no applause or any other action from the public gallery.

The Hon. NIALL BLAIR (18:08): It should be noted how passionate the contribution by the Hon. Damien Tudehope was and that he was able to be heard in silence and with respect from all members in the Chamber even though many, like me, did not agree with his contribution. I hope that all members continue in that manner throughout the remainder of the debate on this very emotional and personal journey that we are all going on.

I speak in support of the Reproductive Health Care Reform Bill 2019. I was a proud member of the Legislative Council Standing Committee on Social Issues inquiry into this bill. I place on record my thanks to the chair, the Hon. Shayne Mallard; all of the participants and witnesses who made submissions and came along to give evidence; the other members on the inquiry; and also the secretariat for their outstanding work. Once again it is a good reflection on this House that this report enables us to add to this debate, as is the manner in which that inquiry took place. This is an issue that is extremely personal and emotional. The vote from my party on this bill has been granted as a conscience vote. For that reason I will be voting in line with what I believe will achieve the greatest good for the greatest number and in accordance with my views on this subject which have been shaped by my conversations, the experience of people close to me, my research, the inquiry and also public discussion, emails and representations on this matter. This is what I believe.

What I will not be doing during my contribution is going back over the debate that has been had or some of the submissions from the inquiry. What I will not be doing is trying to change another member's mind. What I will not be doing is reciting numerous statistics, reports and findings. I will just be sharing why I am voting this way, because this is my vote, this is my conscience and this is what I believe. I believe that this bill is about fixing an outdated law that sits in our Crimes Act, which criminalises women for making one of the hardest decisions they may ever have to make.

To think any woman in this position takes this decision lightly is ignorant. It is to completely misunderstand, misrepresent and depersonalise their experience. I believe that we live in an imperfect world that is not black and white but full of grey, particularly when it comes to issues like abortion. I believe we should have laws that reflect reality and are in line with broad community expectations and attitudes in 2019. One thing we do know is that abortions are happening in New South Wales. An undisputed fact that was put before many participants during the inquiry was that around 36,000 abortions per annum are carried out in New South Wales. I believe that it is not the public will to enforce the current laws, and that the police and the prosecutors broadly are turning a blind eye to this large number of abortions that are happening in New South Wales.

If the current law is not being enforced then I believe we should change the law and remove it from the Crimes Act. These abortions are happening in this State for many legitimate reasons. One thing I do know is that no two cases are the same. In fact, we could all highlight a particular case or cases to underpin our views on abortion. There are so many different types of circumstances and cases that members on all sides of this debate could find one to underpin our views and position on this matter. But I am going to refrain from doing that in this debate, because the circumstances and the details of each case are so varied. Every family is different. Every woman is different and the situations that lead them to have to contemplate an abortion are different. But it is their case, it is their situation, it is their family, it is their circumstance and it is their body. We must trust their judgement.

One of the real questions before us is: Can we trust women in New South Wales to make the right decisions about themselves and their families? The answer is absolutely. They do it every day. We ask them to do it every day—except on this issue. Passing this bill confirms to the women of New South Wales that we trust them to make the right decisions for themselves. Women deserve our trust and do not deserve to be judged when it comes to abortion. They should be able to make their own minds up without the added guilt of the possibility of committing a criminal offence. I firmly believe that no woman takes this decision lightly. In fact, I believe that this decision is against their natural maternal instincts and is extremely personal and traumatic. It is a decision that is made in consultation with family, friends, medical practitioners, faith leaders and counsellors.

A lot of that consultation and counsel, as we heard from the inquiry and from some of the people that I have spoken to, is done before they get to the clinics. That is all part of their decision-making process. To dismiss that and to suggest that women are making this decision without going through that network or without seeking some further guidance misrepresents and undermines the decision-making process that they go through. In the eyes of many their decision may be seen as an imperfect decision but we are in an imperfect world and it is their decision about something that impacts directly on them. I do not think that can be underestimated. I genuinely believe little girls do not grow up dreaming of abortions; they dream of families. They dream of motherhood, and this decision quite often goes against their dreams and is heartbreaking.

I also believe that this is a healthcare issue. For that reason we should provide a patient-centred, regulated framework and allow this issue to be handled by our trusted health professionals. That point needs to be highlighted in this debate. Our doctors, medical specialists, nurses, counsellors, psychiatrists and psychologists are some of the most trusted professions in this country. They are regulated and subject to professional standards. We turn to them every other day. We turn to them for every aspect of our lives, for every aspect of our family members' lives. We trust them to handle our cancers, we trust them to deliver our babies and we trust them to make sure that our loved ones who are heading towards the end of their lives are in comfort.

To suggest that we now cannot trust our medical practitioners does not make sense. They can and should be trusted to provide the necessary advice, decisions and treatment on this important healthcare issue. This issue has been widely and well debated for a long time. Time for talk must come to an end. We need to act to put this to rest once and for all in New South Wales. I know that there have been accusations that this bill has been rushed through, accusations that members have had no time to determine their stance on the issue. But the issue of abortion is not new. To claim that this bill came with no warning is to acknowledge that members have failed to hear the people of New South Wales and have failed to see the changes taking place throughout our State and our country. This bill has a far longer time line than from its introduction into Parliament earlier this month.

We knew this bill was on its way when we saw the introduction of the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 and also the Public Health Amendment (Safe Access to Reproductive Health Clinics) Bill 2018. So we know just in my time here that we have had to debate this issue. Actually, it would be remiss of me not to add that I voted against the Mehreen Faruqi bill because I did not believe that it provided the right framework, protections or safeguards, even though I do support the decriminalisation of abortion and I support this bill. While we are on that matter, some of the conduct and some of the campaigns around the Faruqi bill put the whole debate and the issue backwards.

When members who are supportive of this cause were targeted personally—and their family members were targeted personally—because they voted against that bill, even though they put on the record why they were voting against the bill, that was a blight on the cause and on those who were leading that at the time. But I also reflect that there have been people on both sides of the argument this time who have been targeted. Again, I would call out anyone who wants to target any members, individually or as a collective, just because they hold certain views. But I did support the safe access bill and I am supporting this one.

I believe that we are behind almost all other States and Territories in our country on this issue. It is time that we learn from other States across the nation and ensure our rules reflect the time. Having sat on the Legislative Council Standing Committee on Social Issues review of the bill as amended by the other place I am comfortable with it passing in its current form. However, I understand there will be many amendments moved and I will consider each of those in detail. I am open to supporting anything that improves this legislation but does not hinder it. I make those comments knowing some of the arguments that we teased out and the positions for and against on issues like abortion up to and beyond 22 weeks, requirements for information about counselling, conscientious objection by registered health professionals, sex selection and informed consent. Those issues will be dealt with during the Committee stage and I am happy to provide further contributions and say what I stand for on those areas as they get presented.

This issue matters. We all know someone affected by this issue. They may not have told us but someone in our life has probably considered whether she should or should not have an abortion. But having an abortion is not a crime. Is it challenging? Absolutely. Is it heartbreaking? Like nothing else. Is it confusing? Completely. But

ultimately it is quite simply a very human moment. The women who find themselves in these imperfect moments are not criminals. They are and will be amazing mothers or they will be strong, independent women too. They are women who every day do something to bring more love into this world, not less. Whether you are a man or a woman, I know you know what it feels like to be able to make your own choices for your own unique life. Not all choices are easy but they are yours to make. That is not criminal; it is human. In discussing this issue with a friend, I was drawn to a quote made by Barack Obama when he was in Brisbane. Members could check the record but I do not usually quote Barack Obama.

The Hon. John Graham: It is going to feel good though.

The Hon. NIALL BLAIR: We will see. I acknowledge that interjection because I think that actually it will feel good. When Barack Obama was in Brisbane he said:

We will stand up for the rights and the futures of our wives ... daughters and partners, because I believe that the best measure of whether a nation is going to be successful is whether they are tapping the talents of their women and treating them as full participants in politics and society and the economy.

Up until this point in New South Wales we have not treated women as full participants—not on this issue. We have not trusted them to make the decisions that directly affect them and their families. We have all seen how passionate and emotional this debate can be. This is not the first time. This issue has been going on for decades. We are not leading the country in this; we are followers. We are not starting from scratch; we have seen what has happened in other jurisdictions. I turned the weather report on this morning. Those other States that have gone before us are still there on the map. This is not something about which we can put our heads in the sand and ignore for any longer.

This is happening. It is happening every day. It is happening to people who you probably do not know it is happening to because they are too scared to tell you about their experience. We have driven it underground. We have put shame on it and we have labelled it against those that have had to go down this path. One thing I do know is that no two circumstances are the same and it is not my place to judge anyone who goes through this experience. I am confident that the women in New South Wales can be trusted to make decisions that affect them and their families. I am more than confident in the healthcare professionals that we have in this State. I am more than confident, when you put those two together, we should not be scared.

We get a person-centred outcome that is controlled by those who are going to be affected or are tasked and trained to help that woman and her family to follow through with the decision that they have had to make. If anyone wants to put that decision down as a light decision that is not life-changing, I challenge them to go and speak to some of the people I have spoken to. This is my decision. This is my vote. I am proud to support this bill. I thank everyone who has provided feedback, contributions and information to assist me to get to where I have arrived on this issue. I look forward to the Committee stage where I can provide more information on some of the amendments. I support the bill.

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

The PRESIDENT: Earlier this evening the Clerk received a phone call from the Parliamentary Counsel advising of a typographical issue in the second print of the Reproductive Health Care Reform Bill 2019. Two words contained in one of the amendments made to the bill in the Legislative Assembly were accidentally omitted from the second print. This matter has now been rectified. Immediately after this statement the second print of the bill, which appears on the bill's detail page on the Parliament's public website, will be replaced with the corrected copy and hard copies of the bill in the Chamber will also be immediately replaced with the corrected copy. For the information of members, I advise that the relevant clause of the bill is the new clause 15 on page 7. The two words that had previously been omitted but have now been appropriately inserted are "being performed". The Parliamentary Counsel advises that these two words made no material change to the meaning of the clause.

The Hon. MARK LATHAM (20:02): At the outset let me pay tribute to the previous speaker, the Hon. Niall Blair, who has flagged that he will not be with us for an indefinite period of time. I pay tribute to him as a parliamentarian who displays two of the great qualities of a member: He is sincere and he is rational. That was reflected in his contribution to debate on the bill. I disagree with the conclusions he reached in the details of the matter but I certainly respect his point of view. As a parliamentarian I reached the conclusion some time ago that good lawmaking comes from good process. My objections to the bill are not just in the question of substance but also process.

I believe the proponents of the bill—passionate people who see themselves as having a legitimate cause—have done themselves a great disservice. By rushing it through, by meeting in secret with the feeling that the fix was in, they have denied themselves two of the most important qualities in the public arena on a matter such as this, that is, credibility and legitimacy. I think that is reflected wide and far in the State of New South Wales. It is with a heavy heart and great regret that I raise my objections to the process and substance of the bill. I sincerely

believe there would have been a better way if there had been more consultation, more thought and better process along the way.

I believe that the Government in its handling of the bill has betrayed the Parliament and the people of New South Wales. With some fanfare after the March election the Premier said she wanted to modernise the New South Wales Parliament. Instead she has taken us back to the Dark Ages. The idea that in 2019—in an era of political openness and social media—a cross-party cabal of left-wing MPs has been meeting in secret for months in this building seeking to hijack the Parliament and ram through a law on one of the most divisive and sensitive issues in the State's history is simply appalling. I say on this question of process that each of them stands condemned.

The Hon. Penny Sharpe: Point of order: I am very interested in what the Hon. Mark Latham has to say. However, I am not interested in him flouting standing orders in relation to imputations around members.

The PRESIDENT: I remind the Hon. Mark Latham that, firstly, imputations in relation to any members should be done by way of substantive motion and, secondly, that the Hon. Mark Latham should focus on the long title of the bill. I believe that he has been doing so but he has drifted towards imputations against other members.

The Hon. MARK LATHAM: If it assists you and the Chamber I will withdraw. The Premier discarded Government business in the Legislative Assembly and made scores of hours of debate available for a private member's bill introduced by the Independent member for Sydney, Mr Greenwich—one member in one seat who won 18,000 votes at the last election. That is less than 0.3 per cent of the people of the State of New South Wales. I am worried that what they have been doing in the Berejiklian-Greenwich government is an expression of minority interests using backdoor means to try to dominate the majority.

The PRESIDENT: I indicate to the Hon. Mark Latham that there is no such thing as the Berejiklian-Greenwich government. Again, that is making imputations. There is the Berejiklian Government, there is the Liberal-Nationals Government, there is the Coalition Government. However, there is no such government in existence as that stated. I ask that the member cease using that description. The member has the call.

The Hon. MARK LATHAM: I am expressing my opinion of how I see the passage of this legislation—

The PRESIDENT: I have made my ruling.

The Hon. MARK LATHAM: —to this point in time but I respect your ruling. If it assists you and the Chamber I will withdraw. As I have argued previously in the Chamber, I believe that we need to muster arguments for a better, more deliberative and more thorough approach to legislation of this kind. I campaigned for four months for State Parliament and no-one in the electorate advocated for an abortion bill. Hundreds of other issues were seen as more important. After the March poll I served for four months as an MLC and the same was true: Hundreds of issues were out there but no-one was talking about abortion laws, other than the cross-party cabal and a few journalists.

This is when politics is at its weakest: When it becomes an ideological indulgence of those governing instead of practical assistance meeting the needs of those being governed. I believe it could have been done in such a better way. There was an ambush whereby the lower House would debate and pass the abortion bill in one week. That was the original plan. We should not forget the original plan of the proponents of the bill was to get it through the lower House in one week, with the Legislative Council doing the same the following week. All the emotion, the conflict, the concern and the confusion this issue provokes across New South Wales—and the Government plans to pass the bill in a fortnight of parliamentary procedure.

It is no surprise that large parts of the Government are distressed about this. It is no surprise that many stakeholders—people interested in and passionate about this issue—are distressed about the faulty process. Earlier today we have the ultimate manifestation of how the process has been, with news from the Government that the significant amendments to the bill would be delayed until 17 September. Members were here in this House a fortnight ago arguing for a proper committee process. We were told the bill needed to go through in a week. As things turned out, if the Government had listened to the sound advice of the sensible crossbench it could have had a six-week committee inquiry running up to 17 September. There would have been no need for the 14,000 submissions to be rushed in, no need for the parliamentary website to crash, no need for truncated processes at the hearings, and no need for the criticisms that have been made in the dissenting report of the Hon. Greg Donnelly. The process was faulty and it is indeed regrettable that it ever came to this.

I object to the bill not just in substance but also in process. As ever in public life, the two are linked. Bad processes inevitably lead to bad laws. When will this Government ever learn? It has rushed through provisions about greyhound racing, council amalgamations and lockout laws. At every turn it has got it wrong. So what does

it do on this sensitive, divisive issue? It rushes it through again. Tragically it is no surprise that it has got it wrong a fourth time. Even Cabinet Ministers have spoken out against the folly of rushing the bad process that is now before the Legislative Council. Attorney General Mark Speakman has said the legal complexity of the bill requires a committee review process of at least a month. Did the proponents of the bill listen to the first law officer? Of course they did not. The police Minister, David Elliott, has described the handling of the bill as "maladministration"—a vote of no confidence in those running the other place.

Senior Minister Anthony Roberts has called it the worst law he has seen introduced in this Parliament. In this Chamber the highly respected Government Whip urged the Premier to slow down the process for a thorough committee inquiry to do the job properly. Do it once, do it properly, particularly if you believe in the importance of the matter. That is one of the things that has been so disappointing about the way the process has been handled. The leader of The Greens, Mr David Shoebridge, said that submissions had already been written—14,000 flooded in within the space of a few days, causing the website to crash. The Hon. Greg Donnelly has made those criticisms. I quote from his dissenting report:

On some panels, committee members literally had three or four minutes to ask questions and receive answers from the witnesses. This was grossly insulting, not just to the committee members but in particular to those who appeared before the inquiry.

In the rush to set up the Standing Committee on Social Issues inquiry, nobody on the committee thought to invite anyone from NSW Health. This was a stunning oversight. The chief obstetrician in New South Wales was not invited, nor was the Minister for Health and Medical Research. At the last minute I understand one of the members moved a motion to invite them and that motion was voted down. It is incredible to think on such an important matter the process could have been so faulty and rushed such that no-one from NSW Health gave evidence to the committee inquiry. Yet the committee report as it stands is the one we are dealing with. The report would have been so much more enhanced and deliberative if it had been extended to 17 September when this Chamber considers the amendments to the bill.

I reflect on this: Has there ever been a bigger fiasco in the deliberations of the Legislative Council? It is pretty bad when our Chamber becomes a circus and we become a joke in the eyes of so many people in New South Wales who have firm views about this issue. It was put to me earlier today that even the chooks get six months of committee time in this place but not the abortion bill. That sadly is the ultimate reflection on the way in which this issue has been handled. As ever, a bad process is generating a bad law.

Across the State people are starting to see some of the more bizarre aspects of the bill. In line with today's PC madness, the legislation makes no mention of women. It constantly refers to "a person" having abortion but never "a woman". This echoes the declaration of the member for Newtown, a Greens MP in the other place, two weeks ago that "there are people who have uteruses who are not women". Think of that the next time you are watching the footy or walking past a building construction site. The Greens are always saying we need to respect the science of climate change. When it comes to biological science, they have invented the fantasy of men having babies.

In the common law abortions in New South Wales have been permissible since an important court ruling in 1971. Those pushing the proposal now before the House want to remove abortion from the New South Wales Crimes Act. In practical terms it is a legally symbolic gesture, especially given the fact that the NSW Police have a policy of not bringing prosecutions forward in this area. In perusing the second reading debate speeches made in the other place I was struck by the material presented by one of the best lawyers in the Parliament, the member for Ku-ring-gai. I think it was a very good summary of the legal position. He said:

In recently reading Judge Levine's decision in *R v Wald* for the purposes of understanding the current state of abortion law without this bill, I noted that he identified that the Crimes Act 1900 used the terminology of an "unlawful" miscarriage. He reasoned this must mean it has been possible since 1900 to have a lawful intentional miscarriage or abortion.

The member for Ku-ring-gai went on to say how this law was upheld in a decision in 1982 by the New South Wales Supreme Court Chief Judge in Equity Justice Helsham. It was further confirmed by a decision of the Court of Appeal in a well-known judgement by Justice Kirby. The member for Ku-ring-gai concluded:

The legal analysis explains that New South Wales has had legal abortion since 1900 and effectively abortion on demand since 1971 by reason of Judge Levine's interpretation of the Crimes Act.

We should be mindful of that reality. This would not have been a difficult matter if it had been handled properly in process. There could have been goodwill across many more parts of the Parliament. It is a great shame that has been squandered. Instead, they have tried to ram through Australia's most radically extreme abortion laws without adequate safeguards for late-term abortions, gender selection abortions where parents only want boys and medical mistake abortions where the baby is born alive. The proponents of the bill in other debates love to lecture us about gender equality but in this bill they refuse to outlaw the barbaric practice of people not wanting children because they are female children. I pay tribute to the member for Mulgoa in the other place who raised this important issue.

The cross-party working group had met in secret and not involved a full range of experts in the drafting of this rushed legislation. The member for Mulgoa exposed them as ill-prepared on this issue. If it is true that no-one in the Parliament supports gender selection abortions, why are they not being automatically outlawed in this bill?

Similarly, in a civilised society, by whatever means, by whatever intent, if babies are born alive they cannot be allowed to perish, left to die on hospital tables and trolleys. There must be an obligation for the medical profession to fulfil its ultimate humane obligation to society, to save lives and preserve life. For some doctors and nurses abortion represents the ending of human life and many have legitimate religious and other moral objections to it. These objections should be respected in the legislation, yet in the bill the religious freedom of doctors and nurses not to participate in the process has been wiped. I will be moving amendments to ensure that no medico is made to do anything they regard as morally wrong. I believe very strongly that whenever governments coerce people into doing things they see as morally wrong we move one step closer to a police State, a place where government has greater moral authority than civil society. In these troubled times we must resist that. We must always fight for freedom first and foremost. The people of New South Wales, conservatives in particular, have a very strong feeling of being betrayed by this process.

In the allocation of speaking time the Government has allowed a bill to be rushed through Parliament that has its otherwise political opponents cheering and its own conservative base lamenting the failure of process. The Premier knew the bill was coming. She told the media she kicked it down the road "because I didn't want to deal with it before the March election". In effect she kept New South Wales voters and many of her own MPs in the dark. The first some Liberal MPs knew of the involvement of their very own Minister for Health and Medical Research was when he bobbed up next to Mr Greenwich at the Sunday press conference. No wonder they are questioning what their party stands for and the people of New South Wales are wondering what they voted for in returning this Government to office.

For One Nation the bill is a matter of conscience. As a man I am not entirely comfortable with the debate but given the nature of our representative democracy I am obliged to participate in passing judgement on the substance of the bill. If a man can introduce it in the other place I must have the right to talk about it and vote on it here. I believe my views broadly accord with the views of the people I represent, that is, in the first trimester of a pregnancy it is a woman's choice. However, late-term abortions are a very different matter. When I see a heavily pregnant woman walking down the street I assume she is carrying a human life about to be born. I regard the bill as deficient in its lack of safeguards for late-term abortions.

I worry about some of the "Dr Death" elements that have emerged in the medical industry in Australia in recent decades. Yes, they are a small minority, we should not have them at all, but they are also a major concern in the management of this bill if it passes into law. We cannot pretend bad doctors do not exist. Therefore, legislation of this kind must be framed around a worst case scenario with the strongest possible safeguards for late-term abortion. I look forward to the amendments foreshadowed by my colleague the Hon. Rod Roberts, who will address that problem with the bill. As it stands and is presented here from the other place, it fails not only in this important respect of safeguards for late-term abortion but also the other aspects that I have outlined in my contribution. On many fronts I condemn the appalling process by which the bill has got this far this quickly. On many issues of substance I believe it is inadequate in the form in which it has been presented to this House from the other place. I cannot support it and I intend to vote against it.

[Interruption from the gallery.]

The PRESIDENT: Order! I have already given people in the public gallery two warnings about clapping. I note that a number of the people clapping were present for both those warnings. I indicate that if it occurs on one more occasion I will consider closing the public gallery. I have asked the people in the public gallery on three occasions to please stop clapping.

The Hon. JOHN GRAHAM (20:19): In my short time in this Parliament I have been present for three debates on abortion law: a debate on safe access zones moved by my colleague the Hon. Penny Sharpe, a debate on Zoe's law and one previous proposal to remove abortion from the Crimes Act. That last bill was defeated in this House. In my speech on that bill I described its likely defeat as the beginning, not the end, of this debate. This House choosing to act, to reassert abortion as a matter of criminal law, produced its own reaction. That 14 to 25 vote was a beginning to the debate, not an end. It should be no surprise to anyone here that this debate is occurring now. That is especially true after Queensland voted to remove abortion from the Criminal Code in October last year. Until that law changed, abortion was a crime for half the women in Australia. That decision of the Queensland Parliament left New South Wales the final State to reform its laws governing abortion. Perhaps it is not surprising that we have been the last State to move on this issue.

New South Wales is more religious than any of those other States, with 65.3 per cent of the electorate in the 2016 census nominating a religion, compared to the national figure of 60 per cent—and not just more religious

but also more Catholic, with 24 per cent of the New South Wales population identifying themselves in that way. Those are some of the reasons why I have sympathy for the arguments that are being put by those on both sides of the aisle who felt that the original plan to pass the bill through both Houses in a single week was inappropriate. It was a rushed and disrespectful proposal. In New South Wales—and this is true of both sides of politics—there has been a tendency to move issues at top speed through the Parliament. In this instance that was unhelpful. Still, the vast majority of our citizens believe that abortion should not be a crime. I support the Reproductive Health Care Reform Bill 2019.

There are four principles that weigh most heavily on me in casting my vote. Firstly, I believe these are decisions for the individual and not the State. While I respect the strongly opposing views on both sides, I believe that the best way to reconcile them on this issue is for each individual to do so. Secondly, there is a significant gap between the words of this law and the lived reality of New South Wales citizens. It is hard to think of a New South Wales law where that gap is so large. That disparity diminishes every other sanction set down in New South Wales law.

Thirdly, there is great uncertainty about the current state of the law. That was demonstrated in a New South Wales appellate court in 1995. In that case, first, Justice Kirby determined that neither the woman concerned nor her doctors would have acted unlawfully. Secondly, Justice Priestley determined that the doctor would have acted unlawfully but the woman would not have. Thirdly, Justice Meagher determined that both the woman and the doctor would have acted unlawfully. If three esteemed justices, faced with a single set of facts, come to three different conclusions, what hope does a young women living in rural New South Wales have, armed with few financial resources and medical advice limited by criminal sanction?

That leads to the fourth principle, which is probably of most concern to me, that is, equity of access to services, information and financial resources. This law applies unequally to people in rural areas and it applies unequally to poor and working-class people. Let us describe briefly how that is working on the ground in rural New South Wales, say in a place like Albury. This Parliament passed a law to implement safe access zones, which would have acted to protect women seeking an abortion at a clinic on Englehardt Street, Albury. This was the clinic where the Helpers of God's Precious Infants had mounted a long-term vigil. It was a clinic with a catchment of 300,000 people. Despite those new laws, that clinic closed. This is now the situation in Albury. Reproductive health services are now provided from across the border. Since Gateway Health Wodonga began coordinating surgical abortion, 60 per cent of patients reportedly come from the Murrumbidgee catchment in New South Wales. Gateway Health Wodonga Medical Director Catherine Orr said:

When you break the percentage down and take out Albury and Lavington, 38 per cent of women presenting for surgical abortion come from wider NSW.

The furthest a woman has travelled is a 1200-kilometre round trip, and we have women coming from Griffith, Cootamundra and Wagga.

This is the way Tanya Plibersek chose to describe the situation nationally:

The reality of the situation is that if you are a middle class woman living in a capital city, maybe you will agonise over the decision, there may be barriers and stigma around you getting an abortion, but you probably would be able to get one if you need one.

If you live in a rural or remote area, if you are experiencing poverty, if you do not speak much English, or if you are young—it's going to be a whole lot harder, if it is possible at all.

What are our goals with the bill? The goals are, firstly, to diminish those barriers and that stigma; secondly, for the young, the poor, the rural or the non-English speaking equality—an equal ability to access reproductive health care when it is required; and, thirdly, a gentle recognition that human relationships are complicated. Contraceptives fail. That is reportedly the cause of 70 per cent of unwanted pregnancies. More importantly, humans fail. We are not always our best, most rational selves all the time. Few of us would meet that benchmark. We want to diminish stigma, to create equal access and a gentle recognition of human failing. Passing the bill will not guarantee these things but it is certain that if we chose not to pass the bill they will not happen.

This law was created in the United Kingdom by men. It passed into law in this State before women in New South Wales had the vote. It was a law drafted by men and voted on by male parliamentarians who were elected exclusively by men. Yet its greatest impact was on women. Until these laws change, men and women cannot be equal, despite all the progress that we have made towards that goal. That was the argument made by Betty Friedan in January 1969 in Chicago, Illinois, addressing the first US national conference on abortion law, when she said:

Abortion repeal is not a question of political expedience. It is part of something greater ... Women's voices are finally being heard—

The PRESIDENT: Order! I would be grateful if the lady in the public gallery would stop clapping and making hand gestures. This is her final warning.

The Hon. JOHN GRAHAM: Betty Friedan continued:

Women's voices are finally being heard saying it the way it is about the question of abortion, both in its most basic sense of morality and its new political sense as part of the unfinished revolution of sexual equality.

... so we here, in changing the very terms of the debate on abortion to assert women's right to choose and to define the terms of our lives ourselves, move women further to full human dignity. These laws are a barrier to the full human dignity of women in New South Wales. There are other barriers too—women are paid less and killed by their own partners too often for us to say otherwise. We can say that until we change this law women and men in New South Wales cannot be equal. Between 1861 and 1971, the time of the Levine ruling in New South Wales, these laws cost lives cause of the stigma caused by criminalisation. We will never know how many. In that period of 110 years these laws were responsible for the loss of hundreds, probably thousands of lives.

Since that court decision in 1971, the gap between what is written in the law and the practice on the ground has diverged significantly. Still, the presence of these laws in the Crimes Act has meant that reproductive services have been more expensive, more private and more difficult to access in rural areas than they should be. They have been a barrier to frank discussion and to open medical advice. At the time when the courts changed the interpretation of the law, feminist activism was driven by a sense that society was changing. Those early judicial decisions in Victoria, New South Wales and then Queensland must have also been influenced by that sense of social change. Since that time, think about how much further equality between women and men has come.

As one example, Gideon Haigh observes that on 22 May 1969, the day of that first Australian legal decision creating the modern court framework for abortion—that of Justice Menhennitt in Victoria—the decision itself was not reported. However, other topical feminist debates did feature in the paper that day in an article under the headline "Are ladies in trousers respectable?" We have come a long way but women and men cannot be equal in New South Wales until this law is changed. I acknowledge the long march of this issue through the Labor Party. I acknowledge the many women activists who have driven it over that time. I encourage people to read an excellent account of that journey by Meredith Burgmann in a chapter of the recently published book *Choice Words*. In fact, I encourage people to read the book. Meredith charts the early political activism in Sydney of abortion law reformers marching in 1969. As she describes it:

In a flurry of blue overalls, severe haircuts and excellent earrings (we never opposed interesting jewellery) ...

Abortion rights were regarded as a key issue by Labor's large and active women's conference. This was no doubt one of the reasons the party's head office abolished the conference in 1986. That decision, that abolition, contributed to delaying this law reform, and that is a shame. One flashpoint for such party tension was a women's rights rally in Sydney. Labor women activists planned to march under the Labor Women's Conference banner. The party hierarchy took a dim view of this and made it known that any women taking part would be expelled. This news reached the press, heightening tensions, but Labor women activists marched. They did so with their heads covered with paper bags, marching behind a banner titled "36 Faceless Women", a cheeky reference to the 36 faceless men charge that had been levelled in the Whitlam era. Needless to say, no-one was expelled.

I want to recognise some of those State Labor activists who have campaigned for this change, especially my colleague Penny Sharpe and Labor's co-sponsors of this bill, Trish Doyle, Jo Haylen and Jenny Aitchison, and many others, including Meredith Burgmann, Helen Westwood, Ann Symonds, Jan Burnswoods, Pam Allan, Sandra Nori, Lynda Voltz, Verity Firth and Carmel Tebbutt. They are now ably followed by Claire Pullen, Emily Mayo, Rosie Ryan, Charlotte Kennedy-Cox, Chloe Smith, Georgie Slater, Lizzie Butterworth and many more. I raise these matters simply to say that this issue has had a long march through Labor.

Crucial to managing the debate has been the party's 1984 national conference decision to affirm a conscience vote on abortion. I support the broad Labor Party that decision has created, filled with people of genuine but sometimes conflicting beliefs. If the last failed bill reignited this debate, then this bill will not end it. The debate will continue. The citizens of New South Wales will continue to struggle with decisions about abortion. Those discussions will be had in bedrooms and lounge rooms, around kitchen tables and in doctors' surgeries around the State, rather than occurring here in the Parliament—and that is as it should be, in my view.

Abortion will still be a difficult choice, it will still be confronting. Above all, it will still sometimes be deeply sad. Women in New South Wales, and those who love them, will be able to make these choices according to their own faith or creed or set of beliefs, their own sense of morality. They will make those decisions free of the threat of the criminal law based on medical advice free of the threat of the criminal law. The passing of this bill will not end this issue. The debate and the discussion will continue where it should occur—in the community, not in this Chamber, not in our courts and, thankfully, not in our jails. Passing this bill will not by itself achieve equality for women and men in New South Wales. There is still much to do. However, failing to pass this bill would guarantee that women and men in New South Wales do not achieve equality. For that reason, I commend the bill to the House.

The Hon. LOU AMATO (20:35): Many citizens of our State rely on spirituality for guidance in their lives. The great faiths of the world have preserved and passed on the moral code of human existence for thousands of years. In these latter days, many no longer seek moral guidance beyond that of human reasoning. For these people the formation of personal moral guidance is found in the common and written laws of the State. Therefore, as members of the Legislature, we are, for these people, the voice of morality. What we do in this place directly affects the nature of our State's morality. Our responsibility as the defenders of good is a burden that we promised to uphold. The Reproductive Health Care Reform Bill 2019, which allows the termination of an unborn child right up until birth, is our failure to act as the moral compass for the citizens of our State. Therefore, I oppose the bill.

A baby at eight weeks after conception already looks like a small baby. Its torso, head, arms and legs are clearly visible. Even its eyes, mouth, hands and feet are identifiable. I will outline a small number of milestones. The baby is genetically human from conception. The heart begins beating during the fourth week after conception. By 7½ weeks the heart consists of four chambers. Electrical activity of the heart recorded at 7½ weeks reveals a wave pattern similar to an adult's heart. The kidneys appear by five weeks. By six weeks blood cell formation is underway in the liver. By 6½ weeks the elbows are distinct. The fingers are beginning to separate and hand movement can be seen. Hiccups have been observed by seven weeks. Leg movements can then be seen, along with a startle response. In females, the ovaries are identifiable by seven weeks. Where are all the feminists protecting ovaries in baby girls?

By 7½ weeks the pigmented retina of the eye is easily seen and the eyelids are beginning a period of rapid growth. At eight weeks the brain is highly complex and constitutes almost half of the unborn baby's total body weight. By eight weeks 75 per cent of unborn babies exhibit right hand dominance. The other 25 per cent are equally divided between left hand dominance and no preference. This is the earliest evidence of right or left hand behaviour. Between seven and eight weeks, the upper and lower eyelids rapidly grow over the eyes. I could continue listing such milestones for another 20 minutes.

Most abortions in this State are performed between six and 10 weeks after conception, with abortion at eight weeks being roughly the point at which most are performed. A small percentage of abortions are done late in the pregnancy. Many women who have had abortions describe their decision as an agonising choice, a decision which caused them a great deal of anguish. For many women, a past abortion is a source of great emotional pain, even decades after the event. People should never judge a woman who has experienced an abortion, for no-one knows what pressures she was under at the time or what was going on in her heart or her mind. Nonetheless, even in the case of abortion early in the pregnancy, the humanity of the unborn child is a matter of biological reality.

I am sure most people in this House have seen photos of an unborn baby at eight weeks sucking its thumb. How can an unborn child place its thumb in its mouth? When a dentist injects anaesthetic into our gums for a dental procedure, our mouth and tongue become numb for several hours afterwards. Without sensation in our mouth, if we shut our eyes we cannot actually place our thumb into our mouth. It is worth reflecting on this. For an unborn baby at eight weeks development to place its thumb into its mouth in the dark environment of the womb, the child must have the ability to sense both its mouth region and its thumb; otherwise, placing its thumb into its mouth would not be possible. This fact suggests that even in the first trimester of pregnancy an unborn child has sensation.

A documentary entitled *The Silent Scream* was made in 1984 and is available on YouTube. If any member of this House is undecided about how to vote on this bill I urge them to watch it. The film runs for only half an hour. *The Silent Scream* is confronting viewing. It is a video of an actual abortion being performed. The film was made by using ultrasound imaging and shows a suction abortion at 12 weeks of pregnancy. In the film we see the unborn child inside the womb before the abortion begins. Once the procedure has commenced, the child appears to swim through the fluids to the far side of the womb and away from the approaching suction catheter in a desperate but futile attempt to evade its fate. The suction catheter catches up with the child and the child begins frantically thrashing around before becoming completely still.

The makers of *The Silent Scream* also used electronic fetal heart monitoring. The child's heart rate was recorded in the lead-up to and during the abortion procedure. It is clear to see that the child's heart rate speeds up at the point when it appears to swim away from the suction device approaching it. The heart rate remains high during the brief period in which the child thrashes about. The heart rate stops, of course, at the point when the child ceases moving. All this is clearly visible and recorded using both ultrasound video and electronic fetal heart monitoring. Where is your compassion? Where is your heart? Where is your morality? There is another important aspect to *The Silent Scream*: It was narrated by the late Professor Bernard Nathanson, who was a gynaecologist and obstetrician from New York. He had been a leading member of the pro-abortion lobby in the United States in the late sixties and seventies. During the early seventies Nathanson was a prominent abortionist who operated an abortion clinic in New York. In fact, his abortion clinic was the largest in the United States.

The surprising thing is that Bernard Nathanson experienced a change of heart. In his own words he "gradually and reluctantly" came round to the view that what he was doing was wrong. This process took several years but by 1978 Nathanson had reversed his position on the subject and stopped performing abortions. He also adopted the position that abortion should be illegal in most cases, the only exception being where it was strictly necessary to preserve the woman's life. Bernard Nathanson was an atheist when he turned against abortion during the mid- to late-1970s. He still had no religious belief when he narrated *The Silent Scream* in 1984. Bernard Nathanson eventually converted to Christianity in 1996.

In 1987 Professor Bernard Nathanson made another documentary on abortion called *Eclipse of Reason*, which is also available on YouTube. Again I urge all members of this House to go to YouTube and watch the film. It also runs for just under half an hour. *Eclipse of Reason* is graphic viewing. It is made in colour and shows actual footage of an abortion being performed at around four months of pregnancy, which is 16 weeks. You see the limbs and other body parts of the child being pulled out of the birth canal. It is not easy to watch. If any member of this House thinks an abortion at 16 weeks is horrific—indeed if any member of this House thinks that an abortion at 16 weeks is difficult to justify—then they should ask themselves, "What on earth am I doing voting to allow abortion throughout all nine months of pregnancy?"

The bill before this House is unnecessary. The current situation regarding abortion in New South Wales is that abortion is widely available in early pregnancy, rightly or wrongly. A smaller number of late-term abortions are done in New South Wales in some public hospitals, usually because of serious abnormalities with the child. The reality is that this bill will allow unlimited abortions right up until birth. The requirement that two doctors should consult with each other and "consider all the circumstances" before carrying out an abortion beyond 22 weeks is nothing less than a farce, a cynical bit of legislative window-dressing designed to give the appearance of some restrictions on abortions past 22 weeks. The drafters of the bill have purposely left those so-called restrictions as vague as possible. There are no criteria by which a late-term abortion is to be judged legal or illegal. There is no enforcement mechanism in the bill either. The simple fact of the matter is that the bill allows abortion right up until birth—for any reason at all.

There is no real demand from the general public for this change. There is no groundswell of opinion in support of the bill. On the contrary, the sponsors of the bill prepared its launch in great secrecy and sought to rush the bill through the Parliament as quickly as possible, apprehensive that the longer debate continues the greater will be the degree of opposition to the bill from the public. We can hear outside Parliament the opposition to this bill. What really is the driving force behind it? The rationale behind this bill is a blind subservience to politically correct orthodoxy, to an extreme commitment to unlimited abortion throughout all nine months of pregnancy and to a world view that is so wedded to the idea of unlimited abortion that it tolerates no restraints or limits on abortion at all, even when the pregnancy is approaching full term. The bill is so extreme that it should be rejected by every member of this House.

This bill explicitly allows abortion for any reason or no reason at all up to and including 22 weeks of pregnancy. However, the effect of the bill is to extend abortion up until birth for any reason whatsoever. Abortion until birth is unjust and inhumane. In fact, the bill is grotesque. It will allow the brutal destruction of babies months past the point when premature children have been born. Such practices should have no place in a civilised and moral society. The moral arguments are sufficient for the members of this House to reject the bill. However, there are very real practical concerns with the bill as well. Generally speaking, women are driven by desperate circumstances to have an abortion. There are many women who tell stories of having been pressured by their male partners into having an abortion. Other women have had abortions because their male partner abandoned them whilst they were pregnant or because of pressure from parents or lack of financial support.

The website www.iregretmyabortion.org.au contains literally hundreds of similar stories by Australian women who have experienced abortion. I urge all members of this House to visit the website and read the women's stories. As I said earlier, we must all show compassion and sensitivity when dealing with any woman who has undergone an abortion. It is important that we understand the sorts of pressures that drive women to have an abortion. The constant rhetoric that is commonly used to argue in favour of liberal abortion laws is the rhetoric that women "choose" abortion, that abortion represents freedom or autonomy for women. That, sadly, is illusory. American author Frederica Mathewes-Green was spot on when she wrote:

No one wants an abortion as she wants an ice-cream cone or a Porsche. She wants an abortion as an animal, caught in a trap, wants to gnaw off its own leg.

Rather than women choosing abortion, in most cases it is more accurate to speak of women being driven to abortion by desperation. That is where we fail women. There is a great deal of research that has been published in medical journals showing the effect that abortion has on women. There are many dozens of articles showing that abortion is associated with higher rates of suicide, depression, alcohol and drug abuse and other problems. Let me give just a few examples. The largest study worldwide to compare suicide rates and pregnancy outcomes is a

Finnish study published by Gissler and colleagues in the *European Journal of Public Health* in 2005. That study compared complete national records for Finland for both births and abortions over 14 years, from 1987 to 2000, with a national database of all Finnish deaths.

In that study all births in Finland over a 14-year period were matched against the database of deaths. The researchers identified how many women died within 12 months of giving birth. The same was done with all abortions in Finland over the same 14-year period. The researchers calculated how many women died within 12 months of having an abortion. The causes of death were broken down into suicide, accidental deaths, homicides and natural causes. The Gissler study included more than 1.2 million women. What were the findings of the study? On average the suicide rate within one year of abortion was more than six times greater than the suicide rate within one year of giving birth. The rate of accidental death was 4½ times larger following abortion compared to birth. There was no significant difference in the rates of death from natural causes. The Gissler study also provided a more detailed breakdown of the suicide statistics based on age group. Those figures are worth a closer look.

For girls aged 15 to 24 the suicide rate within one year of abortion was 12½ times larger compared to within one year of birth. For women aged 25 to 34 the suicide rate within one year of abortion was eight times larger compared to within one year of birth. For women aged 35 and over the suicide rate was approximately three times larger within one year of abortion compared to within one year of birth. When the above data is shown on a graph, suicides within 12 months of abortion have two very pronounced peaks. The first peak is in the first two months after the abortion, after which the suicide rate falls almost to baseline; the suicide rate begins to rise again at six months, until there is a second peak at around seven or eight months following the abortion. In other words, the peaks in the suicide rates are in the first few months after the abortion and around when the child would have been born. The only inference that makes any sense is that abortion was the cause of most of these suicides.

I will give two more examples closer to home. The first study was done in New Zealand and was published back in 2006 by Professor David Fergusson and his colleagues. David Fergusson was a professor of psychiatry. He described himself as a pro-choice atheist. Fergusson's study followed a group of over 500 women in Christchurch who were aged 15 years at the beginning of the study until the age of 25. The women were assessed every two years for depression, anxiety and substance abuse. At the age of 25 the women who had undergone abortion were compared with the women who had initially unwanted pregnancies which they carried to term. The key finding of this research was that women who had abortions had a 30 per cent increased rate of mental disorders, including depression, anxiety and substance abuse. In most cases, the women had no problems before their abortion.

The second example is an Australian study that followed over 1,200 women in Queensland. It was published in 2008 by Kaeleen Dingle and her colleagues. Kaeleen Dingle is a senior lecturer in epidemiology at the Queensland University of Technology. The Dingle study followed 1,200 girls over seven years. The girls were all aged 14 at the start of the study and were followed until the age of 21, by which time roughly 380 girls had become pregnant. Dingle and her colleagues compared the girls who had abortions with the girls who gave birth. The key findings of the Dingle study were that among girls with no pre-existing problems before they were pregnant abortion was associated with more than double the rate of alcohol abuse when compared to birth and abortion was associated with 3.6 times the rate of illicit drug use when compared to birth.

To the proponents of the bill, this research and similar studies from around the world represent an inconvenient truth to be systematically denied and suppressed. To the supporters of the bill, the blind subservience to politically correct orthodoxy, which I mentioned earlier, is all consuming. The bill's supporters have embraced a totalitarian abortion ideology that sanctions the killing of unborn children throughout all nine months of pregnancy and will accept no amendments at all—no amendments that would limit abortion based on gestational age, no mandatory counselling for women, no cooling-off period, no screening for coercion by male partners and not even a ban on sex selection abortions. This bill would permit the practice of partial birth abortion. Almost as a matter of course the proponents of the bill want to trample over the rights of medical professionals to conscientious objection.

In all my time in this House I have never come across a more reprehensible piece of proposed legislation. I have never encountered a bill so thoroughly evil, so extreme in its scope and so morally depraved you would have thought that maybe Satan had a role in it. As I have said to many people out there: Some of us have faith, some of us do not and some of us even question our faith. If God does not exist, then I guess no-one here has anything to worry about, nothing at all. But if God does exist there are many of us here who will have a lot to answer for. I oppose the bill.

The Hon. ROBERT BORSAK (20:54): Before I begin my contribution to the second reading debate on the Reproductive Health Care Reform Bill 2019, I note that at the conclusion of the second reading stage I will move that the question be amended by omitting all words after "That" and inserting instead "a joint select committee be appointed to inquire and report on the Reproductive Health Care Reform Bill 2019." The details of

the joint select committee will be subject to a separate motion that I will detail in full. This bill has challenged this Parliament. It has certainly challenged me. It has made me stop and rethink my own position a number of times, and so it should.

The PRESIDENT: I do not wish to interrupt the member but you did not formally move your amendment. I take it that prior to completing your contribution to the second reading debate you will formally move that amendment.

The Hon. ROBERT BORSAK: Do you want me to move it immediately after my contribution to the second reading debate?

The PRESIDENT: You can move it during your contribution but you have to do it before you complete your contribution.

The Hon. ROBERT BORSAK: I will do it at the end of my speech. This bill has challenged this Parliament. It has certainly challenged me. It has made me stop and rethink my position a number of times, and so it should. A bill like this should invoke retrospection, introspection and foresight into the repercussions from this bill in the future. This bill is not just any odd piece of legislation. This bill will take the termination of an unborn baby out of the Crimes Act—a place where it has been since 1900—and so it should. Abortion is a healthcare issue, not an issue of criminality. Very few of us in this place or the other would argue that.

If the only purpose of this bill were to take the termination of a pregnancy out of the Crimes Act and put it into a health care reform bill, I would not take issue with the way this Government has introduced the bill and has subsequently tried to race it through both Houses—although I would find it unusual, as I believe it is a great statement of how far we have come since the 1900s in terms of what we deem a criminal offence and what we deem a woman's right to choose her own destiny. However, it still deserves time, a little more attention, a little more ceremony and a lot more consideration.

If it is so important that a woman can have a termination on demand and not be at risk of being charged with a criminal offence, why try to sneak it through? Why try to risk it if you already have the numbers? When the media first started to report on the bill, I originally thought it seemed only right for me to support the bill and have the offence taken out of the Crimes Act. An archaic idea like abortion being in the Crimes Act should go. But then the calls started coming in. My staff cannot keep up with the calls that have inundated our office from people begging, pleading, yelling, crying, screaming and threatening. Why? Not because they did not agree that termination of a pregnancy should not be in the Crimes Act but because they understood the details of the bill and that it should not be rushed through in this way.

I am an elected member of Parliament first and foremost because of those people. My constituents are who I answer to. They are pleading with me to take another look, to reconsider my position. My constituents are wise people because when I took a closer look I could see why they were so bereft and desperate. This bill is less about abortion and more about political alignment. This bill is about numbers. It is a story of an IOU debt repaid. It is playing politics at the lowest possible base level. We have all seen this before from this Government. It has been in power for nearly nine years now. We are all aware of this Premier's love for political posturing. She is of the same ilk as her predecessor Mike Baird, who was of the same ilk as his predecessor Barry O'Farrell.

The Hon. Wes Fang: Point of order—

The PRESIDENT: I remind the Hon. Robert Borsak that he is very close to making imputations against a member of the other House. I have let him go because I have assumed that it will stop soon and that he will refer to the long title of the bill.

The Hon. ROBERT BORSAK: To the point of order: Messrs Baird and O'Farrell are no longer members of the other place.

The PRESIDENT: I said "a member of the other House". The Hon. Robert Borsak knows who I was referring to—the Premier. I have made my ruling.

The Hon. ROBERT BORSAK: This bill from an apparently conservative government is a play from the far Left of the field. The truth about this bill is that this Government, in order to shore up support in the other place and to a lesser degree in this House, agreed to a number of compromises with some Independent members and minor parties of the most extreme Left persuasion. The Government hoped its constituents would not notice that it had taken a hard Left turn on this critical issue but its constituents did and, as usual, this Government has grossly underestimated the possible implications of it doing so.

I reiterate that not many of us take issue with removing the termination of pregnancy from the Crimes Act. Therefore I will leave that issue aside. Firstly, I take issue with the name of the bill, the Reproductive Health

Care Reform Bill. Could there be a bigger contradiction in terms between the title of this bill and its end result? I think not. This bill relaxes an unborn child's protections to the point where they do not exist. As I mentioned earlier, as legislators, particularly in this place, reviewing legislation and contemplating and debating all the possible ramifications and interpretations of law is our job. But what this bill leaves to the imagination is positively frightening: abortion up to childbirth, legislated? We are asked to legislate murder.

I am consistently lobbied by left-leaning social groups about how important this clause is for the 0.7 per cent of women who require it. That is right: 0.7 per cent of women will have an abortion after 22 weeks. The women who seek late-term abortions may have a life-threatening illness like cancer, they may have horrendous social circumstances, they may suffer domestic violence or they may find out that their unborn baby has a self-threatening illness or is threatening the life of another fetus. When such circumstances arise in a pregnancy, as the law is now they will have a late-term abortion and nobody will be criminally punished for this late-term abortion in New South Wales. So I ask, what is it they are trying to change by doing this? This late-term abortion already occurs. Why is it necessary to change the law to 22 weeks when only 0.7 per cent of women need it? Why are we changing the law to cater for such a minority?

As it is my job to look to the future and contemplate how legislation will be interpreted, if a woman makes it to 22 weeks of pregnancy or more without any health-related social or psychological issues being diagnosed by a healthcare professional, then I believe we need to look at our healthcare system and the checks and balances that are in place. Why did the system fail? Why was it not picked up earlier? There are, of course, exceptions as I have mentioned but our laws already cater for those. A woman at 22 weeks is visibly pregnant. The child can survive outside the womb. All the necessary tests can be done by 20 weeks at the absolute latest. So I ask again, what is the point we are trying to prove here? Is it that an unborn child has absolutely no right to life?

I have been lobbied by groups that legislating counselling for pregnant women who are considering a termination undermines their decision-making and makes it seem as though they cannot make decisions for themselves. What utter crap. Without a provision for counselling, many cases of domestic violence or bullying and coercion will not be uncovered. A professional counsellor can assist a woman in understanding the full ramifications of her decision. They may be able to help her consider aspects that she may be unaware of and that a counsellor has full understanding of. It beggars belief that there are people in this House who would give more rights to an unborn chicken or to an unborn cow than they would to an unborn child. In fact it seems this Government has an unhealthy interest in animal rights more than in human rights. We should be ensuring at length that when a woman asks for a late-term abortion it is absolutely necessary.

Lobby groups say we should not be second-guessing a patient's reason for getting an abortion. I think that is wrong. I think that is exactly what we should do and what should happen. When we are provided with legislation such as this bill, which is full of loopholes, we can only hope that our healthcare practitioners are second- and triple-guessing their patients' reasons for wanting an abortion, particularly after 22 weeks when all the necessary tests and checks have been done. When we take the life of a five-month-old fetus, we should be absolutely sure that it is for the right reasons.

I am told that there is unsubstantiated evidence that sex selection occurs in States that have already legislated this type of abortion law. If that is true, it is absolutely abhorrent. Again I say to my colleagues that it is our job to look to future interpretations of this bill. We know that some cultures value male life over female life. I ask, what assurances will be in place to protect our unborn females? I see none in the bill, as it is currently presented. All I see is that in 12 months we will review whether sex selection is taking place. On what evidence are we basing that review? I believe there should be a register of what sex a child was at the time of abortion. That is the only way we can positively determine if sex selection is taking place. I am told it will not but I am not sure as this bill protects no-one.

A doctor emailed me about this exact situation. He said, "It is the most poorly and dangerously drafted bill I have ever seen. It seems to have been drafted by the abortion industry." The question should be asked: In whose interest has this bill been drafted? As I said, the bill protects no-one. It removes any precautionary treatment, such as counselling which a woman should be required to have before making the final decision. It removes the right of an unborn child to life. After 22 weeks a child can survive outside the womb. Does that count for nothing? The bill also removes the protections for our doctors and specialist healthcare practitioners through the conscientious objection clause.

The conscientious objection clause states that a healthcare practitioner who has a conscientious objection must refer the patient on or transfer them into the care of someone who will perform the termination. That is an absolute dismissal of a doctor's rights and renders conscientious objection superfluous. Conscientious objection for a doctor is not a decision taken lightly. If they decide to conscientiously object to terminating an unborn child's life they should not be required to refer them on to someone who will and subsequently be breaking the law if

they do not. If they object to the act of terminating a pregnancy, then referring them on to someone who will perform the procedure will have the same ramifications on that doctor's conscience. We are asking them to directly violate their conscience.

Where are the protections for our doctors and specialist healthcare practitioners? What does the future of this look like? I have asked many questions throughout my contribution because there are so many, many more to be answered. This bill deserves time and contemplation. The half-baked committee they put up received over 14,000 submissions in 10 days. I highly doubt that the committee had the time to go through those 14,000 submissions. The bill was rushed and the committee was rushed. A majority of The Nationals members in the other place—a supposed conservative party—supported the bill.

The Hon. Wes Fang: Point of order: Once again the member is making imputations about members of the other place. I ask that he be drawn back to the long title of the bill.

The PRESIDENT: Unfortunately I was conversing with the Opposition Whip and did not hear what the member said. I ask the Hon. Robert Borsak to not make imputations if that was the case.

The Hon. ROBERT BORSAK: To the point of order—

The PRESIDENT: I have made my ruling.

The Hon. ROBERT BORSAK: I am entitled to make comment on how members of the other place voted. The member was not entitled to interrupt me. Just because he wants to vote that way, it does not mean he can shut me up.

The PRESIDENT: Order!

The Hon. ROBERT BORSAK: This bill deserves time and contemplation. The half-baked committee that was put up in this place had over 14,000 submissions and two days of hearings. I highly doubt that the committee had the time to go through the 14,000 submissions. The bill was rushed and the committee was rushed. A majority of The Nationals members in the other place—a supposed conservative party—

The Hon. Wes Fang: Point of order—

The PRESIDENT: There is no point of order.

The Hon. ROBERT BORSAK: —supported the bill, yet a majority of other handlers in the Liberal Party voted against the bill.

The PRESIDENT: Order! I call the Hon. Wes Fang to order for the first time. I call the Hon. Wes Fang to order for the second time.

The Hon. ROBERT BORSAK: If that does not get us scratching our heads about the validity of the bill and the speed with which it was introduced then I do not know what will. We need a joint House select committee to consider the ramifications of the bill in full detail. It needs to be chaired by an Independent—and not Alex Greenwich because he is not an independent participant in this whole fiasco. The committee needs to consider what the bill means for pregnant women and their unborn babies and the subsequent real-life impacts on doctors and specialist health practitioners and on our communities.

This may be a game to the Premier but I assure her that she and her Coalition partners, The Nationals, are the only ones willing to play with this issue. If I push myself I can understand some of her political posturing. But this is a new low from the Berejiklian Government. The Government needs to be careful who it gets into bed with. Ms Berejiklian may be Premier today but I doubt she will remain Premier for much longer. In my view, the damage this has done to her personally as Premier and Leader of the Government and to her party and the damage that the Deputy Premier has created for his own party, The Nationals, is irreparable. But maybe, as we have seen in recent years with past decisions, such as banning greyhound racing or recreational fishing, they are unsympathetic and simply do not care. I move:

That the question be amended by:

1. Omitting all words after "That" and inserting instead "a Joint Select Committee be appointed to inquire into and report on the Reproductive Health Care Reform Bill 2019".
2. That, notwithstanding anything to the contrary in the standing orders of either House, the committee consist of 10 members as follows:
 - (a) five members of the Legislative Council of whom:
 - (i) two Government members;
 - (ii) one Opposition member; and

- (iii) two crossbench members;
- (b) five members of the Legislative Assembly of whom:
 - (i) two Government members;
 - (ii) one Opposition member; and
 - (iii) two crossbench members.
- 3. That the members be nominated in writing to the Clerk of the Parliaments and the Clerk of the Legislative Assembly by the relevant party leaders and the Independent and crossbench members respectively within seven days of this resolution being agreed to by both Houses.
- 4. That, notwithstanding anything to the contrary in the standing orders of either House, at any meeting of the committee any four members of the committee will constitute a quorum, provided that the committee meets as a joint committee at all times.
- 5. That this House requests the Legislative Assembly to agree to a similar resolution and name the time and place for the first meeting.

The Hon. DANIEL MOOKHEY (21:12): When the House last considered removing abortion from the Crimes Act, my second reading contribution lasted 90 seconds. This time I promise I will not impose such a high toll on the House's patience and I will be succinct. Since 1971 the termination of a pregnancy in New South Wales has been legal in fact, even though it remains illegal at law. I remain astonished by that, just as I remain astonished that in 2019 doctors, nurses and women seeking the termination of a pregnancy must rely on an uneasy common law settlement and prosecutorial discretion to avoid criminal charges. They should not live with that fear and they should not face that risk. I respect people who think abortion should remain a crime in this State but my position is that the Crimes Act is not the place to regulate medical practice. So when the question is put I will be voting yes. In truth, a law like this should have passed long ago.

The Hon. MICK VEITCH (21:13): I make a brief contribution—maybe a little longer than that of my colleague the Hon. Daniel Mookhey—to debate on the Reproductive Health Care Reform Bill 2019. It will come as no surprise to members of this House to hear that I support the legislation. That has been my position on previous occasions when this type of legislation has come before the Chamber. A number of the comments that I would normally make in these debates have been made many times already, so I will not take the House's time repeating yet again what I have said previously.

I address on record some things that have been raised to date during debate and some things that have been in the public discourse, predominately around the rural and regional perspective on this issue. The Hon. John Graham made an excellent contribution about the impacts on people living in regional New South Wales. I know of people from my part of the State in regional New South Wales who travel interstate, whether to the Australian Capital Territory or to Victoria, to access reputable termination services. They do so for a range of reasons but the main reason would be fear and shame. In a community of 3,000, people are not prepared to go to their local GP because there is a grave risk that people in that community will know what they are doing.

I know of people who assist particularly teenagers but others as well by transporting them because they do not have the means to get themselves to Sydney, Canberra or Wodonga. I know of couples who help by transporting people. They bring them to Sydney and provide them with support and accommodation because the women and their partners do not want to access services in their local community out of fear of what will happen to their reputations in those communities. That is a reality. I know husbands in regional New South Wales who have supported their wives through this process and they travel interstate. I know of women in regional New South Wales who are supported by their partners through this process. Termination of pregnancy should not reside in the Crimes Act. We need to fix this.

Like a number of MPs, I have received a range of emails on this issue. I refer briefly to the contribution of the Hon. Niall Blair in the previous sitting week when he pointed out the etiquette of corresponding with MPs. When we are inundated with template emails without addresses or even a salutation identifying the sender, we simply will not respond. I have received a piece of correspondence—I have to be careful because the correspondent has asked that I do not name them—that refers to the need for many more reproductive healthcare facilities in regional New South Wales and much greater funding for those centres. Regardless of what happens with this piece of legislation, that needs to take place. We need to invest more money in reproductive healthcare centres in regional New South Wales. We need to improve access to reproductive health services in regional New South Wales.

As I said, women are travelling interstate to access services. It is often a lengthy round trip and logistically quite difficult for couples or sometimes for a woman on her own, who is making a very lonely and isolating trip. Countless others cannot access reproductive healthcare centres even outside their region. There is an issue about providing comprehensive access to basic healthcare services for residents of regional New South Wales without

creating undue hardship or disadvantage by requiring them to travel away from their work, families and support networks.

As I said, I know couples who for a long time have helped young teenagers, in particular, through a very difficult period. Their communities probably do not know that they assist young teenage girls and their boyfriends or partners by driving them to Sydney, Canberra or elsewhere interstate. They do so because they feel it is the right thing to do. They also provide informal counselling services and offer support for a time after the termination takes place. The reasons they do that are, first, services are not available in those local communities, which often are very small communities; secondly, there is an issue around fear and shame; and, thirdly, people are concerned about pregnancy terminations in New South Wales currently sitting in the Crimes Act. It should not be in the Crimes Act.

With regard to the amendment moved by the Hon. Robert Borsak to refer this legislation to a committee, I cannot support that. As I said, during my time in this House this matter has been raised on three or four occasions. My comments on each of those occasions have been very much the same. Everyone here knows my views. They are publicly on the record and not just in this Chamber. I will support this legislation. I will not support it being referred to a committee.

The Hon. WALT SECORD (21:20): I make a contribution on the Reproductive Health Care Reform Bill 2019. At the outset let us acknowledge that this is an area of law that generates strong and deeply held personal and moral beliefs, no matter where or when it is raised. That is more than understandable. But let us also bear in mind that as legislators we are required to scrutinise law and regulation that comes before us in this Chamber as just that—law and regulation. This task requires a careful balance between our own intuition and external evidence. It also requires a careful balance between our personal beliefs and a myriad of beliefs of our community. Therefore it requires balancing what may be fair, moral, right and ethical and what may be the law, noting that these qualities do not always equally align. I would not go so far as to agree wholly with Aristotle's injunction that "The law is reason free from passion" but I would go so far as to say it is an idea to keep in mind when the subject of our legislative debate is such a passionate one.

This bill was introduced in the Legislative Assembly on 1 August and it was passed 59 to 31 after 11 hours of debate. I take this opportunity to pay tribute to my colleague the Hon. Penny Sharpe and the Deputy President and Chair of Committees, the Hon. Trevor Khan. Their work in this area is sincere. I acknowledge their work and their commitment but I also acknowledge that there are equally committed opponents to this bill. I respect them but I am not among them on this issue. For years I have been on the record supporting this area of reform. So it is no surprise to anyone in this Chamber that I will vote for the bill. I indicated earlier today that I will vote for the bill.

In May 2017 a previous bill that would have removed terminations from the New South Wales Crimes Act was voted down by this Parliament and only 14 members of Parliament voted in favour of it. I was one of them. I believed it was right then and I believe it is right today. In May 2018 I also voted for the Public Health Amendment (Safe Access for Reproductive Health Clinics) Bill 2018, which was introduced by my colleague the Hon. Penny Sharpe. At the time New South Wales was the fifth Australian jurisdiction to move to legislate in this area. Victoria, the Australian Capital Territory, Tasmania and the Northern Territory had already passed legislation implementing exclusion zones.

While I support the aims of this bill, it does not mean that I have not looked into its legal specificity—quite the contrary. I have looked at its measures, sought advice and listened carefully to expert stakeholders in the health sector, which is the right sector to consult regarding this matter. I note that the Australian Medical Association [AMA] has been consulted directly on provisions and has come out strongly in support of this bill. In a statement to all members, the AMA stated:

NSW is the last State in Australia to decriminalise abortion and this has placed the women and doctors here under a different and stigmatised legal arrangement to other States.

AMA (NSW) has previously recognised that the retention of abortion in the Crimes Act is not appropriate for doctors or patients. We believe the proposed law will ensure access to appropriate care. AMA (NSW) encourages the NSW Parliament to pass the bill. On the subject of gender selection, I believe that everyone in this Chamber is united against the practice. I personally find the idea of the practice deeply abhorrent. However, I agree with the Australian Medical Association New South Wales vice-president Dr Danielle McMullen, who said that there is no data to support the proposition that patients in New South Wales are approaching their doctors asking for abortions based on gender selection. Furthermore, I support the announcement by the health Minister Brad Hazzard that the New South Wales Government will try to gather any information on gender selective abortion through the auspices of the Ministry of Health and the Centre for Epidemiology to determine if the practice is occurring.

The official position of the Australian Labor Party on this issue is not to bind as a political party and to provide a conscience vote. Therefore, I believe that I have an opportunity and a duty to explain my vote. In fact, I think it is incumbent on all of us to do so. I have to admit that I have a degree of regard for the Premier and in the past when

it came to taking principled stands on moral issues like genocide recognition we were at one. But in this case I found her wanting and she has vacated the space. I believe that we have an obligation to speak in this debate, spelling out our decisions for or against and our reasons behind our decisions. I believe the Premier has demonstrated an absolute lack of leadership on an issue that clearly attracts a wide range of strongly held personal views.

We owe it to our communities to explain our positions on such important moral, ethical and legal decisions. We do the members of our communities, the women of New South Wales in particular, a disservice if we do not have the courage to provide transparency in how we vote on laws that will affect them. Therefore, I am deeply disappointed that the Premier decided not to speak in this debate. Political leadership is often about explaining to the community why we are undertaking a particular course of action or a legislative approach. I still remember vividly when the then Premier Bob Carr, very early in his term, decided to apologise to the Stolen Generation. The Cabinet office at the time urged him not to do so but he showed leadership and was the first Premier to do so.

Years later, in 1999, he set up the medically supervised injecting room. At the time I was his Director of Communications and I advised him that I did not think the community would accept such a bold move. There was resistance and opposition to that decision, including from the Vatican. There was community division, just as there will be on this issue. But Premier Carr told me that he would argue his conviction in the community, and he did, and his position was ultimately vindicated. He took a principled stand which many in the community respected regardless of their personal views, and it changed lives.

I acknowledge that there are very strong views on both sides of the debate. I have spoken to different religious leaders; some of them oppose the legislation and some support it. I have read letters for and against the bill and I listened to all of the evidence presented before the Legislative Council upper House select committee. I even had an 85-year-old woman from Bellevue Hill contact me and implore me to support the legislation. She recalled an incident when she was a young kindergarten teacher at Palmer Street in Darlinghurst. One day she arrived at work to find a young woman on the steps of her kindergarten who had bled to death from a self-administered termination. She described herself as a naive young girl but it profoundly shaped her views on access to safe terminations and the consequences of criminalising them. She said she was deeply disappointed that her local member of Parliament had spoken against the bill and she implored me to vote to remove terminations from the Crimes Act.

My views on terminations have always been on the public record. I support a woman's right to autonomy over her own body and personal choice. Members will be aware that I grew up on a First Nation settlement in rural Canada. That settlement had high levels of teenage pregnancy. Poverty and unwanted pregnancies were at the forefront of everyone's experience. My late father was one of 10 children and I know that my late grandmother would have wanted access to birth control and terminations. She did not want to have 10 children. I have to admit that my mother's views and my community's situation have shaped my personal views. She was very forthright in putting forward the principle of a woman's reproductive control over her own body.

Furthermore, my spouse also has strong views on a woman's right to choose. She was born and raised in the former Eastern Bloc. She said that unfortunately due to a lack of access to contraception many in the community were forced to resort to terminations. She said that she was genuinely perplexed that New South Wales still had abortion as a criminal offence. She too insists on a woman's right to safe and accessible terminations. Perhaps those two personal histories, and the voice from the past in the form of an 85-year-old constituent, remind us of the fact that unwanted pregnancy has always been and always will be a fact of life. Pregnancy can be joyous, and it usually is. But it can be unwanted: It can be the result of rape or trauma, it can be health threatening and it can be a threat to life that need not come from within the body itself. The decision as to how these issues and risks are assessed and what course a woman should take are matters between a woman and her doctor. I believe that most New South Wales women and mothers would agree with that statement.

I think that most people in New South Wales believe that this is settled law but it is not. Contrary to popular belief, it is still an offence in New South Wales to undergo a termination and for a doctor to perform it. Specifically it is an offence listed in our Crimes Act. The New South Wales Parliament should always have a careful role in legislating the boundaries and operation of any medical terminations in our State but the Crimes Act of New South Wales is not the correct vehicle. For 119 years this offence has been on our criminal statute books. It is now time that we consider just how much New South Wales communities have changed in that time, especially for the women of New South Wales.

With the greatest respect to those who oppose this legislation, having this medical issue addressed through the Crimes Act is now a fundamental anachronism to how New South Wales communities of many faiths and beliefs have developed in the past century. I know that there are those who wish to maintain the status quo.

I know that challenging and pushing against the status quo is hard and difficult but it is time. We have a chance to address that anachronism today and I urge that we do. I thank the House for its consideration.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (21:31):

I express my support for the Reproductive Health Care Reform Bill 2019 before the House today. I recognise that for many in this place abortion is a difficult and emotive issue. I am speaking today to offer my view, and I respect that there are different views. I commend all members who are sharing their perspectives on what is a very important issue. My support of this bill is informed by my career as a registered nurse, my personal experience of the importance of a woman's right to choose and the feedback I have received about the experiences of women facing the decision to seek a termination. I start by stating the views which ground my support for the bill before us.

Abortion is a healthcare issue. Access to reproductive health care, including the safe termination of pregnancy, is a human right and often is crucial to promoting and safeguarding women's health and security. The decision to access abortion should be a personal choice for each woman. Another person's belief that abortion is morally wrong is an opinion only. It should not impede on the freedom of women to make their choice and it should not impact the substance of this bill. Women who choose to access termination services should be able to do so easily and safely, where doctors are central to the process and all information is available to women seeking advice on the decision.

I remind the House that at its core this bill seeks to remove abortion from the Crimes Act and place its regulation into the current healthcare framework. Opponents of this bill have said that the act of removing abortion from the Crimes Act is symbolic only and that the law as it stands is working practically—if it ain't broke don't fix it. My response to that is twofold. Firstly, symbolism is important. We purport to be a modern progressive society and abortion should not be a criminal offence in a modern society. Secondly, the practical implications of having abortion listed in the Crimes Act should not be understated. As the law stands, women seeking terminations and health professionals providing termination services are placed at risk of criminal prosecution. As a healthcare professional I have seen firsthand the immobilisation effect when professionals may be unsure about the bounds of the law. It inhibits us from providing the best care options for patients in line with good medical practice and professional ethical responsibilities.

Private termination clinics operate predominantly in metropolitan regions. Their services are prohibitively costly to many women and difficult and costly to travel to. For example, Marie Stopes has clinics in Sydney—in the CBD and at Penrith and Westmead—and in Newcastle and advertises its costs as \$440 for either a surgical or medical termination. The costs increase as pregnancy continues. Under the current law doctors who are conscientious objectors to termination of pregnancy are not required by law to provide a formal referral to a practitioner who will provide a termination service. The public health policy states that conscientious objectors must "direct" a woman to another service provider. This is plainly insufficient. It is not inconceivable that in some small towns across New South Wales there may be only one doctor, who is not directing women on.

We have a situation where women who are socially, economically and geographically disadvantaged face greater barriers to accessing terminations. Access difficulties can lead to women presenting to health services later in their pregnancy or resorting to unsafe abortions. I have heard of instances where women needing later stage terminations where there are obstetric risks or fetal genetic abnormalities have been refused access to terminations in public hospitals in New South Wales or have faced major delays. These women have been forced to travel interstate for termination services at personal expense, delaying the procedure and taking them away from the support that they need.

An article in *The Sydney Morning Herald* over the weekend referred to a regional woman called Ali who had to make a heartbreaking decision when her baby was deemed to have a fatal chromosomal abnormality at 20 weeks. Unfortunately, this was not the end of her ordeal. Her doctor explained that she would need to front an ethics committee to undergo a termination at her local hospital in New South Wales. This would cause further delays, up to three weeks, with no guarantee that the committee would approve the procedure. Ali was starting to panic. A Victorian clinic could perform a surgical termination for \$7,000, which would have wiped out the couple's savings.

Her doctor found an alternative—a clinic in the Australian Capital Territory that charged \$1,000. At 21 weeks Ali and her husband travelled across the border again. The staff at the clinic were kind and attentive. They explained that they were operating in a legal grey area and the couple would need to be careful who they told. "I felt so grateful and so guilty they were taking a risk to help us", Ali said. I started my career in politics advocating for cancer services for women in rural and regional areas. It is something I am passionate about. The bill also seeks to address health inequality for women who are denied access to abortions.

The perception that abortion is unlawful also leads to damaging stigmatisation of women who choose to make that decision. This can have a number of implications which can prevent women from accessing abortions in the first place, particularly women from certain cultural backgrounds or young women. Most importantly, it also stops women seeking support. I return to the story of Ali, who felt she had to hide the fact she had terminated her baby from the hospital staff who treated her. She states:

I had become acutely aware of the legal volatility of the situation and I didn't want anyone to get in trouble.

Physically and emotionally vulnerable, the necessity of deception compounded Ali's stress and grief. She states:

It was layers and layers of trauma ... [t]he fact that we had to hide this massive secret destroyed me. It made us feel like criminals, like we were bad people.

Even in our most progressive communities it is still seen as something to be ashamed of, something that you cannot speak about as easily as if you had undergone a routine health procedure. I will read to the House a story from someone for whom I care very deeply. She wrote:

As a young woman, stories of abortion are told in whispers. You hear vague rumours about friends of friends who may have undergone the procedure—stories told for shock value—but even in your early 20s it's still not a topic that people speak about openly. While part of this can be attributed to the fact that it's an emotional process and many women don't want to share it—which is completely understandable—I think that there is more to it. One in six women have had an abortion by the time they are 30—I think that's the right stat—so the lack of personal stories on a social level just doesn't make sense. I think that this stems from the fact that, despite the rise in pro choice activism, it's still seen as something to be ashamed of, something that you shouldn't be able to speak about as easily as if you had undergone a routine health procedure. It's still seen, on a social level, as a solution to a silly and callous mistake. On a public level, many people accept abortion, but on a private level the stigma still remains.

She goes on to say:

The power of these stories cannot be understated. I know for me (and I'm sure for other women) the majority of my guilt stemmed from the fact that I didn't feel guilty at all—why wasn't I wrestling with this inner turmoil and maternal instincts? I didn't fit into this narrative that I had been fed all my life—the woman who falls pregnant and spends days agonising over whether to give in to those maternal instincts or to obtain the procedure—so when my decision came so easily, I felt ashamed. I think that hearing more stories from other women in my position, who reacted like me, who I knew and who were my friends, would have made the whole process so much easier. I think that this narrative, where abortion is still seen as this disgraceful necessity that should be dealt with and never spoken about on a personal level again, stems from the fact that it isn't seen as a health issue. It's seen as a quick but embarrassing solution to a mistake made by the careless. Even in 2019, abortion is still only an exception to a criminal code, a loophole ... to be used by silly women for callous actions rather than a legitimate health issue.

That is from a real person. Decriminalising abortion will bring it out of the shadows and allow women to speak, share their experiences and get the support that they so desperately need. Surely that is something that we all should want for everyone in a progressive modern society. In the case of late-term abortions, evidence suggests the vast majority of these are in response to a catastrophic medical situation. I completely reject the scare campaign being run by opponents of the bill that a late-term abortion on demand is because women have changed their mind. To suggest that a baby would be aborted at 39 weeks is absolutely ludicrous and demonstrates a complete lack of understanding. It is an attack on the integrity of the medical profession.

I trust women and I trust their health professionals to uphold professional standards to make the best decision together. And if indeed there is ever a case demonstrated by evidence to show that this has not occurred, then let the process within the existing system take its course and recommend the appropriate penalties, as is the case with any cause of medical negligence. As politicians, we owe it to people in New South Wales to assess the substance of this bill based on facts grounded in reality, not in ideology. The reality is women will have abortions and we must deal with that reality. The majority of women have made a thoughtful, considered decision based on their life circumstances. To suggest otherwise is simply inaccurate. I fear those opposing the bill are raising their objections based on personal ideology rather than addressing reality, and that is simply just not right.

The Hon. MARK BANASIAK (21:43): I speak to the process of how the Reproductive Health Care Reform Bill 2019 has come about and, in my view, its hypocrisy. The bill requires all of us to reflect on whether we have done it better. Could we have implemented it better? Could we have gone through the debate and consultation with members of the public a lot better? For me the answer is 100 per cent yes. We have a Government and Premier constantly saying, "We are getting on with the job". But one of the first bills that comes up is not of their making but of a left-leaning Independent who represents only a city constituency. I find the handling of the process quite shocking and a little unprofessional. If anyone watched the debate in the lower House, there were lots of amendments to amendments to amendments. Just like this place, we are not always present in the House because we have meetings with constituents and others and we float in and out.

Watching on the television, I found it very hard to follow the amendments. Did the members who returned to the House and who had not seen the amendments or heard the discussion on them vote based on what they had heard or on ideology, which has been alluded to by others? We now have a patchwork quilt piece of legislation. Members were moving amendments to amendments. The incorrect wording of the amendment on the critical issue

of gender selection was used against it. If previous incorrectly worded amendments were able to be rectified by amendment, why not an amendment on the gender selection issue? We should not be waiting for something to happen about gender selection. We need to be proactive and ensure that it is legislated against because that is the only way it can be stopped.

Nothing negative will happen if there is a clause in the bill that legislates against gender selection. It will make it very clear. Many members have said they are against it. Let us all come up with a sensible amendment so that gender selection cannot happen. That is the work of a proactive government. This process has made a lot of members angry and disillusioned. Until the Selection of Bills Committee referred the bill to the Standing Committee on Social Issues, there had not been adequate consultation with the public. If the Government had undertaken adequate consultation, then people from both sides of the argument would not have camped in front of Parliament House for three or four days screaming abuse nor would we have been bombarded with thousands and thousands of emails. I recognise that both the Hon. Niall Blair and the Hon. Mick Veitch spoke about the pro forma emails. Those emails led to a lot of the bombardment and are probably not the best way of engaging with members of Parliament. We need to reflect on how to avoid that in the future because this will not be the only controversial bill that will come before this Parliament.

There has been no real process of consultation or appropriate time given for amendments. I acknowledge that the Government has now given us that time and I hope we use it well. Many members spoke about the five-day inquiry and the 14,000 submissions. In the report only 900 were actually tabled or reported on. Have we given ourselves enough time to look at those? An inquiry into the use of battery cages for hens in the egg production industry, which opened in June, is still ongoing. What does that say to the people of New South Wales? Does it say that we give greater consideration to the life of chickens than we do to humans? That is a little bit disturbing to me. If this bill had followed due process, we would not have had an excessive amount of amendments. If we had got it right the first time and adequate consultation was undertaken, then it would have been unnecessary to move amendments to amendment or to have an 11-hour debate in the lower House.

I echo the call for a joint select committee of inquiry. It will give us a broader view and ensure that we get it right. Some members have a problem with abortion being taken out of the Crimes Act, others acknowledge that it should happen. As a former legal studies teacher, I do not think it should be in the Crimes Act—an Act that is over 100 years old. But that does not mean we should go beyond and open up loopholes. Most members respect the processes in this place for the creation of legislation. As a whole, we all could have done much better. I think there are a few of us here who care to listen to everyone—those for and against the bill—and then we will make our decision based on the arguments. That is what we should always do.

For me, it was frustrating and disheartening to hear comments from people in this place that they have no intention of supporting or entertaining any amendments. This is supposed to be a House of review. If we are doing our jobs properly—whether we think someone is moving amendments to stall time or is totally opposed to the bill or is a troublemaker, whatever the reason—we are duty bound to follow the process and give the bill a proper review. We might not vote for an amendment but at least we should follow that process.

There are a few in this place who do not value human life and do not believe that an unborn child has a right to be protected. One thing that concerns me about the bill is that in the other place members skirted and skipped over the idea of what happens to the fetus once it is aborted, particularly late-term abortions. No-one wanted to entertain or discuss that idea. It raises uncomfortable questions. How do we treat the aborted fetus? If we state the fact that basically it will be thrown in a yellow biowaste bag and put in the bin, perhaps some of us may rethink our view about abortion and late-term abortions. I am not too sure but it raises concerns for me. We need to have that tough discussion here.

If we are going to pass this bill and allow late-term abortions, how do we do it with dignity and respect for the mother, the partner and the unborn child? The Government has the numbers but we are still duty bound to have that tough discussion. For me, it is unforgivable that the Premier gave her strong endorsement and had the health Minister actively involved in the process. It was done in a way that was hidden from their colleagues. We see that in how it has divided members. It comes back to the reflective question: Could we have done this better? Moving forward to the Committee stage, we need to have that in the forefront of our minds: Can we do this better? From this point on let us ask: Can we do this better?

The Hon. TREVOR KHAN (21:51): I support the Reproductive Health Care Reform Bill 2019. Let me start by noting that my involvement in this matter is not shaped by personal experience. I have not accompanied a young woman to a clinic for a termination. I have not faced the agonising choice that some people have had to make when confronted by news of a severe fetal abnormality. I cannot imagine the choices other people have been forced to make and I will not presume to judge. My involvement springs from the fact that the law is in need of reform. The former Director of Public Prosecutions, Nick Cowdery, AO, QC, confirmed this last week when appearing before the Standing Committee on Social Issues. He said:

... sections 82 to 84 of the Crimes Act are no longer fit for purpose and should be repealed.

...

The offences are otiose and should be removed.

...

The present state of the law, in my view, does not prevent harm, it causes harm.

I also take comfort from the opening remarks of the New South Wales Bar Association President Tim Game, SC—that is, senior counsel—to the social issues committee. He observed:

Prior to the election the Bar Association had as its policy the decriminalisation of abortion. That was a position we had reached quite separately from any public debate about it.

...

Our position as expressed is that we basically support the Queensland model. The Queensland model is effectively the bill that was introduced ... I was proudly part of the working group that began preparing this bill many months ago. Indeed, the genesis of this bill goes back to 2017 in the shadow of the defeat of Dr Mehreen Faruqi's ill-conceived and poorly executed attempt at abortion law reform. I make no apologies for that. The bill before the House now is essentially the Queensland legislation with elements added following debate in the Legislative Assembly. It is not a piece of legislation that has been dreamed up out of the ether. It is not, as one member of the Commonwealth Parliament has opined, a piece of legislation developed over a bottle of red wine or two. That offensive observation demonstrates a lack of understanding of the careful work done by the working group and also Parliamentary Counsel who drafted the bill.

The legislation is endorsed not only by the Bar Association and Nick Cowdery but also by the Australian Medical Association, the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, the Women's Legal Service, the Human Rights Law Centre and the Australian Lawyers for Human Rights. Just as importantly, if the bill is as deficient as opponents assert, where is the evidence from Queensland and Victoria of the horrendous consequences? The fact is that the predictions of catastrophe are unsubstantiated. This is a tried and tested model of reform. It is a modest, conservative and well-constructed bill.

I have heard much during the current wider debate about freedoms. I have heard much about the same freedoms spoken during the debate about the safe access zones. Some members—indeed, with rare exception, the same members who will vote against the bill—thought it was acceptable that women could be harassed, intimidated, belittled and embarrassed outside reproductive health clinics because those members thought that either the freedom of religion or freedom of speech of the belittlers was paramount. How is it that some who oppose the bill will now speak of women being overborne and coerced by their partners, when during the safe access zone debate those same members cared so little for women being harassed by perfect strangers on the street. Frankly, I did not understand that argument then and I certainly do not understand it now. I find it ironic—indeed, galling—that those same people who professed a love for freedom, a love for the rights of the individual, are the same who will vote for the retention of abortion in the Crimes Act.

Let us be clear, many months ago a number of the members went about the task of counting who would likely vote for the bill and who would likely not vote for it. Let me share a secret with you: Every member who we thought would oppose the bill then will vote against it tomorrow. Stripped of the excuses, those who vote against the bill vote against it because they cannot stand to do otherwise. So much for the argument of the need for time. More time for what? Time for the sort of ill-discipline I have seen displayed by some over recent weeks? Time for the fratricide engaged in by some? Time for the sort of campaign of fear that was run during the same-sex marriage survey and the lead-up to the debate on the safe access zone bill? Time for misleading robocalls?

I have taken the time to read many of the emails, which all members have received. We have received thousands of emails over recent weeks. The most common words in those emails, repeated time and again, include "murder", "killing" and "baby murderer". Phone calls received in my office—unfortunately by my staff members—involve people leaving messages that I have "blood on my hands". The opinion of those people will not change. They have a view. I accept that. It is just not my view and, frankly, it is not the view of so many people in our community. I know what it was like to be a frivolous male in the 1970s, believe it or not. I know how uncaring and reckless it was. From practising law for 20 years, I know how reckless and uncaring young men are to this day. I know how women are the subject of violent and sexual assaults. I know how women find themselves trapped in unsatisfactory relationships. That is the reality that so many women find themselves in—unloved, unsupported and desperate. During the Standing Committee on Social Issues inquiry I was struck by the words of Ms Wendy McCarthy, AO, who said:

... the reality for most people's lives is that unintended consequence of an unplanned pregnancy, they often do not appear in a relationship until this fact is announced in a relationship, and decisions have to be made. We just need to acknowledge that it is the woman who is pregnant ... it is the woman who requires the discussion with the partner if the partner is part of the relationship still. You just have to trust the women to be able to make those decisions.

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.

The Hon. TREVOR KHAN: I find it fascinating that in this debate those who previously have espoused the freedom of the individual wish to deny women—half the population—that freedom. As is required under the current law, they wish that someone else must weigh the facts and the consequences. They wish that it be a doctor who is the final arbiter, not the woman, because that is what the current law is. Tell me how that works? The simple reality is that women carry the ultimate burden, not just of their own actions but also of those of men. So much for empathy, so much for freedom, so much for equality. I do not wish to deal with every point of objection that has been raised in this debate. Time will not allow it and, realistically, nothing I say will shift one vote. To quote Suetonius, "The die has been cast." I will therefore deal only with a few points.

Firstly, there is the criticism that the bill is in some way a green light to abortions. Nothing could be further from the truth. The reality is that abortions are regularly performed in New South Wales. In the Standing Committee on Social Issues inquiry the evidence was and seemed to be generally accepted that 30,000 terminations are performed each year. Think about that: 80 every day of the year. We cannot ignore the fact that terminations are a common medical procedure. This legislation does not green light abortions, it seeks to regulate them. The second issue I wish to address is that the bill will in some way make late-term abortion easier. With the greatest of respect to the proponents of this view, they are simply wrong. Tim Game, SC, President of the Bar Association, was asked this question:

We have heard this idea quite a bit in the media and a little bit today that with the bill comes a new opportunity for late-term abortions and a fear around it allowing more late-term abortions than we currently have. My impression of the bill as amended is that it actually presents a stricter legal position for abortions over 22 weeks than what we currently have. Could you confirm or deny that?

His reply was:

That is correct. ... this legislation creates a special regime with respect to terminations over 22 weeks. It is a far more stringent and rigorous set of criteria that will define the relationship particularly between the medical practitioner and the patient. So the answer to your question, in a word, is yes. Let me repeat: The bill as it comes before this House contains "a far more stringent and rigorous set of criteria" than exists under the current law. The third issue I will deal with is the assertion that the bill will allow fetuses born as a result of a failed abortion to be left to die—an horrendous proposition, one might think. The alleged deficiency in the law is just not there. The law of homicide applies if a fetus is born alive. I will not go on at length but simply do two things. Firstly, I refer members to section 20 of the Crimes Act. That section has been in the Crimes Act since 1900. It is not new and it is not novel. Indeed, I learned about it in the first year of my law degree. That was in 1976. Secondly, I refer members to the decision in *R v Taktak* (1988) 14 NSWLR 226. If members have a read of it, all their concerns will be answered by a simple look at a Supreme Court case. The final issue I address is that of conscientious objection. It was a matter of considerable debate before the Standing Committee on Social Issues. I direct members to an exchange that I had with Dr Vijay Roach of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists. The committee transcript reads:

The Hon. TREVOR KHAN: ... in a submission and also in a letter you had previously written in support of the original bill before any amendments the issue of conscientious objection was referred to. My recollection is that in the letter you advanced the proposition that there should be a conscientious objection provision but there should also be a requirement for referral on. Am I correct in my summary?

Dr ROACH: Correct.

...

The Hon. TREVOR KHAN: ... It will be no secret if I tell you that members of Parliament, particularly in the upper House, have received thousands, I think we might be at 7- to 8,000 emails. No doubt generated with the assistance of data bases that developed during the same sex marriage debate.

...

The Hon. TREVOR KHAN: Between 10-20 per cent of those emails, which clearly are not written by members of the medical profession, refer to their concern about doctors being forced to refer patients on. How is it that 10 per cent of these thousands upon thousands of emails are expressing a concern for the medical profession's obligation to refer people on when that is not a concern that you seem to have expressed in your letter?

Dr ROACH: ... I would start is that there is an extraordinary irony in all of this which is that people who are talking about their own conscientious objection or their own conscience are actually making judgements on the conscience of others, particularly the women who are choosing to have an abortion or not. I do not think they recognise that or are aware of that. They sit back on their own morality while judging the morality of others. The statement that we made and we stand by is that we respect the conscience of our members, we respect the conscience of each person in society and that they should be aware of their own and they should live by that.

However, we chose to be doctors, we were not made to be doctors. We chose to be doctors. In choosing to be doctors we have a duty of care to the patient and if the patient seeks our care and we are unable to deliver that care ... and it may be because of conscientious objection, then it is our duty, and I think a better term would be transferring the care or providing information to the patient so that she is then able to access the care that she seeks. The other part of that is that we have no right to impede that woman from receiving care as well. The position put by Dr Roach was endorsed by Dr McMullen of the Australian Medical

Association. I believe I need say no more. I end by thanking a few people. I thank the working group members: the Hon. Penny Sharpe; the member for Sydney, Alex Greenwich; and the member for Summer Hill, Jo Haylen. I thank the Minister for Health and Medical Research, Brad Hazzard, for his words of advice, direction and helpful input. Unlike the previous speaker, he has much to be proud of. I thank Alex Greenwich's tireless assistant Tammie Nardone. Finally I thank my staff, Keiran O'Sullivan, Damian Spinks, and my former staff member Matt Yeldham. I do not believe Keiran, Damian or Matt will mind me particularly acknowledging my other staff member Richard Karaba. Richard has been a tireless support in this matter. We would not be here today without the work of Richard. I will be forever grateful.

The Hon. PETER PRIMROSE (22:09): I will be brief in my contribution to the second reading debate on the Reproductive Health Care Reform Bill 2019. I begin by also thanking the working group who brought this legislation to us and particularly the previous speaker, the Hon. Trevor Khan, and also the Hon. Penny Sharpe who delivered exceptional speeches to this bill after having done such fantastic work. I make it clear that I support the Reproductive Health Reform Bill 2019. I support and will vote for abortion to no longer be recognised as a crime in New South Wales.

Having practised as a professional social worker for 10 years and served as the chair of a hospital board for five years, I can tell members that making abortion a crime has not stopped abortions. It has only made terminations less safe, it has intimidated women at an extremely vulnerable time in their lives and it has cruelly caused unnecessary stress to families. I acknowledge the women who have been the victims of this law. We should never forget them—and I will never forget those who I worked with during my professional career—the women who died from unsafe abortions and those who were butchered. I acknowledge the anguish of their families and I acknowledge the selfless courage of those women who supported them, cried with them and fought so long for justice. We will never forget. I quote from the recent open letter that was sent by the Uniting Church to all members of this Parliament, which states:

The Uniting Church is disturbed that recent comments could imply that women make the decision to have an abortion without proper consideration. Most women who have abortions do so only after a great deal of searching and anguish.

There are a range of well-informed spiritual, medical and emotional support services available to women and it is offensive to imply that these decisions are made lightly or without access to suitable consultation.

The decision to have an abortion is not just a moral issue but a social one. While some aspects of the current debate attempt to pass moral judgement on the act itself, it ignores the many emotional, physical, financial and social issues that often create a situation where a woman is forced to consider an abortion.

The Uniting Church asserts that abortion is a health and social issue and should not be a criminal issue.

I could not agree more. I commend the many generations of women who have campaigned for so long to repeal this antiquated and pernicious provision from the Crimes Act. I commend the bill to the House.

Debate adjourned.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

NEW SOUTH WALES FRIENDS OF RELIGIOUS FREEDOM

The Hon. SCOTT FARLOW (22:12): Tonight I speak on the New South Wales Parliamentary Friends of Religious Freedom inaugural religious freedom forum that was held in the New South Wales Parliament today, convened by the Minister for Finance and Small Business, the Hon. Damien Tudehope, in this place and the member for Bankstown, Ms Tanya Mihailuk, in the other place. Religious freedom is an issue of growing concern in this country and it is a growing concern that is bringing together people of all faiths. That was evidenced in this building today.

Today those assembled for the first forum included The Most Reverend Dr Glenn Davies, Anglican Archbishop of Sydney; His Eminence Archbishop Makarios, Archbishop of Australia and Primate of the Greek Orthodox Dioceses of Australia; Rabbi Dr Benjamin Elton, Chief Minister of The Great Synagogue; His Excellency The Most Reverend Bishop Richard Umbers, Catholic Auxiliary Bishop of Sydney, representative of His Excellency The Most Reverend Anthony C. Fisher, OP, Catholic Archbishop of Sydney; The Right Reverend Archimandrite Nabil Kachab, Antiochian Orthodox Vicar-General of Australia and New Zealand, representative of His Eminence The Most Reverend Metropolitan Basilios; and His Grace Bishop Daniel, Coptic Orthodox Church of Australia. Dr Ibrahim Abu Mohamad, the Grand Mufti of Australia, would have been in attendance today but unfortunately he was sick.

We now see the rise of faiths coming together to share their views with one voice because of the fear they have of religious persecution in Australia. The role of faiths in communities is to bring all faiths together—

faiths that in the past never would have shared forums in the past. Now they are coming together, which is a good thing for people of faith everywhere. We have seen that already with Scripture in our schools and the role of not just Christian Special Religious Education [SRE] headed by Murray Norman—and I acknowledge his great work—but also all SREs that bring together representatives of the Jewish, Muslim and Hindu faiths and other faiths along with all Christian churches. They are now all on the same page.

Today we heard stories of some religious persecution. Some of the persecution is significant, such as the story shared by Rabbi Dr Benjamin Elton, to which I have referred on previous occasions. For some Jewish communities across New South Wales every day is a day of persecution. They need security just for their congregations to be able to meet and pray throughout the State. The religious communities of Islamic faith also feel the need to have security, as conveyed to me by several imams across the State. Persecution has been experienced also by communities of the Hindu faith. Most notably, desecration of the Sri Mandir temple at Auburn was the subject of a motion moved last year by the Hon. Daniel Mookhey.

We also heard stories of religious groups being moved out of locations, which has prevented religious communities coming together. That story was shared by His Most Reverend Excellency Bishop Richard Umbers, who I note was a former staff member of the Hon. Greg Donnelly. The meeting referred to is one I attended previously, Theology on Tap, which is run by Catholic youths. Theology on Tap could no longer meet at its usual venue because of a complaint about the views espoused by a nun on the church's views on marriage. Funnily enough, Theology on Tap now meets at one of the church's own drinking establishments. Today we also heard about some displeasure expressed with respect to advertising on buses in New South Wales. The slogan "A heart beats at four weeks" subsequently was banned from appearing on billboards and buses.

The Ruddock review is drawing to its conclusion and the Federal Cabinet is considering a bill on religious reports. I have seen some reports—although I would not want to suggest that what appears in the media is correct—that Federal Cabinet has approved preparation of a draft bill and further consultation will be undertaken. I support a religious freedom bill but I also note that in New South Wales we have work to do. As we step forward on that path, we need to exercise caution. I have always opposed a bill of rights because one person's rights can be used as a sword. We should tread lightly when it comes to religious freedom as well.

TRIBUTE TO IVAN DE VULDER

The Hon. PENNY SHARPE (22:17): I stand here tonight with a badge given to me by my friend Ivan de Vulder. On 21 July Ivan de Vulder died. His family, his Labor family in particular and his friends are so very sad. Ivan de Vulder was a friend, a true believer, a Labor persuader and an activist for all the right causes. He was a film buff, an animal lover and someone for whom Superman, Iron Giant and Doctor Who could tell you all you needed to know about life. Ivan de Vulder is one of those rare people in politics who joined a political party because he needed to take action to bring about the change in the world that he wanted to see.

Ivan de Vulder was an environmental activist. Before joining the Labor Party, Ivan came through the Labor environmental activist network. He was always there to make the case for better laws to protect our environment. He was always there to make the case for the urgent need to take action on climate change, and he was very effective at doing that. Ivan was also involved with Rainbow Labor. I will always remember the early marriage equality protests when Ivan would turn up with his Kermit the Frog puppet. He stood with us and called for love to be love and for people to be respected for who they are.

Ivan was an animal lover. One of the issues he was talking about before he died was about Labor forming a group to look at animal welfare across the board. I know that there are many members of the Labor Party who will do just that. Ivan was also an activist and an advocate. He was someone with real, lived experience of serious mental health issues but he never let that get in the way, even when times were very difficult for him. He had recently started a new radio show on Northside Radio called *Stay Up With Ivan*. He understood that some of the loneliest moments for those with mental illness are in the quiet early hours of the night and day. When it is so very lonely, Ivan wanted people to be able to listen to him.

Ivan was a kind man who had time for everyone and who loved a hug, a chat and a laugh, even when sometimes that was a daily struggle. Ivan, your family and friends are so very sad. Thank you for daring to be yourself and for daring to believe in a kinder, fairer, more sustainable world. Thank you to his family and all those who loved him. To his family, Ian and Stella, sister Nicole, brother Jon and his much-loved nephews and nieces, Ethan, Jade, Jaz and Kobi, thank you so much for sharing Ivan with us. We are so sorry that he is gone.

YASS INFRASTRUCTURE

The Hon. ROD ROBERTS (22:20): I would like to inform my fellow members of a recent trip I undertook to Yass in rural New South Wales. For those who do not know, Yass is situated about 285 kilometres and just over three hours south-west of Sydney. It is located at the intersection of the Hume Highway and the

Barton Highway. This puts it only 60 kilometres from our nation's capital, Canberra. The population is around 17,000. The council area is made up of the township of Yass and its main outlying villages of Murrumbateman, Sutton and Gundaroo. I visited there at the invitation of the Mayor of Yass Valley Council, Mrs Rowena Abbey. Once there I spent a delightful day with her, the council's general manager Mrs Sharon Hutch and the director of planning Mr Chris Berry. Bearing in mind Yass was founded in 1837, under the stewardship of these three leaders Yass is charging into the twenty-first century.

What I found was a dynamic and prosperous township. During my visit I was shown land allocated for future housing subdivisions. We toured sites proposed for a new service centre and I also inspected areas dedicated for future industrial expansion. One of the highlights of my visit was a tour of the new South Eastern Livestock Exchange, New South Wales' newest and most technologically advanced livestock selling centre. The facility was built with a focus on animal welfare and safety. In that regard, it has a roof span of five rugby fields, providing livestock with shelter from searing heat or freezing driving rain. The saleyard has the capacity to sell 3,800 head of cattle or 30,000 sheep on any given day. To give you an idea of its scale, 86 kilometres of steel railing was used in its construction. It provides a world-class selling centre for all of the Southern Tablelands.

Whilst progressing into the future, Yass maintains strong links to its historical past. There are a number of heritage-listed buildings from the nineteenth century that have been well preserved, with the most impressive possibly being the courthouse, which dates back to 1880. Here lies the dilemma for the Yass Valley Council. This wonderful, quaint country town with its laid-back rural lifestyle is attracting a large number of new residents. The vast majority of these residents are settling in the village of Murrumbateman. The new inhabitants are refugees—and I say that tongue in cheek. They are fleeing Canberra in search of a new life. Bear in mind that Canberra is only one hour down the road. This allows them to maintain their profession or employment and yet live away from the hustle and bustle of suburbia. It affords them the opportunity to live and raise their families in a relaxed, peaceful, country environment.

It is this surge of new residents, whilst welcomed with open arms and encouraged by the council, that causes concern. It is estimated that every weekday approximately 300 children travel by bus down the Barton Highway to attend school in Canberra. That figure does not include approximately 150 children who travel by car with their parents each day. The Barton Highway is well known to contain a number of black spots. I know that the council is seeking the cooperation of both the State and Federal governments to address this dangerous situation. The travel is required because there are no schools at Murrumbateman. The Yass Valley Council needs the help of the State Government in this area.

We are all aware that funding for the construction of schools is a State government responsibility. However, let me advise the House of the contribution of the small council. Instead of just sitting back with its hand out and waiting for the Government to foot the cost of building a new primary school, the council has identified and dedicated land that it holds for the project. Whilst it owns the subject land, the council is willing to donate or transfer ownership of the land to the Government to enable the building of the school. This saves the Department of Education the need to search for and secure a suitable site. It also saves the Government valuable money in not having to purchase the land.

The foresight of the council continues in that it has also reserved land in the same precinct for the future needs of a high school. That is the type of council our Government needs to get behind, to support and to assist. Yass Valley Council has shown it is willing to get involved, work with and assist the Government. The previously mentioned school land provision is a classic example. If my fellow members hear of a funding request to help build the much-needed school at Murrumbateman I urge them to support it. In the meantime, if they are travelling down the Hume Highway, they should stop at Yass and immerse themselves in all the town has to offer.

TEVEN-TINTENBAR PUBLIC SCHOOL COUNTRY FAIR

NORTH COAST SCHOOLS FUNDING

The Hon. BEN FRANKLIN (22:26): Tonight I speak about the Teven-Tintenbar Public School and this year's annual country fair. I had the pleasure of attending this year's event. It is the school's flagship event and a major fundraiser, with all proceeds going straight back to the school. This year was a special milestone as the fair celebrated its twenty-fifth anniversary. The school and the community did not disappoint, pulling out all the stops, with delicious food, entertainment, music, local produce and so much more. It was an incredible success. I congratulate the organisers and the school's P&C for all their efforts and incredible hard work. It certainly paid off. Stepping back in time, the fair had old-fashioned, country-style novelty races such as an egg-and-spoon race, a piggyback race and a three-legged race and, of course, one of the day's highlights, the Moo Poo Lotto.

Not only does the fantastic event bring the community together, it provides the chance for parents of toddlers and preschoolers to check out the school for their future needs. I had the honour of being one of the judges

for the inaugural cake-off, alongside Country Women's Association legend Sue Constable. The cake-off was based on a country theme and bakers from eight to 80 years old showed the pride they had in their school and community. Although it was tough to have to try every one of those delicious cakes, I soldiered through and under Sue's skilled guidance was able to come to the right verdict. That is just one example of why support for our regional schools is so incredibly important. Local communities have always got behind local schools. Tonight I thank them and commend the Government for doing just that as well.

The budget handed down this year delivered a record investment in New South Wales infrastructure, with unprecedented spending on school infrastructure across the regions to build new schools and update facilities. Eight new schools will be built and a further 32 significantly upgraded, a total investment of \$6.7 billion over the next four years. On the North Coast alone 12 major upgrades are planned, including schools in Tweed Heads, Lennox Head and Byron Bay. A further \$3.3 million will be provided to improve access to arts education, focusing on schools in regional and remote areas or low socio-economic areas. The funding will provide an incredible opportunity for our youth to express themselves and to ignite their creative fire. The Government has committed to eliminating the maintenance backlog in schools, with \$449 million to clear existing backlogs in all public schools by July 2020, bringing the total investment to over \$1.3 billion over five years.

This investment in education is so important to providing critical opportunities for families and students across the State, especially in regional New South Wales. Teven-Tintenbar Primary School is one of many schools that will benefit from this additional funding, which includes the Government's commitment to build a new hall at the school for the students and for the community. Last year I was honoured to attend the end-of-year awards presentation ceremony and assembly of the Teven-Tintenbar Public School. It was held outside, as it always has been, under a roof but no walls and was open to the elements. I sat between the P&C president and wonderful Principal Ginny Latta, who took the opportunity to lobby me for the desperately needed new school hall. As they spoke, right on cue the rain started to fall and each drop underlined every word they were saying.

All this school, with its 100 students, wants is a covered, dry space to celebrate the students' achievements, to hold assemblies and to host community events. I am incredibly proud this budget delivers just that. Nothing is more important than the education of our children. This facility is needed and will now be delivered. Teven-Tintenbar is a special school and its country fair is a special event. But there are schools just like it in every corner of regional New South Wales and their communities support them year in, year out. I am incredibly proud to be part of a government that recognises the importance of local schools, works with them to identify their needs and then delivers what is needed to give our kids the best possible start in life.

GIG ECONOMY

The Hon. DANIEL MOOKHEY (22:30): The Leader of the Opposition, Jodi McKay, recently appointed me as the first Australian frontbencher with responsibility for the gig economy. My orders are reform: to clarify the rules for how Australian businesses can compete and to clarify how workers can earn a fair return for their labour. The mission is urgent. Eight out of every 100 Australians working today work in the gig economy. They work through short-term contracts, algorithmically allocated by over 100 different digital platforms, including Uber, Deliveroo, Airtasker and Freelancer. I repeat, eight in 100 people. Their work is making old laws onerous and some legislative requirements outdated. As legislators, how should we respond? What principles should guide our actions? I start with the principle of competitive neutrality.

Businesses expect to play by the same set of rules. It should not matter whether they are in the gig economy or the non-gig economy, on matters of taxation and other government charges governments should not discriminate between gig and non-gig providers. Taxes and government charges should be applied uniformly on all enterprises so that no enterprise has an artificial advantage courtesy of the Government. Workers' rights in the gig economy matter too. Workers have the right to a safe workplace. If a digital platform exerts power over how work is conducted, their power should be exercised so that the work is conducted safely. It should not matter whether the digital platform satisfies an ancient definition of an "employer", health and safety outcomes matter more. A supply chain mentality is the right mentality for providing safe workplaces for gig economy workers. We should embed that in our safety laws.

Workers in the gig economy should also be well paid. We can ride in the slipstream of gig economy disruption to design new institutions that draw no distinction between an employee or an independent contractor and which instead centre on delivering the outcomes that work is meant to deliver: the right to minimum pay, to improvements in pay over time, to work in harassment-free workplaces, to have secure job tenure and to join unions and collectively bargain. Those principles are our starting point; they are not our final destination. Yet we should recognise that New South Wales is demanding leadership. NSW Labor's ambition is to shape the future economy so that it organically delivers fairness for all people who invest and work within it. Right now we have a fleeting opportunity with the emergence of the gig economy.

As the first shadow Minister for the Gig Economy, I am determined not to let that opportunity slip by. I am honoured to serve as NSW Labor's spokesperson for small business. Immediately after Jodi McKay handed me this responsibility my thoughts turned to my late father. He was a western Sydney small businessman. He sold furniture from Minchinbury. I was too young to properly appreciate his hard work, building his fledgling enterprise before he passed but I was old enough to imbibe his ethos. He worked hard. If he did not, no-one else did. His work became the family's work. The metier of our home life was set by the metier of his work life. When he did well his employees did well. When he succeeded his wider community—the migrant community of western Sydney—succeeded too. Many small businesses stories are similar to my father's, mine included.

I entered Parliament directly after running my own small business. I prize that experience. We should prize more small business experience in Parliament on both sides of the Chamber. It makes for better laws and it makes us better legislators. I draw from my father's and my own experiences for the ambitious ethos that will animate my shadow ministry. NSW Labor's ambition is for every Australian enterprise to be profitable enough for owners to earn high returns and productive enough for workers to earn high wages. Any honest survey of the modern Australian economy shows that the aspirations of Australia's small enterprises are being dampened by out-of-date market designs that are not conducive to small business growth. Too many Australian industries remain dominated by too few firms.

For small businesses to grow, competition between small and big business must be fair. Competition laws must be fit for purpose. The State's competition laws will be part of my focus, along with issues such as time-of-payment laws, small businesses and the energy market, climate change adaption, access to courts, the technology of tax collection and franchise reform. I have so many ambitions for New South Wales small businesses. But I am shadowing a Government that has no serious ambition for small business reform. New South Wales small businesses are demanding leadership. I am excited by my mission.

GENERATION GAP

Mr DAVID SHOEBRIDGE (22:35): In the face of deep challenges to the wellbeing of people and the planet, politics needs to deliver hope and an achievable and inspiring plan to make the world a better place. As this week's Grattan Institute report, *Generation gap: ensuring a fair go for younger Australians*, found, there is no longer any guarantee that the next generation will have a better standard of living than the one that came before it. Households headed by people under 35 have barely seen any growth in their resources since 2004. Low wage growth coupled with the obscene cost of housing and unmanageable price rises, largely driven by the privatisation of essential services such as health care, education and electricity, are slowly beginning to unpick the social order. Despite all the evidence that these changes are structural, deeply unfair and economically crushing, many politicians do not want to admit the facts. In fact some politicians, pundits and analysts will tell you it is because young people spend frivolously. That is not the case.

As the Grattan Institute report found, it is a myth that young people's spending habits and lifestyles are to blame for their stagnating wealth. This is not a problem caused by avocado brunches or too many lattes. In fact, younger people spend less on non-essential items such as alcohol, clothing and personal care and more on necessities such as housing than they did three decades ago. Young people are not spending too much; they are not earning enough. The same pundits who attack young people's spending habits often then attack them as being too selfish or narcissistic to care about politics, when in reality they are spending most of their time and energy making sure they can make ends meet. And why should people under 35 care about a political system that is dominated by two parties that between them have taken over \$100 million in corporate donations since 2012 and whose often joint decisions have led to these young people having less than their parents?

This is a generation that is facing a lifetime of insecure low paid work, unaffordable housing, mounting student debt and often long periods of structural unemployment or underemployment. Today there are 1.85 million people unemployed and underemployed across this nation, with youth unemployment in parts of regional New South Wales reaching almost 25 per cent. The final insult for those people comes when they cannot find a job that does not exist and the Government expects them to survive on less than \$40 per day under a punitive bureaucratic regime that will cut off their payments and means to access food and shelter based on a flawed policy or a bureaucratic whim. The economy is not structured this way because it has to be but because a majority of politicians align with a minority of well-heeled corporate players to make it like this.

There is enough meaningful work to be done so that everyone can have a good steady job. We can build and maintain a transition away from coal to 100 per cent publicly owned renewable energy. We can make our housing stock climate resilient and climate friendly. And, if we turn our mind to it, we can build hundreds of thousands of new social homes to make sure everyone has a safe and stable place to sleep at night. There is so much work to do. But this work will not make money for the corporations that bankroll the Labor and the Liberal parties, which is why it is not talked about very often in this place. We need a green new deal to tackle climate change and growing inequality. We need it to radically redesign our economic and political system to stop cooking

the planet and driving people into grinding poverty while those at the top hoard wealth and resources. It is a fact that the same political and economic system that is driving climate change is also driving inequality.

By closing tax loopholes, making big corporations and the super-rich pay their fair share and rebuilding the public sector we can do those things. People will say that this is unrealistic and naive. They will point to Labor losing the Federal election and say there is no appetite for politics that works for the many. That is not true. Labor lost because it did not offer a serious new vision or a new deal. It tried to tinker around the edges while millions live in poverty and climate change threatens our way of life. It narrow-casted on climate, trying to be all things to all people, and did not commit to the deep structural change that is needed. We are at a crossroads. Our State, our country and the world is in economic and environmental turmoil, the likes of which we have not seen. Continuing as we are is insanity. What is naive is saying to a degraded planet with falling living standards that more of the same is the answer.

The response to all this turmoil cannot be narratives and policies that seek to falsely attribute blame for the economic and environmental crisis on marginal peoples. A Green New Deal can decarbonise our economy, de-commodify life and democratise our society. This means everyone will have access to meaningful work or a basic income, cheap and sustainable public transport, cheap and sustainable energy, a guaranteed home, lifelong education and care and quality public services. In short, we need a Green New Deal to transform our economy and society so it finally delivers for people and the planet rather than for corporate entities and their precious profits.

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

Motion agreed to.

The House adjourned at 22:40 until Wednesday 21 August 2019 at 11:00.