



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Thursday, 26 September 2019**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

Thursday, 26 September 2019

The **DEPUTY PRESIDENT AND CHAIR OF COMMITTEES (The Hon. Trevor Khan)**, in the absence of the President, took the chair at 10:00.

The **Hon. Walt Secord** read the prayers.

## *Bills*

### REPRODUCTIVE HEALTH CARE REFORM BILL 2019

#### Protest

The **ACTING PRESIDENT (The Hon. Trevor Khan)**: I inform the House that the following protest was signed and lodged with the Clerk today. According to standing orders, a copy of the protest will be forwarded to Her Excellency the Governor. The protest reads as follows:

#### Protest

**We the undersigned protest against the passing of the bill titled the *Abortion Law Reform Bill 2019* for the following reasons:**

1. Because of the process used to fast track the bill through the NSW Parliament which:
  - (a) Treated this private members bill as a de facto Government bill by giving it urgency and priority over all other government business in both the Legislative Assembly and the Legislative Council;
  - (b) Excluded any meaningful consultation with, or discussions of, the consequences of the bill with large sections of the NSW community, including all faith communities;
  - (c) Failed to establish either a Legislative Assembly or Joint Committee to inquire into and report on the bill;
  - (d) Established a Legislative Council Committee to inquire into and report on the bill over just 5 business days that, in all the circumstances, was woefully inadequate; and
  - (e) Failed to consider over thirteen thousand submissions to the Legislative Council Inquiry due to a lack of time.
2. Because the bill:
  - (a) Fails to codify the existing law and practice in New South Wales on abortions before 22 weeks, thereby exposing pregnant women to increased risks associated with abortions;
  - (b) Fails to reflect widespread community concerns regarding unfettered access to abortion services in New South Wales;
  - (c) Fails to introduce adequate safeguards in the case of late term abortions;
  - (d) Fails to uphold the principle of conscientious objection for health practitioners;
  - (e) Fails to introduce criminal penalties for medical practitioners who commit illegal abortions;
  - (f) Fails to ensure all pregnant women are made aware of the availability of non-directive pregnancy counselling; and
  - (g) Fails to prohibit the commercial trade in the tissue of an aborted baby.
3. Because if enacted the bill will fail to adequately protect the rights of an unborn child in New South Wales from late term abortions.

The Hon. Rod Roberts

The Hon. Shaoquett Moselmane

The Hon. Mark Banasiak

The Hon. Robert Borsak MLC

The Hon. Lou Amato

The Hon. Matthew Mason-Cox, MLC

The Hon. Courtney Houssos

The Hon. Mark Latham, MLC

The Hon. Greg Donnelly

Reverend the Hon. Fred Nile, MLC, ED

Legislative Council Chamber  
26 September 2019

*Documents***AUSTRALIAN LAMBS PAIN RELIEF**

**The Hon. MARK PEARSON (10:06):** I seek leave of the House to allow the presentation of a USB stick and documents containing 201,000 signatures concerning pain relief for Australian lambs.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** This matter may have been akin to a petition but I am advised that it is sufficiently irregular to be incapable of being dealt with as such. As I understand it, the Hon. Mark Pearson is seeking the leave of the House to bring the matter to the attention of members. It is up to members whether leave is granted.

**The Hon. GREG DONNELLY (10:08):** The matter of petitioning the House is very important. In fact, it is one of the most ancient practices of our parliamentary system, going back centuries. I am supportive of contemporising the procedure to enable citizens of any jurisdiction to petition the Parliament through their elected representatives. The question is how it is done and how parliamentary practice evolves. There has been some discussion about electronic petitioning but, as far as I know, the Parliament of New South Wales and the Legislative Council—the House of review—have not arrived at a settled position on it.

We have the position of a member seeking to present a number of submissions on a USB stick. My question is: Has the issue been ventilated, considered and looked at in detail by the Procedure Committee of the House—particularly with respect to the validation of petitioner names, which concerns obviously the name of the person and, in the traditional paper form, their address and signature?

Of course, the petition must be in very specific terms to be legitimately tabled in this House and presented as a petition to the Legislative Council. I am not sure—and I am happy for this to be clarified by a member of the Government or someone who serves on the committee I referred to—that this has all been ventilated, considered in detail and settled by the Procedure Committee and has come back to this House. I may have missed that. I do not profess to be on top of everything that comes before the House as things move very quickly. However, to the best of my knowledge, the matter has not been ventilated or determined by that committee nor any recommendation made to this House for its consideration to either adopt or otherwise a position with respect to not only electronic petitions—I am pretty sure that has not been done—but also petitions received on a USB stick.

It is my position that it would be very unwise for the House to accept that as it would be then pointed to as a precedent for the proper consideration and acceptance by this House of petitions on USB sticks. It is important that the territory we are entering be considered in a proper, deliberative way. Once we decide to accept something on a USB stick—and I have not been able to check that, further to my comments, with irregular petitions, but it has always been my understanding, and when Labor was in power, which seems like a long time ago but it was not a long time ago—

**The Hon. Shayne Mallard:** Not long enough.

**The Hon. GREG DONNELLY:** Some might say not long enough; we say, "Bring on 2023." With respect to irregular petitions, that was always the position when Labor was in government—and it has been the case since 2011. I remember—and specifically comment on—that the Hon. Duncan Gay would, time and time again, get up and say he would object to such petitions until he, as Leader of the Government, had a chance to interrogate—and I use that word not in any way other than to forensically check what was being put forward as an irregular petition, because often it was in terms of language used in the other place—that it accorded with what was there so that it could be checked against what we use and, subject to that confirmation, allow it then to come in as a regular petition. To the best my knowledge, that is not being done. I conclude by saying I object to this petition being put forward in those terms—

**Ms Cate Faehrmann:** Oh!

**The Hon. GREG DONNELLY:** It happens to deal with fetal pain—sorry, I mean animal pain. It could be any other matter; I am not taking umbrage over the issue before the House with respect to the language in the petition and what it is legitimately petitioning the House over. What I am taking as a matter of significance is the way in which it is being done. I have had no opportunity to consult with the Hon. Adam Searle, Leader of the Opposition in the House, because he is not available today. The Hon. Penny Sharpe is leading us today, with the Hon. Walt Secord as deputy. I am not sure whether the Hon. Penny Sharpe can comment, but I would be surprised—and I do not speak for her—if she would disagree with anything I have said. I leave my comments there. I do not believe the petition should be received today.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I take it that the Hon. Greg Donnelly is saying that leave is not granted—



**The Hon. Greg Donnelly:** I am saying that I oppose it.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I am not being critical of anyone. If leave is not granted, leave is not granted—that is it. The Minister for Education and Early Childhood Learning may wish to say something, but leave has not been granted. That does not stop the Hon. Mark Pearson speaking to anyone in the Chamber about his papers and revisiting the matter at another time.

**Leave not granted.**

## AUDITOR-GENERAL

### Reports

**The CLERK:** According to the Public Finance and Audit Act 1983, I announce receipt of a Performance Audit Report of the Auditor-General entitled *Ensuring Teacher Quality in New South Wales Public Schools*, dated September 2019, received out of session and authorised to be printed this day.

### *Business of the House*

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

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

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

**Motion agreed to.**

## ORDER OF BUSINESS

**The Hon. NATASHA MACLAREN-JONES (10:17):** I move:

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

1. Private members' business item No. 205 outside the order of precedence standing in the name of the Hon. Mark Pearson relating to the Prevention of Cruelty to Animals Amendment (Restrictions on Stock Animal Procedures) Bill.
2. Private members' business item No. 70 outside the order of precedence standing in the name of the Hon. Taylor Martin relating to Surf Life Saving Sydney Branch.
3. Private members' business No. 229 outside the order of precedence standing in the name of the Hon. Courtney Houssos relating to orders for papers concerning asbestos in public schools.
4. Private members' business No. 231 outside the order of precedence standing in the name of the Hon. Mark Latham relating to President Trump.
5. Private members' business No. 4 outside the order of precedence standing in the name of the Hon. Penny Sharpe relating to the Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2019.
6. Private members' business item No. 5 in the order of precedence standing in the name of the Hon. Natalie Ward relating to women in sport.
7. Private members' business No. 183 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to an order for papers concerning temporary soil weirs on the Peel River.
8. Private members' business No. 139 outside the order of precedence standing in the name of Reverend the Hon. Fred Nile relating to the Crimes Amendment (Zoe's Law) Bill 2019.
9. Private members' business No. 8 in the order of precedence standing in the name of the Hon. Catherine Cusack relating to Shine For Kids.
10. Private members' business item No. 237 outside the order of precedence standing in the name of the Hon. Robert Borsak relating to an order for papers concerning firearm licence applications made by Mr Stephen Gary Lee.
11. Private members' business item No. 249 outside the order of precedence standing in the name of Mr Justin Field relating to an order for papers concerning the native vegetation code review.
12. Private members' business item No. 251 outside the order of precedence standing in the name of Mr David Shoebridge relating to silicosis and manufactured stone.
13. Private members' business item No. 250 outside the order of precedence standing in the name of the Hon. Mark Latham relating to Jacinta Price.
14. Private members' business item No. 10 in the order of precedence standing in the name of Ms Abigail Boyd relating to a prohibition on coal extraction and opportunities in renewable energy.
15. Private members' business item No. 230 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to an order for papers concerning the Maules Creek coalmine.
16. Private members' business item No. 247 outside the order of precedence standing in the name of the Hon. Mark Banasiak relating to the drafting of private members' bills.

I indicate to the House that at a meeting last night it was agreed that the private members' business items at paragraphs 3, 4, 7 and 10 to 16 will be considered in the short form format. In addition, an agreement was reached that members will keep their speeches on the other items to a reasonable length.

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

**Motion agreed to.**

*Disallowance*

#### **LIQUOR AMENDMENT (MUSIC FESTIVALS) REGULATION 2019**

#### **GAMING AND LIQUOR ADMINISTRATION AMENDMENT (MUSIC FESTIVALS) REGULATION 2019**

**The Hon. JOHN GRAHAM:** I seek leave to move business of the House notices of motions Nos 1 and 2 in globo.

**Leave granted.**

**The ACTING PRESIDENT (The Hon. Trevor Khan):** According to standing order the question is: That the motion of the Hon. John Graham proceed as business of the House.

**Question resolved in the affirmative.**

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

That the matter proceed forthwith.

**Motion agreed to.**

**The Hon. JOHN GRAHAM (10:22):** I move:

- (1) That under section 41 of the Interpretation Act 1987 this House disallows the Liquor Amendment (Music Festivals) Regulation 2019, published on the New South Wales Legislation website on 28 February 2019.
- (2) That under section 41 of the Interpretation Act 1987 this House disallows the Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019, published on the New South Wales Legislation website on 28 February 2019.

I have moved the disallowance of two regulations. The Opposition does not do this lightly, but we simply believe the regulations, by virtue of the way they were introduced, do not do the job that is required to regulate music festivals and to keep kids safe across New South Wales. This debate is about the regulation and licensing of music festivals. This debate is not about pill testing or policing at the festivals. Those are important issues, but they are being dealt with extensively by the Deputy Coroner, who is due to report on 8 November. That is a very important report and it will contain far more detail than the inquiry that this House was able to conduct into those matters. This is a discussion about licensing and about the regulation of music festivals.

I will speak briefly about the perspective that I come to this debate with. Members of the House will know that I am a music fan and a strong supporter of the music industry. But that is not the perspective I bring to this debate. My perspective is as a father of a music fan and teenager who will want to go to music festivals. I want to know that my kids and other kids across New South Wales will be safe. It is impossible not to have that at the front of your mind when you think about these issues. Over the past summer we have lost six kids. That is every parent's worst nightmare. The thoughts of all members of the House are with the families and friends of the young people who have died.

We are joined today in the gallery by the mother of one of those kids, Jenny Ross. She is the mother of Alex Ross-King. On behalf of all in the House, our hearts go out to you. You are very welcome here today for this discussion. Thank you for joining us. We are also joined by members of the Australasian Performing Right Association [APRA], the Australasian Mechanical Copyright Owners Society [AMCOS] and the Australian Festivals Association, a range of some of the key festival operators in New South Wales. The Opposition has moved this disallowance motion because we genuinely believe if government and industry work together to regulate the industry and deal with the issues, we can do better. Labor supports harm minimisation measures for festivals, including adequate onsite emergency care and appropriate policing. Importantly, we support the continuance of the NSW Health guidelines for music festival event organisers. They are crucial for ensuring the safety of festivalgoers.

I will now talk about how the regulations were introduced and some of the issues that that created. When the regulations were introduced, they applied to hundreds of festivals—ethnic events, country folk festivals and so on. That was the goal. But it was then limited to just 14 festivals. The definitions in the regulations are still

broad but they apply to a small number of festivals—just 11. There are four central issues with the regulations. The first is that the regulations' introduction was rushed. The regulations were first properly distributed at close to midnight on a Friday night, just five days before implementation and five days before the caretaker period. Some festivals were notified by text message and some not at all. At the time no Minister would meet with the festivals and no consultative body existed, or exists today.

In my experience, there is no other industry that we would work with in that way. If this were agriculture, we would be talking to the farmers; if this were mining, we would be talking to the miners. The second issue is that the regulations have limitations. They regulate 11 festivals with a music licence, but hundreds of festivals and events fall within the definition of the regulations. Those are not regulated. If an event is not on the licence, it is not regulated. That is very important because it means that the health guidelines do not apply. Medical providers are not registered or licensed either, so they are not regulated if they provide services outside those 11 festivals.

The third issue that has caused a problem here is the way this issue has been talked about. I will talk about the Government's view because it is different now, but when the scheme was introduced the Government chose a deliberately high-conflict approach. The scheme was described as an "extreme-risk hit list" of festivals that "might be shut down". That was the description. The way it was dealt with is in large part why we have this problem today.

The fourth concern I raise is the reputational damage that the regulations have done to the sector. We know how valuable this sector is. Live Performance Australia said that 400,000 people in New South Wales went to music festivals in 2017. We have heard concerns expressed not from Sydney, but from Melbourne. Representatives of the Australian music scene have come to this Parliament and said it is damaging the music sector right across the country. It hurts the chances of music fans in Melbourne or Adelaide to see their favourite artist if we drive the festival sector out of New South Wales. That is the view that has been put to us. I raise those four concerns that we have with this regulation.

At the moment, there is much that we agree on with respect to the Government's view on this issue. There is much agreement between the Parliament, the Government and the industry. Firstly, everyone now agrees that we should work together on this problem—the Parliament, the Government and the industry. In particular, I want to be specific about the agencies and the Minister, who I accept has a genuine desire to work on those issues and tackle them. That is welcome. Secondly, we agree that the industry should be regulated. No-one disagrees with that—that is the view of the Parliament, the Government and the industry. We all agree.

Thirdly, we agree that a regulatory roundtable should be set up and that it is urgent. There is no place to talk about these issues together; we need one. We would have one for any other industry. That is the unanimous recommendation of the inquiry conducted by this Parliament. It tabled that advice to the Government on 28 August. That regulatory roundtable is the number one thing we can do to sort through these issues. I call on the Government to set it up as soon as possible. Fourthly, we agree that the health guidelines that are now in place are the best in the country. They have now been worked up in a consultative way. That is the view of the Government. It is the view that has been put to the Parliament and others should feel free to disagree—I certainly endorse that view. It is also the view of the industry. We agree on those things.

Crucially, firstly, we disagree with having a hit list of festivals. We disagree with having an extreme risk hit list of festivals that might be shut down. Members can understand why festivals might be concerned about that and why parents might be concerned about that. Secondly, we disagree that there is no regulation for the hundreds of events outside of the 11 music festival licence holders. There should be some appropriate regulation. The guidelines that apply to health should be applied to some of those events. The following questions have been asked: Can we not just amend this regulation? Do we really have to disallow it? That was a fair question put by Government members when we discussed this.

We need to strike this regulation out and start again because of the tension between two things: Festivals are prepared to be regulated—they want to be regulated because they know the future of the industry depends on it—but they do not want to be on an extreme risk hit list. Under this regulation, there is no way to do those two things—regulating them but not putting them on this extreme risk hit list. In addition, this regulation just does not do the job. In regulating 11 events, but not hundreds more, it does not do the job that we need to do comprehensively enough across New South Wales. It fails in that way. For those reasons, it is not possible within the structure of this regulation to fix those flaws.

Labor would like to see the industry and the Government work together. We need to implement a new regime in time for the upcoming summer festival season. We offer our bipartisan support for such an approach. We will work together with the industry and the Government to do that. Principally, it has to be dealt with by the Government and the industry together, but whatever we can do to assist we will do it. What happens if this disallowance motion is passed? Eleven festivals would no longer be on music festival licences. They would revert

to their existing licences for alcohol sales. The health guidelines would no longer be mandatory and that is a concern; that is a problem. The Government would have two months to propose an alternate way to regulate, particularly to make those health guidelines apply.

The next festivals due to take place have indicated that they will apply the NSW Health guidelines. That includes one on 5 October and one on 9 October. What should an alternate regulation look like? The sort of regulatory regime we would advocate for follows these principles. Firstly, no extreme hit list of festivals would be published. Secondly, health guidelines, that everyone supports, would be used and there would be a power granted to require the use of the guidelines where they are needed. That might extend to these 11 events, but it might extend beyond that. That power should be granted. It does not exist.

Thirdly, medical providers to festivals would be required to be registered and to adhere to NSW Health guidelines. It is a key issue that there is no licensing—that there is no registration—for those providers and there should be. That does not exist under this regulation. Fourthly, the regulatory roundtable would be established immediately. We all agree about that, but it is the place where festivals, the Government and local councils can work together; without that we cannot fix this problem. These are the principles that we advocate. I stress that on the side of the Chamber we stand ready to assist the Government to deal with this. I am quite encouraged by the attitude that the Minister has taken. I believe it is possible.

Finally, this has been a divisive issue in public, no doubt. There are a lot of music lovers in this House. There is strong support for the music sector across the board in this Chamber. I think about people such as the current Chair of the Parliamentary Friends of Music, the Hon. Shayne Mallard, the most enthusiastic member and former Chair of the Parliamentary Friends of Music, the Hon. Ben Franklin.

**The Hon. Matthew Mason-Cox:** He has all the moves.

**The Hon. JOHN GRAHAM:** He is the most enthusiastic about a lot of things and that includes this. The Hon. Catherine Cusack is a strong supporter of music, of festivals and has been crucial to driving the parliamentary agenda through a couple of important inquiries. Of course, the arts Minister, the Hon. Don Harwin, is a strong supporter of the sector. Ms Cate Faehrmann has been a strong advocate of the sector and has put her view. The Hon. Mark Pearson is also an enthusiastic music supporter. The Hon. Robert Borsak turned up to the rally conducted about these exact guidelines. He was concerned about the impact on New South Wales. We remember fondly the enthusiasm of Mr Paul Green of the Christian Democratic Party, who supported the music sector. Our job is to regulate that sector properly. This regulation does not do the job for the music sector. It will not act to keep our kids safe, that is why we bring this here today. We are happy to work to do that. This regulation does not do the job.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** While I understand the importance of this debate to people in the public gallery, they will not applaud.

**The Hon. CATHERINE CUSACK (10:27):** I endorse the final comments of the Hon. John Graham. There are a lot of music lovers in this Chamber. It is making me think that we should all have been issued with Ray-Bans for the debate. I support the Government's commitment to a vibrant and safe music festival industry. I support the ongoing engagement between government, industry and the community on how we can stop young people dying at music festivals. I support evidence-based discussion on these issues that is driven by the want to have exciting and enjoyable festivals that are run well. Because I support these, I also oppose the motion to disallow the Liquor Amendment (Music Festivals) Regulation 2019 and Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019, collectively known as the music festival regulations.

More than 90 music festivals are held each year in New South Wales, many run by community organisations. It is important to note that in terms of the guidelines that are available on the website as to what is a music festival, 90 fit the criteria. There are not, as has been stated, hundreds and hundreds of music festivals. Of the 90 only 14 were assessed as within the guidelines, and only 12 have progressed with licencing. We know that hundreds of thousands of people from New South Wales and from around Australia and the world attend each year to see a wide variety of acts and performers in one place.

Festivals enhance New South Wales' cultural and social scene, and make a significant economic contribution. In regional areas, that contribution includes the direct employment of thousands of people and benefits for local caterers, accommodation providers, and other small businesses and services across the State. Most festivals were held this summer without significant drug- or alcohol-related issues. Unfortunately, there has been a recent and substantial increase in drug-related harms associated with a small number of music festivals in New South Wales. Since September 2018 there have been not less than five drug-related deaths at music festivals, 25 pre-hospital intubations, 20 drug-related intensive care admissions and 20 additional drug-related hospital admissions.

While many thousands of people attended these same events without experiencing serious health issues, for at least 40 young people this summer the health situation has been very serious. The regulations set up a new licensing scheme for higher risk music festivals to address this worrying trend in an effort to make music festivals safer. The Government introduced the new scheme following the recommendations of an expert panel consisting of Mick Fuller, New South Wales Commissioner of Police; Kerry Chant, New South Wales Chief Medical Officer; and Philip Crawford, chair of the Independent Liquor & Gaming Authority. Following the deaths of two attendees at the September 2018 Defcon.1 music festival, the panel was asked to provide advice on how to keep people safe at music festivals.

The expert panel made seven recommendations to improve public safety at music festivals across three key areas, including a standalone licensing scheme for music festivals. The expert panel considered that a standalone music festival licensing scheme was necessary to ensure consistency in how the industry and Government responded to the elevated drug- and alcohol-related risks at some festivals. Last year the Parliament endorsed the implementation of the expert panel's recommendations, including a standalone licensing scheme. It indicated broad support for taking the steps necessary to keep festival patrons safe so that they could continue to enjoy the vibrant New South Wales festival scene.

I note that during the debate in this place the Hon. John Graham indicated support for the introduction of a new music festival licence, noting that it would likely make the regulation of music festivals better. That was in place in some of the proposals he put forward today. I am pleased to inform the Chamber that the new music festival licence does exactly that. The vast majority of music festivals will continue to be regulated under their existing licence. For these festivals there is no change to their licensing process. The only change for them will be that they can now access more support and expert information from NSW Health and the NSW Police Force on how to continue to run safe and enjoyable music festivals. At the recent inquiry there was overwhelming consensus that NSW Health has done a terrific job on the health protocol and all festivals had benefitted from that.

However, for those festivals where a significant drug-related event has occurred, including a death, the Independent Liquor & Gaming Authority may direct them to apply for a music festival licence. Under this new approach the independent authority will receive advice from NSW Health, the NSW Police Force and the festival operator to determine whether the festival would be more appropriately dealt with under the new music festival licence. I can inform the Chamber that to date the authority has considered 14 festivals that NSW Health and the NSW Police Force identified as potentially falling into the higher risk category. These festivals were not pulled out of a hat by politicians; they have been identified according to a criteria and by experts. It found that 12 of those should be required to apply for the new music festival licence. Of those 12, one has already been issued a licence and another four are well progressed.

In making this decision, the authority considered that requiring operators to have enforceable safety management plans to address the risks associated with their events would make their event safer. That is what the licence does: it gives regulatory effect to the safety management plan, including health protocols. Both the police and nurses begged us not to disallow the regulation because the widely praised health protocol is unenforceable if the regulation is repealed. The new scheme encourages more proactive engagement between festival organisers and health experts. It provides additional support to organisers in developing their event plans and running a safe event on the day and ensures that there are appropriate safeguards in place to deal with those operators that are not running safe events.

I would argue these safeguards restore community confidence in all our music festivals. The new scheme does not impose additional financial obligations on festival operators, with the music festival licence fee only \$650, the same amount that most operators were already paying. I note the Byron Bay music festival is not captured by this regulation. It is \$613 for one ticket to attend that festival. The fee for this licence is \$650. We need to put that in context. As part of its commitment to supporting the festival industry, the Government will waive the licensing fee for all other music festivals in addition to the other support we provide to music festivals in music festival licences. We know that festival operators are motivated to run safe events and I wish to emphasise that being asked to apply for a music festival licence is not a reflection on their lack of personal commitment to safety.

The new scheme gives festival operators, festival patrons and their families the confidence that the festival operators have the right mix of health and harm reduction services in place to make sure that if something goes wrong at their event they can respond quickly and effectively. Being assessed as requiring a licence unleashes a range of support from the government through gaming and racing and health that is not available to other festivals. We know that over the summer, the immediate intervention of qualified medical staff saved the lives of several festivalgoers that had adverse reactions to illicit substances. The Government wants to make sure that all festival patrons are given the same support no matter which festival they go to.

I thank the Regulation Committee for its analysis of the regulations. What was clear throughout the proceedings is that the main concern was with the compressed consultation time frames, rather than the regulatory burden. I note this because I have been unable to find evidence from industry stakeholders about how the regulations impose an additional burden other than what they were already subject to. The licence costs are the same. The safety management plans are already a requirement for development consent processes and industry indicated that most festivals already have comprehensive plans well in advance of their event.

The liquor licence is issued at the same time as a limited licence would otherwise be issued, so there are no impacts on timing. Yes, the regulations do make the safety management plans enforceable, but this occurs only once the festival operator has had the benefit of working with experts in medical services, public health, harm reduction and public safety to work out what measures need to be in place and how they can be best implemented. While I note that some industry stakeholders raised concerns with the Liquor Act being used, there is no clear evidence that the Liquor Act and the regulations are not able to achieve the desired outcome—namely, that festival organisers are implementing good plans to ensure people are able to get home safely at the end of the festival. We had five deaths—five families lost their young people. That is why we have this regulation.

So we come back to what the regulations actually do. They hold festival operators accountable for running safer events. They make sure that there are adequate medical personnel in place for the event so that we do not have a summer like the previous one. They give patrons and their families the comfort that there are adequate measures in place to deal with the risks associated with the event and that people will come home at the end of the day. The regulations do not impose an additional cost on festival organisers. The regulations do not change user-pays policing, which is regulated separately. That was a red herring during the inquiry. There was real confusion. This is not a user-pays regulation. It has triggered millions of dollars of government support for music festivals for safety management plans. None of it has been recovered from the industry.

The regulations do not impact the majority of festivals, which can continue to operate under existing licensing models because the risks associated with their events are able to be managed effectively under different licence types. It is fantastic that they have all been assessed, and we know that. For the higher risk events, the only licence type that is appropriate for them is the new music festival licence. What happens if the disallowance occurs? The regulations give government the means to work with industry to run safer events. If these regulations are removed we will lose the ability to deliver on this outcome. If the regulations are disallowed, there will be no duty imposed on the festival organiser to run a safe event. There will be no obligation to have a safety management plan in place. There will be no ability to enforce a safety management plan. There will be no obligation to consult with NSW Health or NSW Ambulance.

We have had promises from industry that they will do the right thing but there is no means to ensure that they do. The harrowing evidence before the Coroner indicates that while some parts of the industry are willing to do the right thing, there is often a lack of capacity and/or willingness from organisers to do what is necessary to keep people safe at music festivals. These regulations bridge that divide and make sure that organisers that want to do the right thing are given the support they need to run a safer event, and that the minority of organisers who have fallen short of community expectations are now to be held to a higher standard.

If these regulations are removed the Government will not have the means to properly regulate the festivals sector just as we are entering the upcoming festivals season. The idea that we should scrap the regulation and have a whole new set of regulations at this time of the year when the festival season is about to commence is actually precisely the situation we were trying to avoid by moving quickly all those months ago. There was nothing sinister about the speed; it was done so that the industry and the festivals themselves would have time to comply and to unsettle that, at this point in time when the festival season just about to commence again, I suggest to you has not been properly thought through at all by the Opposition.

If these regulations are disallowed we will not be able to give patrons and their families comfort that the Government is doing everything it can to make festivals safer. If these regulations are disallowed we will not be able to hold festival operators to account. If these regulations are disallowed and a single death occurs those who support this motion will have no-one but themselves to blame.

**Ms CATE FAEHRMANN (10:51):** On behalf of The Greens I support the motion moved by the Hon. John Graham to disallow these two music festival regulations. At the outset I acknowledge everybody in the public gallery, including the mother of Alex Ross-King, who tragically lost her life at one of these festivals. It is important to note that the Hon. John Graham said that the disallowance motions and the regulations are not really about pill testing, and I will touch on that in my speech. We have to remember, of course, the reason why we here, which is because of the six tragic deaths in New South Wales at music festivals last summer. We are also here because of the response of the Government and the Premier, which was largely played out in the media, under a lot of pressure, to look like she was doing something in relation to so-called alleged MDMA overdoses, as appeared on the front page of newspapers not only in New South Wales but also across the country.

The Premier set up her expert panel to look into safety at music festivals and it is incredibly important to note that the expert panel was hindered, constrained from the start, to not look at all of the harm-reduction measures that experts have said work in relation to young people, in particular, who attend music festivals and will take illegal drugs at those festivals. Of course, I am talking about pill testing. I note the contribution of the Hon. Catherine Cusack, who said there are 91 music festivals and that these regulations would not put much imposition on them. It is important to remember the message that was being sent by the Government to music festival operators in many ways—one of which was immediately after the two tragic deaths at Defqon.1—with the Premier suggesting that music festivals will not take place in New South Wales again.

The Premier essentially implied that she would try to shut down festivals of that type. A lot of young people come together to listen to electronic music—and, yes, many of them take drugs and we will never be able to stop them doing that, which itself is a huge problem. At that time the police started to impose exorbitant user-pays policing charges on music festivals and, yes, music festivals closed and moved interstate. I have a few examples: the Rabbits Eat Lettuce festival announced it would move to Queensland. I think the police tried to lodge an appeal in the Supreme Court to stop it doing so. It had already cost \$100,000. On 7 February 2019 the PSYFARI cancelled its festival and blamed the Premier's war on festivals. Mountain Sounds was forced to cancel its event due to a last minute \$200,000 bill from the NSW Police Force.

I think we need to remember that the Premier's response at this time was to blame the organisers of those festivals—people who have been contributing to our community and our music culture in New South Wales and around in Australia for so long. She accused many of them, or the industry itself, of trying to make a "quick dollar"—they were her words. She said, "I don't think it is fair for organisers to blame anybody but themselves. There are rules in place." She suggested that festival organisers just need to obey the law. It is important to put on the record that festival organisers do obey the law. I refer to the attacks on music festivals and on their organisers as a result, to be brutally honest, of the Premier's refusal to acknowledge how to keep people safe and what experts were suggesting was a way to keep people safe—that is, pill testing services and drug counselling services at music festivals.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** Order! This debate is about striking out two regulations. It is not a debate about an ongoing inquiry or wider issues with regards to pill testing. I note particularly the observations made by the Hon. John Graham that this debate was precisely not about pill testing. Before anyone takes a point of order, I simply invite Ms Cate Faehrmann to consider that we are dealing with the striking down of the disallowance of two regulations.

**Ms CATE FAEHRMANN:** It is obviously an issue that makes people emotional—not that I was emotional then—but it is one that we have to discuss.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** While I am somewhat sympathetic, I am in the chair at the present time.

**Ms CATE FAEHRMANN:** I think the context is important. I say that because it was rushed. The Premier felt she needed to do something to keep people safe at music festivals, but it was the wrong solution that punished the operators, some of whom I know. I have been to many music festivals in my life. I have seen how the medical tents operate, and how roving DanceWize, ACON, other staff and volunteers keep people safe. I know how that works. To blame the operators and to implement hastily thought through regulations without adequate consultation is the Premier's way of shirking her responsibility to put in place measures that keep people safe at music festivals.

In February I hosted a roundtable at Parliament with representatives of the music industry. They all signed a statement calling on the Premier to bring a halt to the new festival licensing regime, which was due to come in on 1 March. They asked the Government to go back to the drawing board to undertake thorough consultation with the music industry before developing any new regulations. Let us remember, there was an election in March. The Government was in caretaker mode. We heard from many stakeholders during the inquiry of the appalling consultation that took place. Essentially there was no consultation. The Australian Festival Association and Live Performance Australia wrote to members of this place urging them to support this disallowance motion, suggesting that despite its repeated public commitment to work with the Government on these issues there was no proper industry consultation. On this the committee found that consultation was inadequate. Frankly, that was a generous term for the committee to use. The coronial inquest is looking into the deaths and its findings will be handed down, I believe, on 8 November. It is significant that this report states in recommendation 4:

That the NSW Government take the findings and recommendations of the NSW Coroner's report into deaths at music festivals to the regulatory roundtable for discussion prior, to the New South Wales Government responding to the Coroner.

That is incredibly important. The inquiry did not cover the issue of pill testing. I tried to raise the issue of sniffer dogs over policing at festivals, which results in young people feeling the need to take all their drugs at once at the

festival gates. That line of questioning was not allowed to continue because it was before the New South Wales Coroner. That recommendation is important and I urge the Government to listen to that and for members to support the disallowance motion.

**The Hon. MICK VEITCH (11:01):** I wish to make a brief contribution. The Hon. John Graham covered most of the ground I wanted to cover. As Chair of the Regulation Committee, I put on record my appreciation of all committee members who participated in this inquiry on the regulations. It highlights the importance of the Regulation Committee. This debate is much better informed because of what that exercise produced. We took it seriously. I put on record my appreciation.

**The Hon. Catherine Cusack:** And most of the recommendations were accepted.

**The Hon. MICK VEITCH:** That is right. I know it is disorderly, but I will acknowledge that interjection. I draw the attention of honourable members to the report. One thing that came out of the committee was the consultation process. Most of the participants who presented at the inquiry and who made submissions were critical of that process. On behalf of the Government the Hon. Catherine Cusack said there was a reason behind that. If those reasons had been articulated at the time by the relevant departments involved in the process there may have been a greater understanding of why this was taking place. But it did not happen. There is fair criticism that the consultation process was inadequate. It did not bring the industry along as a part of the exercise.

As a regional MP, these events provide cultural diversity and are economic stimulants for regional New South Wales. We have to make sure that people who go to these events are safe, that they have a good time and enjoy themselves and that they spend money in our local economies. I support that. I do not know anyone who would not support that, particularly with some of the water issues going on now in regional New South Wales.

The other thing to come out of this inquiry was the unanimous support for the way the health department has gone about preparing its inquiry. I have been in a few inquiries lately and government departments are getting belted for the way they conduct consultations so it was really refreshing to hear most people say that they support the way the Health department has prepared its guidelines. We should congratulate the Health department on record because it has engaged the sector. It has conducted the consultation in a good way, which has been unanimously supported, and we should say that it has done a very good job. Other government departments might want to look at how it went about that so we can get consultation with industry right in the future.

Another thing that came out of the report was the unanimous support for the roundtable. That roundtable provides a mechanism which will address a lot of the issues that were raised in the inquiry into these regulations. I have a great deal of enthusiasm for the roundtable. I was not across this before we started the inquiry but having read the submissions and hearing testimony on the day, we should put that in place as soon as possible. We should be using it as a constructive forum to address ongoing issues that may arise in this sector so that people can continue going to festivals and feel safe while enjoying them. I have a vested interest in making sure these festivals are safe. I have adult children who like going to some of these events. On the long weekend my son and his girlfriend are coming to Sydney to go to a festival. This will sound strange; I have a granddaughter in her teens and she is not far away from being old enough to attend some of these events. I want to make sure that people can attend and enjoy these music events safely.

Having chaired the committee it is obvious that the consultation process has failed. The intent was right. Members in this Chamber and government departments all had the right idea. We were all doing the right thing, but the consultation has failed. The Acting President has sat on some of these committees when it has been raised. The lesson is: we have to get the consultation right if we want to bring industries along with us to ensure that there is agreement about the processes we are putting in place. I spoke at length with the Hon. John Graham during the inquiry about the impacts of disallowing these regulations and where this committee would take information based on the testimony and the submissions. It took the Hon. John Graham a while to get me to the position that we are at now. But I accept that we can do better. It is beholden on all of us to work together to ensure we do this better so that our kids and our grandkids can have a great time at these festivals while feeling safe. Then they will be around the next morning to tell us just how good the festival was. I will be supporting the disallowance of these regulations.

**The Hon. BEN FRANKLIN (11:07):** This is a challenging issue because, as we find so often in this place, it is about ensuring that two—and I was going to say competing but they are not mutually exclusive—aims can be fulfilled. The first is that we have an incredibly vibrant music festival industry, which I strongly and passionately support. The second is that it is safe. Those are the exact words the Hon. Catherine Cusack used in her opening remarks. But if they are going to be safe, and there have been six tragic deaths, we need to ensure as a government that we look at what framework under which these festivals should operate. That necessarily implies some greater restrictions.



I am going to speak briefly but I want to get a few things on the record. First, I want to talk about the Hon. John Graham. He is a friend of mine and is sincere and genuine in his desire for what he is trying to achieve. I do not believe he is running a political agenda. He is genuine in his desire to strongly support live music, the music industry broadly and the festivals. He has raised four concerns today. I have substantial sympathy with a range of elements of those concerns. He wants a strong music festival industry. He and I have consulted with the Australasian Performing Right Association, the Australasian Mechanical Copyright Owners Society and others to work out ways that we can support the live music industry. The Hon. John Graham also said, "I really want to know that my kids will be safe and other kids will be safe across New South Wales." He put that up-front and I accept and acknowledge that.

The Hon. John Graham identified four general principles upon which we can all agree. First, we all need to work together, which the Government and I strongly endorse. Secondly, this industry should be regulated, which we all agree with. Thirdly, the regulatory roundtable should be set up quickly. I absolutely endorse those remarks and strongly urge the Minister and his staff, if they are listening, to get onto this as a matter of priority. Substantial concern has been raised about consultation on numerous occasions not only in this Chamber and in the inquiry but also with me. We cannot build a time machine but we can go forward with a substantial, broadly representative roundtable that can address those concerns.

The fourth principle is that the health guidelines that have been established by this Government are—and I quote the Hon. John Graham—"the best in the country". The Hon. John Graham said that he and the Opposition do not support the regulations for a range of reasons. I will be supporting the Government and not supporting the disallowance motion.

**The Hon. Penny Sharpe:** You could change your mind.

**The Hon. BEN FRANKLIN:** I have voted with you enough this week, Ms Sharpe. I want to address two issues. The first is the hit-list issue. I understand those concerns. I understand the intellectual point but I would express it differently. I do not think it is inappropriate to impose more stringent requirements on higher-risk events. We do that in a range of other areas. In fact, the Hon. Natalie Ward is the chair of the Joint Select Committee on Sydney's Night Time Economy upon which I sit and we are considering today its deliberative report. One thing we are clearly looking at is imposing more stringent requirements on a range of higher-risk venues in Sydney. I do not think that is an intellectually fallacious position. In fact, it is a responsible position. I understand there might be concerns about how that works in a definitional sense. I understand there may well be concerns about what happens to venues that do not fall within that coterie but I do not think it is an inappropriate position. The Government has genuinely drafted those regulations to try to address the substantial risk.

The second issue is that if this disallowance is passed, the health guidelines will no longer be mandatory. I appreciate the fact expressed by the Hon. John Graham—and I have seen this alluded to and reported in other places—that, for example, the next two music festivals have already voluntarily accepted that they will implement the guidelines. That is great. I endorse and support all music festivals doing exactly that if the disallowance is passed. The mandatory imposition of the guidelines sends an important message, as would a compulsory safety management plan. The Hon. Catherine Cusack made that point extremely strongly and appropriately. I understand that voluntary adherence is helpful, and I support it, but there needs to be a mandatory requirement.

It is a challenging issue for me because I live in Byron Bay and am a passionate supporter of music festivals. I am the immediate past chair of the Parliamentary Friends of Australian Music and I will continue to work together with the Hon. John Graham, Ms Cate Faehrmann—who I acknowledge is a passionate advocate in this space—and others to try to get the best possible outcomes for live music and the music festival industry in New South Wales. But on this occasion, for the reasons I have outlined, I will not be supporting the disallowance.

**The Hon. ROSE JACKSON (11:14):** I am looking forward to the start of the festival season in New South Wales. It is a quintessential part of our State. One of the many reasons it is so great to live in New South Wales is because we have so many fantastic music festivals not only in Sydney but also in our regional areas. Apart from just being really fun, they provide cultural, social and economic benefits across the State. All festivals such as Byron Bay Bluesfest, Splendour in the Grass in Byron and Fairgrounds Festival in Berry are instrumental to our local economies in regional areas. Patrons need accommodation. They travel to those areas and boost local businesses, which are often small businesses. The economic benefits of the festival industry in New South Wales are irrefutable.

It is also irrefutable that as a result of the rushed regulations that we saw introduced earlier this year many festivals cannot continue to operate. My colleague Ms Cate Faehrmann mentioned some. When Mountain Sounds on the Central Coast cancelled its event, which will affect the Central Coast economy, it explicitly indicated that it was because it could not comply with the stringent and harsh implementation of the festival regulations. It was up-front in indicating that it could not continue its event, which benefits the local economy and brings so much

joy to young people not only on the Central Coast but also in surrounding areas. It indicated that the regulations and the increased cost to festival operators meant it could not go ahead and that when compared with other States New South Wales it is a less attractive location to host a festival. Byron Bay Bluesfest indicated that it was considering moving to Queensland to avoid the regulations. Those views from the people who are running the events are on record. The issues that were raised in this inquiry about the complexities of and the issues with the regulations can all be brought back to the fact that the regulations were introduced without sufficient consultation with those who plan and run festivals.

Genuine dialogue is needed. Like so many other industries, unregulated music festivals pose a risk, particularly for young people. There is clear agreement across all contributors to this debate that regulation of the music festival industry is necessary. Thoughtful leaders in the festival industry have welcomed regulation. They have asked to participate so it is not an unreasonable request that they have a seat at the table when regulations are developed. The Government's kneejerk reaction earlier this year did not allow proper consultation. As a result, we have seen festivals in New South Wales shutting up shop or indicating that they will move elsewhere.

The regulations have had real consequences; they are not hypothetical. Without the critical insight from people who run the festivals, there is no way that we can understand how the regulations will affect them. The consequence of a lack of consultation on regulations is twofold. First, music festivals will not go ahead because it is impossible for them to comply with the regulations, as we saw with Mountain Sounds. Secondly, the regulations are poorly implemented. That is not a good outcome either. Music festival operators want regulations that they can fulsomely comply with to ensure that we are getting the maximum benefit from the regulatory regime. A poor regulatory regime helps no-one. Establishing a good regulatory regime requires the people who must comply with those regulations to participate in their development.

If proper consultation with the music scene had occurred, the Government would have been told about some of the difficulties with conforming with the regulations. As has been mentioned, some music events are planned 12 to 24 months in advance. There are complexities in organising a festival and it is important to be flexible and work with patrons to ensure that the balance between remaining safe and remaining enjoyable is met properly. The lack of consultation with the industry has resulted in harsh regulations. It is almost impossible for some festival coordinators to follow them.

It is accepted that a different regulatory regime may be needed for some of the 90 festivals that operate in New South Wales. They are occasionally different events and what works for one may not necessarily work for the other. There has to be a dialogue to find that balance and to ensure that not only each festival gets a tailored approach but also there are generalised guidelines that work. This regime was not developed with intellectual rigour. There was no space in its rushed nature for some of those complexities to be worked through. It is imperative to ensure that the upcoming festival season is not only successful but also, critically and importantly, safe. The Government must undertake the recommendations of the inquiry and engage in a regulatory roundtable.

The Opposition wants the issue resolved in a bipartisan way and is not interested in a political contestation for the next four years. The economic benefits to New South Wales cannot afford to wait that long. Because safety of young people is involved, it is essential that we get this right soon and that we do it properly. That will involve the establishment of the regulatory roundtable to ensure that the regulatory regime that is put in place has buy-in and ownership from the people who will have to implement it. It will also need fulsome consideration of the Deputy Coroner's report when it is released.

There have been numerous mentions to our commitment to an evidence-based approach in this area and I am signed up for it as well, but that does not mean we say there is no evidence for things that have evidence. Consideration needs to be given to policing at festivals through strip searches and drug dogs. The idea of trialling pill testing in this State should also be considered. Those things have an evidentiary basis. We must wait for the recommendations of the Deputy Coroner but it is not good enough to say there is no evidence for things that have evidence.

If we are genuinely committed to using that framework to ensure the safety of our young people, we must be prepared to set aside ideological constrictions and be open to trying out new or innovative things that just might save lives. The tragic death of a young person at a music festival is complicated and complex. It is not the fault of any one side of politics—Government or Opposition. It is not the fault of the young person or their parents or the festival operator. Similarly, resolving the complicated and complex issue of how we keep our young people safe cannot be done through ill-considered and ham-fisted regulatory regimes that are developed without consultation. It must be done with the kind of intellectual rigour, consultation and dialogue that the Opposition is proposing.

It is necessary to set aside the regulations that have caused economic damage to New South Wales and that have not included a proper voice for those who are required to comply with the regime. It is necessary to

quickly establish a regulatory roundtable to get some thorough and comprehensive regulatory recommendations for the upcoming season, including the consideration of the health guidelines that the industry has indicated it supports, as do the Government and the Opposition.

If we can do that in a timely way, I am confident it will ensure another hugely successful festival season in this State where young people—and some older people—can enjoy all the music, cultural and social benefits of festivals. We can ensure our State enjoys all the economic benefits that the festivals bring and that our music scene and artists can enjoy all the cultural benefits of performing at these interesting and different festivals that offer so much. We can also ensure that our young people are safe and can enjoy those events without the risk that a tragic event will occur.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I am alive to the fact that 28 minutes are left in the debate, to which a number of members wish to contribute. I remind members to be brief as a matter of courtesy.

**Mr DAVID SHOEBRIDGE (11:24):** I support the work of my colleague Ms Cate Faehrmann. I support the disallowance motion for the two regulations and I appreciate the Hon. John Graham for moving it. As we are coming into the summer music festival season, the motion is timely because the industry requires certainty now. Young people require a government that is in their corner for once and understands that, despite the most aggressive policing we have seen yet at music festivals, despite a narrow-minded response from the Premier with an abstinence-only policy and despite throwing hundreds of police and dozens of dogs at music festivals, drugs will continue to be brought into music festivals and consumed.

If the Government cannot keep drugs out of prisons—we know it cannot; it cannot even come close to it—how does it seriously think it is going to keep drugs out of a music festival? The Government and its abstinence-only policy are failing the people of New South Wales, especially young people. We have seen the aggressive policing response to music festivals, with sometimes literally 200 police assigned to a music festival and with police also around the first-aid tent discouraging young people from seeking assistance if they are concerned about having an adverse reaction to drugs. We have seen the aggressive use of police at the entrance of music festivals with drug dogs. We see young people panicked at that moment, particularly young inexperienced drug users, who may have three or four pills with them that they are intending to share.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** Order! I raised earlier that this is a disallowance motion. It is not an invitation to look at all the ills. Mr David Shoebridge and I have sat together on budget estimates. I encourage the member to focus on the leave of the motion.

**Mr DAVID SHOEBRIDGE:** I will. Aggressive use of policing is an element of the so-called regulation model that the police and the State Government are implementing. Part of this regulation model is to continue through that aggressive number of police. We know that young people get deeply frightened by the large number of police.

**The Hon. Catherine Cusack:** Point of order: There is no policing in this regulation. I think Mr David Shoebridge means well but he might not be aware that policing is not part of the regulation that is being debated before the House at the moment.

**Mr DAVID SHOEBRIDGE:** To the point of order: This is chewing up time that I was hoping to have free for other members. Part of the licensing arrangement is to require festivals to have an arrangement with the NSW Police Force, which leads to sometimes hundreds of thousands of dollars and hundreds of police being associated with it. It is clearly relevant to the disallowance motion.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I remind members to focus on the motion.

**Mr DAVID SHOEBRIDGE:** The aggressive approach from the Government does not make young people safe. It is well known that panicked ingestion has led to the loss of life. If the Government is serious about keeping young people safe at music festivals, these regulations, which the Opposition is seeking to disallow, are not the way to do it. We know the answer lies in getting rid of the failing war on drugs, installing amnesty bins and having peer-to-peer support. That is the solution we must put in place as soon as we get rid of those dangerous regulations that are a hindrance to a much safer summer.

**The Hon. TAYLOR MARTIN (11:28):** I did not intend to speak on the motion but many members have said that Mountain Sounds is a big part of the reason they want to see these laws repealed. On its way to bankruptcy, Mountain Sounds sought to blame the Government and these regulations for its demise, which some members have touted this morning. It alleged that \$200,000 in security and emergency services pushed it over the edge—\$200,000 for essential services to a multi-day, overnight festival. Eventbrite was owed \$893,000 alone; contractors from 2016 were still owed money in 2019; MAKER Agency was owed \$161,700; bookers

WME Entertainment were owed \$42,625; Select Music was owed \$13,500; and Aussie indie icon Courtney Barnett was owed \$95,000—to not even mention other artists who were owed similar amounts. Furthermore, many local sole operators and small businesses wrote their accounts receivable off to Mountain Sounds once they knew they were going down the gurgler. They were going broke, they were broke and they sought to slam the door on the Government on the way out.

**The Hon. GREG DONNELLY (11:30):** I participate in this important debate on an important social policy matter—in terms of the whole issue and the way in which we as a society regulate the way in which we recreate and enjoy ourselves. Thank goodness we do, how poorer we would be as people if we did not recreate and enjoy ourselves outside of work. We know a lot of people do that through their engagement and participation in—and, importantly, as far as the issue goes, their direct economic ties to—this very important industry. Before I go any further I acknowledge the presence of the mother of Alex Ross-King in the gallery.

As a parent, I could not imagine the utter tragedy that is still being felt by her and the whole family about the loss of a child. No-one would ever want to have that experience, but she has had that experience. It is an extraordinarily brave act by a person like her. We see time and again when human tragedy befalls someone: They go into themselves and reconcile themselves to what happened, come to terms with it and see how they can take that tragedy and make things better for others, looking to the future. That is precisely what Ms Ross-King is doing in working with all the people she can, particularly, in this case, members of Parliament who are trying to work out a way in which we can create a situation where this tragedy does not ever befall another parent.

In his contribution the Hon. John Graham thoroughly covered all the key aspects of the debate for the House with respect to the disallowance of the two regulations. I support the disallowance motion and I do so having watched and listened very carefully not only to the debate—that being important—but also particularly to what has transpired since May this year. May is significant because on 30 May, as honourable members know, the terms of reference were made by the Legislative Council for the inquiry. That led to the report, which has informed us all about what we ought to do with those regulations. Without making an overly political point, this week is not the first time we have seen the rushing of people within the Executive side of government to do something.

The result is the creation of something which, once the potential implications and impacts become clear, issues arise, specifically or perhaps broadly, about problems associated with it. We do not need to reflect on that; people know what I am talking about. When we get to the point where we appreciate that there are serious issues and problems, what do we do about it? The inquiry was a little bit short of what I would have liked to enable further ventilation of the issues. I note that although there were 52 submissions, there was only one hearing day, with just 19 witnesses—all very good witnesses, I might say. Those contributors of important evidence—and I use a word that I do not like to use, "stakeholders"; I think we all know what it means, but it is an awful word—were from a broad spectrum, but one could argue that the inquiry could have been more thorough. I think we have all had experiences in dealing with inquiries that are shorter than we would otherwise like them to be.

The oral testimony from the industry, which is important in the economic context of what they provide for this State in terms of employment, income, the payment of tax and all that happens from enterprise, was quite well ventilated. We obviously then had parents and the list of witnesses, as scheduled at the back of the inquiry report. Through deliberation, and I participated in the deliberative meeting that settled the report, we ultimately produced the four findings and the six recommendations, which can be found on pages ix and x. I am sure everybody is familiar with those. I make the point about May this year as a marker in the ground because we have, since May this year, all had a clear sense of the fact this is something that needs to be addressed. We are now towards the end of September and, yes, there was an inquiry and of course an inquiry does its best to inform itself.

Whilst that is being done, there is no reason for the government of the day—and it does not matter who the government of the day is—to simply wait and see what is going to come out of the inquiry. Good government involves looking forward, projecting forward and pushing itself forward to ideally be in pride of place on the cutting edge to try to deal with things, not at the back or in the middle of the line. I set aside the whole issue of pill testing, which, as a matter of record, I strongly oppose as a policy prescription. We can set that particular matter aside for the moment because there is some contestation about that, which is not surprising, but we can look at everything else other than that. That is what I believe the Hon. John Graham has been executing very much.

I also say that most—but I will not include all—members of the committee, have had, dare I say, a political agenda. But politicians have political agendas and we understand that. The members of the committee around the table who are of a party that is currently in government, or in a party that can form government and wishes to form government, understand the utter significance of getting this right. We are not to be distracted from what is an important debate by a particular aspect and allow that to suck all the oxygen out of a whole range of other things. For all that, we are almost there or, one might argue, just about there.

There is still time for the Government to get on with and get things done. It talks about the fact that the season is coming up and we have heard about the first festival event, which I am sure will be a joyous event when it comes. But the Government is the Government: It has Ministers, it has bureaucracy, it has advisors, it has consultants, it has politicians in this House and 93 in the other place. We can get together and do this. In his contribution the Hon. John Graham made these points:

... everyone now agrees we should work together—

Well, thank goodness for that. That should be almost a caveat emptor. All things being equal, we should and that is quite so. There was some division at the start but that has narrowed. The Hon. John Graham also said:

... we agree that the industry should be regulated—

I think that is accepted. I think the utter tragedy of what has transpired has, for the first time, put some eyes into understanding this whole, significant industry and all its connected parts in a lot more detail than we have done in the past. We do understand we need to regulate. The Hon. John Graham also referred to:

... a regulatory roundtable—

That is connected to the first: That is how we do things in a democracy, in a plural society—we get around the table and talk. Talking thus far has brought us a long way. With respect to the House guidelines, is it not such a wonderful thing for everybody to get up and state, unequivocally, that the work done has produced very high-quality guidelines—as best that I can look at them and understand them and appreciate them.

In conclusion, things can be done between now and the festival season. Dare I use an old Aussie term, it is a matter of pulling the finger out. There are 42 of us in this place and 93 in the other place. Surely we can get this done. There is the goodwill to do it. I again acknowledge and thank the Hon. John Graham, who is vastly more knowledgeable about this. I am a member of the Legislative Council Regulation Committee, and proudly so, but I was more than happy—in fact, I was quite relieved—when he asked me to participate in the inquiry. I said, "John, you don't need to ask twice." I was grateful to have him on that committee because of the knowledge, import and insights that he was able to bring to it. We worked cooperatively with all committee members, and I will not go through them all, to produce the report with its recommendations. I strongly support the committee's recommendations and I strongly support the motion to disallow the two regulations. I thank the House.

**The Hon. PENNY SHARPE (11:40):** I have listened to the debate. I understand that we are dealing with tricky issues here and that there are essentially different approaches to what is the best thing to do in this circumstance. I support the disallowance motion but I will reflect on a couple of matters. We have learnt a couple of things from working in the space of music festivals, young people, harm minimisation and the best way to make regulations for particular industries. That is where we are coming from on this matter. I was involved in the music industry inquiry and in looking at the issues around lockout laws.

When lockouts went through this House we were seriously concerned about safety. I was here. Everyone agreed at the time but I do not think anyone in this House now would suggest the way they went through was well thought out, or that there were not massive unintended consequences as a result of the way they were implemented, and that they had serious problems.

*[A member interjected.]*

I understand that The Greens opposed the lockouts. I do not suggest that it was a unanimous decision but it did go through the House. Labor voted for it; I voted for it and I was okay with that. The issue is that we need to reflect and learn as we go along about how we do these things. I do not think the complete collapse in venues, the loss of opportunities for musicians to perform and the loss of small businesses within the Sydney CBD was ever contemplated when we were trying to find a solution around safety. We need to learn and reflect upon that. That is really where we get to with this disallowance.

For young people—and also older people—music festivals are an incredibly important part of their lives, their connection to community, the way they feel about where they live and their willingness to travel across the State with their friends. They are an incredibly important part of how young people in this State—and the oldies—have the opportunity to have fun, experience joy, experience music and experience connection to community. We want people to be able to do that as much as possible because we know that those festivals, wherever they are in the State and whatever form they take, create jobs and create cultural tourism. They are part of the fabric of what we want New South Wales to be.

Reflecting again on the lockout laws, New South Wales is considered globally to be not a happening place; it is not a place where you can go and have a civilised time with your friends late into the night. We do not want to be the place that closes down festivals across this State through lack of regulation. I know other members wish to speak and so I will be quick. If we have learned anything from the lockout process, we should also learn

in relation to the festival process. Everyone knows that we need to do this safely. But there is a different way to do it other than with these regulations, which I believe have not had sufficient consultation, have not engaged particularly with the industry, have seen jobs lost, have seen festivals cancelled, and have seen—yet again—the New South Wales Government show its inability to work through some complex issues.

Having said that, I acknowledge there are people working across the Parliament on this. I acknowledge the Hon. Ben Franklin, the Hon. Shayne Mallard and others who have done work in this space. I support this disallowance. I think we are mostly on the same page here. The issue is that we have a different view as to the best way to do it. I support the Hon. John Graham's view on the best way to do it because we have ample evidence that this stuff is poorly thought out, if we only look at the lockouts.

**The Hon. JOHN GRAHAM (11:45):** In reply: I thank all those members who have contributed to this debate—the Hon. Catherine Cusack, Ms Cate Faehrmann, the Hon. Ben Franklin, the Hon. Rose Jackson, Mr David Shoebridge, the Hon. Taylor Martin, the Hon. Greg Donnelly, the Hon. Penny Sharpe and the Hon. Mick Veitch, who chaired the Legislative Council Regulation Committee. This is a complex issue and there are a lot of strong feelings about it, as has been reflected in this debate. The Hon. Mick Veitch did a fantastic job chairing the committee. It is impossible not to be emotional when dealing with these difficult issues. I thank all members for the way they have conducted this debate.

In reply to those contributions, I will deal with a couple of facts, contrast the two approaches and then talk about the reason we will press for this disallowance. First, there is a disagreement about the number of events in New South Wales. The Government says there are 80 to 92. That does not capture all the events happening in the country or ethnic festivals. It also does not capture concerts, some of which are within the definition of this regulation. That is the reason for the difference in our views. We say that hundreds of events are captured by this regulation—although ultimately they are not regulated. On the expert music panel, I simply make the point that it did not have someone on it who had run a festival; it did not have an industry representative.

On the question of costs, the Hon. Catherine Cusack is correct about the cost of a licence. But we believe this regulation would then trigger higher costs when it comes to dealing with councils, communities and police who are concerned that they might have an extreme risk festival in their backyard. On pill testing, I acknowledge there is a time for that debate. I definitely do not want to suggest there is not a time for that debate. However, this regulation deals with licensing and it is not the time for that debate now. I reiterate we will support making those health guidelines or safety management plans compulsory if the Government brings that forward.

The Hon. Taylor Martin referred to an individual festival, and was well within his rights to do so. I will not go into the details of that individual festival. I will simply say that the reason we are bringing this forward is not because of media reports about any single festival, but because the serious national music bodies, Live Performance Australia, APRA AMCOS and the Australian Festivals Association, have indicated their concerns. These are national organisations. They do not want to be in here in New South Wales trying to sort out how the sector works here. They want to work nationally. Their concerns have driven the Opposition's position. I put those facts on the record, hoping they will assist the debate as we wrap up.

I will contrast the two approaches. Our concern about the existing approach and philosophy of regulation is that it is really like regulating by looking in the rear-view mirror. We are saying, "Have you had a problem in the past? Have you had a death or a serious injury in the past? You should be heavily regulated." What we would prefer to do is look ahead and say there should be a power for these health guidelines to be applied wherever they might be required. This is not the case now. Medical providers should be required wherever they are required. We should look ahead, rather than saying there is an issue only after an event has had trouble.

That is one of the key philosophical differences in the approaches. I will finish on the two hurdles we have not been able to overcome and why we will press this disallowance. One thing I did not appreciate in this debate was the suggestion that if there is a single death at one of these 11 regulated festivals, it would in some way be the fault of the Opposition. I reject that view. If there is an incident at an unregulated event, events which we say guidelines should apply to and the Government has not applied, that is a problem for the Government. I will not be laying that at the feet of the Government. I simply say that is a failure of us all to act and to act together, wherever we strike trouble here.

We still have two problems. First, we want the Government and industry to work together but it is impossible to ask the industry to do that if it is being asked to put itself on what was described as an extreme risk hit list of festivals that might be closed down. There is no way that can be a cooperative way to work with industry to sort this out. Secondly, this regulation leaves event circumstances unregulated that should have more attention than is applied. We call on the Government to urgently set up the roundtable. I note that other members have also done so. That is the view of everyone who has looked at this issue. I hope and expect the Government will deal with that.

Finally, I make clear that we will work with the Government on these issues. I can assure the House that the agencies have given thought to what to do if this disallowance is allowed. I have been encouraged in discussions with the Minister about the approach the Government might take in general to this sector in future. I thank members for their contributions. I commend the motion to the House.

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

**The House divided.**

Ayes .....21  
Noes ..... 18  
Majority.....3

#### AYES

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

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

Boyd, Ms A  
Donnelly, Mr G  
Graham, Mr J  
Jackson, Ms R  
Moselmane, Mr S  
Secord, Mr W  
Veitch, Mr M

#### NOES

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

Blair, Mr  
Farlow, Mr S  
Latham, Mr M

Cusack, Ms C  
Franklin, Mr B  
Maclaren-Jones, Mrs  
(teller)  
Mason-Cox, Mr M  
Roberts, Mr R  
Ward, Mrs N

Mallard, Mr S  
Mitchell, Mrs  
Taylor, Mrs

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

#### PAIRS

Searle, Mr A

Ajaka, Mr

**Motion agreed to.**

#### *Bills*

### REPRODUCTIVE HEALTH CARE REFORM BILL 2019

#### Messages

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the bill.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** Order! According to sessional order, proceedings are now interrupted for questions.

#### *Questions Without Notice*

### BREWARRINA "YETTA DHINNAKKAL" CENTRE

**The Hon. PENNY SHARPE (12:03):** I direct my question to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Leader of the Government. Will the Minister inform the House what advice Aboriginal Affairs NSW provided to Corrective Services NSW about the impact of the closure of Brewarrina "Yetta Dhinnakkal" Centre on Indigenous inmates and their families?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:03):** I thank the Hon. Penny Sharpe for that question. As I think I have told the House before, I recently visited Brewarrina and met with the deputy chair of the local Aboriginal land council and with a key player in the local decision-making process involved with the Murdi Paaki Regional Assembly. Curiously, neither of them raised

the issue with me. It is a matter of some interest in that community. I do not have that information with me in terms of what Jason Ardler and Aboriginal Affairs might have done. I will get that information for the honourable member—perhaps by the end of question time if it is available—and provide her with an answer.

### REGIONAL ARTS TOURING

**The Hon. TAYLOR MARTIN (12:04):** 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 New South Wales Government is supporting regional arts touring?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:04):** I am very happy to do so. The Government is proud to support arts organisations touring regional New South Wales to help provide regional audiences with their fair share of arts and cultural excellence. Regional touring is a very important way to provide greater access, engagement, and quality arts and cultural experiences to a broader statewide audience. In 2018-19 more than \$650,000 was provided to support 17 regional arts tours. This included funding to musicians, orchestras, and theatre and dance companies to support a range of tours in New South Wales and, importantly, for regional arts companies to tour to Sydney.

Some of the touring projects funded included: \$25,000 for the Australian Brandenburg orchestra, which undertook a tour to six New South Wales regional towns, including Berry, Goulburn, Young, Parkes, Mudgee and Singleton; \$40,000 to Sydney youth orchestras, with seven performances and four workshops teaching and presenting significant works from the orchestral cannon; \$61,000 to fLING Physical Theatre from the far South Coast, which supported a tour of that theatre's new work, *Body and Environment*, to Riverside Theatre and partnered with FORM dance projects, Wollongong Town Hall auditorium and Merrigong Theatre Company; and, finally, \$39,117 to the Ensemble Theatre for its excellent production of *Diplomacy* by Cyril Gely, which toured 15 performances across five venues in New South Wales, including Orange Civic Theatre, Wyong Art House and the Shoalhaven Entertainment Centre.

In addition to sharing arts and cultural excellence to boost the offering across the regions, this support also brings valuable employment opportunities both for artists and locals working across the participating venues. In 2019-20 I am pleased that the funding framework for supporting arts and cultural projects, including regional touring activities, has been reformed to better support artist and audience needs. This includes clearer guidelines and a set notification date for applicants, providing clarity to artists and venues to plan accordingly. This enables support for projects that consider a range of touring outcomes, including longer in-residence style tours to embed arts and culture in communities. In addition to support for touring through the general project funding round, the major performing arts touring companies will be supported to tour the State. The Government's support of regional touring is integral to the reach and enjoyment of all forms of arts and culture across New South Wales.

*[Business interrupted.]*

### Visitors

### VISITORS

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** I acknowledge in the public gallery John and Linda Blair, my parents, and welcome them to the New South Wales Parliament.

**The Hon. Walt Secord:** I see where he gets it.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** He is a good-looking rooster, I will give him that.

**The Hon. Mick Veitch:** It is your fault.

**The Hon. Walt Secord:** You have a lot to answer for.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** Members should remember that I am in the chair.

### Questions Without Notice

### BREWARRINA "YETTA DHINNAKKAL" CENTRE

*[Business resumed.]*

**The Hon. WALT SECORD (12:08):** I direct my question to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Leader of the Government. In light of then corrections Minister David Elliott's 19 October 2016 parliamentary statement in which he said, "The Brewarrina correctional



facility is positively contributing to closing the gap and reducing Indigenous incarceration rates", does the Minister and his department support the closure of the Brewarrina facility?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:09):** I thank the Hon. Walt Secord for his question. I will take it on notice and provide an answer to him when I am in a position to do so.

### READING RECOVERY PROGRAM

**The Hon. MARK LATHAM (12:09):** My question is directed to the Minister for Education and Early Childhood Learning. Why did the Government announce the abolition of the failed Reading Recovery program as per 2015 Centre for Education Statistics and Evaluation findings only to then allow school principals and instructional leaders to piece Reading Recovery back into classroom literacy programs—a backdoor way to keep parts of the program alive? Should all New South Wales schools not follow an evidence-based approach to literacy, and that means abandoning Reading Recovery altogether?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:10):** I would also like to say hello to Mr and Mrs Blair, two former teachers—of mathematics and food technology, I believe—who are in the public gallery. I thank the Hon. Mark Latham for his indulgence and for his question in relation to Reading Recovery. I know that this is an issue close to his heart and that he has raised it with me before in this Chamber. It is absolutely crucial that literacy and reading teaching practices are evidence based. The evidence clearly shows that the explicit instruction of phonics in the early years is the best way to teach reading in those years. As the honourable member is aware, this Government is committed to rolling out a year 1 phonics check in schools, with a trial next year. It is also why the Government ended its resourcing support for Reading Recovery in 2018.

In 2015 the Centre for Education Statistics and Evaluation completed an evaluation of the impact of the Reading Recovery program. This evaluation found that, while the program had a modest short-term effect, in the longer term there was no evidence of a positive impact. The lack of evidence backing this program was a key reason behind the Government's decision to end its support for it. I also note that teachers were not appointed to schools as Reading Recovery teachers. Most Reading Recovery teachers are permanent classroom teachers. Under the Reading Recovery model, schools received a staffing entitlement to train an existing permanent teacher. Principals are responsible for managing their staffing allocation on an annual basis. This Government is very much in the position of wanting to make sure that literacy and reading teaching practices are evidence based. As a government, we support the explicit instruction of phonics in the early years as the best way to teach reading.

**The Hon. MARK LATHAM (12:12):** I ask a supplementary question. Will the Minister elaborate on her answer? Is the Minister aware of schools where Reading Recovery is being pieced back into classroom literacy programs by former Reading Recovery teachers? If, as the Minister suggested, it is true that the explicit teaching of phonics is the best approach in the classroom, why are these failed programs continuing?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:12):** I will seek some advice to ascertain what information is available about any Reading Recovery practices in our classrooms. As I said, it is not a program that the Government is supporting. Its resourcing report for that program was ended last year. I will see whether there is any additional information that might be of interest to the member.

### PUBLIC SCHOOL MAINTENANCE

**The Hon. SHAYNE MALLARD (12:13):** My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on the maintenance blitz that is about to begin in our public schools in these spring holidays?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:13):** I thank the Hon. Shayne Mallard for his question. Spring is in the air—we can certainly tell it in here—and we all know that means it is time for some spring cleaning. I am happy to share with the House that our school maintenance teams are eagerly waiting the final bell of term three to ring so that they can descend upon schools across the State as part of our spring holidays maintenance blitz. During the two-week break teams of workers will complete over 250 maintenance projects in metropolitan and regional schools. This blitz is part of the Liberal-Nationals Government's commitment to maintain our 2,200 schools and provide world-class learning environments for our students, with \$36 million being spent on upkeep over the next two weeks.

The repairs will range from a fresh coat of paint to major works, all taking place to minimise the impact on students during school time. Vital minor works include new floor coverings, drainage, groundwork, fencing and painting. Roofing repairs and replacements will occur at schools across the State, including Griffith Public

School, Elderslie High School in Camden, Epping Boys High School and Moree Public School. Buildings in many schools will have their paintwork refreshed, including Avalon Public School, Gunnedah Public School, Engadine Public School and Morisset High School. Other planned work includes the refurbishment of sports courts at Red Hill Public School in Wagga Wagga and at Riverside Girls High School in Lane Cove. To paint a picture for the House—no pun intended this time—of the quantity of ongoing works, our schools require over three million square metres, or 270,000 litres, of paint. There is enough roofing to complete the Opera House more than 100 times over and enough carpet for all the homes in Parramatta.

We on this side of the House understand and appreciate that a quality education includes providing the very best in teaching, but it also means creating comfortable environments for our 800,000 students to learn in. This blitz is part of our Government's commitment to our schools, our students and our teachers. Over the next four years we are investing over \$6.7 billion to deliver more than 190 new and upgraded schools to support communities across New South Wales. In addition, a record \$1.3 billion is being spent on school maintenance over five years, along with a record \$500 million for the sustainable Cooler Classrooms Program to provide air conditioning in schools.

These works are not only significant but also historic. This Government is making the largest investment in public education infrastructure in the history of New South Wales. I have to say it has been very heartening to hear particularly from principals who are very excited about the maintenance work that is underway in their school communities. I know it makes a big difference, and I cannot wait to see the results of the spring blitz.

#### ANTIBIOTICS USE

**Reverend the Hon. FRED NILE (12:16):** I direct my question to the Minister for Mental Health, Regional Youth and Women representing the Minister for Health and Medical Research. Will the Minister update the House on the rate of consumption of antibiotics in New South Wales per year, specifically since 2015? What does the Minister say in respect of the overprescription of antibiotics by general practitioners and the associated risks of breeding resistant viruses and other side effects? What are the Government's strategies to ensure that prescribed medications are not being abused by the profession and the public?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:17):** I thank Reverend the Hon. Fred Nile for that very good question about an issue that has been a public health concern for quite some time. We know that antibiotics were such a game changer when they came on the scene all those years ago. But we have seen a rise in infections, both hospital borne and community borne, that are now causing issues in terms of antibiotic therapy. I feel assured that the message has got through to our general practitioners, and also to those within our acute healthcare systems, that we must have very good protocols and procedures around the use of antibiotic therapy. As the question relates to a Minister in the Legislative Assembly whom I represent in this Chamber and contains detail, I will take it on notice and get back to Reverend the Hon. Fred Nile.

#### IVANHOE AND BREWARRINA CORRECTIONAL CENTRES

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** I remind members that they must stand when seeking the call. I call the Hon. Mick Veitch.

**The Hon. MICK VEITCH (12:18):** Someone give the Deputy President a booster seat; we cannot see him.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** Touché.

**The Hon. MICK VEITCH:** I direct my question to the Minister for Finance and Small Business. How does the Minister reconcile the closure of Ivanhoe and Brewarrina correctional facilities with his Government's commitment that no jobs will be lost in regional New South Wales, and the impact of the closures on local small businesses?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:19):** I thank the Hon. Mick Veitch for his question. I thank all those who attended the small business event we had last night. The chamber of commerce was delighted by all the members who attended. I pay tribute to Brook gin makers—

**The Hon. Ben Franklin:** Brookie's.

**The Hon. DAMIEN TUDEHOPE:** You know it—of course you do. It was a terrific event and shows how much importance this House—and the other place of course—puts on small business. That leads me to address the question, so that I am directly relevant. I am surprised I got away with 30 seconds.

**The Hon. Walt Secord:** We weren't going to let you get away with any more than that.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** Order! The Minister will continue.

**The Hon. DAMIEN TUDEHOPE:** The commitment of this Government is clear: There will be no regional job cuts in New South Wales. The Deputy Premier has repeatedly reinforced the Government's position in relation to regional jobs.

**The Hon. John Graham:** Does anyone else know?

**The Hon. DAMIEN TUDEHOPE:** I am surprised you do not know. In respect of the closure of those two prisons—if that is to be proceeded with, and there is a lot of water to go under the bridge—the insistence that no regional jobs will be lost will be honoured by ensuring that people who work in those facilities will be relocated or re-employed. Let me say that in many respects when there is a prison closure in some ways it should be welcomed because we would hope there has been a reduction in prison numbers.

**The Hon. Daniel Mookhey:** No, that is not true; prison numbers have exploded on your watch.

**The Hon. DAMIEN TUDEHOPE:** They went down to, if I recall, about 9,000 after we came to office. The number of juvenile offenders has halved under this Government. So I will not accept any criticism in relation to our commitment to reducing prison numbers. [*Time expired.*]

**The Hon. MICK VEITCH (12:22):** I ask a supplementary question. Will the Minister elucidate that part of his answer where he said, "there is a lot of water to go under the bridge." Does that include consultation with local businesses about the impact on those economies?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:22):** I do not resign from the fact that in a lot of regional towns there is cross-fertilisation between the existence of a prison and small businesses. I acknowledge the question and anticipate that there would be—and would need to be—consultation between small businesses. I will certainly take that up with the corrections Minister, and how the Government handles that policy. I cannot say there is not an impact on small business; there would necessarily be. If a prison closes in a regional town—whether it is Ivanhoe, Brewarrina or any other regional area—there is an impact on small business, and it is something that will need to be taken into account.

But let me say the Government's commitment to small business in regional areas is absolutely clear and plain for everyone to see. The \$1.8 million package that we have delivered in terms of infrastructure for regional areas is a commitment to ensuring there are jobs available in regional areas. When there is the potential closure of a prison I expect there would be delivery of infrastructure to those regions to ensure that small businesses can survive, money is still going into those regions and we are supporting those local communities. Nobody can say that this Government is not committed to supporting small business in local regions because every single thing this Government does in relation to understanding how drought works and understanding how the regions work is supplemented by an understanding that we need to get drought relief to those communities and we need to deliver infrastructure to those communities.

**The Hon. PETER PRIMROSE (12:24):** I ask a second supplementary question. Will the Minister elucidate that part of his answer relating to concerns about the effects of the proposed closure on small business and local employment, and indicate that, before too much water goes under the bridge, he will go to Brewarrina and meet with small business owners and the local community?

**The Hon. Wes Fang:** Point of order: That was less of a seeking elucidation and more of a new question, and I ask that you rule the question out of order.

**The Hon. Walt Secord:** To the point of order: The Minister has twice referred to consultation—I made a note of it. I would say that meeting local businesses would constitute consultation, and he said it twice in his answer.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** I listened very carefully to the Minister's response. He was talking about consultation with business. I note also that the Minister had risen to his feet and looked like he was prepared to answer the question. Therefore, I will allow the Minister the opportunity to answer the question however he sees fit.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:25:5):** I have a proud record of supporting small businesses in the bush. I am going out to Orange during Small Business Month and I would suggest to everybody in the Chamber—

**The Hon. Mick Veitch:** Point of order: The second supplementary question was not about Small Business Month. It was about whether the Minister will go to Brewarrina to consult with local businesses that will be impacted by these closures.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** The Minister needs to be more directly relevant in that part of his response. He has had plenty of opportunities during his first two answers to speak more broadly, but now he needs to get to the point.

**The Hon. DAMIEN TUDEHOPE:** During Small Business Month I will be visiting lots of regional businesses. If that gives me an opportunity to go to Brewarrina, that is something I will be more than happy to do. I am committed to talking to small businesses and visiting regional communities. There is no doubt that small businesses in the bush are doing it tough during this drought. I recently went to Tamworth, where water is becoming a high priority for that community.

**The Hon. Daniel Mookhey:** Point of order: Mr Deputy President, you ruled just 45 seconds ago that we are onto the second supplementary question and the Minister must be directly relevant. The Minister was asked specifically whether he was going to go to Brewarrina to consult with the businesses affected by the closure of the prison. I ask that you draw the Minister back to a specific answer to that question.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** I clearly heard the Minister answer that part of the question and give the undertaking that, if time permits, he would consider going there. The Minister has been directly relevant. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** I conclude with this observation. During Small Business Month everyone in this Chamber ought to be looking for opportunities to ask regional small businesses, "How can we assist you?" I always say that one of the best ways to help regional small businesses and regional communities is to visit.

#### **BOB FENWICK MENTORING GRANTS PROGRAM**

**The Hon. Greg Donnelly:** Mr "Very Good Deputy President"—

**The Hon. Wes Fang:** Mr Deputy President—

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** While I note the comments of the Hon. Greg Donnelly, I give the call to the Hon. Wes Fang.

**The Hon. WES FANG (12:29):** I mirror the comments of the Hon. Greg Donnelly regarding the excellence of the Deputy President. My question is addressed to the Minister for Mental Health, Regional Youth and Women. How does the New South Wales Government's investment in the Bob Fenwick Mentoring Grants Program help build nursing capability and opportunity in New South Wales?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:29):** I thank the Hon. Wes Fang for his question and his enthusiasm for the Bob Fenwick Mentoring Grants Program. Bob Fenwick was a mental health nurse who died tragically in a work-related incident in 2011. He was posthumously awarded an Australian bravery award for saving the life of a junior nurse in the incident that led to his death. The Bob Fenwick Mentoring Grants Program was developed in 2011 in recognition of Mr Fenwick's dedicated service to mental health nursing and the important role he played in mentoring less experienced nurses.

The program provides development opportunities by enabling up to 20 public mental health nurses in New South Wales each year to be mentored in a mental health service different to their own for up to five working days. Priority is given to nurses with less than two years experience currently working in rural and regional mental health services. To date, 185 mental health nurses have had the opportunity to participate in the program under the mentorship of experienced mental health nursing clinicians.

Nurses can request specific types of placements to align with their professional development goals, including experiences in Aboriginal mental health settings, consistent with the program's priority of encouraging the participation of Indigenous mental health nurses. Nurse Margaret Flynn's goal was to add to her knowledge of Aboriginal and Torres Strait Islander cultures and build her confidence as a culturally competent practitioner. Margaret spent time in an older persons' facility owned by the Dunghutti Elders in Kempsey on the mid North Coast of New South Wales. Through her experience, Margaret was able to engage with Aboriginal people to develop and implement an Aboriginal older persons' mental health policy. She also contributed to the program by becoming a mentor for another mental health nurse, Kayleen, who experienced a week in Margaret's workplace in North Sydney. How fantastic is that!

NSW Health provides funding of \$93,500 per annum for the program and administers it in partnership with the NSW Nurses and Midwives' Association. The Bob Fenwick Mentoring Grants Program provides mental health nurses with the opportunity to increase their knowledge, competence and confidence in mental health nursing; expand their professional support networks, which is particularly important for rural and regional mental

health nurses, and experience a different health setting to provide a better understanding of other clinical environments—a valuable thing to do.

Significant benefits to mental health services across New South Wales have been demonstrated through improvements in professional practice and models of care. An annual awards ceremony provides an opportunity for participants to share the benefits of their experience in the program which the Fenwick family has found deeply gratifying. The New South Wales Government is proud to support the Bob Fenwick Mentoring Grants Program and the ongoing professional development of our hardworking and greatly valued mental health nurses.

### RABBIT FARMING

**The Hon. EMMA HURST (12:33):** My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. Given the implications of the use of battery cages and reported cruelty with the slaughter of rabbits, including the use of circular saws and blunt objects to their heads as a form of stunning, why has the Government not legislated to ban battery cage farming of rabbits for meat? Is the Government planning to protect those companion animals from those cruel farming practices?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:33):** I thank the honourable member for her question and I welcome the opportunity to address it. This Government's commitment to improving welfare outcomes in all aspects of our interaction with animals is demonstrated in the New South Wales Animal Welfare Action Plan released last year. The action plan sets out our approach to safeguarding animal welfare and providing the strongest possible regulatory framework to promote responsible animal ownership and care.

Through the action plan, we will modernise policy and the legislative framework and improve the effectiveness of compliance and enforcement efforts in regards to animal welfare. Our commitment to positive animal welfare outcomes applies just as strongly in smaller industries, such as the production of rabbits for meat, as it does in any other sector. The *Model Code of Practice for the Welfare of Animals: Intensive Husbandry of Rabbits* also sets out the desired standards of welfare for the industry, ensuring the basic needs of intensively farmed rabbits are met. The code addresses welfare issues, including housing, equipment, space requirements, food and water, health, handling and transport.

Further, the welfare of animals in New South Wales, including farm animals, is protected under the Prevention of Cruelty to Animals Act 1979. The Act requires any person in charge of animals or livestock to provide care for the animal, to treat the animal in a humane manner and to ensure the welfare of the animal. Individuals that commit animal cruelty offences can be fined up to \$22,000 and jailed for two years. Penalties for corporations can be up to \$110,000. Combined, those safeguards act to ensure the welfare of animals raised in intensive production facilities, including rabbits.

In addition, the *Australian Standard for Hygienic Production of Rabbit Meat for Human Consumption* sets out the conditions under which rabbits are processed for consumption. The standard specifies that the animals are to be made unconscious and insensible to pain prior to processing, ensuring they do not suffer unnecessarily. Any suggestion that the production of rabbits for human consumption should be banned on the grounds of animal welfare displays a misunderstanding of the extensive and thorough animal welfare framework in place in this State. Our farmers, including our rabbit farmers, are some of the best in the world and they are committed to positive welfare outcomes for animals. The New South Wales Government is committed to animal welfare and supports the production of high-quality, ethical food and fibre. For that reason, we have no plans to ban the farming of rabbits for meat.

### DROUGHT ASSISTANCE

**The Hon. GREG DONNELLY (12:36):** I acknowledge the presence of the parents of the Deputy President, the Hon. Niall Blair, in the public gallery. They have raised a good son. I note for the record that he is a good bloke and members of this House will miss him.

**The Hon. Anthony D'Adam:** Misleading the House!

**The Hon. GREG DONNELLY:** No, that is not misleading the House. I make that very clear. My comments are genuine. My question is addressed to the Minister for Education and Early Childhood Learning. What measures are in place for schools in towns and communities that have run out of water due to the drought?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:37):** I thank the Hon. Greg Donnelly for his question. As I said in the House—I think it was only yesterday—in relation to a question from the Hon. Rod Roberts, living in a regional area certainly makes me aware of drought-related issues and what they mean for our communities, particularly water usage issues, which the member has asked me

about. I can inform him and members of the House that a range of measures have been put in place by the NSW Department of Education to provide additional support to schools in areas of drought. Those measures are in areas such as staffing, maintenance, voluntary school contributions and include our preschool drought relief payments as well as the representation of the NSW Department of Education on the NSW Drought Interagency Working Group.

The working group ensures that a whole-of-government approach is taken to drought policy and the implementation of the NSW Drought Strategy. It draws on a range of regional networks to monitor the drought situation in New South Wales and the climatic conditions that contribute to drought-based issues on advice provided by the Regional Assistance Advisory Committee. It also reviews and provides advice on the policy response to deteriorating seasonal conditions and requests for drought assistance. It ensures that proposed drought assistance measures are consistent with both the Intergovernmental Agreement on National Drought Program Reform and the Independent Pricing and Regulatory Tribunal drought assistance evaluation framework. The working group also monitors and delivers the NSW Drought Strategy.

In addition, the department has been proactively and progressively addressing contingencies for areas that may be affected by water or heat stress. The department is working with other government agencies, local government and the relevant communities to assist students by, for example, opening schools with air cooling, installing water coolers, supplying bottled water and assisting with potable water supply. School Infrastructure NSW is seeking to create openings for local businesses to be considered for carrying out asset work in schools. The department is across the issue and is working proactively to address it. We must keep a close eye on it. Water is crucial to our country towns. Our school communities need it. It is an important question and that is why we are giving it the due diligence that it deserves.

**The Hon. GREG DONNELLY (12:39):** I ask a supplementary question. Will the Minister elucidate her answer on the specific measures taken when communities, particularly schools, run out of water?

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** Members should ask for elucidation of a specific part of the answer and not re-ask the original question. I listened to the Minister's answer carefully. For a supplementary question to be in order, it should ask for an elucidation of a particular part of the answer and not ask the Minister to elucidate the whole answer. The member's question is not a supplementary question because he has not sought elucidation of a particular part of the Minister's answer. The question is out of order.

#### **BUSINESS CONNECT PROGRAM**

**The Hon. MATTHEW MASON-COX (12:41):** My question without notice is addressed to the Minister for Finance and Small Business. Will the Minister update the House on how the Business Connect program continues to support small business in New South Wales?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:41:2):** I thank the member for his question and for his interest in small business in New South Wales, which are the backbone of the State economy. There are more than 760,000 small businesses in New South Wales, employing around 1.59 million people—about 44 per cent of the private sector workforce. The Government's public infrastructure investment of \$93 billion over four years is not only delivering more schools, hospitals rail and roads but also driving private investment and more opportunities for small businesses. The Government is also providing direct support to small businesses through programs such as Business Connect, which is a dedicated and personalised service that provides practical advice and training to support New South Wales small businesses to start and grow.

Business Connect provides high-quality professional business advice and skills training events across every local government area in the State. Services focused on the needs of busy, time-poor small business owners are provided by trusted local business advisers who travel to business premises and give face-to-face personalised advice on site. All New South Wales small businesses, including those with less than 20 employees, are eligible for support from the Business Connect program. I am pleased to update the House that since January 2017 the great program has delivered over 23,000 small businesses, including over 350 Aboriginal businesses, supported through the program; 112,600 hours of face-to-face support; and 1,500 business skills and training events. Some 83 per cent of businesses supported are highly satisfied and businesses have reported confidence rise, on average, from 52 per cent on the marker "fairly to extremely confident" before support to over 70 per cent after engagement.

From the surveys conducted to date, it is estimated that businesses supported by the Business Connect program have created 15,000 new jobs. The Government understands that businesses do not want a handout. Rather, government's job is create the economic environment where businesses can grow and hire new employees. On the Government side of the House, we are all about lower taxes, more infrastructure, more investment and creating more jobs.

### JUVENILE DETENTION CENTRES

**The Hon. ROD ROBERTS (12:44:2):** My question without notice is directed to the Minister for Finance and Small Business, representing the Minister for Families, Communities and Disability Services. On 29 July 2019 I asked a question on notice—question No. 0330. Part one of the question was not answered at all—in fact, it was completely ignored. I ask the Minister again: How many inmates over the age of 18 years were being detained in juvenile detention centres across New South Wales on 22 July 2019?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:45):** I thank the Hon. Rod Roberts for his question. The unfortunate thing is that I probably signed the letter in response to the question. Given that it is well outside the ambit of my responsibility, I will re-present the question to the relevant Minister and seek a response.

### CHATSWOOD PUBLIC SCHOOL

**The Hon. ANTHONY D'ADAM (12:45):** My question without notice is directed to the Minister for Education and Early Childhood Learning. The Minister will be aware of a report in today's edition of *The Sydney Morning Herald* about Chatswood Public School. Why has the Government walked away from its commitment to relocate Chatswood Public School?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:46):** I thank the Hon. Anthony D'Adam for his question. I am aware of *The Sydney Morning Herald* article that he refers to. I can advise the member that the Department of Education is continuing with plans for a \$250 million upgrade of Chatswood High School and Chatswood Public School. The masterplan has been revised after extensive consultation with the school community to deliver the necessary teaching spaces and outdoor space for 3,200 high school and primary school students. The updated plan retains Chatswood Primary School on the Pacific Highway site and Chatswood High School on the Centennial Avenue site. At Chatswood Public School, the plan includes new buildings that enable significant increase in available play space.

The New South Wales Government is also aware of enrolment pressure at Chatswood Public School, indicating that additional primary school capacity may be required in the area. As a result, the Department of Education is in the early stages of investigating potential site options. The department will work alongside the school community throughout the process.

**Mr David Shoebridge:** It's right next door but the Government didn't buy it.

**The Hon. SARAH MITCHELL:** The department will continue to monitor population and development trends so that it can plan to meet enrolment needs across New South Wales schools, including in the Chatswood area.

**Mr David Shoebridge:** You should have bought the site next door when they offered it to you.

**The Hon. SARAH MITCHELL:** The department will continue to engage with the community and key stakeholders.

**Mr David Shoebridge:** The site next door was being offered for sale and the Premier refused to buy it.

**The Hon. Scott Farlow:** Point of order—

**The Hon. Shayne Mallard:** He's sledging.

**The Hon. Scott Farlow:** I acknowledge the interjection of the Hon. Shayne Mallard. There have been several rulings by the President about sledging members. That is what Mr David Shoebridge was doing as the Minister was attempting to give a very comprehensive answer.

**Mr David Shoebridge:** To the point of order: I fully accept I was interjecting but I deny utterly the suggestion that I was sledging—that is offensive. I accept that my interjections were disorderly.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** I take the plea on interjecting and dismiss the charge of sledging.

**The Hon. Greg Donnelly:** You're a lot softer on him than on me, Mr Deputy President.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** He's representing himself.

**The Hon. SARAH MITCHELL:** He's got his tie on today.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** He does get credit for wearing a tie. Interjections are disorderly at all times. If members have a contribution to make or would like the Minister to answer a particular

question, they should seek the call. If members do not like the answer, they have the opportunity to talk about it later in the day—not that they have to.

**The Hon. SARAH MITCHELL:** At the commencement of any major capital works project, School Infrastructure NSW establishes a Project Reference Group [PRG], which includes technical staff from the department as well as a representative of the school—often the principal—and representatives of the school community—often members of the P&C. In the case of Chatswood Public School, the PRG includes representatives from the P&C who have been engaged at all stages of the project's development. I also add that members of School Infrastructure NSW's project team have attended P&C meetings and I have already requested that senior representatives of School Infrastructure NSW attend the next meeting to provide an update on the project and listen to any community concerns.

#### **ARTFORM ADVISORY BOARDS**

**The Hon. LOU AMATO (12:49):** My question is addressed to the arts Minister. Will the Minister update the House on the Artform Advisory Boards and their progress?

**The Hon. Walt Secord:** Lots of anger about those little boards.

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:50):** I do not think so. On 14 August 2019 I was delighted to announce the membership of the 10 newly minted Artform Advisory Boards. The announcement and the reform has been warmly received by the sector, which has long been advocating for flexibility of funding processes and predictability of funding outcomes—a key recommendation of the Arts 2025 process.

The Artform Advisory Boards will take the conversation around arts and culture in New South Wales to the next level, covering Aboriginal arts and culture, classical music, contemporary music, dance and physical theatre, literature, multi-arts and festivals, museums and history, opera musical theatre and choral, theatre and visual arts. It is an exciting time for arts and culture in this State not only with record investment in cultural infrastructure in Sydney, western Sydney and regional New South Wales, but also now with the 10 Artform Advisory Boards that will represent and advocate for increased visibility of their art forms. All boards are led by esteemed chairs who are leaders in their art forms and are made up—

**The Hon. Sarah Mitchell:** Point of order: The Deputy President has ruled repeatedly during question time that interjections are out of order, yet members opposite continue to interject during the Minister's answer. I am sitting right next to the Leader of the Government and it is difficult for me to hear him because of those interjections.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** I will not be treated like a substitute teacher. Members will behave. Interjections are disorderly. The Minister has the call.

**The Hon. DON HARWIN:** All boards are led by esteemed chairs who are leaders in their art forms or experienced in arts and culture across art forms, and are made up of some of this country's best practitioners, administrators and patrons of the arts. Over the past weekend it was my privilege to attend the inductions for these boards, as I charged them to offer high-level strategic advice to the Government, including on specific issues relating to their art form. Advocating and continuing to be leaders within their industries is an important part of the work that all board members will continue to do, alongside providing a strategic approach to funding recommendations.

I am confident that all members will be left encouraged and enthused about the expanding role they will play in shaping arts and culture in New South Wales. The first round of funding recommendations will be with me by the end of this year and I look forward to delivering support to organisations and practitioners for the benefit of audiences and arts patrons across New South Wales. I thank the Create NSW staff, the board members and chairs who have been inducted and everyone on our Artform Advisory Boards for being a part of what I am sure will be a process that leads to arts and culture thriving across the State.

#### **QUALITY TEACHING, SUCCESSFUL STUDENTS PROGRAM**

**Mr DAVID SHOEBRIDGE (12:53):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given the finding by the Auditor-General today that the \$224 million Quality Teaching, Successful Students program has not been evaluated since it began in 2015, will the Minister explain why there has been no review to date and will the Minister commit to a thorough evaluation of the program?



**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:54):**

I thank Mr David Shoebridge for his question. In relation to the report he mentioned, which was tabled today, in light of its commitment to providing the best possible education for both students and continually improving the quality of teaching at public schools, the department welcomes the Audit Office report. All report recommendations have been accepted by the department, which is in the process of implementing them in association with the NSW Education Standards Authority. I am advised that the department will report to the Audit Office in July 2020 on the implementation of each recommendation.

**Mr DAVID SHOEBRIDGE (12:54):** I ask a supplementary question. I thank the Minister for her advice that the recommendations will be responded to. Given the recommendations did not expressly state a time frame for the review of the Quality Teaching, Successful Students program, and given she is responding—I assume in good faith—to the Auditor-General's report, will the Minister look to conduct a review of that \$224 million program?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:55):**

I will seek advice from the secretary of the department in relation to a review into that program and any other plans and come back to the member with a response.

**CHATSWOOD PUBLIC SCHOOL**

**The Hon. SHAOQUETT MOSELMANE (12:55):** My question without notice is directed to the Minister for Education and Early Childhood Learning. As a result of the Minister's decision not to move Chatswood Public School, what is her response to community concerns that parents are paying \$10,000 a year for toilet cleaning due to overcrowding?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:55):**

I thank the Hon. Shaoquett Moselmane for his question. It is a serious question and deserves a serious answer. I can advise the member that the department was not aware that the P&C had arranged additional cleaning at its own cost and I can confirm that additional cleaning will now be arranged at the department's cost.

**HSC STUDENTS**

**The Hon. TAYLOR MARTIN (12:56):** My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on what schools across the State are doing to help HSC students during the school holidays?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:56):**

I thank the Hon. Taylor Martin for his question; I know the continued interest he has in the students of this State. Yesterday I spoke about vacation care and the opportunity for our youngest learners to continue to grow and learn. Today I am happy to update the House on what is keeping older students engaged during the school holidays which begin next week. Many of our year 12 students will be completing their HSC exams soon and are accordingly using the school holidays to do some last-minute study. As we know, the HSC is the culmination of 13 years of schooling. It is the final rite of passage for year 12 students before they enter the next stage of their lives. As students enter these holidays I think we need to be careful with the rhetoric about the importance of the final exams. On the one hand, we have people telling students not worry at all and to treat the HSC like any other day or any other exam; on the other hand, we have people telling students that unless they get a certain Australian Tertiary Admissions Rank, they are doomed to a life of limited opportunity.

In truth, the answer lies somewhere in the middle in that the HSC is important in the life of a student. There is no getting around the fact that it is the single most significant assessment in a student's time at school. But it is also true that it is just another day, another exam and students can only do their best. Their world and the opportunities within it will not cease to exist if they do not get the mark they are hoping for. It fills me with great confidence that students have the best teachers around them to help them as they enter this final straight. Indeed, across the State schools are pulling out all the stops to provide additional study opportunities throughout the holiday period. For example, Whitebridge High School is running senior student tutorials and individualised study centres within the school library. At Merewether High School, year 12 students will be in school for lessons in the second week of the holidays, where they will be able to work individually, one on one or in groups situations. They will be able to access maths, engineering studies and business studies classes with some of their teachers.

Coolah Central School is running a two-day workshop at Dunedoo on 9 and 10 October, partnering with the ASPIRE program at the University of New South Wales to provide help to students and communities where the number of students who go on to university is low. It is important that we acknowledge those teachers who are going above and beyond in the school holidays to help their students prepare. The HSC is as strong as it has ever been. For students hoping to go on to further study, it provides that opportunity between high school and university. For those looking to go into a trade or start their own business, it serves as an indication that they have

the numeracy, literacy and critical thinking skills needed to succeed in the adult world. On behalf of all members, I wish students the very best as they enter the final straight. Once again, as I have recognised in the House previously, I say thank you to the teachers, parents, carers and families who wrap that support around students to give them the best opportunities.

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

#### **BREWARRINA "YETTA DHINNAKKAL" CENTRE**

**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) (13:00):** In terms of the questions I was asked earlier in question time by the acting Leader of the Opposition, the Hon. Penny Sharpe, and the acting Deputy Leader of the Opposition, the Hon. Walt Secord, local Aboriginal Affairs NSW staff within the Department of Premier and Cabinet have already spoken with a number of community leaders in Brewarrina following the recent announcement. They will consult more broadly with the community, including with the local Aboriginal land council, the Murdi Paaki Regional Assembly working group and Aboriginal businesses. I assure members that I want to hear of any concerns they have or opportunities they believe this may bring for their community.

I also want to ensure that the Closing the Gap consultation and conversation for this region includes the voices of the local community. I will work with all my colleagues to ensure we are considering how our resources can contribute to closing the gap in that area. However, I remind members that although Justice questions are principally matters for Corrections, I am naturally very closely interested and involved. As the Aboriginal affairs Minister, I am concerned with the high rate of Aboriginal incarceration and its impact on Aboriginal communities. I note that the Premier's Priorities include reducing recidivism in the prison population, so that is very important as well. I will remain focused on this issue and I will be happy to update the House with further information as it becomes available.

#### *Supplementary Questions for Written Answers*

#### **DROUGHT ASSISTANCE**

**The Hon. WALT SECORD (13:02):** My supplementary question for a written answer is directed to the Minister for Education and Early Childhood Learning. How many New South Wales schools are currently being provided with bottled water in drought-affected areas and what measures are in place for schools that rely on evaporative air conditioners as water levels continue to drop and the drought worsens?

#### *Questions Without Notice: Take Note*

#### **TAKE NOTE OF ANSWERS TO QUESTIONS**

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

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

#### **SCHOOLS ASBESTOS MANAGEMENT PLAN**

**The Hon. COURTNEY HOUSSOS (13:02):** I specifically refer to a supplementary question for written answer that I asked yesterday of the Minister for Education and Early Childhood Learning. In that question I asked where asbestos is required to be removed from schools during operational hours, how many times this has occurred and how many public schools this has occurred at. I was reasonable in limiting my question to the past 12 months. I reduced the scope of my question in a genuine information-seeking exercise. In response, I received largely the same answer as I received last week on a different question. Admittedly, that question was on a similar topic, but it remains the same answer. I draw the House's attention to the final paragraph, which says:

Data on the time of asbestos removal is currently not centrally held by the department. As Minister I have instructed the Secretary of the Department of Education to begin work on holding data on the removal of asbestos centrally.

This is exactly the same paragraph that was provided to me last week in a similar response. I asked the Minister in her response to this question to address when this information will be released. These are important questions that are being raised by the community and by parents. It has been 22 days since we asked for the release of even the most basic information around the individual registers that are supposed to be kept for individual schools. Those registers popped up on the Department of Education's school infrastructure website late yesterday—except for the schools starting with "H". The Minister might want to address that. It was an interesting omission and perhaps just a typographical one.

This issue has run on the front page of a major metropolitan newspaper and has received extensive coverage on TV news, on radio and across large numbers of regional and local media outlets, with follow-up stories. It is being discussed within school communities and it is even asked about on prolific Facebook groups for mums. People want up-to-date information and yet this Government has continued to delay, obfuscate and try to deny that there is a problem. There is a problem and the community deserves to know the answers. Where is asbestos being removed during school hours? If the Minister is directing the department to start work, when will the work begin? When will the information be provided? The Minister also referred in other answers to the school maintenance blitz that will occur in the upcoming school holidays. There is a huge maintenance backlog in New South Wales schools and it is the result of this Government cutting the capital infrastructure schools program eight years ago.

### CHATSWOOD PUBLIC SCHOOL

**Mr DAVID SHOEBRIDGE (13:05):** I note the education Minister's response to the concerns raised by the Chatswood Public School P&C and its very real concern about overcrowding, but unfortunately the Minister's response failed to deal with the history that has got us to this point. Chatswood Public School is meant to cater for around 750 students. That is the size it was designed for. As the P&C says, during the six years the P&C has been calling on the Government to address overcrowding, school enrolments at Chatswood Public School have surged by 54 per cent. That means they have gone up from 853 students in 2012 to 1,318 in 2019—in a school designed for 750 students. In that time, the P&C has repeatedly come to the Government with creative ideas about how to fix that problem.

The P&C spoke to the then education Minister—and I accept that this was before the Hon. Sarah Mitchell became the education Minister—and the Premier, because this school is in the Premier's electorate. There is a neighbouring commercial property that was on the market for sale immediately next to the school, and the P&C repeatedly asked the Premier, "Will you buy this property? It is a degraded commercial site and it is an ideal spot to expand the school." They could have moved school buildings onto the commercial site. But the Premier refused to even meet with the P&C. She did not respond in any meaningful way to those repeated requests. Meanwhile, that property has now been sold and the opportunity has been lost.

This did not just happen overnight; this has been a slowly developing disaster to the point that the children cannot all come out into the playground together at once. They have staggered their playground use because the playground is so crowded. We might talk about wanting free-range chickens—and I support that—but we do not have free-range students at Chatswood Public School. It is so overcrowded that they cannot all go out at the same time because it is unsafe. Rather than further delay and further obfuscation, we need answers from the Government about why it has not heeded the real options the P&C has put on the table to date, and we need a firm commitment—not in two years time, but before the end of this school year—to fix the gross overcrowding at Chatswood Public School because those students deserve far more than they have got from this Government.

### LEPPINGTON AND EDMONDSON PARK RAILWAY STATIONS COMMUTER CAR PARKING

**The Hon. MARK LATHAM (13:08):** I take note of answer 388 in the *Questions and Answers Paper* provided by the Minister representing the Minister for Transport and Roads. This answer provides a stunning demonstration of the level of congestion in outer western Sydney. Despite all the bravado from the Government about a record infrastructure spend, in the practical life and lifestyles of the people living in that vast region the services are hopelessly inadequate. I asked the transport Minister to provide the statistics on the number of Opal card tap-ons in the morning peak between 5.00 a.m. and 9.00 a.m. at Leppington and Edmondson Park stations and then to compare that with the number of car parking spaces that have been provided.

Last month, Monday to Friday, on average there were over 2,000 people tapping on at Leppington train station for their morning commute. There are 850 car spaces at the station. There are people parking up side streets, down in front of old farms and in very dark spots that make it dangerous for women walking back to their car in the evening. It is hopelessly inadequate. At Edmondson Park it is even worse. There were 1,800 tapping on for an average working day last month, with only 400 car parking spaces. People are up on the footpath like sardines and attracting parking tickets. It is chaos. These are areas where the Government knew there would be rapid population growth. These are train stations and parking areas opened in the 2015 State election campaign and the Government knew these areas would be subject to vast population growth.

The worst is yet to come. The parking at the moment is hopelessly inadequate, but in a couple of years demand will double because of the population growth. The population in the corridor from Austral to Badgerys Creek and down to Oran Park and Harrington Grove is expected by this Government to be 1.3 million people. That is west of the M7 and south of Elizabeth Drive with two train stations and 1,200 parking spots for commuters. There are 1.3 million people on the planning books, but only 1,200 commuter car parking spaces. Do not give us baloney about record infrastructure spends. In the practical life of people trying to get to work and trying to get

around in the morning, the situation is chaotic and dangerous. The parking arrangements are dangerous particularly for women trying to get back to their vehicle at night.

This is an emerging issue. Who would have thought that years ago a Federal election campaign would make commitments about commuter car parking? In the practical life of the average citizen and voter this is a huge issue. The Government has to do two things: Fulfil that promise to reduce the overseas migration intake into New South Wales to take the congestion pressure off outer western Sydney, in particular; and start to allocate these funds where the burning need is evident—that is, Leppington and Edmondson Park stations.

#### **IVANHOE AND BREWARRINA CORRECTIONAL CENTRES**

**The Hon. MICK VEITCH (13:11):** I will draw the attention of the House to the response to a question and two supplementary questions of the Minister for Finance and Small Business. From the outset, I say that the context of the question—and I hope the answer provided—is that there is a drought in Far West New South Wales. Economically, some of the communities are doing it really tough and things are pretty tight. The Minister was asked about the Government's guarantee that no regional community will lose any jobs. I am not sure how the answer provided goes anywhere near responding to the fact that if you close the correctional facilities Brewarrina is going to lose jobs and Ivanhoe is going to lose jobs. The Minister needs to reflect upon that part of the answer. The Government guaranteed no regional community would lose any government jobs. You cannot do that.

**The Hon. Damien Tudehope:** I did not say that.

**The Hon. MICK VEITCH:** You did not say that but that was the guarantee provided. The impact of reefing these jobs out of the communities means that money is no longer being spent in the community during the drought. The businesses need this money to keep ticking over. That is the first thing. The second thing is the small business operators. You said there was water to go under the bridge regarding consultation and there were a couple of supplementary questions in relation to that. This is in the public domain. This decision is pending or has been made. You need to elevate the consultation with these communities. It needs to be now, not down the track, not water under the bridge. You need to talk to those small businesses about how they are going to accommodate any impact on their business activity because of these closures.

If you have the bus travelling the State I would be organising the bus to be there tomorrow. These communities will want to know what is going to happen to their businesses arising from this Government decision. You are reefing jobs out of the communities and that will impact those small business operators at the worst time, at a time of drought. It is insensitive. It does not make sense. The answer provided shows a clear lack understanding of the actual impact. The Minister says he gets out and about, and he does get out and about—I will give him that. But he has to get to Brewarrina and Ivanhoe because jobs are being reefed out of those communities and the impact on small business was not addressed in the answer and it should damn well should have been.

#### **CHATSWOOD PUBLIC SCHOOL**

**The Hon. SHAOQUETT MOSELMANE (13:14):** I will make a brief point in relation to the take-note debate. I asked the Minister a question in relation to community concerns that parents are paying \$10,000 per year for toilet cleaning due to overcrowding. I trust her response that direction has been given to the department and that it will now clean, as it ought to have done. I was hoping the Minister would say that the money the parents had paid will be reimbursed. I hope the Minister will take that point into consideration and reimburse the community for the tens of thousands of dollars they have paid to clean the toilets.

#### **BREWARRINA "YETTA DHINNAKKAL" CENTRE**

**The Hon. PENNY SHARPE (13:14):** I ask the House to take note of the answers given concerning Yetta Dhinnakkal, which is the minimum security corrections facility just outside Brewarrina. In the answers it is a fait accompli that this centre is going to close. The answers have failed to address the following things: Yetta Dhinnakkal was established over 10 years ago, it is a minimum security prison and it is a working farm. The previous Labor Government purchased the old cattle farm. It is minimum security. There are no wire fences. There is meaningful work for the inmates there. It works closely with the Aboriginal elders.

There has been a lot of discussion about how we deal with recidivism numbers and the Hon. Damien Tudehope touched on some of this. We need to understand what this centre does. This centre is mostly for first-time offenders—18- to 25-year-old men mostly from western New South Wales. This centre gives them access to their families. With the closure of these centres, the advice I have received says the nearest correction centre is over 700 kilometres away. How are they going to stay connected with their families and children? The previous Ministers, on the other side of the House, have praised Yetta Dhinnakkal on the basis that it is contributing to closing the gap in relation to Indigenous incarceration.

The most recent review that I am aware of found that the recidivism rate of young men who go through this centre is 20 per cent compared with double that in other centres of over 40 per cent. I do not know why this centre is closing. I am new to this issue. I am mortified that this is happening now that I have found out more about it. This centre is making a difference. The only conclusion I can draw is that this is about efficiency dividends, about cuts, and we are literally closing a program that has shown promise, where there is evidence that it works, and deals fundamentally with Indigenous incarceration. The fact that there has been so little consultation with Aboriginal elders actively involved in the program disturbs me greatly.

### CHATSWOOD PUBLIC SCHOOL

**The Hon. ANTHONY D'ADAM (13:17):** I speak to the answers offered by the Minister for Education and Early Childhood Learning in relation to Chatswood Public School. I find the revelations in the Minister's answer deeply embarrassing. If I were the Minister, I would be deeply embarrassed about it. It is a failure of planning and to provide basic infrastructure, particularly toilets. This shows a reckless indifference to the dignity of children. I was shocked by the article that said that the P&C had stepped in because the toilets were so dirty due to overuse. Children are deserving of the same standards that we expect in our workplace.

Yet we are prepared to accept that school toilets are subject to overuse because of the failure of the department and the Minister to make adequate plans and provide adequate infrastructure. I found it astounding that yet again parents were expected to step in to compensate for the inadequacies of the system. The other thing I found astounding was the Minister's admission that the department knew nothing about it. It begs the question, if the Minister does not know about this, if the department does not know about it, what else is happening in the education system that the Minister is unaware of?

*[Business interrupted.]*

*Visitors*

### VISITORS

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** I welcome to the public gallery the Probus Club of Berowra, along with President Alan Milne.

*Questions Without Notice: Take Note*

### BREWARRINA "YETTA DHINNAKKAL" CENTRE

*[Business resumed.]*

**The Hon. ROSE JACKSON (13:19):** I take note of answers given by the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts and Minister for Finance and Small Business in relation to the Brewarrina centre. Let us be clear about what has happened in New South Wales prisons. Prisoner numbers have exploded despite crime rates falling across all categories. A major contributing factor to this is obviously recidivism. Minister Harwin mentioned in his supplementary answer the Premier's priority around this matter. This comes on the back of the \$330 million that was committed by then Premier Baird in 2016 with the goal of reducing recidivism by 5 per cent by 2019. It is now clear from budget estimates that this State is not going to meet that target. The Government has abandoned that goal and set a new one.

The explosion in prisoner numbers has made a number of smaller prisons overcrowded. These prisons, which are central to local employment and economic opportunities, are struggling with double and triple bedding in cells intended for one person. In the Government's statement in relation to the closure of this centre it referred to the provision of safer beds, which is a euphemism for actually only having one person in a cell that was intended for one person, as opposed to two or even three prisoners crammed in there.

The explosion of the prisoner population is straining these smaller facilities and it has forced the Government to spend billions of dollars on new super prisons. The Government has refused to provide prison utilisation data in a recent Australian Government report on government services. The optimal prisoner utilisation percentage is 95 to 100. In the most recent data provided by New South Wales it was already 120 per cent—already massively overcrowded—and now they have just stopped providing the data altogether, presumably because it has gotten even worse.

These mega prisons, privately run even after the bin fire of the Parklea private prison, do not offer the localised specific support services to which my colleague the Hon. Penny Sharpe referred. Local prisons like Brewarrina—the smaller minimum security prisons embedded in local communities—provide real pathways back to communities as opposed to sending these people to Clarence with thousands of other people, hundreds of kilometres away, which makes their rehabilitation all the more difficult. My colleague the Hon. Mick Veitch

mentioned the redeployment of staff who also have to go 700 kilometres away. Of course they have to move. Of course they have to relocate their families to the new mega facilities at Clarence, Windsor or elsewhere if they want to stay in Corrections and it rips money out of local communities because staff do not shop in local shops or send their kids to local schools.

The Minister might visit and buy a cup of tea but this is not a long-term solution. Increasing prisoner numbers is not a long-term solution. Building massive new private prisons is not a long-term solution. These small facilities will continue to bite the dust until the Government changes its plans.

**REGIONAL ARTS TOURING  
ARTFORM ADVISORY BOARDS  
READING RECOVERY PROGRAM**

**The Hon. WALT SECORD (13:22):** I will make some observations involving answers provided by Ministers. It was extraordinary that the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts talked about funding for regional Arts in this Chamber, knowing his record of ripping \$1 million from regional arts and diverting it to the Sydney Symphony Orchestra.

**The Hon. Wes Fang:** Point of order: The Hon. Walt Secord is straying from the answer that was given and to new material that is no way related to the Minister's answer.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** Is the Hon. Walt Secord getting to the point? I encourage him not to reflect on other members.

**The Hon. WALT SECORD:** Yes. I was absolutely surprised that the Minister would boast about funding knowing that a number of regional arts organisations are very disappointed in the allocation of funds, particularly the Sydney Fringe Festival. It had a program for regional and rural artists to come to Sydney and perform at the Sydney Fringe Festival. When artists do that they are eligible for overseas competitions. Because the \$36,000 was not provided, artists were unable to come to Sydney.

**The Hon. Don Harwin:** Point of order: We are having a debate on taking note of an answer. The Hon. Walt Secord is making some remarks about a funding decision that was taken over 12 months ago and cannot possibly be relevant to this debate.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** I know that the member canvassed this subject some time ago and it is not subject to the answers that we are debating at the moment. I encourage the Hon. Walt Secord to come back to the answer that is in the scope of the debate.

**The Hon. WALT SECORD:** I will move to the second answer that the Minister provided involving advisory panels. I was at the Griffin Theatre earlier this week and a direct representation was made to me by a person who was on one of those panels. They were very disappointed. They said they were put on the panels but will the Minister accept their recommendations when it comes to the allocations of funds? In relation to the reading recovery question from the Hon. Mark Latham, I was very disappointed with the Minister because it was an excellent opportunity to spell out the Government's plans on literacy. New South Wales has dropped on the lead table. We are now behind Bulgaria, Poland, and Taiwan—

**The Hon. Sarah Mitchell:** Point of order: I did not talk about any of these matters in my answer. The Hon. Walt Secord is flouting your earlier ruling about relevance.

**The Hon. WALT SECORD:** It was involved with the reading recovery. I know the Minister is embarrassed about the Government's record on literacy. [*Time expired.*]

**TAKE NOTE OF ANSWERS TO QUESTIONS**

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:26):** I will only speak briefly. In relation to comments made about asbestos and the written question on notice, I reiterate what I have said many times in the House, in that we manage asbestos removal on site in strict accordance with all applicable legislation, regulations, policies and guidelines. I told the House last week that I have instructed the Secretary of the Department of Education to begin work on holding data on the removal of asbestos centrally. That is the case; that work is underway. I also have sought some clarification: The update register has been fixed and all schools are available on that, including the eight schools to which the member referred in her contribution.

Finally, as I said in my answer, we are continuing with plans for a \$250 million upgrade of Chatswood High School and Chatswood Public School. Mr David Shoebridge commented about the play space available for the children. I reiterate what I said, the plan for Chatswood Public School includes new buildings that enable a significant increase in available play space.

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

**Motion agreed to.**

*Written Answers to Supplementary Questions*

**SCHOOLS ASBESTOS MANAGEMENT PLAN**

In reply to **the Hon. COURTNEY HOUSSOS** (25 September 2019).

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

The health, safety and well-being of the community is the department's highest priority.

Hazardous material on public school sites is managed in strict accordance with Safe Work NSW and all applicable legislation, regulations, policies and guidelines including the department's Asbestos Management Plan for NSW Government Schools.

When an expert hygienist determines the presence of asbestos, a remediation plan is developed and implemented.

Removal of asbestos is most often undertaken outside of school hours. An example of where it may be removed during operational hours includes emergency cases where removal of the material is enacted immediately. The affected area is quarantined and when the area is clear of all students, staff and community access, removal is conducted in accordance with all relevant legislation and guidelines.

Data on the time of asbestos removal is currently not centrally held by the department. As Minister I have instructed the Secretary of the Department of Education to begin work on holding data on the removal of asbestos centrally.

**The DEPUTY PRESIDENT (The Hon. Niall Blair):** I will now leave the chair and cause the bells to be rung at 3.00 p.m.

*Committees*

**PORTFOLIO COMMITTEE NO. 4 - INDUSTRY**

**Reference**

**The Hon. MARK BANASIAK:** I inform the House that in accordance with paragraph 6 of the resolution of the House relating to the establishment of committees, Portfolio Committee No. 4 - Industry resolved to adopt the following terms of reference:

1. That Portfolio Committee No. 4 - Industry inquire into and report on the use of exotic animals (defined as any animal that is not native and is not a stock or companion animal) in circuses and the exhibition of cetaceans in New South Wales, and in particular:
  - (a) the welfare of exotic animals exhibited in circuses in New South Wales, with consideration of community expectation;
  - (b) the welfare of cetaceans exhibited in New South Wales, with consideration of community expectation;
  - (c) in light of the findings in (a) and (b) above, whether:
    - (i) allow the continuation of the practice of breeding of exotic animals for use in circuses and cetaceans for exhibition;
    - (ii) to should be a phase out of the use of exotic animals in circuses and cetaceans for exhibition; and/or
    - (iii) there should be any other legislative or regulatory action that the committee considers appropriate.
  - (d) any other related matter.
2. That the committee report by 27 June 2020.

*Private Members' Statements*

**SHARE MANAGEMENT FISHERIES APPEAL PANEL**

**The Hon. MARK BANASIAK (15:02):** I wish to discuss the Share Management Fisheries Appeal Panel. This Government outpost considers appeals lodged by commercial fishermen who feel they have had their quota of shares taken off them unfairly. It is an unusual panel considering the significant decisions being made about commercial fishers. It is a three-person panel. The Minister can choose a person to represent them on the panel. There is also a secretary or a nominee of the secretary. The third member of the panel is the only person with any commercial fishing experience. It seems to me that the panel is a little lopsided.

I hardly think the Minister or secretary are going to rule against a previous decision they have made, so the scales are already tipped in the Government's favour. Fishermen have told me that they requested an appeal in October 2018, only to receive a notification in July this year that the appeal would not be heard until October or

November. That means those fishermen have had to endure one whole year of insecurity. One fisherman is appealing the quota that he was given for hand-gathering pipis. He has multiple fishing endorsements because most fishermen like to create certainty for themselves in their own fishery and they do this by ensuring they have a sustainable fishing industry.

Under one endorsement, he gathers pipis in the Stockton area but several years ago, due to unforeseen weather conditions, the pipis began declining in number and size. Instead of overfishing the stock and removing younger and smaller pipis from the area, he decided to concentrate on his other endorsements so those pipis could regenerate. As a result, he lost his previous quota to hand-gather because he had no recent catch history. Instead of rewarding fishermen who strive to work towards a sustainable fishing industry, they are being thrown overboard. The Government needs to give itself a big uppercut for this decision.

The documentation provided by the appeal panel states that it could not consider whether the allocation of shares was appropriate, or whether extenuating or exceptional circumstances affected their ability to fish or, for that matter, any future impacts of the number of shares issued. Essentially, the Government can remove your ability to earn a living but that is not its problem. The only thing the panel can consider are miscalculations. Unless they can prove that the secretary failed to carry the one when calculating quotas, they have got Buckley's chance of getting an appeal through. The Firearms Registry is a mess but regarding the category of failed government departments for delivering poor service and failing to follow procedural fairness, the runner-up is fisheries management.

### HUNTER DEFENCE CONFERENCE

**The Hon. TAYLOR MARTIN (15:05):** On 22 and 23 August 2019 Hunter Defence held the 2019 Hunter Defence Conference at the Crowne Plaza Hunter Valley. The 2019 conference was the tenth anniversary of the conference and focused on stimulating collaboration and engagement between defence, prime contractors, regional small- to medium-size enterprises, and academia. The conference was organised by Hunter Defence, which is a collaborative task force focused on demonstrating the capability of established Hunter defence industry suppliers to government and prime contractors, as well as upskilling local small- and medium-size enterprises to become defence ready. I was invited to give the keynote address on behalf of the Deputy Premier to the conference and spoke about the significant investment the Government is making to support the defence industry across New South Wales, in particular in the Hunter.

In June 2017 the Government invested \$2.6 million in upgrades to the Carrington shipyards at Newcastle. In September last year we committed to an \$11.7 million investment for the Hunter Defence Aerospace Park, supporting the defence and aviation industries and employment in Williamstown. The investment will capitalise on the existing economic strengths of the region, securing 76 hectares of special purpose land committed to defence and aviation-related industries and employment. This funding from the Coalition Government will contribute to the cost of establishing services such as water, sewer, gas, electrical and broadband connections as well as the construction of a major access road.

The Government is also continuing to support the Hunter STEMship Program, which is a future workforce and skills development initiative delivered in partnership with Regional Development Australia Hunter, local industry and TAFE NSW. The program has been successfully rolled out in the Hunter since 2016, with 65 per cent of participants gaining related employment immediately following it. In August last year the Government announced it would be investing a further \$400,000 over two years into the program that trains young people with the essential skills needed for the defence industry in regional New South Wales.

Other speakers at the event included Australian Defence Export Advocate the Hon. David Johnston; Joint Strike Fighter Program Manager Air Vice-Marshal Leigh Gordon, who is also part of the Capability Acquisition and Sustainment Group; First Assistant Secretary of Defence Industry Policy Dr Sheridan Kearnan; Vice-Chancellor of the University of Newcastle—my old university—Professor Alex Zelinsky, AO; NSW Defence Advocate Air Marshal John Harvey, AM, (Retd); and other business and defence leaders from the Hunter. The Hunter's successes are closely linked to the defence industry. I am extremely confident that the New South Wales Government will continue its strong, dedicated commitment to the defence industry across New South Wales but particularly in the Hunter. I congratulate Hunter Defence and all participants for an excellent 2019 conference.

### MID WESTERN HIGHWAY

**The Hon. MICK VEITCH (15:08):** There has been renewed interest to rename the Mid Western Highway the "Wiradjuri Way". Wikipedia tells us that the Mid Western Highway is a 522-kilometre State highway located in the central western and northern Riverina regions of New South Wales. The highway services a number of rural communities and links the Great Western, Mitchell, Olympic, Newell, Cobb and Sturt highways. The



Mid Western Highway forms part of the most direct route road link between Sydney and Adelaide, with its eastern terminus in Bathurst and its western terminus in Hay. It is a road I have travelled many times, both its full length and sections thereof.

In August 1928 this road was gazetted and named as a State highway. The Mid Western Highway carries the national highway shield A41 between Bathurst and Cowra, the State route B64 shield between Cowra and Hay, and it shares concurrency with the Newell Highway between Marsden and West Wyalong. The highway is a single carriageway along its entire length. If honourable members have not travelled along this road I urge them to do so one day, and to stop off at some of the wonderful communities along the highway and maybe even stop for a night or two to help their local economies, particularly at this time of drought.

Aunty Flo Grant has been publicly acknowledged as a fierce advocate of the proposed name change. Sadly, Aunty Flo passed away in August this year and was buried in Wagga Wagga with this significant and important goal unachieved. Former roads Minister Duncan Gay backed the proposal at least five years ago. It is not often that Duncan and I find ourselves on the same side of a debate, but we do on this one. He was recently quoted as saying on *ABC Riverina*, "It's a highway that needs a proper name." That sounds like something Duncan Gay would say.

I add my weight to the campaign that it makes sense to give the Mid Western Highway a more appropriate name. It just seems so straightforward to name the road the Wiradjuri Way. It travels through Wiradjuri country. For those who are unaware, Wiradjuri people are the people of the three rivers: The Wambool, which we have named the Macquarie; the Calare, which we have named the Lachlan; and the Murrumbidgee. The highway is situated within these geographical boundaries and therefore, in my view, it is apt for the name change to Wiradjuri Way. I know some people do not agree with this proposal because they are worried about changing their address details, the cost of signage changes and the like, but the reality is that we have changed road names elsewhere. Let us hasten the process of renaming Mid Western Highway the Wiradjuri Way.

#### SHOOTERS, FISHERS AND FARMERS PARTY

**The Hon. ROBERT BORSACK (15:11):** Budget estimates is always an interesting time of year. It gives members in this place the chance to ask questions of Ministers in the other place directly rather than through an intermediary. I always like to look the Minister in the eye. There were some notable highlights and a few lowlights, and, as always, a few cases of the unusual and bizarre. In the Police and Emergency Services hearing I was pleased to hear Minister Elliott reaffirm his commitment to advocate against bureaucratic bullying. After a little bit of prompting, the Minister acknowledged that the New South Wales Firearms Registry is an agency within his department and that he would not walk away from his commitment to making sure that the Government is not guilty of bureaucratic bullying. I certainly look forward to seeing a marked reduction in the bullying coming from the Firearms Registry.

The Premier, in her appearance before the committee, revealed once again her distaste for the Shooters, Fishers and Farmers Party by repeating the furphy that the SFF wants to give guns to 10-year-olds. Referring to an article in *The Land* on 6 August 2017, the Premier claimed that reducing the age for issue of a minor's permit from 12 to 10 would be giving 10-year-olds guns. This, of course, is utter nonsense and if the Premier had bothered to read the full article in *The Land* she would have read my comment:

Lowering the age for a minor's permit to 10 would not permit primary school children to buy a firearm ... A minor's permit does not authorise the acquisition of firearms and these can only be acquired, owned and stored by an adult who has both a firearms licence and permit to acquire the firearm in question—and rightly so.

The Premier owes me and the SFF an apology. My colleague the Hon. Mark Banasiak, on the other hand, heard the extraordinary admission by the Secretary of Treasury that he was not aware of Treasury circular TC18-03 on program evaluation. It also came as a surprise to the Treasury secretary to learn that the New South Wales Firearms Registry had not submitted even one program evaluation report to Treasury between 2011 and August this year—a fact we learned from our recent Government Information (Public Access) Act application. We hope that by bringing up the issue of non-compliance by the New South Wales Firearms Registry with Treasury's mandatory reporting obligations the NSW Treasury will now keep a much closer eye on this "rogue" agency, as my colleague the Hon. Mark Banasiak referred to it.

We submitted a lot of supplementary questions to Ministers about their agencies, not because we are vindictive or spiteful but because the agencies have a terrible habit of lacking transparency. We look forward to reading the responses when they are received. The public has a right to know how agencies operate, and the Shooters, Fishers and Farmers Party will continue holding Ministers and their agencies to account. The new format for budget estimates presented a few challenges and I am sure that there will be some further fine-tuning in the future. In closing, I take this opportunity to thank the secretariat, all the staff, Hansard and everyone else involved in the budget estimates committees for their support and for making sure that the hearings ran smoothly.

## RURAL AND REGIONAL NEW SOUTH WALES

**The Hon. WES FANG (15:14):** Many of us here today are lucky enough to call some of the most incredible towns and cities in rural and regional New South Wales home. Living in a rural or regional area, by nearly all accounts, makes sense. Beautiful countryside, wonderful people, lower cost of living and housing affordability make it an attractive proposition. However, there is often a catch, and that is finding work. That is where entrepreneur Jo Palmer, who is based at The Rock near Wagga Wagga, comes in with her company Pointer Remote Roles.

Pointer aims to connect businesses with talented professional employees and contractors from all over Australia, no matter where they live, and deliver thousands of qualified Australians the opportunity to work remotely. In an age where we do not need to be chained to a desk to do a job effectively, Pointer Remote Roles connects skilled professionals to employers and allows flexibility in the workplace. An employee with a laptop and internet access can work just as well as someone based in an office in Sydney. This is all about finding the best person for the job, regardless of where they live and how they get the job done.

Jo is leading the charge to empower those in rural and regional communities to strive for the same job opportunities as those in the city. The employer is equally benefited by having access to a range of qualified candidates that previously were not available. In June this year Jo won the NSW-ACT AgriFutures Rural Woman of the Year award and this month Jo took out the national honours. Jo's project has the potential to have a huge impact on the economy of regional areas, particularly during tough times. I take this opportunity to congratulate Jo on her award win and success.

I also pay tribute to Julie Andreazza, the 2018 New South Wales Farmer of the Year from Griffith, who has been sharing her own thoughts on the drought, mental health and wellbeing as a way to help others. Launching the Tell It Well program in July this year, Julie is helping people know they are not alone with their mental health struggles and that there is a support network to help them through difficult times. I thank both Jo and Julie for their tireless work and advocacy on behalf of rural and regional communities.

## LOCAL GOVERNMENT

**The Hon. SHAOQUETT MOSELMANE (15:16):** I take this opportunity to note that, following my recent proposal to establish Parliamentary Friends of Local Government, the Hon. Lou Amato and I were elected unopposed as co-chairs. I thank all those parliamentary friends of local government who attended in support of this friendship group. The Hon. Lou Amato and I look forward to working with the Minister and shadow Minister for Local Government, the Department of Local Government, the Local Government Association, councillors, unions, industry and all involved in the delivery of services and infrastructure that the people of New South Wales need.

As we all know, local government plays a critical part in the delivery of the most vital services for communities. It is the government at the coalface of representative democracy. I was elected councillor in 1995 and re-elected for a number of terms, serving for 15 years as a councillor, deputy mayor on four occasions and mayor on four other occasions. It was an absolute honour for me to serve the people of Rockdale. If the opportunity arose to serve the people of Bayside as a popularly elected mayor, I would throw my hat in the ring without hesitation. I understand local government and what it means to be a servant of the people, as I have always been ever since I learned to speak English. As a child, I became a translator and a community advocate. In 1982-83, which is almost 36 years ago, I became involved in the Australian Labor Party.

Being a councillor is a privilege and a wonderful opportunity to make a difference to your community. Constituents cast their vote for you and put their faith in you to represent them on council and to address their needs. You never ever take that responsibility for granted. You are expected to fulfil your duties as a councillor with utmost integrity, as I know many councillors do. As Chair of the Parliamentary Friends of Local Government, I take this opportunity to congratulate all the servants of local government in New South Wales and, in particular, the councillors who were recently elected as mayors and deputy mayors. I congratulate my friend, Councillor Joe Awada, who last night was elected as Mayor of Bayside, and Councillor McDonald, who was elected as deputy mayor.

I congratulate Councillor Kevin Greene on his re-election as mayor, as well as Councillor Con Hindi on his re-election as deputy mayor of Georges River. I congratulate Deputy Mayor Councillor Ali Karnib on his re-election at Liverpool City Council, as well as the re-election of Mayor Khal Asfour and the election of Deputy Mayor Bilal El-Hayek to the City of Canterbury Bankstown. I acknowledge and thank former mayor and my friend Councillor Bill Saravinovski, the first mayor of Bayside, for his commitment to that council. Councillor Saravinovski is one of the hardest working and longest serving councillors in Australia, having been elected to

Rockdale City Council first in 1983. I wish him well and look forward to his continued service to the people of Bayside.

### MEDICINAL CANNABIS

**Ms CATE FAEHRMANN (15:19):** Since 2016 medicinal cannabis has been legal in New South Wales. Despite this, significant barriers to its access remain. Patricia Brierly is 91 years old. She suffers from spondylitis, which leaves her in pain, bent over and struggling to move. She also has macular degeneration, liver cancer and bursitis. Despite suffering constant body pain, by all accounts Patricia's mind is wonderfully active and intact. However, for a long time her quality of life has been impacted severely. Every medication she has been prescribed has failed to reduce her pain, leaving her unable to leave the house and complete the simplest of tasks. Often she is unable to leave her bed. After some research Patricia and her family decided to see if she could be prescribed medicinal cannabis. However, that proved difficult and expensive.

There is one cannabis clinic in Sydney with a few outlets. A referral from a GP is needed to obtain an appointment. The doctor at the cannabis clinic that Patricia was referred to works just half a day a week. That meant the appointment was set after a few weeks. Patricia had to cab 20 kilometres to the clinic with her walker. The consultation cost \$200 with another \$250 required to process the paperwork, which the doctor explained is a government charge. After two weeks Patricia was notified she had been approved but the doctor at the cannabis clinic was adamant that she needed another appointment. That meant another \$125 fee. Her daughter went in her place. Luckily, their local pharmacy was government-approved to fill the prescription, but not all pharmacies are. It took three days for the medicine to arrive. The oil came from New Zealand via a Canadian company as no Australian company is licensed to provide it. Each prescription for the medicine included three 25-millilitre bottles. At \$200 a bottle, each prescription would cost \$600.

The total cost to fill the first prescription was more than \$1,200, including appointments, cabs and paperwork fees, but it was worth the cost and hassle because cannabis oil has changed Patricia's life. She is experiencing no adverse side effects and can now get out of bed. She goes on community bus trips and has met new friends. Despite her long and painful journey, Patricia has been lucky because through her family support she could afford hefty costs. But what about those in our community who cannot afford it? What about those in pain who might not have the support to make regular trips to a doctor and jump through hoops? For some like Patricia, medical cannabis has proven to be a wonder drug. It is the only medication that has alleviated her pain. We should manufacture medicinal cannabis oil in New South Wales. It should be subsidised by the Pharmaceutical Benefits Scheme and we should allow people to grow and use cannabis at home.

### NSW TAXI COUNCIL

**Reverend the Hon. FRED NILE (15:22):** I support the NSW Taxi Council, which today at 4.00 p.m. is having a petition tabled in the other place. The focus of the petition is for the New South Wales Government to buy back New South Wales taxi licences for a fair and just value in line with pre-reform prices. It is well known that the taxi licence owners parted with the Government and the Government sold the licences, pre-Uber, for a 50-year lease for over \$400,000. Taxi licence owners have received little assistance for the loss in value of their licences. The value has now dropped from \$400,000 to \$20,000, which is a loss of over \$300,000. Many of those drivers have had to do other jobs to survive in today's economy. I believe this is a just reform and I urge the Government to give sympathy to the New South Wales taxi industry.

### COAL INDUSTRY

**The Hon. WALT SECORD (15:24):** As the shadow Treasurer, I know economic storm clouds are gathering. New South Wales has slipped behind Victoria and we have to recognise that mining is a key part of the State's economic future. Australia has survived the global financial crisis due to a number of reasons: targeted stimulus measures, the Rudd decision to guarantee all deposits in Australian banks, and our strong mining sector. I believe in climate change and I believe we need a sophisticated approach to the economy. I concur with the Federal Labor foreign affairs spokesperson Senator Penny Wong, who said on 18 August that Labor would not have agreed to demands for an "immediate ban" on new mines and that "coal remains an important industry for Australia and it remains part of the global energy mix".

Coal-based power generates about 75 per cent of Australia's electricity; at 80 per cent, that figure is slightly higher in New South Wales. While it is right that we look to support and transition to renewable energy forms like solar and wind, mining is still worth \$15 billion a year to the New South Wales economy. It is part of the global energy mix. The economic activity supports our State's revenue and services, providing almost \$2 billion a year in royalties that can fund vital services such as schools, police and hospitals. Statewide, more than 40,000 people work in mining jobs, from the Hunter to the Illawarra to the north-west to the Central West to Broken Hill. In 2017-18 a total of 28 mining operations directly injected \$10.3 billion into the State economy,

including \$3 billion in pay packets. Of course, while we recognise the ongoing future of mining, we must be alive to the environmental impacts and the need to transition to other forms of mining and exploration. Mining can be a contributor to environmental challenges but it is also part of the solution.

To respond to changing demand and to feed new technologies such as mobile phones and other battery technology, we must support so-called new areas like rare earths. With the advent of electric cars, we need more copper so we have to look at finding ways to tap into new deposits. Previously the average petrol-powered car contained about 20 kilograms of copper, mainly as wiring. A hybrid contains 40 kilograms of copper. But a fully electric car has 80 kilograms of copper, which is four times that in a conventional car. It has to be sourced and Australia will provide it in a safe manner. While that happens, mining can continue to provide a more diverse and stable source of income for rural and regional communities in the face of a protracted drought, which is pounding local economies. If there are changes and job losses, we must ensure that those in the mining sector have access to a strong and relevant public TAFE to provide them with new skills and opportunities. I thank the House for its consideration.

### CLIMATE CHANGE

**Mr JUSTIN FIELD (15:26):** Last Friday the images of the student climate strike in New South Wales, Australia and around the world were astonishing. It was the largest ever mobilisation for climate action. The fact that it was inspired by and led by young people made it all the more amazing but it also goes to the heart of the issue. Our failures to take climate action today will impact the next generations. They expect more from those of us who are in a position of power to make change. Last Friday I had the privilege of attending three local events in Ulladulla. First, I attended an early morning beach gathering that was a vigil of sorts, which was very much about coming together and connecting with each other and the planet.

The second event was a rally and march at the civic centre, which was about noise, passion, energy and demanding change. The third event was a lunchtime discussion at a high school for those students who were not striking but wanted to come together to discuss what needs to be done, what they are doing and what they can do. I thank everyone who took part in last week's events, especially those who put their time and energy to create spaces and opportunities for people to be involved in the way that they could. That amazing diversity was also reflected in the images from around the world, in events in cities and on farms, on at-risk, low-lying islands and the shrinking ice of the poles.

If we are going to avoid the worst impacts of climate change we need everyone. We need all approaches. We need mass mobilisations, individual actions and corporations to back social movements and invest in solutions. We need political movements and we need legislative change. We need thinkers, activists, lawyers and lawmakers. We need those lawmakers to make laws that make a difference. We need farmers and scientists. We need First Peoples, migrants, neighbours and families and friends. Most importantly, we need to do it together. Lately there has been a bit of talk from the so-called political leaders about climate anxiety. That anxiety can be built on great disappointment at political leaders, their failures and how to make change but mitigating it and turning it into action matters.

I have a message for people who might have anxiety about the state of the world. You are taking action on climate change when you organise a rally or turn up to one, when you create a space where people can come together and learn more about the issue. You are taking action when you talk to your friends and family and strangers about your fears and hopes and the actions you take today and want to take. You are taking action when you vote, run for office, create a petition or sign one. You are taking action when you grow your own food and when you refuse to waste, and when you reduce your energy consumption or change your bank account or superannuation action. You are taking action when you ride to school or work and you are taking action when you strike from school or work. The wonderful demonstration last Friday shows that more and more people are joining together to take those actions, and I am confident that it will only continue to grow.

### PIG DOGGING

**The Hon. EMMA HURST (15:29):** I describe to members what is arguably the most brutal form of hunting permitted here in New South Wales: Packs of dogs are released by hunters to chase, track, maul and maim a frightened, lone, wild pig. As the dogs descend upon the terrified, struggling animal, it is savaged and its flesh torn from its body. The pig faces being mauled to death before a human hunter stabs it through the heart or shoots it at close range. This brutality is called pig dogging. Our Government condones this cruelty.

Animal cruelty is not a sport. Watching animals suffer intense pain is not normal and torturing animals is never acceptable. Just a few years ago footage was broadcast by ABC's 7.30, showing pigs being torn apart and mutilated before being re-released into forests, with hunters using staple guns to close the wounds of maimed dogs. Another video showed three pigs lying dead as a piglet was slowly, painfully mauled to death by a dog.

Those pigs experienced an immense amount of prolonged fear, stress and pain. The dogs that the human hunters set upon them are taught to hold them as they scream out for help for long periods of time, mauling them until the hunter arrives to finish the kill, or they are simply left to bleed out, resulting in a slow death.

The dogs are not exempt from cruelty either: Most of the dogs born into pig dogging are blooded to make them aggressive. They are beaten, starved and psychologically abused, leaving them so mentally and physically crushed that they do not back down from pigs approximately 10 times their size. Often during the hunt those dogs are injured, mutilated and killed by the pig, desperately fighting for its own survival. Hunters know what is in store for those dogs. During a pig dogging training session in 2010, trainers advised that gored dogs could be wrapped with cling wrap to hold in their intestines and that more superficial wounds should be fixed with a stapler. Think about that for a moment.

Think about two tortured animals, one slowly bleeding to death as it is ravaged and mauled, the other gored with their bodily organs being held into their body with cling wrap so the brutality can continue. All of this for the grotesque pleasure of a psychopathic who claims that the barbaric practice gives them an "adrenaline rush". Even within the hunting community, pig doggers have been described as "the lowest of the low"—as reported by *The Sydney Morning Herald*. We cannot allow this so-called "sport" to continue.

#### *Bills*

### **PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (RESTRICTIONS ON STOCK ANIMAL PROCEDURES) BILL 2019**

#### **First Reading**

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

#### **Second Reading Speech**

**The Hon. MARK PEARSON (15:34):** I move:

That this bill be now read a second time.

This bill amends the Prevention of Cruelty to Animals Act 1979 No. 200. Schedule 1 [1] to the bill prohibits the mules operation being performed on sheep. However, a person does not commit an offence under the proposed section until on or after 1 January 2022. Schedule 1 [5] provides that, in the course of undertaking certain procedures involving stock animals, a person must administer an analgesic or other appropriate form of pain relief to the animal in order to have the benefit of a defence to certain animal cruelty offences. Schedule 2, Amendment of other legislation, makes consequential amendments to the Veterinary Practice Act 2003 and the Veterinary Practice Regulation 2013 as a result of the proposed prohibition of the mules operation.

In 1797, 220 years ago, the first merino sheep arrived in Australia. Merino sheep have never, and will never, be able to adapt to the Australian environment and the Australian climate. The bill seeks to strike at the fact that ever since that time certain procedures have been permitted upon stock animals—in this case in particular, sheep—which, if performed on domestic animals or a foal, would result in a person facing very serious prosecution under the legislation. There is an exemption in section 24 of the Act, which has stood there, either in that format since 1979 or beforehand, where a person can mutilate farm animals—certain stock animals—for the purposes of the mules operation, castration, tail docking, dehorning and beforehand, other procedures, yet not face any prosecution under the Prevention of Cruelty to Animals Act if the procedure was done in a manner that inflicted no unnecessary pain.

This has been based upon two myths: that farm animals do not feel as much pain as other animals and that young animals—six months or younger or, in some cases, 12 months or younger—do not feel pain as much as other animals. Veterinary science and veterinary technical knowledge over time has shown very clearly that those animals feel exactly the same pain, or very similar pain, to a dog, a cat, a horse, a foal or other species that are specifically protected. If one were to mules a cat, or a foal or a dog, they would be prosecuted very severely. The behaviour, age and reaction to the procedure of those animals brought about the myth amongst our understanding that they did not feel as much pain. Veterinary scientists have made it very clear that a sheep, for example, is a prey animal and prey animals, in order to survive and evolve, will not show their pain in the same way as a predatory animal. Therefore, when a lamb is put up onto the cradle on his or her back and certain procedures are performed, you will hardly hear a bleat.

It is difficult to perceive much struggle, but when properly analysed by veterinary scientists who understand these animals very well there is symptomatology and there is a demonstration of pain and distress. The pain and distress is there but it is expressed differently because in evolution if a sheep or other prey animal shows a lot of distress, the wolf is watching and it will take out the weakest and the most vulnerable. This is why

these animals have evolved over time to not show this pain and distress. But thankfully, with veterinary science improving as much as it has, we now understand that these animals do feel distress and pain during these procedures. One of the main purposes of the bill is to now bring that new veterinary technical knowledge into the legislation that has been in place since 1979. The view during that time and before was that these animals do not feel as much pain; now we know they do. This bill addresses that concern and that anomaly.

The suffering endured by farm animals in undergoing invasive procedures such as mulesing is a grave concern of mine. I have been campaigning for the humane treatment of agricultural animals for a number of decades. In particular, I have campaigned for animal industries to develop alternatives to painful procedures or, where that is not available, the provision of pain relief. I am very pleased to introduce this bill, which legislates the phasing out by 2022 of the cruel practice of mulesing—the surgical removal of the breech, tail, skin folds or wrinkles of a sheep. The procedure is usually undertaken on a lamb at less than six months of age. The lamb is constrained in a device known as a cradle. While laid prone on its back, a pair of sharp shears or another sharp implement is used to cut away at the skin around the breech area.

The bill also mandates the administration of pain relief for procedures listed in section 24 of the Prevention of Cruelty to Animals Act. This includes procedures such as castration, dehorning and tail docking. Recent innovations in veterinary medicine mean that there are now readily available and affordable analgesics such as Tri-Solfen and other substances for farmed animals. Importantly, this bill will actually assist and protect, when passed, farmers and woolgrowers from possible prosecution. That is because in section 24 of the Act, which is the exemption, it says that you can do these things to these animals—mulesing, tail docking et cetera—but at the end of each section it says that the director general or secretary has made it very clear it must be in a manner that causes no unnecessary pain. If a pain relief is readily available and affordable and is not used, it could be argued that if these procedures are done without the use of that pain relief, it has been done in a manner which has caused unnecessary pain.

Mulesing is a procedure that is actually intended to prevent a very serious state of flystrike. It removes skin that can become fouled by urine, faeces and dirt, creating an environment where flies can lay their eggs and, once hatched, the maggots consume the flesh of the sheep. That is known as flystrike and it is a significant welfare problem for the wool industry. What has also become a major ethical issue for the wool industry are the advances in science that make it clear that farmed animals are indeed sentient beings and feel pain and distress. There is no doubt that mulesing is a painful and stressful procedure for lambs. So the animal activist community has been campaigning for many years to end mulesing. Organisations such as People for the Ethical Treatment of Animals, FOUR PAWS, the Humane Society International and Animal Liberation have engaged in numerous campaigns, including encouraging international consumer boycotts of wool farmers who continue the practice of mulesing.

It is important to be aware that there is a petition—which I tried to table this morning—signed by almost 205,000 people in Europe and the United States who are watching this debate. The issue here—and this is what this bill tries to address—is that much of the wool that is clipped in Australia goes around the world and it goes to very, very high apparel buyers and retailers such as Hugo Boss, Zegna, Abercrombie & Fitch et cetera. As we would well know, leading up to and after 2010 there was an international boycott of Australian wool. If it is passed, this bill will try to address when pain relief is provided for these animals and, when there is a deadline for mulesing to no longer be permitted as of 1 January 2022, this message from Australia and from the wool industry to the world will be very welcome. The world is watching what we are doing in our backyard to animals that provide a fibre that travels through China being washed and spun, through New Zealand being knitted and ends up in a Hugo Boss store in New York as a garment.

The bill is of its time. Animal welfare is now a mainstream concern. New Zealand introduced a complete ban on mulesing in 2018 and Victoria is introducing changes to the mulesing definition in its Prevention of Cruelty to Animals—Draft Regulations 2019. During the carriage of this bill through the House, I will introduce an amendment that will define mulesing in the legislation. Last year I was interviewed for a documentary entitled *The true price of cuddly wool*, which was recently broadcast on German television. The crew also interviewed international designers and retailers, Australian growers, brokers and researchers about wool traceability, mulesing and animal welfare issues.

European consumers are becoming increasingly concerned with our animal welfare in regard to mulesing. A study was recently commissioned by the Federal Department of Agriculture and Water Resources. Its report *Australia's Shifting Mindset on Farm Animal Welfare* found that many members of the public now support the activist view that animal welfare is not being sufficiently delivered by the agriculture sector for today's values. Of those surveyed, up to 95 per cent of people view farm animal welfare to be a concern and view farm animals sentient. People want to see reforms made in animal welfare.

Look at what had happened with the greyhound racing industry and the report by Justice McHugh. After four inquiries into that industry Justice McHugh gave his final report, which influenced the Government in 2015

to announce a ban on greyhound racing. The first recommendation of Justice McHugh was to ban greyhound racing because it had lost a social licence. My view is that if we address mulesing, remove it and make it no longer acceptable it will become, and will be seen as, a procedure that no longer has a social licence. In an interview with Farm Online, RSPCA Australia chairperson Gary Humphreys stated: These figures give some numerical perspective to the sleeping giant that is the Australian community's concern about current livestock production practices. As we have seen in the past, vision of practices that cause animals pain or suffering is all that is needed to wake this giant.

For sheep, behavioural changes such as lip curling, teeth grinding, trembling, nostril flaring and abnormal postures have been described in lambs undergoing mulesing, tail docking and castration. Sheep experiencing pain will reduce their feed intake and rumination. They may engage in licking, rubbing or scratching painful areas and they may be reluctant to move. In animal experimentation, researchers have found that injured animals seek out and self-administer pain relievers if they are made available to them. How can we justify the continued infliction of pain on farmed animals without using analgesia? The company Bayer, which bought up most of the rights of distribution to the main pain relief used for lambs in mulesing, Tri-Solfen, say that 80 per cent to 85 per cent of woolgrowers are using it during mulesing, but other sources are saying that only 50 to 55 per cent of woolgrowers are.

The bill will be a safeguard for the woolgrowers who are doing the right thing, the woolgrowers who have seen the writing on the wall. I want to advance the standing of Australia in the world for animal welfare and animal wellbeing. If we allow some woolgrowers to continue to undertake these procedures without providing pain relief, it will not assist the wool industry in being recognised by all the major retailers and animal welfare organisations of the world as an advanced, progressive nation that embraces its responsibility to the billions of sheep in Australia. Animal agriculture industries have convinced successive governments to allow these procedures to occur without pain relief because the costs of analgesia reduce the profits made off the exploitation of the farmed animals bodies. Necessary pain for farmed animals has always been an economic test, not a veterinary test. Given that modern veterinary analgesics are now quite cheap, the time has come to mandate pain relief for those common procedures. That is what this bill seeks to achieve.

The retailers of the world are going to be waiting for the response of the New South Wales Parliament to this bill because they have been watching this process. I was at a function where a senior representative of the company Armani was speaking. The apparent necessity to mules was being described to him and only about two sentences into the conversation the representative of this high-end apparel company said, "I am a businessman. Beautiful, soft, delicate wool in my beautiful garments and suits for men and women hang on my shelf; next to it a bleeding, gaping wound. Not acceptable. I look after my consumers. If you do not fix this blood next to this beautiful wool that I want to use for my garments, I will go elsewhere". Not only is this bill going to address welfare for millions and millions of animals under our care, control and supervision—on our watch—it will go towards seriously lifting the standards of animal welfare and protection in Australia as a nation. It is for all those reasons that I commend this bill to the House and I seek members' support.

**Debate adjourned.**

#### *Motions*

### **SURF LIFE SAVING SYDNEY BRANCH**

**Debate resumed from 22 August 2019.**

**The Hon. BEN FRANKLIN (15:54):** Surf Life Saving Sydney is the administrative arm of Surf Life Saving for the 15 clubs from North Bondi to Burning Palms in the Royal National Park. It coordinates lifesaving activities, competitions and coaching events with an unbelievably impressive record of never having a drowning recorded between the flags since its establishment in the early 1900s. It consists of 16,557 volunteer lifesavers helping to provide the community with water safety services. Not only does it have an impeccable safety record, but also it helps educate the community with training for members for all awards under the Australian Lifesaving Academy NSW, while promoting a healthy lifestyle. This not-for-profit organisation relies on the big heartedness of the community—from donations to fundraisers to corporate sponsorships—and is part of one of the biggest volunteer movements in Australia.

The organisation provides its members and the public with first-aid certifications, junior first aid and CPR courses with professional first aid and lifeguards to ensure emergency services are always on hand. Across its 15 clubs, Surf Life Saving Sydney is committed to providing training and education with a high standard of quality and compliance. The Surf Life Saving Sydney branch is the largest provider of aquatic rescue services in the State. Support operations are an exceptionally important part of the services provided by the Sydney branch, with the team on call 24 hours a day while also providing impeccable and professional services to a wide range

of events from sporting to cultural. Its nippers program has more than 7,600 members, which makes up more than one-third of the overall membership, providing youth in the community the opportunity and resources to learn and enjoy water safety.

The organisation provides incentives to the community through development programs with member recognition a high priority, shown through its annual awards of excellence that my friend the Hon. Taylor Martin has acknowledged for its successful 2018-2019 season. It provides terrific activities that bring the entire community together through fairs, open days and festivals. Surf sports are an integral part of the surf lifesaving community, helping develop skills that contribute saving lives on beaches across the State. This remarkable institution is just one of the 129 clubs across New South Wales that make up Surf Life Saving NSW. As a 75,000-member community institution, with over 20,000 active patrolling lifesavers and 30,000 nippers, it is one of the largest volunteer programs in the world. Over the 2018-2019 season 3,755 rescues were made with more than 7½ million beach attendees and 685,207 total control hours.

I take this time to highlight an amazing story; just one example of the exemplary efforts made in these clubs. Eleven-year-old Max Taylor, a young volunteer at the Wamberal Surf Life Saving Club on the Central Coast, was heading to the car park after an after-school surf when he heard someone calling for help. Looking around he saw a group of people standing on the shore and calling 000. Then he saw a swimmer struggling in a rip current. Council lifeguard patrols were finished for the day and no other surfers were in the water so Max took it upon himself to try to save the struggling swimmer. After battling the rip and a metre-high swell, Max was able to get to the swimmer, put him on his surfboard and kick them both back to safety. When asked afterwards, Max simply said, "I had just come in and I thought I could help". He was given the Rescue of the Month award in March.

What an extraordinary example of bravery and courage. That is only one story. Every club has an exceptional history with a dedicated and committed membership that are highly respected across the State. It is through this Government's commitment to fund \$16 million over four years that the Surf Life Saving NSW was able to provide 11 new jetskis in December—one for each branch—additional emergency response beacons, community engagement officers and a new beach wi-fi project to educate tourists. Unveiling the jetskis last December, Premier Berejiklian said:

The NSW Liberal-Nationals Government is delivering record investment in frontline services. Whether it is our emergency services or the surf lifesavers who patrol the beaches, we are giving them the funding and the very best equipment they need to keep all of us safe ... Surf Life Saving NSW and our emergency services are working hard to prevent drownings this summer and these new jetskis will play a key role in preventing more tragedies.

It has also received funding support of \$200,000 for funding of first-aid kits for every surf life saving club, \$20,000 to support mental health first-aid development, \$200,000 for the beach accessibility program and \$15,000 for the provision of satellite phones for all surf clubs within the Royal National Park. Surf Life Saving NSW is also now an official emergency service, announced in December 2018 under the State Emergency and Rescue Management Act. Safety is, of course, paramount to these clubs. Permanent emergency response beacons, public rescue equipment and unmanned aerial vehicle programs, ensure that members, volunteers and the public alike can enjoy this State's exceptional aquatic beauty.

Surf Life Saving NSW participated in two unmanned aerial vehicle programs over the 2018-19 season, important initiatives using the extraordinary new drone technology. The first was the ongoing trial as part of the Government's Department of Primary Industries shark management program. In total, the drones flew over 2,250 hours and spotted 370 sharks. The second program, funded by Westpac, involved training lifesavers in how to use drones for search and rescue. I mention a highlight of how this technology was used last year in the unbelievable rescue at Lennox Head in January 2018, literally only hours after it was launched. Two swimmers struggling in heavy surf were found using the technology. It took only 70 seconds for the drone to locate and drop a pod down for the rescue—a task that would normally take a lifeguard up to six minutes to complete. Without the use of the drone, the swimmers may not have survived.

I was proud to launch the exact program that morning, and I am particularly proud that the then surf lifesaver of the year, Jai Sheridan, was on hand to launch the drone and to save those two young men. It was an extraordinary result. I have paid tribute to Jai before in this place, and I do so again today. Fast response is crucial to lowering the chance of drowning, particularly in areas with high swells and dangerous rips along the coast. Emergency response beacons [ERBs] are another incredible tool used to facilitate quick and efficient search and rescue. In the past decade an average of 44 per cent of fatal drownings occurred within one kilometre of a lifesaving service. In 2017-18 alone, 62 per cent of fatal drownings happened within this radius. ERBs allow fast response times during and outside the patrol season, 365 days a year during daylight hours.

Dreamtime Beach introduced the first permanent ERB in 2018. Since then, through funding from water safety grants and blackspot programs, a SMART Beacon prototype using sensor technology is in development



and set to be delivered this year, with the rollout of six more before next month at blackspot locations—one major area of focus being the far North Coast. They use technology specifically designed for the coastal environment and can be used as an emergency telephone or alert, surveillance or information device, making our coastline an even safer place to enjoy the landscape we all love.

Surf Life Saving NSW also engaged in a trial of public rescue equipment testing different flotation devices from around the globe. These tests are in response to bystander rescues, many of which end in tragedy. The project aims to identify public rescue equipment and trial it for use on our beaches—further evidence of this institution's incredible commitment to public safety in and around the water. The organisation is committed to educating the community on water safety through a number of initiatives, with spaces on buses, trains and ferries to display the high-profile water safety messages. This campaign reached over one million people during the key summer months of February and March this year. It has raised community awareness through social media, with six million Facebook views this financial year and over one million webpage views in the past 12 months, up 7½ per cent.

Focus on the community does not stop at safety. The organisation is also committed to being culturally inclusive. Its culturally and linguistically diverse programs reached nearly 21,000 people in 2018. Various programs at club, branch and State levels are dedicated to including all members of the Australian community. It is organisations like these that keep New South Wales' beautiful, but at times dangerous, coastline safe while educating and engaging the community. Finally, I take this opportunity to highlight another branch of the surf life saving organisation, the Far North Coast Branch. It consists of 10 clubs across the region. Not only do they promote, ensure and educate on water safety in the region, but also last year they took their initiative to the world. Volunteer lifesavers from the clubs travelled to Phuket in April, educating the community and delivering donated surf rescue equipment facilitated by the Royal Australian Navy, which offered to transport the equipment aboard the HMAS *Canberra*.

Volunteers from clubs including Cudgen, Salt, Cabarita, Fingal and Ballina travelled to Thailand to conduct surf lifesaving schools and CPR training for around 50 locals. In addition, they delivered generously donated boards, rescue tubes and children's buoyancy devices—equipment that was greatly needed, especially given the area is prone to floods in the rainy season. The Far North Coast Branch is committed to honouring its members. As I have acknowledged in this Chamber, it held its sixteenth annual awards of excellence on 15 June this year, formally ending an incredible 2018 season and celebrating the exceptional achievements of all its members in the community.

All the clubs on the far North Coast are extraordinary, but I pay particular tribute to the four with whom I work most closely: Byron Bay Surf Life Saving Club, Ballina Lighthouse & Lismore Surf Life Saving Club, Lennox Head-Alstonville Surf Life Saving Club and Brunswick Surf Life Saving Club. Having observed each of those clubs up close for a number of years now, I know that their contribution to our community cannot be overstated. From keeping the surfers and swimmers on our beaches safe to providing first aid at community events, the clubs and their hundreds of members are the beating heart of the Northern Rivers.

I take this opportunity to congratulate two club members who have just been awarded statewide Surf Life Saving NSW awards of excellence: Ben Dickens from the Ballina surf club, who was awarded New South Wales Lifeguard of the Year; and Mikala Campbell from Ballina, who was awarded the female New South Wales Junior Lifesaver of the Year. Every surf life saving club up and down our magnificent coast is filled with the same sorts of generous and publicly minded citizens. This motion honours them. Today we pay tribute to the Surf Life Saving Sydney Branch but, through it, we acknowledge and thank every lifesaver and lifeguard throughout New South Wales who willingly gives their time, passion and absolute commitment each and every day to protect our community.

**The Hon. JOHN GRAHAM (16:04):** The Opposition supports the motion before the House. I add the congratulations of Opposition members to the award recipients. The Opposition also congratulates the Surf Life Saving Sydney Branch and its member clubs on the past season. There is no better time to conduct this discussion and no better time to close this discussion, as we look forward to the start of the new season. As the weather warms up and we head towards the school holidays, we will rely on lifesaving teams on beaches throughout the State. I thank the Hon. Taylor Martin for bringing this motion before the House. It has the support of the Opposition.

**The Hon. TAYLOR MARTIN (16:05):** In reply: I thank the Hon. Natalie Ward, the Hon. Scott Farlow, the Hon. Lou Amato, the Hon. Ben Franklin and the Hon. John Graham for their contributions to debate on this motion. I am sure that, like me, they are all looking forward to the raising of the flags this weekend. As I said in my original contribution, surf lifesaving is a vital part of our community and along the coastline of New South Wales. It is part of Australian culture, with a rich history going back to the Surf Bathing Association of New South

Wales, which became the Surf Life Saving Association of New South Wales in 1920. The red-and-yellow flags are iconic across almost all our popular surf beaches.

The flags inspire confidence in beachgoers. Australians know when they are swimming between those red-and-yellow flags that they will be kept safe and watched over by dedicated surf lifesaving volunteers. Increasingly, the water safety work of surf lifesavers is expanding beyond the flags, and even beyond the beach. Surf lifesavers conduct training, education and water-safety awareness, which gives people the knowledge they need to be safer in our waterways. This ensures that a fun day out is not marred by injury or tragedy. Since I moved this motion, the New South Wales awards of excellence have been held and I congratulate all clubs and lifesavers across the State who won awards.

In particular, I congratulate those from the Sydney branch whom I spoke about in my original contribution—which was quite a while ago now. Mathew Harper was awarded Sure Lifesaver of the Year, Maroubra Surf Life Saving Club [SLSC] won for the Maroubra Marlins program, and North Cronulla Surf Life Saving Club won for Rescue of the Year. I take a moment to congratulate the State winners from the Central Coast and Newcastle branches: Youth Surf Lifesaver of the Year Kai Darwin from Umina Beach SLSC; Patrol of the Year Patrol 12 from Umina Beach SLSC; club of the year Umina Beach SLSC; Masters Athlete of the Year Paul Lemmon, from my own club, Terrigal SLSC; Facilitator of the Year Paul Duignan, from Copacabana SLSC; and sports team of the year, the under 17 male board relay, from Swansea Belmont SLSC. I commend the motion to the House.

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

**Motion agreed to.**

#### *Documents*

### **SCHOOLS ASBESTOS MANAGEMENT PLAN**

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

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

That private members' business item No. 229 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. COURTNEY HOUSSOS (16:09):** I seek leave to amend private members' business item No. 229 outside the order of precedence standing in my name by:

1. Omitting in paragraph 1 "or Minister for Education and Early Childhood Learning".
2. Omitting in paragraph 2:
  - (a) "21 days" and inserting instead "28 days"; and
  - (b) "or Minister for Education and Early Childhood Learning".
3. Omitting in paragraph 2 (a) "the Department of Education" and inserting instead "School Infrastructure NSW".
4. Omitting paragraphs 2 (b), 2 (c) and 2 (d) and inserting instead:
  - "2 (b) a list of any asbestos abatement work undertaken in public schools;
  - 2 (c) the asbestos removal control plan for the 2,185 public schools listed on the asbestos register; and
  - 2 (d) the remedial action plan for the 2,185 public schools listed on the asbestos register."
5. Omitting paragraphs 2 (e), 2 (f), 2 (g) and 2 (h).

**Leave granted.**

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

1. That, under Standing Order 52, there be laid upon the table of the House within seven days of the passing of this resolution the following documents in the possession, custody or control of the Department of Education:
  - (a) 2018 and 2019 Schools Asbestos Register (Hazardous Materials and Risk Assessment) including updates and amendments for the 2,185 public schools listed on the register;
  - (b) site-specific asbestos management plans, where applicable, for the 2,185 public schools listed on the 2018 and 2019 asbestos register; and
  - (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

2. That, under Standing Order 52, there be laid upon the table of the House within 28 days of the passing of this resolution the following documents created since 1 January 2017 in the possession, custody or control of the Department of Education:
  - (a) all correspondence from School Infrastructure NSW informing employees of the presence of asbestos in public schools;
  - (b) a list of any asbestos abatement work undertaken in public schools;
  - (c) the asbestos removal control plan for the 2,185 public schools listed on the asbestos register;
  - (d) the remedial action plan for the 2,185 public schools listed on the asbestos register; and
  - (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.
3. That the Department of Education provide indexes for any papers returned both in hard copy in no less than 12-point font and in electronic copy in a searchable format.

I have spoken many times in this Chamber about asbestos in public schools in New South Wales. After extensive questioning in budget estimates, the Opposition has asked 20 questions in the House, including supplementary questions and supplementary questions for written answers. I have made three separate contributions on the take-note of answers debate in this Chamber. The Opposition is still seeking crucial information for parents, teachers and school communities. Late yesterday on the website of School Infrastructure NSW the 2019 asbestos registers for each individual school were uploaded. After my contribution in the take-note debate today, schools beginning with the letter "H" have been updated. But there remains a large amount of outstanding information that should be publicly available for parents and school communities.

The information specifically being sought by this Standing Order 52 motion is the asbestos register, hazardous materials and risk assessment for each New South Wales public school. This is a simple document that shows the condition and location of asbestos on school grounds, including the risk status for the removal of hazardous material. The Opposition is also seeking site-specific asbestos management plans for schools that have been identified to have asbestos and have had it removed from 2007 to 2017. Further, the Opposition is seeking correspondence from School Infrastructure NSW because it wants to know how it is informing employees of the presence and/or location of asbestos in public schools. The Opposition wants to know who, when and how people are being notified of the presence and location of asbestos.

The Opposition seeks a list of abatement work performed on New South Wales public school grounds, including the removal and remediation of asbestos. Specifically, it is seeking the removal control plans that are completed when asbestos is identified as high risk and needing to be removed. Removal is considered preferable to other abatement options, such as enclosure or encapsulation, as it eliminates the hazard in total. Opposition members are also seeking the remedial action plans that are completed when asbestos is identified as needing to be encapsulated, and that includes details of the encapsulation method and dust and noise management.

I have extensively canvassed this issue. The NSW Labor Opposition has also extensively canvassed this issue. But the one thing that has characterised this debate has been the constant delay, obfuscation and remarks by the Minister for Education and Early Childhood Learning and the Government that we are scaremongering and that there is nothing to see—everything is occurring as it should be. The Opposition should have received this information, but it has not. As I noted earlier today, my office and I have been contacted through emails, phone calls and Facebook. Parents and school communities are concerned about asbestos in their schools. They do not have the appropriate information and they do not know how it is being managed. I commend the motion to the House.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:14):** I will be brief. I put on record that the Government will not oppose this motion. I acknowledge that the amendments made by the Hon. Courtney Houssos have significantly narrowed the scope of the original proposal. It is now far more manageable and the information is able to be produced to her. I acknowledge her for that. As I have said in the Chamber many times, this is about being transparent. There is a register available on the website. I am very happy for this motion to go through and to provide the information that is sought by the member. The Government will not oppose this motion.

**The Hon. TREVOR KHAN:** The question is that the motion be agreed to.

**Motion agreed to.**

*Motions*

**DONALD TRUMP**

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

That private members' business item No. 231 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK LATHAM (16:15):** I move:

1. That this House notes its resolution of 13 October 2016 in which it stated that it agreed with those who had described Mr Donald Trump as "a revolting slug unfit for public office".
2. That this House further notes the disrespectful attacks on now President Trump in the New South Wales political system and disavows all such unfair and disparaging comments.
3. That this House notes President Trump's achievements in economic growth and international security, especially his policy of avoiding American involvement in foreign ground wars.
4. That this House notes Prime Minister Scott Morrison's description of President Trump as "a good President for Australia".
5. That this House conveys its congratulations to President Trump for his ongoing close relations with Australia, expressed through his round of successful meetings with Prime Minister Scott Morrison.

At the end of a bruising parliamentary week, what better way to animate and delight the Chamber than to discuss the great Donald Trump?

**The Hon. Damien Tudehope:** Excite and delight.

**The Hon. MARK LATHAM:** As the Hon. Damien Tudehope says, to excite and delight—which is always my objective in this place. I am sure that if Donald Trump were here he would also say that. It is certainly true in relation to this motion that if we strip away the Trump derangement syndrome—which is the worst form of mental derangement in modern politics—we all love the Donald. There is much to love about his presidency and his character. I became fascinated with the man during the 2016 election campaign when I saw his sense of humour and his sense of larrikinism. I thought, "This bloke is half Australian: He calls a spade a spade and whacks you over the head with it." That is a great national trait of ours displayed by the American President. It is hardly surprising that he is the new international bestie of ScoMo from the shire. Shire values have coincided and aligned beautifully with the Manhattan larrikinism of Donald Trump.

In 2016 Trump also articulated the serious side of his agenda, which I am sure every member of the Labor Party in this Chamber will support—that is, non-interventionist foreign policy. It has been a long 50-year struggle for the Australian Labor Party to hear an American President say, "We are not going to be the global policeman anymore. We are not going to engage in foreign invasions, ground wars that cannot be won, like Vietnam and Iraq." Everyone on the Left of centre of politics who has aspired to non-interventionist foreign policy should support that. For young people in Australia, it keeps the world safer: no more wars like Vietnam and Iraq; no more waste of money, lives and international efforts by fighting invasions and incursions through adventurous foreign policy that cannot be won in practice.

Trump has done many good things on that front. I think his work in North Korea in urging that country to normalise itself along the Chinese economic miracle has been wise. Certainly in his economic management of the United States of America he has been amazingly successful, with tax cuts stimulating economic activity. When I came into this place after the last election you can imagine my surprise when I found that nearly three years ago a motion was moved in this Chamber—apparently without dissent—that described Donald Trump as "a revolting slug, unfit for public office". Clearly, members did not understand the man. Three years later, I will give them a chance to repent and deliver a mea culpa by saying, "I didn't know enough about the guy to pass a reasonable judgement."

**The ACTING PRESIDENT (The Hon. Trevor Khan):** Order! I do not need interjections from the Hon. Walt Secord or from the Hon. Matthew Mason-Cox.

**The Hon. MARK LATHAM:** As the Hon. Damien Tudehope said, exciting and delighting the Chamber at the end of a sitting week is a noble cause in itself. At the time, members obviously did not understand Donald Trump. I look forward to Labor members, in particular, saying "This non-interventionist foreign policy is something we have been fighting for for a long while and it must be supported for international security and global peacemaking."

So I think that is all very clear. I am also told that the honourable member who moved the motion perhaps was in a glass house when he did so—certainly according to his colleague the member for Newtown in the other place. So there was some irony there. I think we acknowledge that the motion was inappropriate. The words "revolting slug" could not be said about a member in this Chamber. So they should not have been said about someone who was then a Republican candidate and now the President of the United States of America.

I return to the period in 2016 when the Trump derangement started. There is no doubt that the level of hysteria and misunderstanding surrounding Donald Trump has been supreme. The lefties around the world always say, "There is something wrong with this bloke; his life is a miserable scrap heap of failure and unwise decision-making." What have you got to do to be regarded as successful in life? Trump made a fortune in the toughest property market in the world—Manhattan. He ran a top-rating television show in the world's toughest television market—the United States. He set aside governors, senators and brothers of Presidents to become the Republican candidate and then he beat the might of the Clinton machine to become the President of the United States. Plus he is married to Miss World.

What have you got to do to be regarded as a success in life? Look at the record of Donald Trump in all aspects of his life. He is eminently fit for public office. He is doing a good job for the American economy. I am sure that every Coalition member will be delighted that ScoMo from the shire has buddied up with Trump—a wonderful alliance between our nations, between our leaders. It should be endorsed by this Chamber as we repudiate those shameful words from 2016.

**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) (16:20):** I cannot promise to be nearly as entertaining as the Hon. Mark Latham in my speech. But I will put a couple of things on the record. The motion that was passed was adopted as formal business without debate because no-one objected.

**The Hon. Greg Donnelly:** It slipped through.

**The Hon. DON HARWIN:** It absolutely slipped through. I recall it well because I was sitting in the chair. Frankly, I was surprised when nobody objected to it going through. I think I speak for most Government members when I say I take the view that private members' day should not be about dealing with foreign affairs and private members' business motions should not be about dealing with foreign affairs. I think I also speak for most Government members when I say we were surprised that no objection was taken by the Government Whip. That is not meant to be a criticism of the Hon. Natasha Maclaren-Jones because she was following the protocols established by the Premier's office of the day—Mr Baird's office—which told her not to object. I think Mr Baird's office should have told her to object and I was extremely upset at the time.

When in the chair I thought long and hard about whether I should rule the motion out of order, given the language that was used. But as the Hon. Mark Latham said, it was not about a member of this Chamber—in which case it clearly would have been ruled out of order. It was about another person. There is a difficult balancing act involved and occupants of the chair must consider these issues all the time. As Chair, do you preserve a member's right to free speech—after all, any member of the House could have objected on formality—or do you take your own personal views into account and wipe out the motion because you think it is the wrong thing for the House to do and will bring it into disrepute? I erred on the side of the honourable member's free speech, given that the House did have the chance to knock it out had it wanted to do so.

That gives a little bit of background. I am sure that other members will speak about paragraphs 3 to 5 of the motion on the *Notice Paper*, which are eminently laudable and rightly demonstrate the good work done by our Prime Minister and the President of the United States to build upon the strong relationship that our countries have. On that basis, I advise the House that the Government will support the motion.

**The Hon. WALT SECORD (16:23):** I lead for Labor in debate on the motion about President Donald Trump. We will not support the motion. Like many members, I too remember when in October 2016 Mr Jeremy Buckingham moved a motion during formal business attacking the United States President in language echoing American television host Rosie O'Donnell. At the time, the President and now Leader of the Government took advice that some of the language may have been unparliamentary. Admittedly it raised some eyebrows, but it quickly disappeared from public consciousness. As the motion related to foreign affairs, it was probably more appropriate that it be debated in Canberra. But in the overall scheme of things, the motion was highly irrelevant.

I was raised in southern Canada on a First Nation Indian reserve and was the product of a bicultural relationship. My father's tribe always refused to recognise the Canadian-American border and once a year marched across it in symbolic protest connected to a treaty from the 1790s. My father and his tribe never considered themselves Canadian or American. They saw themselves as First Nation first, and I felt a similar way. So I have always had a conflicted and complex view of the United States. I hope the Hon. Mark Latham makes use of this motion in the way that he chooses. I note that Australia does not have a particular relationship with Donald Trump the person; Australia has a relationship—and a strategic relationship—with the United States. That relationship has prospered through changes, combinations and permutations of personal leadership. In particular, it is a relationship that has weathered robust commentary—even insults—such as when the Hon. Mark Latham in 2003 in Federal Parliament called President Bush:

... the most incompetent and dangerous president in living memory ...

That is because all Australian and United States leaders have understood our relationship is strategic and is based on longstanding geopolitical interests. For example, while we may look to China in the region, we must look also at the United States as it remains the largest single investor with more than 1,500 American companies and subsidiaries in New South Wales alone. American companies account for 335,000 jobs in Australia. More than 26 per cent of foreign investment in Australia comes from the United States, amounting to \$860 billion. More than 28 per cent of Australia's foreign investment is in the United States. In conclusion, this relationship is far broader than any American president or any assessment of them, and Labor will not be supporting the motion.

**Ms ABIGAIL BOYD (16:26):** I thank the Hon. Mark Latham for reminding us of the motion that was passed unanimously in October 2016, although we have heard that perhaps members were not aware of what they were voting for at the time. It is timely to reflect on the power that comments from those in political positions—whether as candidates or as elected members—can have on broader society and the harm they can do. I move that the question be amended by:

1. Omitting paragraph 2, and inserting instead:
  - "2. That this House further notes the disrespectful and disparaging comments made by President Trump in relation to a number of individuals, organisations and countries over the course of his presidency."
2. Omitting paragraphs 3, 4 and 5.
3. Inserting a new paragraph 3:
  - "3. That this House reaffirms its condemnation of the misogynistic, hateful comments made by President Trump about women and minorities and again reflects on the divisive, destructive impact that hate speech from political candidates and members of elected office has on our community."

President Trump describes himself better than anybody. President Trump's comments are crude, sexist and quite often misogynistic. For example, he said:

... I just start kissing them. It's like a magnet. Just kiss. I don't even wait. And when you're a star, they let you do it. You can do anything. ... Grab them by the pussy. You can do anything.

He also said: You know, it really doesn't matter what (the media) write, as long as you've got a young and beautiful piece of ass.

He said:

I've said if Ivanka weren't my daughter, perhaps I'd be dating her.

He said:

I think the only difference between me and the other candidates is that I'm more honest and my women are more beautiful.

To an opposing lawyer who asked for a medical break to pump breast milk, he said, "You're disgusting." He said of Rosie O'Donnell:

If I were running *The View*, I'd fire Rosie. I mean, I'd look her right in that fat, ugly face of hers, I'd say, "Rosie, you're fired."

President Trump's comments are racist and xenophobic, and dangerous to international security. Referring to four congresswomen, he said:

Why don't they go back and help fix the totally broken and crime-infested places from which they came?

[Time expired.]

**Mr JUSTIN FIELD (16:30):** I speak to the motion moved by the Hon. Mark Latham on behalf of the One Nation Party. The rest of the resolution on 13 October 2016 read:

That this House:

- (a) condemns the misogynistic, hateful comments made by the Republican candidate for President of the United States of America, Mr Donald Trump, about women and minorities, including the remarks revealed over the weekend that clearly describe sexual assault;
- (b) reflects on the divisive, destructive impact that hate speech from political candidates and members of elected office has on our community; and

The motion was in response to a recording where now President Trump bragged about sexually assaulting women. Following Trump's dismissal of these comments as just locker talk, many women came forward with their experiences. President Trump has been accused of sexual misconduct by no fewer than 22 women since the 1980s. This motion calls on our House to now disavow those comments in the motion as unfair and disparaging. Well, I wish that public and political debate generally, and everywhere, was more respectful and considerate of different views, but if political debate here or in the United States is disrespectful or disparaging, the US President is far from the victim; he is indeed the perpetrator in chief.

President Trump's infamous "bad people on both sides" comments in response to white supremacist violence, and his racist attacks on Mexicans and Americans of Muslim faith during the campaign and on the so-called "squad" more recently are other markers of a deliberate plan to use hate and division to shape US political narrative and landscape, and it is clearly spilling over into the political zeitgeist here in Australia.

Regarding paragraph 3 of the motion moved by the Hon. Mark Latham, let us talk for a moment about the President's achievements in international security. He may have a stated policy of avoiding American involvement in foreign ground wars, but the effect of his foreign and defence policy has been to make the world less safe. His unilateral withdrawal from the Iran nuclear deal increased conflict and uncertainty in the Middle East and has led to more troops being deployed to the region—including Australian troops. Far from less interventionist, it is an absolute failure.

His confused engagement with North Korea, with "little rocket man" taunts and then special visits and access, has left South Korea and Japan facing more confused and difficult domestic and regional security conditions. Any credible economic analysis shows his unilateral trade war is far from an economic achievement but is a destabilising force in the world. What does it say when this Government will not oppose that sort of motion? I move that the motion be amended by deleting paragraphs 2, 3 and 5 and inserting instead:

3. That this House notes the truism that you are judged by the company you keep.

The motion would then read:

1. That this House notes its resolution of 13 October 2016 in which it stated that it agreed with those who had described Mr Donald Trump as "a revolting slug unfit for public office".
2. That this House notes Prime Minister Scott Morrison's description of President Trump as "a good President for Australia".
3. That this House notes the truism that you are judged by the company you keep.

**The Hon. SHAOQUETT MOSELMANE (16:33):** I would not describe President Trump as a revolting slug unfit for public office, nor would I describe him as a good President for Australia. Like many in the United States, we were intrigued by Donald Trump's presidential candidacy and with what a Trump presidency would mean for the US and the world. His campaign style and election agenda were a curiosity, and very unorthodox, to say the least. His presidency has been unique, and it continues to shock and awe. The support of Fox media helped Trump to sell his agenda. He may be re-elected, though I see hope for Senator Bernie Sanders.

Given the intensity of division between Democrats and Republicans, and continued impeachment attempts, it is clear that President Trump is unlikely to achieve major domestic success before the election. His main drive—some might say main strength—has been his foreign policy. Let us look at his foreign policy decisions. Donald Trump—"Mr Tweet"—has continued his stunning changes in direction, confusing his administration and often catching the White House by surprise. No-one knows when or what the next tweet will carry. John Bolton, his third national security adviser, learned of his sacking by a pair of tweets.

Trump has been perplexing in his foreign policy agenda. His position on Syria and Iraq has been baffling. He has escalated tension with Iran, declaring that the United States is "locked and loaded". He continues to beat the drums of war in Venezuela and that region. In Afghanistan he opens negotiations with the Taliban and then retreats. In North Korea, he calls Kim Jong-un a friend, and then calls him "rocket man". On Palestine, Trump helps kill the Oslo peace accord and then buries it by allowing the Israelis a free hand to take over Jerusalem, the Golan Heights, and the annexation of illegal Israeli settlements in the West Bank. Then he allows the strangulation of Gaza and now talks of the so-called deal of the century, part of which involves taking land from Jordan, hence formally scrapping the two-state solution. Trump's support for the five-year Saudi war on Yemen has devastated the country, with hundreds of thousands killed, injured and displaced, and many more hungry and starving.

Trump announces trade war with China and then predictably flags the resumption of talks. Prime Minister Scott Morrison lends support to Donald Trump, but then says it must be resolved quickly to prevent collateral damage to Australia. It goes without saying that we will pay the price if we make ourselves the meat in the sandwich. Let us always keep in focus that, while the United States is our ally, China is not and should not be made our enemy.

**Ms CATE FAEHRMANN (16:36):** The motion before us is, of course, whether this House should have agreed to call the President of the United States, Donald Trump, "a revolting slug unfit for public office". I thought I would look at the definition of the term "revolting", which is "extremely offensive", and "slug" could mean a slow, lazy person. If we think about the various comments that the President has made during his time in office and before, I think what the House passed a few years ago—in 2016—is in fact very appropriate. My colleague Ms Abigail Boyd mentioned some of the quotes to which I was going to refer to confirm that in fact Donald Trump is a revolting slug. He said:

You know, I'm automatically attracted to beautiful—I just start kissing them. It's like a magnet. Just kiss. I don't even wait. And when you're a star, they let you do it. You can do anything. Grab them by the pussy. You can do anything.

That is pretty revolting for the President of the United States to have said in the past. He has also said:

You know, it really doesn't matter what the media write as long as you've got a young and beautiful piece of ass.

That is pretty revolting as well. He has said:

My fingers are long and beautiful, as, it has been well documented, are various other parts of my body.

That is pretty revolting too—and he is the President of the United States. He has also said:

I think the only difference between me and the other candidates is that I'm more honest and my women are more beautiful. My women are more beautiful.

He said that when he was a candidate for office. That is disgusting. That is the President treating women as possessions. That is pretty bad as well. "You're disgusting", he said, to a lawyer he was opposing during a court case when she asked for a medical break to pump breast milk for her three-year-old daughter. That is what a revolting slug would say—"You're disgusting." The President of the United States said to Republican rival Marco Rubio:

Look at those hands, are they small hands? If they're small, something else must be small.

This is the President of the United States. I think it is perfectly appropriate for this House to call him a revolting slug. He also said of Fox News anchor, Megyn Kelly:

You could see there was blood coming out of her eyes, blood coming out of her wherever.

This is the President of the United States! Of course we can call him a revolting slug.

**The Hon. MATTHEW MASON-COX (16:38):** The contributions in the debate sum up why this House should limit itself to matters of domestic policy rather than intrude upon matters of foreign policy. On the day that this motion passed this House, I was surprised how it was slipped through. It was not a vote of this House. I do not remember being in the House when it was passed. Let us be clear that it is not a motion that is voted on by the House, it is by exception. In that regard, it slipped through. Like the Leader of the Government, I was quite appalled that it did because it was not appropriate.

It has been a long tradition of this place from a Coalition perspective not to have this sort of debate about foreign policy; that is a province of the Federal Parliament. A number of crossbenchers and other members think that they speak for the people of the world. They carry on their shoulders the consciences and the feelings of people in far distant places but I prefer, as the Coalition always has, to focus on what is happening in the State of New South Wales and leave Federal and international matters to our Federal colleagues. There is a convention, if you will, between the Federal Liberal Coalition and the State Coalition that such things are done in that way.

I am a big fan of the Donald but not for his comments about women or any of the things that The Greens members mentioned. I will not defend anybody for it. I think the Donald has done some wonderful things in economic policy in the United States, which are undeniable. His tax policy is transforming the jobs market in the United States. It was wonderful to see our Prime Minister, the Hon. Scott Morrison, in the United States being feted as a great partner and collaborator of the United States. The relationship between the United States and America is at one of its strongest levels, which was emphasised with Mr Morrison's visit to the Visy plant in Ohio, where Mr Pratt, President Trump and our Prime Minister celebrated jobs and investment in the United States. I note the comments of the Hon. Walt Secord about the massive investment the United States has in Australia. Members should respect the American President and his office and support the motion. [*Time expired.*]

**Reverend the Hon. FRED NILE (16:42):** I speak to private member's business item No. 231 outside the order of precedence moved by the Hon. Mark Latham. I support paragraph Nos 2, 3 4 and 5, which state:

2. That this House further notes the disrespectful attacks on now President Trump in the New South Wales political system and disavows all such unfair and disparaging comments.
3. That this House notes President Trump's achievements in economic growth and international security, especially his policy of avoiding American involvement in foreign ground wars.
4. That this House notes Prime Minister Scott Morrison's description of President Trump as "a good President for Australia".
5. That this House conveys its congratulations to President Trump for his ongoing close relations with Australia, expressed through his round of successful meetings with Prime Minister Scott Morrison.

When President Trump was to be inaugurated I was surprised to receive an invitation from him to attend his inauguration. It came out of the blue to me and my wife, Silvana. We were pleased to accept that invitation. However, I made the mistake of mentioning it to the American Consulate in Sydney. I had forgotten that under



the American system, each President virtually handpicks all the staff of each consulate and embassy around the world. All the staff at the American Consulate in Sydney were enemies of President Trump and supporters of the then President Obama.

When Silvana and I arrived at the airport we got bad news. We were told that although we had our passport and our tickets, the American Embassy had not approved our visas and that we could not board the aircraft. I went back to the consulate to find out what was going on. The staff played dumb and said, "We don't really know. We haven't done anything. The higher-ups might have vetoed your application." Even though I had been to America five times and had been a guest at the White House, suddenly I could not get a visa to go to President Trump's inauguration. [*Time expired.*]

**The Hon. SCOTT FARLOW (16:45):** I thought I should give up my time. With the fear of being accused of joining the conga line of suckholes in this debate, I support the Hon. Mark Latham's motion to right a wrong of this House. On the day the motion was moved, the Hon. Shayne Mallard and I threw down the *Notice Paper*. When the motion was committed, we said, "No". I believe it was a mistake of the House and something I hope the House will right today.

**The Hon. Walt Secord:** Where is she now? Where is Natasha? Bring her back.

**The Hon. SCOTT FARLOW:** Not the Government Whip—but as was remarked, the Premier's office at the time. I support paragraph No. 5 of the motion. May the Australia-America relationship remain strong.

**The Hon. MARK LATHAM (16:46):** In reply: At the end of a long week this debate has been therapeutic. It has been like truth serum for members. We found out the fundamental truth that no Government member is responsible for the atrocity—no-one here is responsible at all for moving and carriage of the motion in 2016.

**Ms Cate Faehrmann:** I am concerned about the good people of Hansard. The member is speaking while facing the government benches and other members are shouting. I do not think the Hansard staff are catching what the member is saying. It is not a point of order.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** I understand members are tired. It has been a raucous but enjoyable debate. I encourage members to be quiet to allow Hansard to capture the Hon. Mark Latham's contribution.

**The Hon. MARK LATHAM:** I will try to improve the carriage of my voice to our good friends in Hansard. The motion that was passed in 2016 was the work of the Baird-Buckingham government—Mike Baird was thrown under the bus. The Baird-Buckingham government was a forerunner to the Berejiklian-Greenwich government that we have today—what goes around comes around. I have been pondering over the interjections, speeches, thinking and policy development of the Hon. Walt Secord. Where does his intellectual inspiration come from? It turns out it is Rosie O'Donnell. He has revealed to me that it was Rosie who first used the words "revolting slug" for President Trump. The Hon. Walt Secord loves the words so much he is voting for them. The Labor's intellectual inspiration gets worse.

**The Hon. Walt Secord:** I quoted you.

**The Hon. MARK LATHAM:** We find out the truth that our friend the Assistant President, the great Shaq, is inspired by Bernie Sanders—feel the burn! Ninety per cent marginal tax rate—no worries in middle America and no worries in middle Australia. All those shortened tax policies—they were just warming up to tax the pants off the Australian people in the last Federal election. The inspiration of the member—they are going for a 90 per cent top marginal tax rate. Indeed, the people will feel the burn in the worst possible way.

We turn to our friends The Greens and all that talk about sexism and misogyny. It confirms that The Greens know no shame because the mover of the motion was Jeremy Buckingham. I love that our friend the member for Newtown is in the gallery. I am tempted to move a suspension of the standing orders to allow her to make the same speech about Buckingham that she made in the Legislative Assembly. We hear about real sexism and real misogyny under the nose of The Greens that was apparently ignored for a long time.

**Ms Abigail Boyd:** Point of order: It is completely inappropriate to refer to a member of the other place in that way in the middle of a speech.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** It is not inappropriate to refer to a member of the other place, but I ask the Hon. Mark Latham to confine his comments to the motion. I note that the member's time has expired. The Hon. Mark Latham has moved a motion to which Ms Abigail Boyd and Mr Justin Field have moved amendments.

**The Hon. Matthew Mason-Cox:** Point of order: I believe that the amendment moved by Ms Abigail Boyd effectively renders the motion the opposite to which it is currently deployed and on that basis it should be ruled out of order.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I have been advised by the Clerk with regard to that matter. The appropriate place in Lovelock and Evans indicates that the amendment of Ms Abigail Boyd is in order. I interrupted Ms Abigail Boyd before because my initial reaction was that it was killing the motion. I shall hand over to the Hon. Courtney Houssos.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** The question is that Ms Abigail Boyd's amendment be agreed to.

**The House divided.**

Ayes ..... 19

Noes ..... 20

Majority..... 1

**AYES**

Boyd, Ms A  
Donnelly, Mr G  
Graham, Mr J  
Jackson, Ms R  
Moselmane, Mr S  
Secord, Mr W  
Veitch, Mr M

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

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

**NOES**

Amato, Mr L  
Borsak, Mr R  
Farlow, Mr S  
Latham, Mr M

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

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

Blair, Mr  
Fang, Mr W (teller)  
Harwin, Mr D  
Mallard, Mr S  
  
Mitchell, Mrs  
Taylor, Mrs

**PAIRS**

Searle, Mr A

Ajaka, Mr

**Amendment negatived.**

**Mr JUSTIN FIELD (17:00):** I withdraw my amendment.

**Amendment withdrawn.**

**The ACTING PRESIDENT (The Hon. Trevor Khan):** The question is that the motion be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.**

**The House divided.**

Ayes ..... 20

Noes ..... 19

Majority..... 1

**AYES**

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

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

Blair, Mr  
Fang, Mr W (teller)  
Harwin, Mr D

## AYES

Latham, Mr M	Maclaren-Jones, Mrs (teller)	Mallard, Mr S
Martin, Mr T	Mason-Cox, Mr M	Mitchell, Mrs
Nile, Revd Mr	Roberts, Mr R	Taylor, Mrs
Tudehope, Mr D	Ward, Mrs N	

## NOES

Boyd, Ms A	Buttigieg, Mr M (teller)	D'Adam, Mr A (teller)
Donnelly, Mr G	Faehrmann, Ms C	Field, Mr J
Graham, Mr J	Houssos, Mrs C	Hurst, Ms E
Jackson, Ms R	Mookhey, Mr D	Moriarty, Ms T
Moselmane, Mr S	Pearson, Mr M	Primrose, Mr P
Secord, Mr W	Sharpe, Ms P	Shoebridge, Mr D
Veitch, Mr M		

## PAIRS

Ajaka, Mr

Searle, Mr A

**Motion agreed to.***Bills***JUSTICE LEGISLATION AMENDMENT BILL 2019****Assent**

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I report receipt of a message from the Lieutenant-Governor notifying His Excellency's assent to the bill.

**PLASTIC SHOPPING BAGS (PROHIBITION ON SUPPLY BY RETAILERS) BILL 2019****Second Reading Debate****Debate resumed from 6 June 2019.**

**The Hon. BEN FRANKLIN (17:05):** The New South Wales Government does not support the Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2019.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** Order! I will call members to order. I appreciate that everybody is a bit tired but we still have a lot of private members' business to get through.

**The Hon. BEN FRANKLIN:** The New South Wales Government does not support the bill, and for a very good reason—the New South Wales Government is already taking strong action on plastics in this State by looking at the issue of plastic pollution holistically, not by looking at a single product or source of pollution. It is focused on managing plastic waste through a strategic approach and in alignment with large-scale programs and interventions, including the 2018 National Waste Policy. The Federal Government and the Prime Minister have expressed their intention to do more to address the issue of plastic pollution both in Australia and in the wider Pacific region. This is a worthy goal and one that the New South Wales Government enthusiastically supports. Indeed, at the most recent COAG meeting on 9 August, First Ministers agreed to:

... establish a timetable to ban the export of waste plastic, paper, glass and tyres, while building Australia's capacity to generate high value recycled commodities and associated demand.

The communiqué continues:

Leaders agreed the strategy must seek to reduce waste, especially plastics, decrease the amount of waste going to landfill and maximise the capability of our waste management and recycling sector to collect, recycle, reuse, convert and recover waste.

An ambitious work program will now be developed by the environment Ministers for consideration at the next Meeting of Environment Ministers in November. Therefore, the bill before the House is premature and targets but one source of plastic pollution that affects our natural environment. We are determined to take a coordinated approach to this issue and that is why, in addition to the work authorised by COAG, we are also developing a 20-Year Waste Strategy and comprehensive plastics strategy. The environment Minister is working closely with

his State, Territory and Federal colleagues on those matters and will have more to say before the end of the year. It is worth also highlighting some of the large-scale plastic pollution reduction measures that the New South Wales Government has already put in place, including the Return and Earn container deposit scheme, major litter reduction programs, industry support activities and microplastic reduction initiatives.

We have taken a big picture view and tackled all types of litter. One of the biggest sources of plastic pollution in our oceans includes single-littered items such as plastic bags. The former Premier made litter prevention a priority, with a commitment to reduce litter volume by 40 per cent by 2020. The Government has invested \$50 million over nine years in litter prevention and enforcement initiatives, and we are seeing excellent results. According to the National Litter Index beverage containers which are plastic or contain plastic make up the largest proportion of litter volume in New South Wales at 54 per cent or around 160 million containers. That is why the New South Wales Government reintroduced the incredibly popular Return and Earn scheme, which allows anyone who returns an eligible beverage container to a collection point to receive a 10 cent refund. The Government has made it a priority that the community has convenient access to Return and Earn collection points across the State and I am delighted to advise the honourable member opposite that there are now more than 630 return points.

To date, more than 2.3 billion drink containers have been returned to a Return and Earn collection point, which is a testament to the public's support for the scheme. We have also engaged with the community on litter more broadly, through the highly successful "Don't be a Tosser" advertising campaign that is triggering behaviour change. Under this Government's leadership, we have already achieved a 37 per cent reduction in litter volume since 2013-14, which means the State is very close to achieving the 40 per cent reduction target. The Government has also taken a leadership role in national work to address the problem of microplastics such as microbeads in cosmetic products, microfibrils in synthetic clothing and broken-down fragments of larger plastic items such as plastic bags. Ninety-four per cent of cosmetic and personal care products are already microbead free.

The Government remains firmly committed to working with industry and small businesses to reduce plastic pollution in all its forms. I commend the voluntary action already taken by industry to reduce plastic pollution. Major Australian supermarkets, which are the largest providers of single-use plastic shopping bags in New South Wales, have already taken voluntary action to phase out plastic bags. Coles and Woolworths have also committed to phasing out plastic packaging on fresh food and providing soft plastic recycling bins in all stores nationwide.

It is unacceptable that there is expected to be more plastic than fish in the ocean by 2050. It is unacceptable that by some estimates people are consuming a credit card of plastic every week, but what we have to do is look at these issues holistically and comprehensively to avoid unintended consequences or shifting the problem to a different source of potential plastic pollution. The Government is committed to working with other jurisdictions, local government, industry and the community to bring together a comprehensive approach to tackling plastic. On that basis, the bill is premature and the Government does not support it.

**Ms CATE FAEHRMANN (17:11):** I support the Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2019 introduced by the Hon. Penny Sharpe because we should have done this long ago. We should have banned plastic bags a long time ago. As we know, every other Australian State and Territory has agreed to phase out lightweight plastic bags and New South Wales remains the only State not to commit to a plastic bag ban. It is estimated that 180 million bags enter the Australian environment every year—5.8 bags per second—and that is unacceptable. We know that local authorities have had to bear the cost of cleaning up plastic litter from beaches and maintaining litter traps and bins. The cost to local government to manage litter in New South Wales is \$132 million per annum.

Despite the action on plastic bags by Coles, Woolworths and Harris Farm, the data shows that at least 10 million bags will continue to pollute the State's environment each year. It is all well and good for the New South Wales Government to talk about a holistic approach and waste strategies but we know that this Government is afraid to regulate some businesses but it overregulates others. At the moment I should be at a deliberative on the lockout laws because we are trying to remove some of the regulations on businesses as a result of the Government's overreaction. In this instance—and it always is in terms of environmental regulations—companies and businesses largely will not act unless governments do it for them.

It is all well and good for people to be incentivised to say no to plastic bags. It is all well and good to rely on some businesses reducing their supply of plastic bags to customers or to not have plastic bags, but until we see a society-wide or economy-wide approach to this we are not going to get on top of the problem. That is why we have seen other States and Territories and jurisdictions around the world banning the plastic bag. It is very easy to do. Lots of other countries have already done it, including New Zealand. I assume all members in this Chamber have seen the devastating images of animals, mammals, marine birds and turtles that have been found dead and when they have been cut open they have been found to have a lot of plastic in their bellies.

Anything we can do to ban plastic bags is a good thing. However, The Greens would like to see this go further. It is a good first step but given the scale of the problem in terms of plastics in our oceans and given the scale of the problem in terms of the number of plastic bags that are used each day, we need to go further. Given the scale of the problem of single-use plastics in New South Wales we should be putting in place a ban on all single-use plastics. I note that the bill does not apply to all plastic bags. We would like to see it being applied to other plastic bags as well as single-use plastics. Having said that, The Greens will support good initiatives and good environmental legislation. It is a pity that we have not seen that coming from the Government. I do not think we will see that in the next three years. Bring the bill on. We will support it.

**Mr JUSTIN FIELD (17:16):** Wow! What are we doing here? Fair dinkum. How long have we been talking about plastics in this place? How long has the community been talking about plastics? How long has the world been talking about plastics? Actions are being taken every day. New South Wales is the last State to deal with the most simple of those, which is single-use plastics. I congratulate Labor and the Hon. Penny Sharpe on bringing the Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2019 to the House. It should have gone through on formal business and then we would look at what is next. I acknowledge that Labor have been pushing for a ban on plastic bags for a long time.

**The Hon. Penny Sharpe:** This is the third time.

**Mr JUSTIN FIELD:** This is the third time. In 2006 my friend Ian Cohen brought container deposit legislation to this Parliament for the first time. It took over 10 years for that to come to fruition despite many other jurisdictions doing it first. This State is the last to ban single-use plastic bags. I acknowledge that since the election and the appointment of the new environment Minister there has been a change by the Government. The Hon. Ben Franklin commented that the new environment Minister has made clear his intention to deal with the plastic issue holistically. This issue has taken far too long. Plastic contamination from our homes and the food we eat is causing damage to our seas, soil, rivers and creeks and it is getting worse. I have spent a lot of time on this issue. I introduced a bill in Parliament last year to implement a strategy to phase out all single-use plastics. It is important to reflect on the recent profound changes to our landscape and our environment as a result of plastic. I grew up in a coastal community and from my earliest years I spent some time at the beach every day. I strongly remember digging holes in the sand and building sandcastles.

**The Hon. Wes Fang:** We had to wait for this speech?

**Mr JUSTIN FIELD:** It gets better. You will learn something. It will be good for you. I remember every now and again you might see a plastic bottle washed up on the beach that had clearly come off a boat. It had been floating in the ocean for some time. It might be broken up and might have life that had grown on it while it was floating across the ocean. You might see one every now and again. You might see an old styrofoam float that one of the fishers had lost. You might see a bit of fishing line wrapped around a stick that had floated onto the beach. That was about it. You cannot walk anywhere on a creek, in a park, on a beach or dive under the water without seeing plastic everywhere now, and I am only 41 years old.

In one generation we have gone from it hardly being noticed in the landscape to it being everywhere. When my little boy goes to the beach now he picks up plastic. That is one generation. If we wrecked it in one generation, let's see if we can fix it in one generation. The only way to do this is to actually take it seriously. I recognise the Government has indicated that it wants to take a holistic approach. I recognise it is getting some traction at the Federal level as well. Let us be clear, that is being driven by community sentiment primarily. The polling shows just how strong the support for action on plastics is. Hopefully that leads to change pretty quickly. It has to be significant. It has to be more than this.

This is a good step. It should have been supported on a formal basis—a bill is unnecessary—and then we could move on and take the action needed to phase out all single-use plastics. If we do not, we are going to see plastic pollution start to impact every single element of the food chain. I put on record a couple of the key statistics—it has been mentioned by others but I want to reinforce it. Scientists suggest that by 2050 there will be more plastic than fish in the sea by weight; three million tonnes plus of plastics is consumed in Australia every single year; a significant element, not the majority, goes into the marine environment; the CSIRO estimates there are 358 million pieces of plastic litter along the national coastline, and 35 billion pieces floating in Australian waters.

How do we work that out? We work that out because hundreds and hundreds of people are spending every weekend trying to clean up the coastline and are logging and recording that data meticulously. We know what the problem is and where the problem is coming from. Hopefully that will motivate politicians and regulators to take action to fix it. It is stark. It does not include the microplastics that we are starting to learn about. This year a report suggested that we all consume a credit card size worth of plastic every single week in our diet as a result of the plastic contamination in our food chain.

When we wear synthetic clothes, every single time we wash them plastic goes down the drains. Banning the bag is the start. We must phase out single-use plastics that we do not need to use. Next, is getting rid of plastic packaging and replacing it with a biodegradable, compostable, sustainable material. We must have mandatory filters on our washing machines and get rid of synthetic clothes, which we know break apart and distribute plastic straight into our oceans. I welcome the environment Minister Matt Kean's commitment to this. He is going to need to bring more than words pretty soon or his credibility on this issue will start to be questioned.

**The Hon. PENNY SHARPE (17:23):** In reply: Let us be honest about what is going on here. There is a lot of posturing and the Hon. Ben Franklin, who I know is absolutely committed to dealing with plastic pollution, gave an Oscar winning performance as he tried to pretend that the Government was doing something other than providing a fig leaf for why it will not support the bill. It is terrific that the Government is looking at a holistic plastic reduction plan—fantastic—and it will get a lot of support from this side of the House. Five years ago at a Federal level New South Wales was leading an entire discussion about how we reduce plastics. All of sudden we went cold because we were not prepared to do even the easiest, clearest most effective thing to do, which is to ban plastic bags as suggested in this bill.

At the time the Government became scared about banning things, bans on bans, all of that stuff, and nothing has happened for five years. I am pleased that the Minister for Energy and Environment and the member for Hornsby is picking up plastics again. There is no reason why the Government could not support the bill here today. This is what has happened in every other State and Territory across Australia. In many cases business would prefer to have a clear ban that is consistent across all of the States and Territories. The Ministerial council is looking at it—they have been looking at it for over five years.

We have been talking about microbeads for over five years and there is still no proper response to that. The Government should be supporting this bill, not just because it is a good thing to do but because there is a serious issue. Millions of plastic bags are finding their way into our waterways, into our fish and the animals that live in the waterways. They are polluting our environment and contributing to what is a slowly building ecological disaster across the world. There are so many things in the environment space that are hard to find business and community support for—this is not one of them. This is one of the easiest things that the Minister could do.

I am so disappointed that partisan politics is getting in the way of doing something simple and effective and that has the support of the community and business. It will make a difference straightaway. It is incredibly disappointing. I will make a couple of quick points. This is the third time I have brought this bill to the House. In the previous Parliament it was introduced in the lower House and was voted down—as it probably will be voted down again today. There is a huge amount of community support for it. Sophia Skarparis, a young woman in year 10, collected over 10,000 signatures in New South Wales in support of banning the bag. It was disappointing that after the Premier had said she would be present in the Parliament for the debate and would respond, she was not there.

We should be able to do better with our young people. Those of us involved in the climate change strike last week know that young people are ahead of us, they are demanding change and we are not listening to them. If we cannot listen on this basic issue I do not know how we will go in relation to climate change. The Hon. Ben Franklin spoke with great passion about the waste strategy. We have been waiting five years for it with no end in sight. He spoke passionately about the container deposit scheme: Something that is well supported across the Chamber and is finally working well after a very ordinary introduction.

Boasting that you have 680 collection points if you have promised 800 from day one, two years ago, is not a wise boast. I will not take more of members' time. I know what is happening here. It is really disappointing. This is easy. This has community support. This will make a difference and deal with plastic pollution in waterways, oceans and food chain. There is no reason that this should not be supported, except for the fact that the Government wants to play politics and not deal with it. It is extremely disappointing from a new Minister who has talked a good game. It is time to take action.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** The question is that this bill be now read a second time.

**The House divided.**

Ayes .....18  
Noes .....16  
Majority.....2

AYES

Boyd, Ms A

Buttigieg, Mr M (teller)

D'Adam, Mr A (teller)

## AYES

Donnelly, Mr G  
Graham, Mr J  
Jackson, Ms R  
Pearson, Mr M  
Sharpe, Ms P

Faehrmann, Ms C  
Houssos, Mrs C  
Moriarty, Ms T  
Primrose, Mr P  
Shoebridge, Mr D

Field, Mr J  
Hurst, Ms E  
Moselmane, Mr S  
Secord, Mr W  
Veitch, Mr M

## NOES

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

Blair, Mr  
Farlow, Mr S  
Latham, Mr M

Mallard, Mr S  
Nile, Revd Mr  
Ward, Mrs N

Martin, Mr T  
Roberts, Mr R

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

## PAIRS

Mookhey, Mr D  
Searle, Mr A

Ajaka, Mr  
Mitchell, Mrs

**Motion agreed to.**

**Third Reading**

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

That this bill be now read a third time.

**Motion agreed to.**

*Documents***MEMBER FOR DRUMMOYNE****Return to Order**

**The CLERK:** According to the resolution of the House of 19 September 2019, I table documents relating to an order for papers regarding any disclosures made by the Hon. John Sidoti, MP, under the Ministerial Code of Conduct, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents

**Claim of Privilege**

**The CLERK:** I also table a return identifying documents that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**LANDCOM****Tabling of Documents Reported to be Not Privileged**

**The CLERK:** According to the resolution of the House of 19 September 2019, I table a redacted version of the Treasury document in relation to Landcom identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 13 September 2019.

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

**The Hon. NATASHA MACLAREN-JONES:** On behalf of the Hon. Natalie Ward: I move:

That private members' business item No. 5 in the order of precedence be postponed to the next sitting day.

**Motion agreed to.**

**The Hon. NATASHA MACLAREN-JONES:** On behalf of the Hon. Catherine Cusack: I move:

That private members' business item No. 8 in the order of precedence be postponed to the next sitting day.

**Motion agreed to.**

**The Hon. NATASHA MACLAREN-JONES:** On behalf of the Hon. Robert Borsak: I move:

That private members' business item No. 237 outside the order of precedence be postponed to the next sitting day.

**Motion agreed to.**

**The Hon. NATASHA MACLAREN-JONES:** On behalf of the Hon. Mark Banasiak: I move:

That private members' business item No. 247 outside the order of precedence be postponed to the next sitting day.

**Motion agreed to.**

**The Hon. NATASHA MACLAREN-JONES:** On behalf of Ms Abigail Boyd: I move:

That private members' business item No. 10 inside the order of precedence be postponed to the next sitting day.

**Motion agreed to.**

### *Documents*

### **PEEL RIVER**

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

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 183 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (17:42):** I move:

That under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Planning, Industry and Environment, WaterNSW and the Minister for Water:

- (a) all documents created by WaterNSW relating to the environmental impact of the construction of temporary soil weirs on the Peel River near Dungowan Village and the Jewry Street bridges;
- (b) all documents created by WaterNSW relating to the ecological community present in the Peel River including platypus populations;
- (c) all documents relating to predicted water efficiencies to be created by the construction of temporary weirs on the Peel River; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I am trying to get out of the Government some documents in relation to the temporary weirs that it is placing on the Peel River at Tamworth. We have heard from concerned members of the community, particularly about a population of the platypus that reside in the Peel River.

We know that WaterNSW will install temporary block banks, which are expected to leave large parts of the river dry. We have heard that there is a platypus habitat and quite a healthy population of the platypus in that part of the river. A local ecologist has been monitoring the platypus in the Barnard River, which is expected to run dry as a result of these weirs. As I understand it, there are only a few watering holes left there for the platypus. The river currently has a regulated flow and the ecologist said that normally the platypus have watering holes to potentially be able to survive droughts and rivers running dry. But this time it is much more of a channel and they are concerned that those holes are not there for the platypus.

This order for papers is simply to know what environmental impact assessment the Government has done in relation to the platypus population in that river. The platypus is a much loved native species in Australia. If these temporary weirs are going to have an impact on the platypus, indeed if they are going to kill that platypus population, the Government should be transparent about that. I urge the House to support my motion.

**The Hon. NIALL BLAIR (17:44):** I speak in opposition to this motion. New South Wales is in the grip of one of the worst droughts on record. We need to be focused on ensuring our towns have the water they need. Helping drought-stricken towns is a key priority. Taking away staff to help find red herrings for those opposite will lose precious time on time-critical projects. Tamworth needs these weirs and undermining their delivery with an excessive call for papers will only undermine our ability to deliver the temporary infrastructure it needs. The water security situation in the Peel Valley is worse than expected.



If there is no action taken or inflows soon, those on the Tamworth town water supply will be under increasing pressure in the coming year. Chaffey Dam supplies most of Tamworth Regional Council's water. Delivering water via the Peel River incurs high transmission losses, which means there is a high water cost to delivering water. Chaffey Dam is currently at 20 per cent, which we are working to make sure that we get as much use as possible from. Tamworth Regional Council has found that groundwater sources will be insufficient to meet Tamworth city's water needs once river flows cease. This is due to the groundwater source—the Peel Alluvium—being highly connected to the Peel River.

Tamworth has a current water need of at least 7,400 megalitres per year. In the absence of sufficient groundwater supplies, there are limited feasible alternative water sources for Tamworth other than surface water capture if the drought continues. Carting water to a city the size of Tamworth is not a viable option, but that will become a more likely outcome if WaterNSW is tied up working through these calls for paper under Standing Order 52, rather than getting on with the job. Prolonging supplies in the existing bulk water storages will be the most effective way of servicing Tamworth's water needs. The sooner the rate of depletion level in the dam can be reduced and river transmission losses can be minimised or eliminated, the longer WaterNSW will be able to supply water to Tamworth.

We know there are processes associated with this. A works order needs to be approved by the Natural Resources Access Regulator [NRAR]. That is the exact process The Greens were calling for to be put in place on the Darling River when they were asking for block banks to be put in up and below Poongahie. We know platypus populations are sensitive and they do need to be addressed. Work is being done to assess the environmental needs for this project and then they must submit a works application with NRAR. All of this information will be done in the correct process that is in place—the same process that The Greens called for to be done on the Darling River and the same process that was done.

**Ms CATE FAEHRMANN (17:47):** In reply: This is not about putting a stop to any works. This motion does not do that at all. It is simply asking for information in relation to the environmental impacts of what appears to be the Government's intention to do this. It is all about transparency. It is not about stopping the project. I would urge members to support a simple call for government transparency.

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

**The House divided.**

Ayes .....19

Noes .....14

Majority.....5

#### AYES

Boyd, Ms A (teller)  
Donnelly, Mr G

Graham, Mr J  
Jackson, Ms R  
Moselmane, Mr S  
Roberts, Mr R  
Veitch, Mr M

Buttigieg, Mr M  
Faehrmann, Ms C  
(teller)

Houssos, Mrs C  
Latham, Mr M  
Pearson, Mr M  
Sharpe, Ms P

D'Adam, Mr A  
Field, Mr J

Hurst, Ms E  
Moriarty, Ms T  
Primrose, Mr P  
Shoebridge, Mr D

#### NOES

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

Martin, Mr T  
Taylor, Mrs

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

Cusack, Ms C  
Franklin, Mr B  
Mallard, Mr S

Nile, Revd Mr

#### PAIRS

Mookhey, Mr D  
Searle, Mr A  
Secord, Mr W

Ajaka, Mr  
Mitchell, Mrs  
Ward, Mrs N

**Motion agreed to.**

*Bills*

**CRIMES AMENDMENT (ZOE'S LAW) BILL 2019**

**Second Reading Debate**

**Debate resumed from 22 August 2019.**

**The Hon. TAYLOR MARTIN (17:57):** The Government will not be supporting the Crimes Amendment (Zoe's Law) Bill 2019, which I will refer to as "the bill", on the basis that a Government bill will be introduced to better recognise the loss of an unborn child as the result of a criminal act. I will now briefly outline the content of the bill, explain its potential legal consequences, and detail the Government's proposal to introduce a Government bill following appropriate targeted consultation with relevant stakeholders. Reverend the Hon. Fred Nile introduced and second read this bill on 8 August 2019. In the past the Parliament has considered several bills aimed at providing greater recognition for the loss of a foetus as a result of a criminal offence. The current bill is largely the same as previous private members' bills introduced by Reverend the Hon. Fred Nile in 2013 and 2017.

Currently, the law in New South Wales is that a child must be born alive in order to be recognised as a legal person capable in law of being a victim in its own right of any criminal offence. That is known as the "born alive rule". The destruction of a foetus prior to live birth is recognised as grievous bodily harm to the woman who carries it. That is the current state in regard to this law. The current law followed the decision of the Court of Criminal Appeal in *R v King* [2003] 59 NSWLR 472. In that case, a woman who was between 23 weeks and 24 weeks pregnant was assaulted by the father of that unborn child who intended to cause the loss of the foetus. The foetus was delivered stillborn and the father was charged with the offence of maliciously inflicting grievous bodily harm to the mother with intent to do grievous bodily harm.

Initially, the trial judge ordered a permanent stay of the prosecution of the charge on the basis that there was no prospect of the Crown succeeding in a conviction. Following a Crown appeal, the Court of Criminal Appeal held that, for the purposes of the offence being considered, the unborn child who was not born alive should be regarded as part of the mother and, therefore, the offender could be tried for causing the mother grievous bodily harm. The father was ultimately sentenced to 12 years imprisonment with a non-parole period of eight years. The Crimes Amendment (Grievous Bodily Harm) Act 2005 later codified the principles enunciated in the decision in *R v King*, which remains the current law in New South Wales. Section 4 of the Crimes Act 1900 defines "grievous bodily harm" to include:

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

A maximum penalty of 25 years imprisonment applies to the offence of grievous bodily harm with intent. If passed, the bill would amend the Crimes Act to extend the existing offences of "dangerous driving causing death or grievous bodily harm" to include "dangerous driving causing serious harm to, or destruction of, an unborn child". If passed, the bill would introduce a new, separate offence of "conduct causing serious harm to, or destruction of, an unborn child". The bill would also remove "the destruction (other than in the course of a medical procedure) of a foetus of a pregnant woman" from the current definition of "grievous bodily harm". The bill raises significant legal complexities, including the displacement of the "born alive" rule—a long-established legal principle that exists in all Australian jurisdictions and other common law jurisdictions, including Canada, New Zealand and the United Kingdom.

There are potential unintended consequences to the rights of women in the context of another bill passed here this week. The bill also raises legal complexities including the issue of whether there should be a date of gestation at which an offence applies—a presumption of the viability of the fetus—noting that the bill applies to any unborn child defined as "the prenatal offspring" of a woman and causation and evidentiary issues that may arise in a prosecution under the offences proposed by the bill. The bill appears to have been developed without consultation with relevant stakeholders, including legal and medical experts. The title of the bill is also of concern to many members in this place and many in the community. Zoe's mother, Ms Brodie Donegan, has confirmed that she does not support the bill or the use of her daughter's name without her explicit consent.

Last year the Premier committed to reforming the law to better recognise the loss of an unborn child as a result of a criminal act. The Department of Communities and Justice will conduct targeted consultation with stakeholders, including medical and legal experts, and victims who have lost an unborn child as the result of a criminal act before preparing a government bill for introduction to the Parliament. This is a complex and challenging issue and it will be important to get the law right to avoid unintended and unwanted consequences. The consultation will commence following parliamentary consideration of the Abortion Law Reform Bill 2019—

also known as the Reproductive Health Care Reform Bill 2019—noting that legal and medical stakeholders, including the New South Wales Bar Association and the Australian Medical Association, have previously opposed the reform on the basis that it could negatively impact on access to medical terminations of pregnancies. The Government will not support the private member's bill.

**Ms ABIGAIL BOYD (18:03):** On behalf of the Greens, I speak in debate on the Crimes Amendment (Zoe's Law) Bill 2019, versions of which have been brought to this House by Reverend the Hon. Fred Nile and others over the past eight years or so. During my contribution I will talk about this bill specifically. I appreciate the comments of the Hon. Taylor Martin, but I am not speaking on other bills on this topic. The bill is unnecessary and inappropriate. In 2005 the Crimes Act was amended to change the definition of "grievous bodily harm". That definition now includes:

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

The offence of grievous bodily harm is punishable by up to 10 years imprisonment and 25 years if intentionally caused. It is not correct to claim that there are no consequences for the destruction of a fetus. It is considered in the context of injury to the pregnant person involved. Looking at the injury to the fetus as a separate issue is not warranted.

The bill is a clear attempt to undermine women's rights by changing the legal status quo. The bill seeks to set a dangerous precedent regarding women's health and the right of an individual to choose. The dangers of this change cannot be underestimated—it could be used to impose restrictions on the behaviour of pregnant people. The exemption for medical procedures, or with the mother's consent, is open to various interpretations and could have unintended consequences. Particularly anything that puts unwanted and invasive scrutiny on people experiencing miscarriage, stillbirth or fetal harm could cause enormous harm to a woman and must be avoided. The legislative change would elevate the impact on the fetus over and above the impact of a criminal act on a pregnant person. It would allow an unacceptable encroachment on women's reproductive rights.

Leading women's health organisations and legal organisations such as the Australian Medical Association and the New South Wales Bar Association are steadfastly opposed to the bill. The loaded and subjective language used in the bill—for example, references such as "unborn child" and "prenatal offspring"—is clearly designed to force a conceptual change to impact on other areas, such as legality of and accessibility to abortion. The title of the bill speaks volumes: The request by Brodie Donegan not to use Zoe's name as an anti-abortion measure has been ignored by Reverend the Hon. Fred Nile in favour of adding further emotion to what is already a very emotional subject. The Greens do not support the bill and do not want to see it brought here again by Reverend the Hon. Fred Nile. Therefore, The Greens move the following amendment. I move:

That the question be amended by omitting all words after "That" and inserting instead "the bill be read this day six months".

**Debate adjourned.**

### *Documents*

## **NATIVE VEGETATION CODE REVIEW**

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

**Mr JUSTIN FIELD:** I move:

That private members' business item No. 249 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr JUSTIN FIELD (18:09):** I seek leave to amend private members' business item No. 249 outside the order of precedence for today of which I have given notice by omitting in paragraph (a) "commissioned by the Premier on 14 January 2019 and submitted by the Natural Resources Commission to the Minister for Agriculture and Minister for the Environment on 31 July 2019" and inserting instead "identified in the Portfolio Committee No. 7 budget estimates hearing of 13 September 2019". I am removing half of the paragraph that identifies the report by when it was commissioned and when it was reported, and instead replacing it with information about how we first learnt about the existence of the report.

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Natural Resources Commission, Department of Planning, Industry and Environment, or the Department of Premier and Cabinet:

- (a) the report by the Natural Resources Commission into native vegetation codes, prescribed under the Local Land Services Act 2013 and the Land Management (Native Vegetation) Code 2018, as identified in the Portfolio Committee No. 7 budget estimates hearing of 13 September 2019; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The reason I am seeking this information is that members who attended the budget estimates hearings relating to the Environment portfolio were surprised to learn, in evidence given by the Natural Resources Commission, that earlier this year it commissioned a report into the extent of land clearing as a result of the Biodiversity Conservation Act and the Local Land Services Act. That report was not previously publicly known and the review was apparently—and we do not really know what happened—triggered by a significant escalation in land clearing; a trigger that we were not aware existed as it was held inside government. That was reached and the report was commissioned.

No public information was available about the fact that the report was undertaken and no public information has been made available about the submissions that were sought in the review and in the report. We are not aware whether the report will be made public or how the Government intends to respond. Despite some questions in budget estimates to try to elicit that information, the immediate response to all questions about the terms of reference, why it was requested, how it was conducted and when it was reported, was simply "It is Cabinet in confidence". I have not been here that long but I do not know how a process can be Cabinet in confidence. I understand that some documents might be Cabinet in confidence and deliberations of Cabinet can be held in confidence, but it is not clear to me what has actually happened here.

I am seeking the support of the House with this Standing Order 52 motion to obtain the report by the Natural Resources Commission. There was an admission in budget estimates that it had been provided to the agriculture and environment Ministers. We do not know its current status. It may well be that if this motion is passed with the support of the House the Government still will not provide that information and considers the report to be Cabinet-in-confidence. I would like to test that. I think I have done all I can to access the information that is available, and we have just had a blanket response that it is Cabinet-in-confidence. I ask for the support of the House to test that so that the House and the community can learn more about the process that was triggered as a result of a substantial increase in land clearing, which is a consequence of the policies of the Government.

**The Hon. SCOTT FARLOW (18:13):** In June 2017 the Government introduced land management and biodiversity conservation reforms to provide a flexible system for farmers to make decisions about their land while helping to protect our environment. The Government knows that for generations landholders have been managing their own land for agricultural productivity and environmental outcomes. Members on this side of the House and some members on the crossbench understand that the best environmental stewards New South Wales has are on farms working the land, not at desks at an environmental lobby group. The land management and biodiversity conservation framework is a vital reform for our environment and our agricultural productivity. We understand that, like all fields of endeavour, farming practices and technology change over time and so our legislative frameworks must change also. We cannot hobble our farmers nor hinder environmental outcomes by being stuck in the past.

The land management and biodiversity conservation framework is delivering sound outcomes for the environment and for our farming sector by helping farmers adapt and embrace new technology and new land management practices. Like all good governments we continue to assess and improve our key reforms over time. We are committed to doing this in every important reform area the Government has introduced in New South Wales. The land management and biodiversity conservation framework is no different, nor should it be. Like all good governments, we are committed to making policy and reform decisions based on the best available information. We should look to continually improve environmental and productivity outcomes in New South Wales. Unlike members opposite, the Government is committed to, and deeply invested in, delivering reforms that produce better outcomes for the environment, regional economies and our agricultural sector. We will oppose the Standing Order 52 motion.

**The Hon. MICK VEITCH (18:15):** After listening to the Parliamentary Secretary, I suggest if Standing Order 52 delivers that document we will get to find out if all that is true. The document will tell us. The motion before the House will be supported by the Opposition.

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

**The House divided.**

Ayes ..... 17  
 Noes ..... 16  
 Majority ..... 1

## AYES

Boyd, Ms A  
Donnelly, Mr G

Graham, Mr J  
Jackson, Ms R  
Pearson, Mr M  
Shoebridge, Mr D

Buttigieg, Mr M  
Faehrmann, Ms C  
(teller)  
Houssos, Mrs C  
Moriarty, Ms T  
Primrose, Mr P  
Veitch, Mr M

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

Hurst, Ms E  
Moselmane, Mr S  
Sharpe, Ms P

## NOES

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

Mallard, Mr S  
Nile, Revd Mr  
Tudehope, Mr D

Blair, Mr  
Farlow, Mr S  
Latham, Mr M

Martin, Mr T  
Roberts, Mr R

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

## PAIRS

Mookhey, Mr D  
Searle, Mr A  
Secord, Mr W

Ajaka, Mr  
Mitchell, Mrs  
Ward, Mrs N

**Motion agreed to.***Motions***SILICOSIS****Mr DAVID SHOEBRIDGE:** I move:

That private members' business item No. 251 outside the order of precedence be considered in a short form format.

**Motion agreed to.****Mr DAVID SHOEBRIDGE (18:24):** I move:

1. That this House notes that:
  - (a) Dr Chris Colquhoun, the Chief Medical Officer for icare, which manages the largest dust disease compensation scheme in Australia, advised the Law and Justice Committee on Friday 20 September 2019 that there was no safe exposure level to silica dust created by cutting manufactured stone;
  - (b) Dr Colquhoun's evidence was that: "... any time you are cutting manufactured stone you have to make the assumption that if you breathe the stuff in you are going to die";
  - (c) the Committee also heard evidence from the Royal Australasian College of Physicians including from Dr Graeme Edwards, who said: "my youngest patient is 23. I have one patient who had to explain to their eight-year-old child that they're dying";
  - (d) there were 40 cases of silicosis reported in New South Wales in 2018-19, up from eight the previous financial year, and this figure almost certainly underestimates the number of cases;
  - (e) there are thousands of workers in the manufactured stone industry in New South Wales all of who are exposed to silica dust, often at appalling high levels;
  - (f) whether the product is dry or wet cut, manufactured stone inevitably produces silica dust that is inhaled by workers in the industry and in associated trades; and
  - (g) doctors and unions, including the CFMEU, have called for manufactured stone to be a banned product to prevent more workers dying.
2. That this House calls on the Government to:
  - (a) take all necessary steps to institute a statewide ban on manufactured stone products; and
  - (b) immediately issue safe handling guidelines that identify the potentially lethal risk of inhaling any silica dust from cut manufactured stone.

The Greens move this motion today because, as we stand here debating it, thousands of workers—particularly in the construction industry and the residential construction industry in this State—are being exposed to the potentially lethal effects of silica dust. That silica dust is being produced by a product that is relatively new to the building industry in New South Wales and Australia. Manufactured stone is an aggregate made up of silica particles and resin, which then sets and forms a product with the consistency of stone. Pretty much all that product is manufactured overseas. The largest manufacturer is in Israel, with Caesar Stone, but a significant amount of manufacturing now happens in Vietnam and China. That combination of broken-up silica aggregate and resin, when it is cut, is proving lethal to workers in the construction industry.

In just the past year alone, 40 additional workers were diagnosed with silicosis in New South Wales and that almost certainly greatly underestimates the number of workers with silicosis. In Queensland in the past 12 months 166 workers were diagnosed with silicosis. The modern form of silicosis, coming from often quite modest exposures to silica dust, can also be aggressive and very rapid. And it is not affecting workers at the end of their working life, as we see with asbestos; it is striking down workers sometimes at the start or the middle of their working lives. These are workers in their 20s and 30s. Too often silicosis ends up being a fatal condition with rapid progression where, effectively, workers choke to death due to the response their lungs have to the presence of silica dust. Unless a lung transplant is found, workers in their 20s and 30s die from exposure to silica dust from manufactured stone.

In Australia this product has only been in the building industry since about 2000 and 2001. It is not needed in the building industry. The reason we have it in the building industry is so we can have shinier benchtops, produced at a slightly lower cost than natural stone. It is so we can have slightly shinier entranceways in commercial buildings at a slightly cheaper cost than using natural stone or baked ceramic stone. There are alternatives to this product. Are we really a society that is willing to see potentially thousands of workers die from an occupational disease because we like slightly shinier benchtops at a slightly cheaper price? That is the decision we are making today.

But I am not relying upon my views; there has been a multi-party effort across the board on the law and justice committee, which is now on its third inquiry into the problem of silicosis. I commend my colleagues and the chair of that committee for the work they are doing in bringing forward evidence about silicosis. The evidence that struck me most deeply was the evidence we received just last week from Dr Colquhoun, the Chief Medical Officer of icare. He was asked what the safe exposure level to silica dust is—and we know that workers are literally being covered in clouds of this dust and working in workshops with clouds of it. He said:

If I can put forth an opinion, I think any time you are cutting manufactured stone you have to make the assumption that if you breathe the stuff in you are going to die.

That is not my evidence or the evidence of an outlier doctor; that is the evidence of the Chief Medical Officer for icare, the fund that runs the largest dust diseases compensation scheme in the country. In the same hearing Dr Graeme Edwards of the Royal Australasian College of Physicians gave the following evidence about silicosis: I am on the public record as stating that in my opinion, and it is the opinion of my colleagues, that this is worse than asbestos because of the age at which these people are suffering. With asbestos and asbestos-related diseases it is affecting people at the end of their working life and into their retirement; they have had an opportunity to contribute. My youngest patient is 23 years of age. I have patients who have to contemplate what are they going to say to their eight-year-old daughter at Christmas time because they are dying. This is a tragedy that should never have occurred and every case—over 166 now in Queensland; you heard this morning over 40 that you know about in New South Wales—is evidence of system failure in the work health and safety spectrum ...

We are having a system failure and workers are dying as a result. In this motion we are calling for an immediate ban. We know that it will be difficult to implement, we know that there needs to be a transition, but this is the asbestos of our time. We either move now and stop this product from being used or we accept that thousands of workers, often at very early stages of their life, will inevitably die. No shiny benchtop is worth that.

**The Hon. NATASHA MACLAREN-JONES (18:29):** I speak on the motion and note the fantastic work being done by the New South Wales Liberal-Nationals Government in this space. I move:

That the question be amended by:

1. omitting in paragraph 2 (a) "take all necessary steps to institute" and inserting instead "immediately consider the viability and impact of"; and
2. inserting the following new paragraph:
  - 2 (b) Take all necessary steps to enforce a statewide ban on dry cutting of manufactured stone in New South Wales, and"

The re-emergence of the relatively forgotten lung disease silicosis is alarming. It has alarmed Australian health professionals and has prompted various national calls for action. In response to this, SafeWork has taken

significant measures to address silicosis. In October 2017 SafeWork NSW launched a five-year chemicals strategy to help protect workers against injuries and illness from dangerous chemicals as part of the NSW Work Health and Safety Roadmap 2022, which includes awareness and education, workplace inspections, research and the review and development of best practice guidance materials. In response to the recommendation made by the Legislative Council's first review into the dust diseases scheme, SafeWork NSW established a task force to review the safety standards in the manufactured stone industry and consider regulatory changes to protect workers' health in July 2018.

In respect of awareness and education, the multichannel \$40,000 "Which mask will you wear" awareness campaign was released in November 2018 to radio, print, social media and a video safety alert. SafeWork NSW delivered three safety forums in February 2019 in Bankstown, Newcastle and Wollongong and completed 36 other industry presentations at various locations up to today's date. In April 2019 silica was one of the focus areas in the broader SafeWork NSW three-year "Safety starts with you" media campaign, which included TV, radio, social media and website advertisements on silica dust prevention.

In May 2019 SafeWork NSW delivered the Silica Symposium to over 350 business owners, workers, chemical associations, peak bodies, universities, medical professionals, government representatives and industry experts, along with Dr Karl Kruszelnicki, who was the MC for the event. This was followed by the June 2019 \$200,000 phase two release of the "Which mask will you wear campaign", where Dr Karl was introduced as the face and voice of the campaign on radio, social media as well as videos. From August to October 2019 SafeWork NSW is delivering various roadshow events covering Orange, Liverpool, Ballina, Newcastle, Tamworth and Queanbeyan. There are 184 SafeWork NSW inspectors trained to identify and address the dangers of silicosis across the State. The Government will not oppose the motion.

**The Hon. ANTHONY D'ADAM (18:33):** We heard evidence during the Standing Committee on Law and Justice's 2019 review of the Dust Diseases Scheme that there has been a rapid increase in the incidence of silicosis in New South Wales. The evidence suggests this trend is a result of increases in screening and awareness of silicosis, particularly in the manufactured stone industry and the data from icare suggests that this figure is likely to double in the current reporting year from the last reporting year. Workers are dying because of the manufactured stone industry. We know that there are a number of issues with manufactured stone and ensuring the safe handling of this product, including the absence of technology capable of measuring whether the dust exposure is at a safe level. Some of the evidence we heard suggested it is as low as 0.01 milligram per cubic metre over an eight-hour period.

The other significant problem is the practical difficulties of ensuring that wet cutting, particularly insulation in the domestic housing industry, can be done in a safe way. There does not appear to be a way of guaranteeing that in wet cutting procedures. It reduces the risk, but the evidence we have heard suggests that the exposure while wet cutting is still at a hazardous level. We have to look and apply the hierarchy of control. In that circumstance the first step to take is to eliminate the hazard. Mr David Shoebridge mentioned earlier that at the inquiry we heard the evidence of Dr Colquhoun; it was jaw-droppingly frank. We really cannot ignore that evidence. On that basis, Labor will be supporting the motion as amended.

**The Hon. MARK BUTTIGIEG (18:35):** I feel compelled to speak on this motion, having had a lot of experience in the building industry with asbestos. It took us decades to raise awareness on that issue and the time it takes for these things to be socialised in the consciousness of workers, to have adequate controls and elimination and remediation in place. This week we heard questions asked with respect to asbestos in schools. It has been a problem in the industry and we are still grappling with something that is front and centre in the public consciousness, let alone this. It is a sleeping giant, as my colleagues have pointed out. It has been an issue only since the early 2000s as a result of this manufactured stone product. It is just not given the attention or the seriousness it deserves. It is absolutely essential that we raise the consciousness to the same level that we have with asbestos and the consequent contraction of mesothelioma.

It is essential that we look at—as I think my colleague the Hon. Anthony D'Adam said—the hierarchy of controls to engineer this stuff out of whatever systems it exists in so it does not become a problem. Workers should not have to wear protective equipment to deal with this—the product should not be on the market, full stop. I see the Government's amendment and I see there is a genuine attempt because of the viability and impact on the industry. We should look at that, I agree. It is also sensible where 2 (b) of the amendment has asked that we take all necessary steps to enforce a statewide ban on dry cutting of manufactured stone products which produce exposure to above the accepted limits. The original motion is good and strong and what we need, but the Government's amendment goes far enough for us to deal with what I was asking for in the earlier part of my speech; we need to raise consciousness, look at the impact of the ban and then work towards a statewide ban. I will wholeheartedly support the motion as amended.

**Mr DAVID SHOEBRIDGE (18:38:2):** In reply: I thank members for their contributions: the Hon. Natasha Maclaren-Jones, the Hon. Anthony D'Adam and the Hon. Mark Buttigieg. I am glad to see broad support for the motion. We will not be opposing the Government's amendment. Although we would like to see an immediate ban instituted, we recognise that we have to work with the industry to ensure that there is adequate supply of the alternative products available before that ban is instituted. But we cannot wait five years. We cannot wait 10 years. I do not think we can wait 12 months to have a ban. Obviously we need to work with industry to get to that. For those reasons, we will not be opposing the Government's amendment. This will be the first occasion when a State Government has seriously entertained the concept of a ban of manufactured stone. We recognise that as a significant outcome from today's motion and debate.

In relation to the action taken to date, the Government eventually established a task force headed by Safe Work following the 2017 recommendation from the Standing Committee on Law and Justice. That was meant to address the issue of silicosis. The February 2019 report from the committee then said that the task force should undertake a case-finding exercise. That case-finding exercise has not been undertaken. Tragically, it is certain there will be very many workers out there in New South Wales with silicosis who have not been picked up. That task force was concluded and stopped by the current Minister at the end of the last financial year with an inadequate report and inadequate recommendations that go nowhere near what we need.

We need the immediate establishment of a statewide register. That was a tentative recommendation from the task force but has not been adopted by the Government. We need a statewide register of cases of silicosis and we need a statewide register of the investigative reports that have been done on workers for silicosis—prior chest X-rays, prior spirometry reports—so that when they go for a new test doctors can detect the change. That needs to be implemented immediately. We cannot pass the buck to a slow moving Federal task force that is looking at an exposure level that we know is probably going to be lethal to workers. I accept the Government's moves on trying to ban dry cutting are useful, but most of this work is happening at small building sites during installation.

There is no way to enforce a statewide safe set of work practices. This product is lethal. We know that protective clothing is not being worn and it will not be worn by many workers who install this. We know the dry cutting ban will not be able to be enforced. We know that whilst ever that product continues to be available workers will be exposed to a lethal level of silica dust. We move for the ban. I finish by saying that we have come a long way in this debate and I commend the work of the Standing Committee on Law and Justice and the chair of that committee for helping drive us to a better place in New South Wales. I commend the amended motion to the House.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** Mr David Shoebridge has moved a motion, to which the Hon. Natasha Maclaren-Jones has moved an amendment. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The ACTING PRESIDENT (The Hon. Trevor Khan):** The question is that that motion as amended be agreed to.

**Motion as amended agreed to.**

#### **COFFS HARBOUR AND DISTRICT ABORIGINAL LAND COUNCIL AND JACINTA PRICE**

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

That private members' business item No. 250 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK LATHAM (18:43):** I move:

1. That this House supports the right of Indigenous women and elected representatives like Jacinta Price to speak in any part of New South Wales of their choosing about the issues facing Indigenous people.
2. That, having passed enabling legislation for Aboriginal Land Councils, this House urges these councils to respect free speech and engage in open debate about the best way forward for the Indigenous cause in this State.

I am moving the motion because of the importance of free speech and an open debate in this area. I think members are familiar with what happened in Coffs Harbour when Jacinta Price, on her Mind the Gap tour, booked out the theatre on Tuesday 10 September and attempts were made to stop her from speaking, to cancel the event and bar her from Coffs Harbour. In the language of the activists, to "deplatform" her and her opportunity to speak. What they are saying was that the challenges of improving Indigenous lives are so easy to solve that they can do without the contribution of Jacinta Price, an Indigenous woman elected to represent the Alice Springs community.



Ms Price is an Indigenous woman who ran a strong Federal campaign for the Liberal Party in the electorate of Lingiari. In that campaign she was subjected to racism as an Indigenous woman. The Greens candidate published an offensive caption on social media and if members know about it they would not want to be associated with it. Jacinta Price has a contribution to make. I do know what she has done wrong. She supports Australia Day; no sin in that. She supports a view about Indigenous affairs that Noel Pearson has articulated that includes reciprocal responsibility: Indigenous people accept support from government and need to send their kids to school, to minimise drug and alcohol abuse in the community, manage to keep their hands to themselves and accept responsibility for their behaviour. If that is not part of the solution in this space what would be? In response to Jacinta Price attending Coffs Harbour, the Coffs Harbour and District Local Aboriginal Land Council put out a press release. I will quote from it. It explains the extent of the attempted censorship. It states:

We would like to make it absolutely clear that Ms Price is not welcome in Gumbaynggirr country, a stance that is being led by Gumbaynggirr women.

Recently the Aboriginal community met with Coffs Harbour City Council [CHCC] to express our concerns and request that the tour be cancelled. CHCC expressed in-principle support for our stance—

They say they had the council onside to cancel the tour—

but lacked the courage to follow through, and as a consequence have now provided a platform for Ms Price to spread racist vitriol in our community.

They said they would not give her a welcome to country and she is not welcome to tour within their territory. I do not know how an Indigenous woman is spreading "racist vitriol", unless we adopt the ridiculous notion of internalised racism. I believe she has a right to speak. We know from answers earlier this week that no less a figure than the Aboriginal affairs Minister visited Coffs Harbour last weekend. He did not need to be granted permission to speak. He met with the land council and other representatives and I am sure had a constructive and useful dialogue about what needs to happen in that and other communities to solve these social and economic problems.

Why would Jacinta Price not be able to speak? I think that this House, having been part of the passing of legislation for Aboriginal land councils, should be urging those councils to respect the free speech of an Indigenous woman such as Jacinta Price. She bravely stands up in the public arena. You can see some of the abuse she cops on social media—it is extraordinary. She engages in open debate about the best way forward, as we all should. We can disagree and put forward different policies—as happened at the last election—to usefully and in good faith help Indigenous people. That is the lifeblood of our democracy. If you close it down and deplatform and say "unwelcome to country" you are basically saying we do not need a full and open debate.

If we do not need everyone to contribute ideas, if all these problems can be solved by the land council in Coffs Harbour, why have they not been solved already? If they are the only font of wisdom, knowledge and advancement in this space why do we need to talk about Indigenous affairs? According to them they have it all sorted out. They do not need an Indigenous woman to talk to them. I think it is wrong. We should stand up for free speech and open debate. That is what makes this a democratic Chamber and we should always support that principle.

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (18:47):** The voice of this Chamber always speaks loudest when as far as possible we adopt motions by consensus and without opposition. I know that it will not be possible for large numbers of members of the Chamber to support it and there will certainly be plenty who want to, but in the interests of trying to speak as one on the issue I will move an amendment. I move:

That the question be amended by:

- (a) In paragraph 1, omit the words "like Jacinta Price to speak in any part of New South Wales of their choosing" and insert instead "to speak".
- (b) In paragraph 2, omit all words after "That" and insert instead "this House supports the right of Aboriginal Land Councils to facilitate free and open discussion to drive social, cultural and economic outcomes."

First, the amendment to paragraph 1 is the House affirming the right of free speech. In this case, for all Indigenous women. I think that is very important. Free speech is appropriate. As stated in *The Friends of Voltaire*:

I disapprove of what you say, but I will defend to the death your right to say it.

The second amendment is in relation to paragraph 2, which concerns local Aboriginal land councils. They, like all of us, must abide by the rule of law. It is true that they are bodies of statute, but they are led by board members elected by popular election from those eligible within their country to vote for them. It is appropriate to recognise that they are accountable to their constituents in a similar way to members in this Chamber. I think it is a matter

of fairly common and wide acceptance that the disadvantage in socio-economic status of Aboriginal people across the country, including in New South Wales, needs to be addressed. We have a complex statutory situation with a lack of a commonsense framework between land, traditional ownership and cultural authority. But nevertheless Aboriginal Land Councils have an important role to play. I think it is appropriate to affirm that in the second amendment.

**The Hon. MICK VEITCH (18:50):** On a point of clarification, the motion as amended by the Government will read:

1. That this House supports the rights of Indigenous women and elected representatives to speak on the issues facing Indigenous people.
2. That this House supports the right of Aboriginal Land Councils to facilitate free and open discussion to drive social, cultural and economic outcomes.

Is that right?

**The Hon. Don Harwin:** Yes.

**The Hon. MICK VEITCH:** I just want to be sure that I got the proposed amendment right. The Australian Labor Party agrees that the rights of all people—Indigenous and non-Indigenous—to free and open speech is an important part of our modern democratic society unless they engage in commentary that is contrary to the international covenant on free speech. We hold free speech paramount. It is important to highlight that Aboriginal land councils are independent of government in New South Wales, but they must adhere to the legislative framework under which they operate. As I understand it, the Coffs Harbour Aboriginal groups have expressed their views and have asked others who supported their views not to attend the event in question. As I understand it, they did not seek to ban the event. The fact that the amendments are about free speech and not about opposing free speech, we will support the motion as amended by the Government.

**Mr DAVID SHOEBRIDGE (18:52):** The Greens oppose the motion as drafted and will support the Government's amendments. If those amendments are successful, The Greens will support the amended motion. I make it very clear that The Greens support First Nations Peoples to have self-determination on their country, full stop. We do not believe it is the place of this Parliament to tell First Nations Peoples who they believe should speak on their country; who they believe should represent First Nations issues on their country; and which events they believe they should support or endorse. If a land council believes that an event being held on their country, purportedly to give an Aboriginal voice on an issue, is contrary to their views and their beliefs and who they want to speak for their country, it is the land council's right to determine who speaks on First Nations issues in their country.

The idea that this Parliament would direct First Nations Peoples—taking away even their right to say who should or should not speak on First Nations issues on their country—is deeply offensive to the concept of self-determination. Far from taking away the rights of First Nations Peoples to make decisions on their country, as this unamended motion proposes to do, I firmly believe that this Parliament should actively grant rights of self-determination to First Nations Peoples. Probably that would not always be the land councils; it could be to other traditional custodians, elders and native title holders of First Nations Peoples around this State.

The idea that a motion will tell First Nations Peoples in this State who they should support to speak on their country, and condemn them for having a view about who should be speak on First Nations issues in their country, is perhaps from the nineteenth century but it has no place in the twenty-first century. To dress up this motion as some kind of bearing the flame of free speech and liberty, when once again the motion is trying to dispossess and disempower First Nations People, I believe is deeply wrong. The Greens believe that is deeply wrong and we do not support the motion. The Greens commend the Government for devising a set of amendments that will deliver a motion that we can support that is consistent with believing in the rights of First Nations Peoples to self-determination.

**The Hon. MARK LATHAM (18:55):** In reply: I will give clarity to a point made by the Hon. Mick Veitch. He said he understood there was no attempt by the land council to ban Jacinta Price from speaking. In its press release the Coffs Harbour and District Local Aboriginal Land Council clearly states:

Most recently the Aboriginal community met with the Coffs Harbour City Council [CHCC] to express our concerns and request that the tour be cancelled.

Obviously part of that request relates to the fact that the council owns the theatre, which had been booked by Jacinta Price, and it wanted the booking to be cancelled. There was an attempt to deplatform her and not allow her to speak in Coffs Harbour. It is said sometimes politically we live in different and strange times. I cannot understand here why three white blokes would omit "Jacinta Price" from the text of the motion.

**Mr David Shoebridge:** I cannot understand why one white bloke would tell an Aboriginal Land Council what to do.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** Order!

**The Hon. MARK LATHAM:** There is one white bloke here saying that Jacinta Price, an Indigenous woman elected by her community in Alice Springs, should be able to speak—a novel concept for The Greens of speaking and having your view heard and others reacting to it in open debate. I know this is a democratic notion that might be hard to stomach, but you have three white blokes omitting the name of an Indigenous woman from the text of the motion like she does not exist—the Orwellian notion she has become a non-person. People would scream "racism" if I did that, but I note what is happening in this Chamber. I do not know why Jacinta Price needs to become a non-person. I do not know why the Leader of the Government would not defend the right of a fellow Liberal Party candidate to speak in a community in our State.

**The Hon. Don Harwin:** I am.

**The Hon. MARK LATHAM:** The Leader of the Government has deleted her name specifically from the motion.

**The Hon. Don Harwin:** No, I am broadening the scope of the motion.

**The Hon. MARK LATHAM:** This is an attempt to exclude Jacinta Price as if there is some unsavoury, unacceptable thing about her that cannot be included in the motion. Obviously we are only talking about her because of the attempted speaking tour in Coffs Harbour. I think it is wrong. I would have thought the Leader of the Government as a leader of the Liberal Party would stand up strongly for the rights of his fellow party member, a candidate in the Federal election, and she would be supported by this House.

**The Hon. Don Harwin:** Point of order: The Hon. Mark Latham is making an imputation about me, which is not false but it is contrary to the standing orders.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** There is not much time. The Hon. Mark Latham should return to the leave of the motion and deal with that.

**The Hon. MARK LATHAM:** Obviously in conclusion I am also speaking about the amendment to delete the name of Jacinta Price from the motion. I think that is a fair cop, a fair reflection. I reject the amendment and support the motion.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** The Hon. Mark Latham has moved a motion, to which the Hon. Don Harwin has moved an amendment. The question is that the amendment be agreed to.

**The House divided.**

Ayes .....30  
 Noes .....3  
 Majority.....27

#### AYES

Amato, Mr L  
 Buttigieg, Mr M  
 Donnelly, Mr G  
 Farlow, Mr S  
 Graham, Mr J  
 Hurst, Ms E

Blair, Mr  
 Cusack, Ms C  
 Faehrmann, Ms C  
 Field, Mr J  
 Harwin, Mr D  
 Jackson, Ms R

Boyd, Ms A  
 D'Adam, Mr A  
 Fang, Mr W (teller)  
 Franklin, Mr B  
 Houssos, Mrs C  
 Maclaren-Jones, Mrs  
 (teller)  
 Mason-Cox, Mr M  
 Pearson, Mr M  
 Taylor, Mrs  
 Ward, Mrs N

Mallard, Mr S  
 Moriarty, Ms T  
 Primrose, Mr P  
 Tudehope, Mr D

Martin, Mr T  
 Moselmane, Mr S  
 Shoebridge, Mr D  
 Veitch, Mr M

#### NOES

Latham, Mr M (teller)

Nile, Revd Mr

Roberts, Mr R (teller)

**Amendment agreed to.**

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

**Motion as amended agreed to.**

*Documents*

**MAULES CREEK COALMINE**

**Production of Documents: Order**

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 230 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (19:08):** I move:

That under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Planning, Industry and Environment (the department), or Minister for Water, Property and Housing:

- (a) department reviews of the 2014 and 2019 water management plans prepared by the operator of the Maules Creek coalmine (the operator) as required by the conditions of project approval (project approval) issued on 23 October 2012 under the Environmental Planning and Assessment Act 1979;
- (b) department reviews of the operator's 2017 and 2018 annual reviews as required by the conditions of the project approval;
- (c) any correspondence or other documents, created since 28 March 2018, between the department and the Land and Water Commissioner regarding the Maules Creek coalmine and Maules Creek surface water and interconnected groundwater system;
- (d) all water management plans and associated documents created by the operator since 1 January 2017, including any associated groundwater modelling, as required by the project approval;
- (e) any combined Boggabri coalmine, Tarrawonga coalmine and Maules Creek coalmine groundwater models and associated documents created since 1 January 2017;
- (f) any independent review, commissioned by the operator as required by the project approval, of a combined Boggabri coalmine, Tarrawonga coalmine and Maules Creek coalmine groundwater model created since 1 January 2017;
- (g) any briefing prepared by the operator for the department created since 1 January 2017;
- (h) any correspondence or other documents between the operator and the department that demonstrates that the water present in the Maules Creek coalmine pit on 16 April 2018 was not passive take from the Maules Creek interconnected groundwater system;
- (i) the investigation report and documents developed in response to the complaint made by the Maules Creek Community Council to the department regarding ground and surface water at Maules Creek; and
- (j) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I move this motion on behalf of the farmers and residents of Maules Creek. I have a speech in front of me that talks about the impact of the Maules Creek coalmine on the groundwater used by farmers. I could go on about what they have endured in relation to the Maules Creek mine but, essentially, they want transparency. They want WaterNSW and the Maules Creek mine to release some information in relation to that groundwater. Frankly, all of the groundwater has disappeared very quickly after the mine started pumping it. This one is for the farmers and I urge everybody to support the motion.

**The Hon. MICK VEITCH (19:08):** The motion is quite lengthy. I should actually read it, but I will not. Labor will support the motion.

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

**Motion agreed to.**

*Adjournment Debate*

**ADJOURNMENT**

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

That this House do now adjourn.

## CLIMATE CHANGE

**Ms CATE FAEHRMANN (19:09):** According to new survey data from youth mental health organisation ReachOut, four in five Australian students report being somewhat or very anxious about climate change. They are scared of the future that is being left to them as we blindly march into a mass extinction that could wipe out life on earth as we know it, or at least make things so bad we wish it did. As we saw last Friday, this anxiety is leading to action. Over 80,000 people gathered outside Parliament House for the School Strike for Climate with three simple demands: no new coal, oil or gas projects; 100 per cent renewable energy generation and exports by 2030; and funding for a just transition and job creation for all fossil-fuel industry workers and communities.

The school strike was the largest climate demonstration the State has ever seen. I am sure the protests will continue to grow. People are gathering in greater numbers than ever before because the existential threat to our existence is greater than ever before. They are gathering because our governments continue to ignore the science, the will of the people and the desperate pleas of children who feel they have no choice left but to leave school to try to make a change. A landmark new report at the United Nations Climate Action Summit this week paints a grim picture of the future of our planet. The report found that the world's nations need to increase their emissions targets between three and five times if we have any goals of meeting the 2015 Paris Agreement. Current plans would see global temperatures increase between 2.9 degrees Celsius and 3.4 degrees Celsius by 2100, which would spell the end for at least our civilisation, if not our species as we know it. The report established that the average global temperature for 2015 to 2019 is on track to be the warmest period in recorded history—1.1 degrees Celsius above pre-industrial times.

Extreme weather events caused by climate change, such as widespread and long-lasting heatwaves, record-breaking fires and other devastating events such as tropical cyclones, floods and drought have had major impacts on socio-economic development and the environment. Sea level rise is accelerating—we have seen that recently at Stockton Beach in Newcastle—and the oceans have become 26 per cent more acidic since the beginning of the industrial era. Recently Iceland held a funeral for its first glacier lost to the climate crisis. The once-massive Okjökull glacier, now completely gone, has been commemorated with a plaque that reads:

### A letter to the future

Ok is the first Icelandic glacier to lose its status as a glacier. In the next 200 years all our glaciers are expected to follow the same path. This monument is to acknowledge that we know what is happening and what needs to be done. Only you know if we did it.

In Greenland, ice sheets are melting at a rate that was not expected until 2070. In August the single-day melt record was broken after the ice sheet lost 12.5 billion tons of water in one day. Greenland's ice sheet alone contains enough water to raise global sea levels by 20 feet. Record-breaking heat in Alaska has caused its sea ice to melt away completely, meaning there was no sea ice whatsoever within 150 miles of its shores. That has happened before, but never this early in the year. Scientists have watched on in horror with one saying they are "running out of adjectives to describe the scope of change we're seeing."

This is being repeated all over the Arctic where even in winter places such as the Bering Sea are open ocean whereas for most of recorded history it has been completely covered with ice. That is because of arctic amplification in which reflective, white sea ice vanishes and the darker ocean absorbs solar energy rather than reflecting it back into space. Arctic amplification means that temperatures are rising twice as fast in the Arctic compared to the rest of the world. The result is not gradual warming but a vicious feedback loop with exponentially faster warming leading to exponentially less ice and vice versa.

The science is clear: The very existence of our civilisation and our species is under threat. Since just 1990 humans have burned half of all fossil fuels. It takes at least 10 years before we begin to see the impacts of CO<sub>2</sub> after it has been released from the atmosphere. Despite the overwhelming evidence before us by thousands of scientists and extreme weather events all around the world, we are still not doing enough. We need to listen to the children. We need to listen to the student strikers. We need to listen to the science and stop blocking action that will guarantee the children of today a safe climate.

## GUANGDONG PROVINCE DELEGATION

**The Hon. SHAYNE MALLARD (19:14):** In late July I was privileged to represent the New South Wales Parliament in a delegation to Guangdong Province in China to commemorate the fortieth anniversary of the sister-state relationship between the Province of Guangdong and State of New South Wales. The sister-state relationship was formalised in September 1979. It was the first such relationship between an Australian State and a province of China. The purpose of the relationship is to expand friendly relations between regions by developing economic, trade, investment, cultural and other links. The delegation was non-partisan, including members from both Houses and both major parties, and indeed a prominent crossbencher in this House, our colleague the

Hon. Robert Borsak, joined us. The delegation was led by our President the Hon. John Ajaka, and was funded under the auspices of the CPA Australia.

The five-day visit is one of several high-profile delegations to celebrate this auspicious anniversary, including a visit by New South Wales Governor the Hon. Margaret Beasley, AO, QC, which was being prepared for as we visited. Over the five busy days we met with political and business leaders to extol the virtues of our relationship and of doing business in New South Wales. We flew direct from Sydney to Guangzhou, the capital of Guangdong and coincidentally the sister city to Sydney. That action alone reminded us that there are direct flights to Sydney from 22 cities in China. It also prompted me to talk regularly about the new airport and aerotropolis being built in Western Sydney.

We met with the Guangdong Development and Reform Commission, toured the ancient town of Yong Qing Fang, and had an excellent meeting and dinner hosted by the charming Madam Li Yumei, the Chairwoman of the Standing Committee of Guangdong Provincial People's Congress. I recalled in a toast that in 1994 I accompanied a delegation from Guangdong who visited New South Wales to mark our fifteenth anniversary as sister states. Madam Li encouraged my return for the all important fiftieth anniversary in 10 years' time. The meeting with the Guangdong Department of Culture and Tourism was an opportunity to discuss the opportunities Sydney's second airport will present for increased two-way tourism and business between our two States. We concluded our visit to Guangzhou by touring the Guangzhou Nansha Pearl Bay development area and one of China's largest shipping container ports. As usual when visiting China we were left in awe of the size and ambition of the government's infrastructure and development plans and activities.

A quick flight to Shenzhen, the second-largest city in Guangdong and close neighbour to Hong Kong, allowed us to see a fully planned city a few decades old. Our meeting with the Shenzhen People's Congress was formal and business-like, but the highlights of this leg of our delegation were the businesses we visited, including a visionary company called BYD, which stands for "build your dreams". It is a business that specialises in manufacturing electric vehicles, including cars, commercial vans, heavy vehicles and trucks, garbage trucks, buses and various trains. That was a truly inspiring visit and highlights how China is geared up for the electric transport revolution that is underway. The other business on our call list was Huawei, where we toured its overwhelming university-style campus and experienced firsthand the incredible electronic technology that organisation is developing.

It cannot be ignored that the relationship between our two States is being buffeted by external pressures. We cannot guild the lily. The United States trade tensions, the 5G decision by the Commonwealth Government, the plight of several Australian citizens detained in China and of course the violence that was emerging at the time in Hong Kong were issues in the background of the relationship. However, the delegation, capably led by Mr President, remained focused on our 40-year state friendships and, to quote the President, we regularly reminded our friends in China that "New South Wales is open for business".

I put on the record my appreciation of the work of preparing our extensive itinerary by the New South Wales Government Trade and Investment Office in Guangzhou and particularly the ever professional Commissioner Mr Murray Davis. I also put on the record the equally impressive assistance to the delegation by the Australian Consul General to Guangzhou Mr Jason Robertson—who is about to commence as Deputy Ambassador in Beijing—and their respective staff. Finally, I acknowledge the invitation to visit and the assistance of the New South Wales Chinese Consul General Mr Gu Ziaojie.

There is no denying that Australia, and particularly the future prosperity of New South Wales, is intrinsically locked with that of China as she grows more prosperous and influential in global politics and economics. Relationships like the one between New South Wales and Guangdong will stand the test of time, and successful parliamentary delegations like the one just undertaken will reinforce our long-term friendship.

## BUILDING STANDARDS

**The Hon. COURTNEY HOUSSOS (19:19):** Opal Tower and Mascot Towers are the most obvious symbols of the building defects crisis that is gripping New South Wales, particularly Sydney. I do not use that term lightly: It is a crisis. A recent study by Deakin University found that 97 per cent of New South Wales buildings had defects, with an average of 16 defects per building. That is significantly higher than the 74 per cent of buildings in Victoria and the 71 per cent of buildings in Queensland with defects. Bronwyn Weir, one of the authors of the significant Shergold Weir report, said that she would not purchase a newly built apartment. This is an issue that has been bubbling along under the surface for a very long time. Although there is a significant financial incentive for apartment owners to stay silent on the defects plaguing their buildings, the mass evacuations at both Opal and Mascot have thrown residents into the public discussion, giving the issue the media attention it deserves.

The cases of Opal and Mascot have different challenges. As is appropriate, the developer at Opal has so far spent \$27 million on remediation works and providing residents with emergency accommodation. Nine months on, 20 apartments are still inaccessible and 12 residents are still living in alternative accommodation. It is clear that the issues will take a long time to fix. The residents at Mascot Towers face a very different challenge. Their building is a decade old. They face a lengthy legal battle with their insurance company, possibly with their developer and others. They have already been out of their homes for more than three months. The devastating emotional effects of that were explained by residents of Mascot Towers to the upper House inquiry into the building industry. The financial impact has been equally devastating. The cost of the first stage of rectifying the defects, which took some time to establish, is now approximately \$7 million and more repairs will be required. The initial stage will cost each unit owner between \$5,000 and \$14,000 per month.

A survey of residents, conducted by the strata committee, has shown that 35 per cent of owners have no ability to raise the money. The residents have sought personal loans, loans from friends, refinance using another property and refinance using their current Mascot Towers property and they have used their own savings. They are in a desperate situation. Not only is this property their home, it is their major financial investment. Many residents have indicated that their banks have cancelled or refused to meet with them once they realise they are owners at Mascot Towers. Time is imperative. The strata committee has advised that the repairs must be undertaken before summer or the building may become commercially unviable.

The Mascot Tower residents have made multiple appeals to the New South Wales Government for help. They have met with the Minister, written follow-up letters and this week came to Parliament to plead for help. Instead of listening to their pleas, the Minister accused them of a deliberate strategy to force the Government's hand. While the Government has provided the residents with financial assistance for emergency accommodation, it has stubbornly refused to address the longer-term issues. The residents acknowledge they will pursue their insurance and other options but they need help now. The Government must act now.

The Minister's behaviour this week was absolutely appalling. But should we expect better? In budget estimates, the Minister was clearly out of his depth and unable to address the crisis occurring. The Government's approach to building defects and regulation has been characterised by delays and mismanagement. It received the Lambert review in 2015 and has not acted. It finally rushed through legislation late last year but the legislation still is not in force. It has appointed a Building Commissioner but it forgot the commission. As for the response to the Shergold Weir report, I am not holding my breath.

While the Government fails to act, uncertainty is breeding. This does not bode well for the construction industry more generally, which is a key driver of the New South Wales economy. Property sales in Sydney Olympic Park have plummeted in the wake of the Opal Tower evacuation. Banks are re-evaluating their risk profiles and tightening lending regulations for apartments, particularly in certain suburbs. These are the symptoms of a broad and pervasive issue that must be addressed now. The Government must not only give the Mascot Towers residents a low-interest loan to begin repairs but also send a message to the industry that it is serious about starting to address building defects in New South Wales.

### CLIMATE CHANGE

**Mr JUSTIN FIELD (19:24):** Last week's global climate action, involving student strikes, marches and powerful speeches at the United Nations, has got Andrew Bolt all fired up. Last Friday afternoon he thought he had found his mark. He was smarting when someone showed him a photo of a group of students at one of the rallies in Sydney. He had found the ultimate put-down, he thought. He thought he had found a spelling mistake on one of the signs. "The irony!" he ranted on his blog. These students have time to rally for a safe climate but no time to learn English apparently. One of his targets was a young woman who was holding a sign that read "Give a Dam" with the word dam spelt D-A-M. Bang! "No N", Bolt railed. "What are we teaching young people these days?" Well, indeed, what are we teaching young people when the bile of people like Andrew Bolt passes as news, valid opinion or entertainment?

The young woman holding the sign is someone I know. Her name is Taylor Clarke. She is a young Gundungarra woman from the Burragorang Valley. Taylor's relatives and people were forced out of the valley when the original Warragamba Dam wall was built. The sign she was holding that read "Give a Dam" is a sign from the Give a Dam campaign that is opposed to the raising of the Warragamba Dam wall. If this raising happens, it will destroy or damage hundreds of cultural heritage sites in the valley, including flooding a number of sites that are part of the creation story of the Gundungarra people, Taylor's people. Much of that story has already been lost.

Taylor is a passionate, intelligent and articulate young woman. She is a university student. She has worked in my office in the past to assist me to understand the impact of this project. It is a project that is now the subject of an upper House inquiry, which I am chairing. She is campaigning for the protection of her country,

the protection of the environment of that valley and the protection of the plants, animals and stories that reside there. The Government is using flood-risk arguments—flood risk that they say is exacerbated by climate change no less—as a justification for the dam wall raising. Not only is Taylor's sign and the spelling of "dam" totally correct but she is using the sign in an appropriate context. She is highlighting the consequences of the failures to address climate change and which was the entire point of last week's marches.

In contrast, Andrew Bolt has shown his petty ignorance. He is particularly ignorant given *The Daily Telegraph* and other News Corp outlets have covered stories relating to the Give a Dam campaign. The issue has also been widely canvassed in the media and in public debate. However, I doubt anyone is surprised by Bolt's reaction. Bolt has got form and so do the many other loud, obnoxious, attention-seeking commentators who have come out in the last week attacking students for caring and demanding their voices be heard in a debate that is largely about their very future. I note that they are mostly attacking, mocking and belittling young women like Greta Thunberg and Taylor Clark.

I have seen Taylor speak and debate. She can handle herself and is a powerful advocate. In a debate or discussion she would hold her own against a bully like Bolt. In the context of an interview or debate, even with his attacks and misleading arguments, she would at least have agency in that context to put her case. But when someone like Bolt uses their privileged platform to denigrate from afar, it disempowers. That is the real disgrace of Bolt's model. It is easy to see how anxiety about the future might build up in young people when loudmouthed bullies like Bolt and a multitude of loud, angry white men are prepared to shut them down, misrepresent them, belittle them and dismiss them. I do not expect Bolt to change but I would like to hear the Prime Minister calling out the nasty contribution of people like Bolt rather than his claims that disinformation is subjecting Australian children to "needless anxiety".

### SOUTH KOREA

**The Hon. SCOTT FARLOW (19:28):** I mark the 4,351st Korean National Foundation Day, or Gaecheonjeol, which will be celebrated on 3 October. The day recognises the formation of the first Korean state of Gojoseon in 2333 BC. The event was celebrated in this building this week with our local Korean community and friends of Korea throughout New South Wales and it was my great privilege to be the parliamentary host. I pay tribute to the Consul General of the Republic of Korea in Sydney, Mr Sangwoo Hong and his wife, Mrs Moonju Lee, for marking the occasion—his first as Consul General—here in Australia's oldest Parliament. This special day celebrates the traditional founding of Korea, and is a day steeped in tradition and mythology. It is the date when Hwanung descended from heaven to live with mankind.

With the National Foundation Day upon us, it is the perfect opportunity to reflect on the longstanding friendship between Australia and the Republic of Korea. The relationship between Australia and Korea is said to have been first established with the arrival of Presbyterian missionaries Reverend Joseph Davies and his sister Mary in Busan in 1889, but the friendship truly was forged with the advent of the Korean War in 1950. When war broke out, Australia went to the aid of South Korea, sending 17,000 troops under Prime Minister Robert Menzies between 1950 and 1953. Sadly, 339 of our servicemen made the supreme sacrifice in that war and a further 1,200 were wounded. That sacrifice has never been forgotten by the Korean people. They are a truly grateful nation.

Australia is one of 21 nations that went to the aid of South Korea. Our servicemen in that conflict were deployed to a nation that many of them had never heard of. Boys as young as 18 were sent off to the other side of the world to support a nation they did not know and fight for an ideal that they knew all too well—freedom. The Korean people are truly grateful for our service. I have seen that in the city of Gapyeong, the sister city of my old home, Strathfield, and the site of one of the key battles of the Korean War in 1951, the battle of Kapyong. There Australian memorials are revered and every Australian who visits is treated with gratitude for the service of our nation in defence of theirs.

I am always impressed by the reception provided by the Korean consulate and community for veterans of the Korean War. They mark the veterans' service and sacrifice at every event and host several functions each year to thank our servicemen. The Korean Ministry of Patriots and Veterans Affairs has supported the grandchildren of veterans through scholarships to return to the land their grandparents fought for before the miracle on the Han, and what a different land it is now. The sacrifice of our forebears has forged our relationship of today. As many in this Chamber know, New South Wales has a sister State agreement with the Seoul Metropolitan Government. The Republic of Korea is the eleventh largest economy in the world and our fourth largest trading partner. It is also New South Wales's third largest export market. This relationship is benefited greatly by the Korea-Australia Free Trade Agreement, which strongly benefits exporters in New South Wales.

Some 206,900 people from Korea visited New South Wales in the last year, spending some \$589 million in our State. Indeed, there are more than 150,000 Koreans living in Australia, with more than 66,617 people of



Korean ancestry calling New South Wales home, according to the last census. Australia and Korea have a special relationship and that relationship is strong in New South Wales. The Korean diaspora is particularly strong in my hometown of Strathfield and throughout other areas of Sydney, particularly Campsie, Epping, Lidcombe, Parramatta and Ryde. I again thank the Korean community for its service to the people of New South Wales and for its continual support of our State in building stronger relations between Australia and Korea. Our best links are those of our people. On National Foundation Day, I wish all Koreans chukha hamnida and congratulations on the Republic of Korea's national day.

### **PREGNANCY SUPPORT SERVICES**

**The Hon. GREG DONNELLY (19:32):** No woman should ever have to feel that the only option she has when confronted with an unplanned pregnancy is a termination. Women should not be made to feel that they have to proceed with a termination because there are no other choices. Creating and supporting the circumstances to make those choices available and accessible should be a goal that we can all agree upon. Across New South Wales and Australia there are a number of individuals and non-governmental organisations working tirelessly to offer emotional support and material assistance to women and families in great need arising from an unplanned pregnancy. Some individuals have been involved in this voluntary work for decades. Most of the not-for-profit organisations manage to survive from small donations and money raised through raffles and other fundraising activities.

I had the privilege last Saturday evening to attend in Pymble the fortieth anniversary dinner of the organisation Pregnancy Help Australia. It is a non-governmental organisation. It is a non-government organisation and, as far as I know, receives no funding from any State, Territory or Commonwealth government. It has been doing its work for a significant period, hence its fortieth anniversary last Saturday. During the dinner there was an opportunity to reflect on the history of this organisation, which gives some useful insight into the work that has been done over a significant period to provide support to women and families with an unplanned pregnancy. A booklet that was issued at the dinner gives a very nice precis of the history. I will pick out some of those events.

In 1972, a long time ago now, in Adelaide, Birthline was established. In 1973 Birthline opened its first pregnancy help centre and soon thereafter, in 1974, an office was established in Newcastle in New South Wales. In 1975 further offices were established in Hobart and the Australian Capital Territory. Over the next few years more centres were opened in cities and towns from Cairns to Hobart, Sydney to Perth and Melbourne to Darwin. In 1979 directors of Birthline decided to organise a conference so that the pregnancy help centres, as they were called, throughout Australia could meet together. The first Australasian conference of Pro-Life Pregnancy Support Service Centres was held at Aquinas College in North Adelaide on 1 to 3 June 1979. At that time of its creation, it was involved in developing its constitution and laws of governance. Its objectives were:

To create a venue for all Pro-Life Pregnancy Centres in Australia and New Zealand to come together; to share with others the value, tasks, variety of service and specified problems; to provide service personnel the opportunity for learning and growth in vision, commitment and skills; and to organise an Australian Federation of Pro-Life Pregnancy Support Services.

Seventy-eight people and 14 agencies attended that conference in June 1979 and on 27 August 1979 the Federation of Pro-Life Pregnancy Support Service Centres in Australia was incorporated. I jump over several years and on 19 June 1993 the federation resolved to change its name to the Australian Federation of Pregnancy Support Services Incorporated. I jump over the nineties and the first and second decades of this century and its work has been progressively expanding. The organisation has offices and support services all around Australia in every State and Territory. It currently operates a 24-hour, seven-day-a-week pregnancy support line. The web address is [www.pregnancysupport.com.au](http://www.pregnancysupport.com.au) and the phone number is 1300 792 798. I commend the work of the organisation and may it continue to prosper in the future.

### **SYDNEY RUNNING EVENTS**

**The Hon. NIALL BLAIR (19:37):** Over the last few months there have been some wonderful running festivals in Sydney. A few weeks ago there was the Sydney Marathon, which included the Sydney Half Marathon and some of the smaller fun run events. Last month the City2Surf was held. These events are great opportunities for people to get out and get active and to try to do their personal best [PB]. In the City2Surf, participants run the 14.5 kilometres from the city all the way to Bondi and up heartbreak hill. Many people put in a great effort and run their PBs. I mention Mr Geoff Trumbull, who ran the City2Surf in under an hour. That is a fantastic effort. Many people attempt to run under the hour, which is a benchmark in the City2Surf. Unfortunately, some fall short.

Commiserations to Lee Jeloscek, who finished with one hour, one minute and two seconds. If he had just been 63 seconds quicker he would have cracked the one hour and if he had not talked up a big game, particularly with the people he ran the event with, he would have been able to walk away with his head held high. There is always next year. Surely he can put all the weight that he has lost recently to good use and train a bit harder. Congratulations to everyone who compete in these great running events and better luck next year Mr Jeloscek.

**The ACTING PRESIDENT (The Hon. Trevor Khan):**

The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 19:39 until Tuesday 15 October 2019 at 14:30.**