



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Thursday, 17 October 2019**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE COUNCIL

**Thursday, 17 October 2019**

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

**The Hon. SCOTT FARLOW** read the prayers.

*Members*

### LEGISLATIVE COUNCIL VACANCY

**The PRESIDENT:** Further to the communication from the Official Secretary acknowledging receipt of the resignation of the Hon. Niall Blair dated 16 October 2019, I report receipt of a communication from Her Excellency the Governor. The Governor's communication has been acknowledged and an entry regarding the resignation of the Hon. Niall Blair from the Fifty-Seventh Parliament has been made in the Register of Members of the Legislative Council.

*Bills*

### RIGHT TO FARM BILL 2019

**Received**

**Bill received from the Legislative Assembly.**

**The PRESIDENT:** According to the resolution of the House of 24 September 2019, as the message on the bill has been received from the Legislative Assembly, the bill now stands referred to Portfolio Committee No. 4 - Industry for inquiry and report.

*Motions*

### WAGGA WAGGA BREASTSCREEN NSW CENTRE

**The Hon. NATASHA MACLAREN-JONES (10:03:47):** I seek leave to amend private members' business item No. 120 outside the order of precedence by omitting paragraph 1 (d).

**Leave granted.**

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

1. That this House notes that:
  - (a) on 11 June 2019, the new BreastScreen NSW centre opened in the heart of Wagga Wagga;
  - (b) the opening of this centre will make it easier for women in the region to access this lifesaving service;
  - (c) the new Wagga Wagga BreastScreen clinic is part of Stage 3 of the Government's \$431 million investment in the Wagga Wagga Base Hospital Redevelopment; and
  - (d) those in attendance at the opening were:
    - (i) the Hon. Natasha Maclaren-Jones, MLC, Parliamentary Secretary for Health;
    - (ii) Ms Jill Ludford, Chief Executive at Murrumbidgee Local Health District;
    - (iii) Ms Debbie Lattimore, BreastScreen NSW director;
    - (iv) Councillor Greg Conkey, OAM, Mayor, Wagga Wagga City Council;
    - (v) Mr Peter Thompson, General Manager, Wagga Wagga City Council; and
    - (vi) the BreastScreen NSW Wagga Wagga team.
2. That this House recognises that:
  - (a) breast cancer is the most common cancer among New South Wales women, with one in eight women in our State developing breast cancer in their life time; and
  - (b) regular breast screening, or mammograms, are the most effective way to detect breast cancer at an early stage.

**Motion agreed to.**

### DUKE OF EDINBURGH'S INTERNATIONAL AWARD—AUSTRALIA

**The Hon. NATASHA MACLAREN-JONES (10:04:37):** I move:

1. That this House congratulates the Duke of Edinburgh's International Award—Australia on 60 years of empowering young Australians aged 14 to 24 to undertake the award and reach their full potential regardless of their location or circumstance, and that since 1959, over 775,000 young people in Australia have participated in the award.
2. That this House notes that His Royal Highness The Prince Edward, Earl of Wessex, KGC, GCVO, visited Australia from Thursday 12 September to Tuesday 17 September 2019 to mark the sixtieth anniversary of the award in Australia.
3. That this House notes that:
  - (a) the Parliamentary Friends of the Duke of Edinburgh's International Award was established by the Hon Natasha Maclaren-Jones, MLC, Chair, and Mr Clayton Barr, member for Cessnock, Deputy Chair, in 2014 and re-established in 2019 to raise awareness of the award in the community and support young Australians to participate in the award; and
  - (b) the Duke of Edinburgh's International Award—Australia is delivered in nearly 2,000 locations and requires more than 62,000 volunteers, mainly as activity assessors for one of the four sections that each award participant needs to complete over six to 18 months.
4. That this House acknowledges and thanks these volunteers for giving their time in order to assist in the delivery of the Duke of Edinburgh's International Award—Australia.

**Motion agreed to.**

#### *Documents*

### **MINISTERIAL CODE OF CONDUCT**

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

**The Hon. ADAM SEARLE (10:05:06):** I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents created since 23 January 2017 in the possession, custody or control of the Premier or the Department of Premier and Cabinet:

- (a) all documents relating to any rulings made by the Premier the Hon. Gladys Berejiklian, MP, in relation to any disclosures made by any Minister or Parliamentary Secretary in respect of satisfying their obligations under the *Ministerial Code of Conduct*; 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.

**Motion agreed to.**

#### **LANDCOM**

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

**The Hon. ADAM SEARLE (10:05:41):** I move:

1. That, under Standing Order 52, there be laid upon the table of the House within seven days the following documents in the possession, custody or control of the Treasurer, the Treasury, Landcom, the Minister for Planning and Public Spaces, the Department of Planning, Industry and Environment, the Premier, or the Department of Premier and Cabinet:
  - (a) the draft report prepared by independent investigator Mr Mark Werman, Wentworth Advantage, into bullying allegations against Landcom Chair, Ms Suzanne Jones, as referred to during the Portfolio Committee No. 7 - Planning and Environment Budget Estimates hearing on 11 September 2019;
  - (b) any performance review or assessment undertaken since January 2017 of the Landcom directors;
  - (c) any documents prepared since January 2017 concerning professional counselling or coaching for Landcom directors; and
  - (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.
2. That documents returned to this order be redacted to remove any identifying personal details of private individuals and Landcom directors other than Ms Jones and Mr John Brogden for general publication but that unredacted documents be provided to the House.

**Motion agreed to.**

#### **LANDCOM**

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

**The Hon. ADAM SEARLE (10:06:00):** I move:

1. That, in view of the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, entitled *Part 2: Landcom return of papers*, dated 2 October 2019, on the disputed claim of privilege on papers relating to Landcom, this House:



- (a) orders that the documents considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk, subject to paragraph 1 (b), 1 (c) and 1 (d);
  - (b) "Personal Information Documents"—redaction of portions identified in paragraph 10 (c) of the Landcom Submission;
  - (c) "Confidential and Commercially Sensitive Documents"—redaction of the following:
    - (i) the portion of Document SEO.000136997 identified in paragraph 6 (a) of the recent Landcom general submission;
    - (ii) the portions of Documents SEO.00137204, SEO.00234445 and SEO.000307901 identified in paragraph 6 (b) of the said submission;
    - (iii) documents SEO.000139651, SEO.000139652 and SEO.000139666 but not the covering page, the Items of Business Page and the section entitled "People and Culture February 2019";
    - (iv) documents SEO.179957, SEO.000201753 and SEO.000225125 but only as regards the information specifically referred to in paragraph 6 (d) of the said submission;
    - (v) documents SEO.000180772 and SEO.0001810871 as regards the material starting with item No. 15 on page 00004 and ending with item No. 10 on page 00006 inclusive;
    - (vi) documents SEO.000181385, SEO.000191744, SEO.193992 and SEO.000250186 as regards the material commencing on page 00003 after "responsibilities and requirements" down to "development intensification" on page 00004 inclusive; and
    - (vii) documents SEO.000217520 and SEO.000234392 as regards:
      - (a) the names of members of the public who have lodged complaints listed in the columns on pages 00076 to 00080; and
      - (b) pages SEO.000217520-000085 to 000109.
  - (d) "Legal Professional Privilege Documents"—redaction of the parts identifying the name of the person involved as well as the health information referred to in paragraph 21 of the Landcom submission;
  - (e) "Confidential staff survey"—redaction of the passages at the bottom of page 3 and top of page 4 of Documents SEO.303326 and SEO.315333; and
  - (f) orders that the Department of Premier and Cabinet produce within seven days of the date of passing of this resolution the redacted version of documents referred to in paragraphs 1 (b), 1 (c) and 1 (d) of this resolution.
2. That, on tabling, the documents are authorised to be published.

**Motion agreed to.**

### *Motions*

## **EXCELLENCE IN FAMILY DAY CARE AWARDS**

**The Hon. BEN FRANKLIN (10:06:26):** I move:

1. That this House notes that:
  - (a) Lennox Head family day care educator Hélène Gatland is the regional winner of the Lismore and Far North Coast 2019 Excellence in Family Day Care Awards;
  - (b) Ms Gatland is one of over 13,000 family day care educators who play an incredibly vital role in the lives of over 126,000 children in Australia; and
  - (c) Ms Gatland has been operating her service, Le Cocon Family Day Care, in the community since arriving in Lennox Head from France in early 2015.
2. That this House notes that:
  - (a) this year a record number of over 5,000 nominations were received for the Excellence in Family Day Care Awards, showing the growing recognition of the sector and the unique benefits in supporting children, families and communities; and
  - (b) the Excellence in Family Day Care Awards is the only national awards dedicated solely to the family day care sector.
3. That this House congratulates and thanks the educators, coordinators and services in the sector who have been recognised for the incredible work they do to ensure high quality early childhood education and care is delivered to children across the country.

**Motion agreed to.**

## **WORLDPRIDE 2023**

**The Hon. PENNY SHARPE (10:06:49):** I move:

1. That this House notes that:

- (a) on Sunday 20 October 2019 in Athens, Sydney Gay and Lesbian Mardi Gras, in concert with Destination NSW and the Department of Premier and Cabinet, will bid to host WorldPride in 2023;
  - (b) for 20 years, WorldPride has gathered Pride Festivals from across the globe to meet in destinations across the northern hemisphere with it taking place in Rome, Jerusalem, London, Toronto, Madrid, New York and soon, Copenhagen;
  - (c) Sydney's bid is our opportunity to bring WorldPride to the southern hemisphere for the first time;
  - (d) WorldPride in Sydney will include opening and closing ceremonies, a pride march and a human rights conference;
  - (e) our First Nations and multicultural communities will also be a significant focus of this international event;
  - (f) WorldPride will showcase not just Sydney but also give a focus to the ongoing struggles for equality experienced by our neighbours in the Asia Pacific region; and
  - (g) 2023 will be a milestone year in Sydney for the lesbian, gay, bisexual, transgender/transsexual, intersex and queer/questioning [LGBTIQ] communities, being the fiftieth anniversary of Australia's first Gay Pride week, the forty-fifth anniversary of Sydney's Mardi Gras and the fifth anniversary of marriage equality in Australia.
2. That this House wishes the team well and looks forward to a successful bid to host WorldPride in Sydney 2023.

**Motion agreed to.**

### **MENTAL HEALTH MONTH**

**The Hon. TARA MORIARTY (10:07:15):** I move:

1. That this House notes that:
  - (a) the month of October is Mental Health Month;
  - (b) Mental Health Month raises awareness about mental health and wellbeing and encourages those suffering to seek help; and
  - (c) a quarter of people in New South Wales experience a mental health illness in any given year.
2. That this House recognises:
  - (a) the great work of nurses, doctors and allied health workers who work tirelessly to improve the lives of others; and
  - (b) organisations, charities and community groups that continuously work to raise awareness and assist people in getting the treatment they need and deserve.
3. That this House acknowledges those suffering from mental health issues and encourages anyone who needs help to reach out to friends, family and local mental health services.

**Motion agreed to.**

### *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 (10:17:03):** I move:

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

1. Item No. 7 in the order of precedence standing in the name of the Hon. Catherine Cusack relating to SHINE For Kids.
2. Item No. 225 in the order of precedence standing in the name of Ms Cate Faehrmann relating to Responsible Gambling Week.
3. Item No. 210 in the order of precedence standing in the name of the Hon. Adam Searle relating to Essential Energy job cuts.
4. Item No. 127 in the order of precedence standing in the name of the Hon. Scott Farlow relating to Harmony Day.
5. Item No. 246 in the order of precedence standing in the name of the Hon. Mark Latham relating to the migration intake in New South Wales.
6. Item No. 258 in the order of precedence standing in the name of the Hon. Adam Searle relating to Labour Day.
7. Item No. 260 in the order of precedence standing in the name of the Hon Mark Banasiak relating to orders for papers concerning Newell Highway government procurement contracts.

8. Item No. 4 in the order of precedence standing in the name of the Hon. Natalie Ward relating to women in sport.
9. Item No. 277 in the order of precedence standing in the name of the Hon. Penny Sharpe relating to Anti-Poverty Week.
10. Item No. 3 in the order of precedence standing in the name of the Hon. Shayne Mallard relating to anti-Semitic symbols.
11. Item No. 269 in the order of precedence standing in the name of Mr David Shoebridge relating to orders for papers concerning the register of certain buildings with combustible cladding in New South Wales.
12. Item No. 1 in the order of precedence standing in the name of the Hon. Adam Searle relating to the Industrial Relations Amendment (Contracts of Carriage) Bill 2019.
13. Item No. 10 in the order of precedence standing in the name of the Hon. Wes Fang relating to National Road Safety Week.
14. Item No. 191 in the order of precedence standing in the name of Reverend the Hon. Fred Nile relating to the Religious Freedom Forum.
15. Item No. 264 in the order of precedence standing in the name of the Hon. Courtney Houssos relating to orders for papers concerning demountable classrooms.
16. Item No. 285 in the order of precedence standing in the name of Mr Justin Field relating to orders for papers concerning the Native Vegetation Code Review.
17. Item No. 217 in the order of precedence standing in the name of Ms Abigail Boyd relating to orders for papers concerning WestConnex.

I indicate to the House that it has been agreed that items at paragraphs 1, 2, 3, 5, 6, 7, 9, 11, 13, 14, 15, 16 and 17 will be considered in short form format.

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

**Motion agreed to.**

#### *Committees*

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

#### **Membership**

**The PRESIDENT:** I inform the House that on 16 October 2019 the Clerk received advice from the Leader of the Government of the following change to membership of the committee:

Ms Cusack in place of Mr Blair, resigned.

#### **Chair**

**The PRESIDENT:** I inform the House that the Leader of the Government has nominated the following member as chair of the committee:

Mr Fang nominated as chair of the Standing Committee on Law and Justice.

#### *Motions*

### **SHINE FOR KIDS**

**The Hon. CATHERINE CUSACK:** I move:

That private members' business item No. 7 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. CATHERINE CUSACK (10:23:37):** I move:

1. That this House notes that:
  - (a) SHINE for Kids is an organisation that conducts research and provides a wide range of support to children, young people and families with relatives in the criminal justice system including legal support, early intervention, mentoring, indigenous outreach programs, family bonding programs and educational services; and
  - (b) children of prisoners are five times more likely than other children to end up in prison themselves.
2. That this House acknowledges:
  - (a) the work and services SHINE for Kids provides to the children, young people and families with relatives in the criminal justice system across New South Wales; and
  - (b) the advocacy of the late Elizabeth Ann Symonds, AM, Patron of SHINE for Kids who was also a former member of this place.

It is an honour to move this motion and to acknowledge the great work of SHINE for Kids, an organisation closely associated with a former member of this place, the Hon. Elizabeth Ann Symonds, and two terrific feminists of the feminocracy, as I think it was known back in the 1980s, Helen L'Orange and Robyn Sexton, who did great work in championing the cause of women in prison and their special needs. Recognition, understanding of and advocacy for children of prisoners evolved out of that work. An interdepartmental committee on children of prisoners was formed because no organisations were meeting that need at the time. In particular, it focused on Mulawa Correctional Centre. I think the Mulawa mothers and babies project was an innovation that came out of that.

Over the years the initiative has been picked up and taken on by the community and by many great organisations, like Zonta International and Sydney Community Foundation, as well as by terrific women in corporate New South Wales who have contributed their skills, advocacy and money. Much of this work is privately funded by women and by awesome men who have been inspired by the cause. SHINE for Kids has become a network for the focus of all people who care about these issues. It is difficult to imagine a more innocent or more vulnerable person than a child whose parent has gone to prison. The SHINE for Kids' 2017-18 annual review refers to the right of kids to dream. It states:

As children, we were given a gift—the gift to dream. Those dreams could be saving the world; or becoming a fireman or even a ballerina.

For some children though, their gift to dream gets interrupted or taken away. Instead of dreaming about how great their lives could be, they instead wish for simpler things—to be held by their Mum or Dad when they're sick; to share with them their news about what happened at school that day; to be hugged; to be tucked in at night; to be with their parents when they are dancing or playing football on the weekend.

These simple acts of childhood love are absent because their Mum or Dad is in jail.

I think it was the philosopher Elbert Hubbard who said, "A true friend is somebody who knows all about you and still loves you." That is the key role that every parent plays in their child's life. The absence of a parent in circumstances that often engulf the family in shame can have significant economic implications, for example, with respect to housing. Children may be removed and placed with foster families or a parent may battle on. In one case that came to the attention of SHINE for Kids a 14-year-old, the oldest child of a family of four, became the responsible adult in the family. Those kids have no experience, they do not have a driver licence and a lot is going against them in life at that point.

Often they love school; school gives them certainty. Working in schools is an important focus of SHINE for Kids. These children do not ask for assistance because it does not occur to them that anybody might be out there to assist them. They do not ring people for help. They do not engage with the criminal justice system because it took their parent away. SHINE for kids is doing an amazing job in reaching out and trying to find the stories of those children. In order for the House to consider the motion today, I have elected to use the short form format. I appreciate the indulgence of members. I highlight a few things that will be helpful for the children for whom SHINE for Kids brilliantly advocates.

Firstly, it is unclear whether the NSW Department of Communities and Justice or Corrective Services NSW is responsible for outcomes of these children. The Government must clarify that as a priority. Secondly, funding for projects like The Miranda Project and the Women's Justice Network is in jeopardy and needs to be secured. Those organisations cannot be disentangled from the great work that SHINE for Kids does because 60 per cent of women in prison have a child under the age of 14. Those projects need certainty to do their best work and to continue their important research. The corrections Minister is very supportive. It would be a great help if Corrective Services NSW noted a prisoner's children on prison records and incorporated their needs into case planning during the prisoner's incarceration, pre-release and post-release. [*Time expired.*]

**The Hon. PENNY SHARPE (10:29:03):** I support the motion moved by the Hon. Catherine Cusack relating to SHINE for Kids. SHINE for Kids is an organisation which supports children whose parents are incarcerated. It was established following incredible work by some in this place including the Hon. Ann Symonds, AM, and others on the poor outcomes for children whose parents are incarcerated. SHINE for Kids has been working ever since, doing a range of important things. It supports kids visiting their parents in jail, making the visitation of a parent a welcoming experience, maintaining the bonds between parents and their children. It also provides other support for kids whose parents are in jail, such as education support or basic things like driving them to and from prison. Prisoners get moved around a lot and it can be a difficult thing for people to do. It also provides mentors for kids whose parents are in prison. One of the key determinants for kids likely to go to jail is if a parent has been incarcerated.

There is a significant amount of work to be done working with Government authorities because children often end up in out-of-home care when a parent goes to jail. SHINE for Kids does an incredible amount of work in a tough environment. Our prison population is increasing with more women going to prison—the vast majority of them for non-violent offences, the vast majority of them having experienced trauma and sexual abuse.

Aboriginal women are also massively over-represented within the prison system. Most of those women have children. The impact on those children is profound so we are lucky to have organisations like SHINE for Kids providing support.

I want to make two points. Firstly, SHINE for Kids exists because of the incredible work of Ann Symonds and other women in producing *A Report into Children of Imprisoned Parents* more than 20 years ago. The committee report made 93 recommendations and it is time for Parliament to revisit those if we are serious about progressing this issue. Secondly, members should consider what it is like for a kid whose parents have been put in jail. They are ashamed. There is stigma. They are often ripped from their homes away from the supports they have known and they cannot talk to anyone about that. SHINE for Kids provides a space in their life when everybody else has gone, and it is incredibly important.

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (10:32:19):** I support the motion moved by the Hon. Catherine Cusack and acknowledge the wonderful work SHINE for Kids does. SHINE for Kids is a much-needed organisation, focused on supporting children and young people with a parent in the criminal justice system. SHINE for Kids is focused on getting the best outcomes for children and young people, providing them, their families and carers with the necessary tools to achieve each child's fullest potential. It provides a wide range of services and support including legal support, early intervention, mentoring, Indigenous outreach programs, family bonding programs and education services.

SHINE for Kids has a clear ethos. It supports children, facilitates hope, inspires kids to reach their potential, nurtures their growth and empowers them to succeed. Research shows that children of prisoners are more likely than other children to end up in the justice system. After working in the space for over 30 years, SHINE for Kids firmly believes that early intervention and a collaborative approach is the most powerful way to reduce the negative effects of parental imprisonment on children and young people. A parent in prison has a huge impact on a child's mental health as it often triggers a move to a new community, a new school and severs ties with existing support networks. All of these are major stresses for anyone, let alone our youngsters.

It is extremely traumatic for children to be separated from their parents. As mental health Minister, I commend SHINE for Kids for addressing this as we know trauma in a young person's life can have an ongoing effect for years. The evidence demonstrates time and time again that these traumatic episodes have long-term lasting impact. Children with parents in prison feel isolated, stigmatised, deserted and frightened. But with the work of SHINE for Kids' programs children and young people are assisted and supported to develop coping mechanisms, providing opportunities for these children to support each other—an important factor in recovery and mental health support. I acknowledge the work of the late Elizabeth Ann Symonds, AM, who was a fierce advocate for social justice and a proud patron of SHINE for Kids from 1999 until her passing. I thank SHINE for Kids for the work it does. I congratulate the Hon. Catherine Cusack for bringing this motion before the House.

**The Hon. BEN FRANKLIN (10:34:56):** I acknowledge the incredible organisation SHINE for Kids, the only not-for-profit charity providing support to children, young people and their families with relatives in the criminal justice system. I particularly acknowledge the Hon. Catherine Cusack for this excellent motion. SHINE for Kids programs provide positive opportunities, reducing the likelihood of children being put in child protection or the justice system and, importantly, helps avoid family separation. SHINE believes in early intervention, focusing on reducing negative effects of parents being imprisoned through positive reinforcement and support venues for families, the child and their parents.

The Early Intervention Placement Prevention program shows how SHINE is intervening early. Its aim is to avoid the rise of issues that can affect families with incarcerated members, by providing critical assistance early, with a focus on support. This is just one example of how SHINE is helping children and families. It has facilities across the State, with a number of child and family services both in urban and regional areas of New South Wales, with a wide range of programs available to those who are not only at risk but who are also in need of a helping hand. Visiting a prison is incredibly scary and overwhelming at times. The facilities SHINE for Kids provides across New South Wales—and indeed nationally—offer child-friendly, supportive venues for all to drop-in when visiting prisons, both before or after the visit. SHINE also provides educational support for primary school aged children, with weekly in-school one-on-one assistance developing literacy and numeracy skills at the same time as increasing self-esteem and confidence. The organisation receives ongoing funding from Corrective Services NSW, the Department of Community Services and others, helping it continue to grow and assist our communities.

With increasing rates of parents incarcerated across Australia, an even greater number of children are at risk of being impacted by the difficulties that go with family members being imprisoned. Consequences range from isolation, moving to a new community and a new school, leaving familiar friends, family and surroundings behind, to even feeling guilty, feeling they must hide their "secret". The need for this type of organisation is clear—focused solely on the children and families, facilitating programs with the expertise and the knowledge

gained over the past three decades it has been in existence. SHINE's vision is to build futures for our kids, which is of paramount importance. The organisation wants futures for children to "shine" so they can be the best person they can be. It is incredibly important to support not only the children of prisoners—who are five times more likely than other children to end up in prison themselves—but also to support families, young people and relatives. I am proud to pay tribute to this important organisation and acknowledge the extraordinary work it does at the coalface of our society.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (10:37:43):** I support this motion and also congratulate and thank the Hon. Catherine Cusack for moving it. I have always been aware of SHINE for Kids but as Aboriginal affairs Minister—given there is an over-representation of Aboriginal people in prison in the criminal justice system and particularly Aboriginal women—I became very aware and appreciative of the important work of SHINE for Kids, particularly in supporting Aboriginal families and those in contact with the criminal justice system. It is very appropriate we are acknowledging SHINE for Kids in Parliament today. I acknowledge Elizabeth Ann Symonds, AC, but also the Hon. Catherine Cusack.

The member has not given herself the mention she deserves. She has held breakfasts in this place over many years—I have attended a few of them—raising awareness of SHINE for Kids and other organisations. A couple of years ago, at one of the breakfasts, a young woman who had been supported by SHINE for Kids spoke about how much that had meant to her and her family. That is incredibly profound. Those are the sorts of stories that we as MPs should be listening to. We should appreciate the work that they do. I think the Hon. Catherine Cusack also organised for some of the profits from one of the parliamentary spring balls to go to SHINE for Kids. I wanted to put that on the record—she might be too humble to say it but I will. I thank the Hon. Catherine Cusack for her important work to support SHINE for Kids. I am very happy to support the motion.

**Mr DAVID SHOEBRIDGE (10:39:33):** On behalf of The Greens, I support the motion on SHINE for Kids and acknowledge its work. I pay tribute to the extraordinary work that Ann Symonds did for not just SHINE for Kids but also prisoners' rights generally. She was a constant advocate for those who have no voice or who are otherwise deeply marginalised. While I acknowledge the work that SHINE for Kids does, I note that the amount of work that it has to do is tragic. SHINE for Kids has to do so much work with children whose parents are in jail because the custodial population, especially that of women, has skyrocketed in the State. According to the latest figures that I have, as at 1 January this year there were 959 women in jail. That is a record. Almost half of them, 400, were on remand and one-third were Aboriginal women, whose average age was between 32 and 33. What does that mean? That means that the mums of hundreds of dependent children have been taken from them and put into jail.

Of those 950-odd women in jail, 558 have dependent children. More than a quarter of them, 266, had dependent children aged between nought and five. There are almost no residential facilities for such kids—there is Jacaranda Cottage with less than 20 beds. That is it. Every time a woman is sent to jail, often on remand, there is a heightened risk of children losing their parents and then being thrown into out-of-home care. A report released yesterday stated that kids in out-of-home care are nine times more likely than other children to go into the juvenile justice system. A record number of women have been put in jail. SHINE for Kids does a record amount of work. I am glad it does that work but let us reduce the amount of work that SHINE for Kids has to do. Let us stop sending so many women, particularly Aboriginal women, to jail. Let us stop the situation where so many dependent kids lose their parents, often go into out-of-home care and are nine times more likely to go into the juvenile justice system. The system has chronic failures. SHINE for Kids does the best it can but it cannot fix the systemic problem. We must stop jailing so many women in the State.

**The Hon. TAYLOR MARTIN (10:42:37):** I support the motion moved by the Hon. Catherine Cusack acknowledging the work and services that SHINE for Kids provides to children, young people and families with relatives in the criminal justice system across New South Wales. SHINE for Kids was established 30 years ago. Over that time, it has pursued its vision:

- to reduce intergenerational crime and build positive futures;
- for community acceptance, care and support for children, young people and their families;
- that addresses the unique challenges of Aboriginal and Torres Strait Islander children and their families;
- that improves the lives of children by expanding the perspective of their parents;
- where the justice system supports the rights of children;
- of a national profile and presence so we can be accessible to more children.

The vision to reduce intergenerational crime is absolutely necessary; it is paramount. As the motion highlights, children of prisoners are five times more likely than other kids to end up in prison. That is extremely concerning and it is great that SHINE for Kids does such incredible work to address the inhumanity. Beyond that noble aim,

though, the practical reason for that figure to be addressed is to reduce the wider damage to all society from people being imprisoned. The work SHINE for Kids does is impressive and the numbers published in its annual report are staggering: It has operations at 15 correctional facilities and four juvenile justice centres; it has more than 200 volunteers and 48 staff who last year supported 18,035 child visitations from 4,987 families; it held 35 child and parent activity days, with 1,242 children and 205 inmates participating.

At the Frank Baxter Youth Justice Centre at Kariong, SHINE for Kids runs Stand As One, a program specifically for young people in the justice system. Stand As One links a young person with a volunteer mentor who assists them with finding accommodation and employment, as well as being an understanding and supportive presence as the young person leaves detention, which is extremely important. Through the program, SHINE for Kids has found that if young people are supported before they leave the centre, they transition back particularly well into the community. I congratulate SHINE for Kids on its outstanding work and thank the Hon. Catherine Cusack for bringing this motion in this place and for her tireless advocacy in this space. I commend the motion.

**The Hon. WES FANG (10:45:27):** SHINE for Kids was created as a Children of Prisoners Support Group following the release of the *Children of Imprisoned Parents* report commissioned by the Family and Children's Services Agency in March 1982. SHINE for Kids supports children, young people and families with relatives in the criminal justice system and it stands for five elements in its work: It supports children, facilitates hope, inspires kids to reach their potential, nurtures their growth and empowers them to succeed. For over 30 years SHINE for Kids has assisted children and young people with a relative in the criminal justice system. At any one time, approximately 15,000 children in New South Wales are directly affected by the imprisonment of a parent. Approximately 60,000 children under the age of 16 have experienced parental incarceration at some point in their lives.

Those children are hidden in the community and feel very isolated and stigmatised. SHINE for Kids assists and supports children of prisoners to develop coping mechanisms and provides opportunities for them to support each other. I would like to focus on how SHINE for Kids is helping Indigenous children and parents. For example, in 2012 with financial assistance of the Indigenous Coordination Centres at Dubbo and Wagga Wagga, NAIDOC family fun days were held at Bathurst, Wellington, Junee and the Mid North Coast correctional centres with the support of Aboriginal elder Aunty Raylene Ballangarry. Inmates from all sectors enjoyed the traditional food, dancing and painting. At Parklea, children were shown paintings by Aboriginal artists. The kids were surprised that they did not need to use a paintbrush for their own dot painting.

At Cessnock the children enjoyed painting their own boomerangs. As noted by *The Daily Advertiser*, as part of the local community celebrations during NAIDOC week in 2014, the Wagga Wagga Art Gallery in partnership with SHINE for Kids was proud to showcase an exhibition of Indigenous artwork created by the talented participants of the Colourful Dreaming Program. The SHINE for Kids Colourful Dreaming Program used the world of art to encourage the connection of imprisoned fathers to their children while expanding their view of themselves and their world. The program has been instrumental in elevating the self-confidence of the men participating in the program. The children also benefit by being able to experience a renewed connection to the community. I congratulate SHINE for Kids on its incredible work in Wagga Wagga and the Riverina. I thank the Hon. Catherine Cusack for moving the wonderful motion.

**The Hon. MATTHEW MASON-COX (10:48:34):** I also join with members to thank the Hon. Catherine Cusack for moving the motion before the House. It is a confronting area. I reflect on some comments from other members relating to the circumstances that children find themselves in because of their mother or father being incarcerated. In those situations, the support of those children is most important.

It is particularly concerning to hear about the increase in prevalence and likelihood of those children being victims of the Youth Justice system. We understand the issues in relation to out-of-home care, which have been discussed in this place many times before. As Chair of the committee responsible for children and young people, it was interesting to hear that we have not looked into this area for some 20 years. It is certainly an area that the committee might consider an inquiry into. I would be happy to follow that up on behalf of members to see whether the interest is there.

It is a very confronting area but one of the central issues that is perhaps not discussed most fulsomely is government funding of this very worthwhile service. I note that the funding for SHINE for Kids is around \$300 million per year, for which State governments provide about \$1.5 million and the Federal Government about \$800,000 a year. I understand that the service is not provided at many correctional facilities, a number of which are in regional and rural areas, because of the funding shortfall so the support is not there for children. I think that is an appalling shortfall and something that this Parliament should look into. We should be looking very carefully at the funding for this important service and the support we provide to those kids, who are the victims through no fault of their own. With those few words I associate myself with this motion. I hope that as a Parliament we can do something more very soon in this area.

**The Hon. NATASHA MACLAREN-JONES (10:51:34):** I will be quite brief. Firstly, I commend the Hon. Catherine Cusack for moving this important motion. She has done a lot of work in this space to raise awareness of organisations that not only support children whose parents are in prison, but also particularly those that support women in prison and reducing recidivism. I had not been to a prison prior to working as Chair of the Standing Committee on Law and Justice, when we did the inquiry into people serving life sentences. Visiting a maximum security prison was quite confronting. I cannot imagine what it would be like for a child. I commend the work organisations such as SHINE for Kids do to support not only children but also families and ensuring that bond and that relationship between parents and children is maintained, particularly in those critical years. Women are not often necessarily in the prison system for a long period of time but they may unfortunately go back for a variety of different reasons. The more we can maintain that relationship and support those children going forward, the better.

I also mention the Mothers and Children Program that Corrective Services NSW runs, which is a residential program where children from birth up to about four years of age can stay with their mother. Obviously it is for a shorter period of time, but that opportunity for bonding is important and it is an important program. I had an opportunity to go to Emu Plains Correctional Centre and see it firsthand. A number of years ago in the United Kingdom I went to a women's prison and saw a program that is run for a longer period of time. Again, mothers can come in pregnant, have their children and stay with them up until when they go to school. Those programs are extremely important, but a lot of this cannot be done by government alone. That is why organisations such as SHINE for Kids and others out there—such as Lou's Place, which runs The Miranda Project—do a lot of work to support our prisoners, particularly our children and their families. I commend the motion to the House.

**The Hon. CATHERINE CUSACK (10:54:00):** In reply: I thank the Hon. Penny Sharpe, Minister Bronnie Taylor, Minister Sarah Mitchell, the Hon. Ben Franklin, the Hon. Wes Fang, the Hon. Taylor Martin, Mr David Shoebridge, the Hon. Matthew Mason-Cox and the Hon. Natasha Maclaren-Jones for their contributions. It has been an awesome use of this new short form format for the House to reflect upon the important work of SHINE for Kids and I am delighted that so many members have made these remarks. SHINE for Kids holds its breakfasts in this building in order to bring the children here to tell their stories, which are incredibly powerful and moving—there is not a dry eye in the room. I moved this motion to raise further awareness. I acknowledge and thank the Hon. Matthew Mason-Cox for his thoughts about an inquiry. It is an awesome idea that is very timely to build on the work that the Hon. Ann Symonds has done and to review the progress we have made since her important work. This House is associated with that initiative, which is another reason to be a proud member of the Legislative Council. Thank you.

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

**Motion agreed to.**

#### *Visitors*

#### **VISITORS**

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** I acknowledge the presence in the gallery of Mr Bruce Dalkeith, who is a guest of the Hon. Mark Buttigieg, MLC, Opposition Whip. He is most welcome.

#### *Motions*

#### **RESPONSIBLE GAMBLING AWARENESS WEEK**

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 225 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (10:56:22):** I move:

1. That this House notes that:

- (a) 16 to 22 September 2019 is Responsible Gambling Awareness Week in New South Wales;
- (b) Victoria and the Australian Capital Territory hold Gambling Harm Awareness Week instead of Responsible Gambling Awareness Week to better reflect the considerable harm gambling causes to individuals, families and communities;
- (c) Australia's pub and club poker machines account for 76 per cent of the world's pub and club poker machines, although we have only 0.3 per cent of the world's population;



- (d) 95,800 of Australia's pokies are in New South Wales, a State total only beaten by Nevada, home of Las Vegas;
  - (e) according to Australian gambling statistics data from 2016, the people of New South Wales lost more than \$6 billion that year, accounting for nearly half of the nationwide total;
  - (f) for every problem gambler, six to 10 other people are affected;
  - (g) the average annual loss by people harmed by gambling is \$21,000;
  - (h) research by the Victorian Responsible Gambling Foundation showed that 85 per cent of harm caused by gambling is experienced by low-medium risk gamblers; and
  - (i) over the next decade, it is predicted that losses in pubs will rise by 50 per cent and the people of New South Wales will gamble away \$85 million on pokies.
2. That this House calls on the Government to change the name of Responsible Gambling Awareness Week to Gambling Harm Awareness Week.

Victoria and the Australian Capital Territory have both made the decision to change the name of Responsible Gambling Awareness Week to Gambling Harm Awareness Week, to better reflect the devastation that gambling creates for individuals, families and communities. To continue to hold Responsible Gambling Awareness Week in the State that has the second highest number of poker machines in the world after Nevada is a complete joke. In 2016 alone the people of New South Wales lost more than \$6 billion to poker machines. Compare that with Victoria's record loss of \$2.7 million in 2018 and you can see that our State has a pretty big problem with gambling.

An analysis of poker machine and local council data across the State shows that pokies are far more common in poorer, less educated areas and that the losses per machine are far higher in areas where residents can least afford them. The Fairfield local government area has an average household loss per year of \$5,668, where the median wage is only \$63,544. Even worse is Murray River Council, which shows a shocking loss of \$8,864 per household per year, where the median yearly wage is only \$55,172. That is absolutely shocking. Machine numbers per household also tell a disturbing story: There is less than one machine per household for Woollahra, Ku-ring-gai and Hunters Hill—while Murray River had 16 machines per household; Fairfield, five machines; Cumberland, three machines; and Canterbury Bankstown, 3.3 machines.

Even more shocking is that this research only encompassed poker machine information for clubs and did not include hotels. With very little research being done on problem gambling in New South Wales, it is hard to determine just how much harm our communities are suffering. Members in this Chamber often squabble over the impact of a few hundred dollars lost each year to high electricity prices, for example, or contributing to the climate fund. But when it comes to some of our State's most disadvantaged families losing out on thousands of dollars because of problem gambling and the predatory nature of hotels, clubs and pubs, members on the opposite side of the Chamber and sometimes members on this side of the Chamber are strangely silent.

It becomes less strange once you realise that the State received \$776 million in State gaming taxes last year, up from \$414 million in 2003. But pokies do not provide a net social benefit. For every problem gambler, six to 10 other people are affected. The economic and social losses of problem gambling outweigh the tax benefits received by the State Government. It leaves an underfunded welfare system and already strained charity groups to pick up the pieces when lives and families are destroyed by gambling addiction. David Kelly, Senior Operations Manager—Health at the St Vincent de Paul Society NSW, describes the charity's experience with problem gamblers:

Often people who are struggling with the harms related to their gambling will come to Vinnies for other reasons caused or exacerbated by their gambling - they need help with their finances, relationship breakdowns, job loss, mental health or emotional concerns or with homelessness or issues around alcohol and other drugs.

Unlike harmful use of some drugs, problematic gambling often "creeps up" on people. Gambling, particularly on the pokies, is socially acceptable and problematic use is often hidden or not well recognised early enough.

This is made worse by how deeply embedded pubs and clubs are in our communities, as they are often the centre of social activity in regional towns and, indeed, some suburbs in Sydney. This means that for those who are vulnerable to addictive behaviour, pokies are lurking around the corner every time they catch up with their mates for a beer or simply attend a community event. Now, with the Government's latest agreement with ClubsNSW, we can look forward to seeing Service NSW kiosks and TAFE classes inside clubs.

The State is addicted to poorly regulated and crippling addictive pokie machines as one of its major sources of revenue. This motion is calling for the Government to change the name of Responsible Gambling Awareness Week to Gambling Harm Awareness Week. Responsible Gambling Awareness Week is shifting the blame to the gambler when we need to focus on the industry. I urge members to support the motion.

**The Hon. NATALIE WARD (11:01:18):** I oppose the motion. Responsible Gambling Awareness Week is an opportunity to increase the community's understanding of risky gambling behaviour, to encourage people to recognise when their gambling may place them at risk of harm, and to provide information on practical ways to keep gambling under control and how to get free help if needed. The New South Wales Government is committed to providing support and counselling services to vulnerable members of our community who experience issues from gambling, including issues affecting their families.

More than 50 organisations across New South Wales are currently funded to deliver free face-to-face telephone and online counselling and support from Gambling Help. Support is available in more than 250 rural, regional and metropolitan locations in New South Wales. It includes specific support services for women and for people from Aboriginal and multicultural communities, with services in more than 30 languages. There is also financial counselling and legal support. The New South Wales Government also manages The Gambling Help Online national program on behalf of all State and Territory jurisdictions. This includes a national website through which anyone affected by gambling can access online support services such as online chat, discussion boards, email support, self-help tools, SMS support and online assessments.

In 2018-19 these services delivered 33,000 counselling sessions to over 7,300 clients. One-third of those clients were family members of gamblers. The NSW Gambling Help telephone line answered almost 9,000 calls, providing crisis support, referrals to other services and telephone counselling sessions. In addition, more than 3,600 counselling sessions for New South Wales residents were delivered online through the national Gambling Help Online website. Whilst the Government's Gambling Help services support many people, we know that due to stigma, denial and embarrassment only 10 per cent of people with gambling problems seek help.

Responsible Gambling Awareness Week is also about encouraging the community to start a conversation with someone they know who may be displaying signs of risky gambling behaviour or distress. We want to make these conversations normal, not a source of shame or embarrassment, and let people know that there is help out there and that they can overcome their gambling addiction. The Office of Responsible Gambling is currently examining how the impact and reach of Gambling Help services can be improved, as well as using digital innovation to widen our reach and better connect clients to social and health services where needed.

We want to prevent people from getting to a crisis point where they experience severe harm from gambling. This means focusing on prevention and early intervention, building the capacity and capability of current services as well as introducing more digital delivery of services. The Office of Responsible Gambling has also funded a broad range of small and large projects to prevent and reduce gambling harm and improve treatment options. In Fairfield, the South Western Sydney Primary Health Network received \$235,000 to develop an integrated model for problem gambling screening and referral. This work is currently underway and will improve connections with health services. [*Time expired.*]

**The Hon. DANIEL MOOKHEY (11:04:25):** It is a pleasure for me to lead for the Labor Opposition in debate on this motion. I say at the outset that we will be supporting the motion. The motion moved by Ms Cate Faehrmann notes 16 to 22 September 2019 was Responsible Gambling Awareness Week in New South Wales. The motion further notes that 95,800 of Australia's pokies are in New South Wales—a State total only beaten by Nevada, the home of Las Vegas. We are also told that according to Australian Gambling Statistics data from 2016, the people of New South Wales lost more than \$6 billion to poker machines that year, accounting for nearly half of the nationwide total; that for every problem gambler six to 10 other people are affected; and that the average annual loss by people harmed by gambling is \$21,000. They are quite alarming statistics that point to the complexities that surround the practice of gambling in this State, particularly gambling through poker machines.

The substance of the motion calls for the name of Responsible Gambling Awareness Week to be changed to Gambling Harm Awareness Week, which will align New South Wales with practices that have been engaged in the Australian Capital Territory and Victoria. It is not always opportune to debate matters of linguistics, but on this issue it is important. The purpose of Responsible Gambling Awareness Week is not to promote gambling, even if it is responsible gambling; it is to note that the harm that is being inflicted on a minority of the population is affecting quite a large range of people. If we are serious about the purpose of having an awareness week then we should call it what it is: a week in which we are able to draw to the community's attention the harm that results from gambling.

Changing the name from Responsible Gambling Awareness Week to Gambling Harm Awareness Week is far more likely to achieve the proper policy objectives we set for the week: to draw attention to the harm that flows from gambling. Having heard the Government's objections to this motion, I am still not sure what they were precisely. But as a general proposition we should call it what it is. We recognise that people have a right to make choices about how they spend their income, including a right to participate in gambling, but we also understand that gambling can create great harm. The balance that has been struck in the past few decades has been to be able to prosecute both cases at the same time: We can respect people's rights and, at the same time, we can draw

attention to the societal harm that can result from excessive and problematic gambling. Changing the name from Responsible Gambling Awareness Week to Gambling Harm Awareness Week is far more likely to achieve that objective. On that basis, we have no objection to the motion.

**Mr JUSTIN FIELD (11:07:01):** I support this excellent motion from The Greens. New South Wales residents lose more money per person on gambling than those from any other State in Australia, and Australia loses more money per person on gambling than any other country. This is not an accident; this is by design. We are one of a handful of jurisdictions in the world that allow poker machines in local hotels and clubs. Most places in the world limit the machines to casinos. Our gambling harm is happening inside our local communities and it manifests in financial distress, housing insecurity and homelessness, relationship breakdowns, domestic violence and self-harm. Gambling harm is a result of bad decisions that have been made in this place over many decades, and the solutions must start here.

A good start is to acknowledge what is going on and that it is causing harm in our community. Our responsibility as parliamentarians is not about managing gambling responsibly on behalf of unsavoury industries; it is about reducing the harm that gambling is having inside our communities. We are not here to give cover to casinos that currently are operating more like money laundering businesses in this country. We are not here to give a steady stream of profits to the pub barons. We are not here to give favourable tax breaks and favourable marketing arrangements to the racing industry that offer no discernible public benefit. We are here for people in New South Wales and on this issue we should be seeking to reduce the harm caused by the gambling industry.

The Office of Responsible Gambling—we should acknowledge here today that we should call it the Office for the Prevention of Gambling Harm—reports that online gambling is growing exponentially, and that is on top of an explosion in poker machine profits, which are set to reach \$7 billion in New South Wales by 2022. They are profits to the industry, not profits to the public—they represent losses to the public. Now we are seeing online gambling growing exponentially. The strategic plan recognises that this is having a normalising effect on gambling. It recognises that between 2011 and 2015 advertising on gambling rose from \$91 million to \$236 million. I am sure it is much more now.

You only have to take a ride on a train today to see the blanket of green TAB advertising that is on all of our public transport facilities. It is at our train stations and on our trains and buses. How many kids are being exposed to gambling advertising for one bloody stupid race in this State? In 2018 the CEO of Racing NSW, Peter V'landys, wrote to the New South Wales gaming Minister. He wanted racing content on radio, online or TV broadcast to be exempt from inducement restrictions. He argued:

Wagering is thoroughbred racing's primary source of income and its *raison d'être*.

He also commented:

The sustainability and growth of our racing industry is highly dependent on media distribution and promotion.

We have got an absurd connection between racing, gambling, online advertising and this Parliament. That is what is causing gambling harm in this State.

**The Hon. CATHERINE CUSACK (11:20:20):** Responsible Gambling Awareness Week is an opportunity to promote responsible gambling behaviour and improve the community's understanding of risky gambling behaviour. The New South Wales Government recognises that many people can gamble recreationally without experiencing harm. However, for some people gambling can cause individual and social challenges. The Government is committed to preventing and reducing harm from gambling. The focus of responsible gambling programs span prevention, early intervention and treatment. Strengthening the Responsible Gambling Fund trust, which advises the New South Wales Government on responsible gambling and the creation of a dedicated Office of Responsible Gambling, in late 2017 confirmed our commitment to preventing and minimising gambling-related harm.

In 2019-20, \$35 million has been allocated to responsible gambling programs and initiatives to prevent and minimise gambling harm, promote a safe gambling environment and support those impacted by problem gambling. That is an increase of \$10 million on the 2018-19 budget. Further, \$5.3 million is allocated to education and awareness programs to encourage responsible gambling, assist the people of New South Wales to make informed choices by understanding the risks of harm, and build resilience in the community. Programs include broad awareness campaigns such as Responsible Gambling Awareness Week, targeted advertising and grassroots programs aimed at particularly vulnerable communities. It is an opportunity to increase the community's understanding of risky gambling behaviour, to encourage people to recognise when their gambling may place them at risk of harm and to provide information on practical ways to keep gambling under control and how to get free help if they need it.

People sharing their own stories of overcoming gambling addiction can be very powerful. The Government has funded a lived experience program which trains people with experiences of gambling harm to tell their stories and educate the community. Over 50 education sessions will be delivered in locations across New South Wales in partnership with local community groups. The Government's innovative and successful awareness campaign Betiquette was developed in 2017 to address the normalisation of online sports betting and to empower young men to remain in control when betting and make responsible decisions. The digital and social media campaign saw two-thirds of the target audience taking action as a result. The campaign was re-run in 2018 and is currently being refined to build on its success to date.

**Ms CATE FAEHRMANN (11:13:14):** In reply: I thank the speakers in debate on this motion, the Hon. Natalie Ward, the Hon. Daniel Mookhey, Mr Justin Field and the Hon. Catherine Cusack. I note that the Hon. Natalie Ward lives on the northern beaches. The Northern Beaches Council recently backed a plan to reduce poker machine use. That was done in an alliance between the Liberals and The Greens on council, which is interesting. It was a bipartisan move between the Liberals and The Greens after they recognised the harm that was being caused to members of their community. Families from the community came to the council meeting to talk about the extreme harm that poker machines had had on them. Ms Van Duinen presented to the council meeting after her son Gary took his own life, which is a tragedy that the family blames on his gambling addiction. She told the council that before her son's death she had no idea how many other people's lives were destroyed by gambling. She said:

I was shattered at the number of people affected, the amount of money spent and the heartache it caused families.

My son received no support from the club whatsoever, just encouragement to gamble more.

In telling her story, that mother was able to persuade the Liberal councillors at the meeting. I urge Government members to reconsider. The harm caused to families by gambling is real. The harm can be devastating, as Ms Van Duinen's story conveys. I urge members to support the motion. It is really not a big ask. It simply acknowledges that gambling causes harm and seeks to change the name of the week to represent that. Then the industry can accept and take some responsibility for the harm it causes to communities.

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

**Motion agreed to.**

### *Bills*

## **ROAD TRANSPORT AMENDMENT (MISCELLANEOUS) BILL 2019**

### **First Reading**

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

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

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

**Motion agreed to.**

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

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

**Motion agreed to.**

### *Motions*

## **ESSENTIAL ENERGY JOB CUTS**

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

That private members' business item No. 210 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (11:17:40):** I move:

1. That this House notes that:

- (a) on 18 June this year the Premier assured "every rural and regional community that their government jobs are protected";

- (b) in July, Essential Energy said it would cut 182 jobs across rural and regional New South Wales by September with hundreds of further jobs to be cut by 2024;
  - (c) for five weeks, the Liberal and National parties tore each other apart over the proposed job cuts, while the affected workers at Essential Energy and their families were left in limbo;
  - (d) on and from 20 August 2019 the Deputy Premier and the Minister for Energy and Environment have each claimed credit for the New South Wales Government stopping the 182 job cuts;
  - (e) the Berejiklian Government has given no commitment to saving the hundreds of further jobs proposed to be cut by Essential Energy by 2024;
  - (f) on 13 September 2019 the Minister for Energy and Environment revealed that the New South Wales Government has not in fact directed Essential Energy to save the 182 jobs; and
  - (g) on the same day, the Chief Executive Officer of Essential Energy revealed that the draft direction received from the New South Wales Government provides only a 12-month deferral of the proposed job cuts.
2. That this House:
- (a) condemns the Berejiklian Government for not keeping its commitment to protect government jobs in rural and regional New South Wales; and
  - (b) calls on the Berejiklian Government to permanently abandon all job cuts proposed by Essential Energy.

This issue has been well canvassed in the public domain and in the budget estimates processes, but I will reacquaint members of the House. In June this year the Premier and the Deputy Premier each made a commitment that every rural and regional community would have their government jobs protected. No sooner had the echo of their words died on the air than the last remaining wholly government owned electricity distributor, Essential Energy, announced it would cut 182 jobs across rural and regional New South Wales by September. Further, hundreds more jobs would be cut by 2024. What transpired after that was the unedifying spectacle of the Deputy Premier, and Leader of The Nationals, touring the State, claiming that he would protect those jobs while his Liberal masters remained utterly intransigent. Eventually, it was announced that the jobs would not be cut. Now again we have the spectacle of the relevant Ministers—Minister Kean and the Deputy Premier—each trying to take credit for saving those 182 jobs.

It transpired through the budget estimates process that the Government had not issued a formal legal direction to Essential Energy. Worse than that, the Minister conceded that the Government had not notified Essential Energy of the so-called government policy of protecting rural and regional jobs and that was why Essential Energy was able to move to cut the jobs in the first place. After the pandemonium and anxiety that was induced in the workers and their families all over the State, all that has happened to date is that Minister Kean has sent to Essential Energy a draft direction.

Upon further digging, it turns out that the draft direction does not save the 182 jobs; it postpones the job cuts for 12 months. Worse still, the further 400 proposed job cuts—I say 400 because that was the number confirmed by the Chief Executive Officer of Essential Energy during budget estimates—between now and 2024 are still on the table for consideration. The Government is trying to persuade the community that it has listened and it is saving those jobs but no such thing has occurred. The Government is still chasing its tail trying to work out what its true policy is. To put it in context, the 182 jobs proposed to be cut by September this year were to save the corporation about \$23 million annually and the further 400 jobs would save it approximately \$246 million through to June 2024. That is over a quarter of a billion dollars in savings, but it will have an inestimable impact in terms of devastation of local communities.

Imagine the impact of taking more than a quarter of a billion dollars out of rural and regional economies. There is a standard metric to work out the downstream effect: A dollar of investment in a local economy has a sevenfold downstream impact. That is well over a billion dollars of overall impact in the communities where the jobs would be removed. There will be a massive negative financial impact occasioned to rural and regional New South Wales, which is already struggling with drought, indifferent economic growth and, in some cases, stagnation and economic contraction. It would be unconscionable for a government to allow that to occur. We have brought this motion to the House to persuade the Government to not only make the direction to permanently save the 182 jobs but also take off the table the spectre of a further 400 job cuts and the negative impact on families, workers and rural and regional economies from the loss of \$1 billion if those cuts were allowed to proceed.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (11:22:44):** The Government opposes the motion and is proud to have stood up to protect the jobs of regional workers. We continue our commitment to all workers in rural and regional New South Wales. Since April 2011 this Government has added 114,350 jobs in regional New South Wales. Some 48,636 of those jobs were in the greater Hunter and 14,407 were in the Murray region. The Government has a history of supporting rural and regional communities in New South Wales. The Government's support is unwavering, particularly as those communities face the worst

drought in living memory. The Government's action in the case of Essential Energy is the most recent example of that. This motion raises an issue that was discussed at length with the energy and environment Minister during his budget estimates hearing. The reality is that members opposite do not like good news. Not only does the Opposition not like good news, the motion also puts Labor at odds with the Electrical Trades Union [ETU]. The ETU issued a media release on 20 August not condemning the Government but welcoming the energy Minister's directive. I quote directly from the union's media release. It states:

ETU Assistant Secretary Ben Lister congratulated Mr Kean on the intervention, but also praised the efforts of Deputy Premier John Barilaro and many of his Nationals colleagues who have been fighting to save the jobs.

"Our members could not be happier with the announcement that these job cuts have been halted, and energy Minister Matt Kean and Deputy Premier John Barilaro deserve genuine praise for their efforts to find a solution that could keep these regional workers employed."

The ETU concludes:

We will continue to work with the company, the New South Wales Government, and local MPs to find alternative options that can deliver cost savings and new revenue streams rather than seeing jobs lost.

That is what the ETU wants to see, that is what the Government wants to see and it is what those opposite should want to see. The Government does not support this motion. The Government should not be condemned; it should be congratulated. I call on the honourable members of the crossbench to acknowledge the work of the energy and environment Minister and the Deputy Premier in protecting rural and regional jobs. I call on them to join the Government in opposing this motion and acknowledging that this side of the House is the friend of the worker and it protects jobs.

**The Hon. MARK BUTTIGIEG (11:25:47):** The reason that we are persisting with this, as my colleague the Hon. Adam Searle pointed out, is that the Government has not done anything other than give these people a reprieve. The Government's own people admitted that in budget estimates. When pressed on this in his hearing, Minister Kean responded, "Well, you know, these things are contingent on things like the drought because we understand that regional communities are suffering under the weight of the drought and we want to make sure that regional jobs are protected during these difficult times." But, as my colleague pointed out, in a subsequent hearing Essential Energy CEO John Cleland belled the cat concerning the draft direction. He said that the draft direction only guarantees the jobs for 12 months. If the Government really wanted to guarantee these jobs and if it was fair dinkum about making sure that the communities it represents in areas such as Port Macquarie, Tamworth and the regional areas where the Essential Energy jobs are crucial—

**The Hon. Wes Fang:** Have you been there? Have you ever been there?

**The Hon. MARK BUTTIGIEG:** I have been there many times.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** Order! Members will address their remarks through the Chair. The Hon. Wes Fang will have an opportunity to speak in a moment. He will cease interjecting.

**The Hon. MARK BUTTIGIEG:** If Government members are serious about doing their job and representing their constituents, how about they get their Minister to issue the final directive to say that these jobs are off the table and they are protected for the term of this Government? We will then congratulate them, because that is what we want. The truth is that the only reason we are debating the motion is because the Electrical Trades Union, the United Service Union and Professionals Australia raised this as an issue. They are close to their members on the ground and they know what is going on. They know better than anyone in this Chamber about what is going on in those rural communities. They raised it, it became a political issue and Minister Barilaro jumped up and down and tried to take credit for it.

**The Hon. Wes Fang:** Point of order: I recognise the honourable member is new to this place but he should refer to members in both Houses by their correct title.

**The Hon. MARK BUTTIGIEG:** To the point of order: I referred to him by his correct title—Minister Barilaro. If they guarantee those jobs I will congratulate Government members in the Chamber on doing what they should do. They should not prevaricate and leave people with uncertainty about their job security.

**The Hon. WES FANG (11:28:57):** As a member of The Nationals representing regional constituents, I am only too aware of the impact jobs losses can have on families and towns in the bush, especially given the unprecedented drought conditions facing most of the State. That is why the Liberal-Nationals Government has committed to no public sector job cuts during this period. We know the effects of the drought stem beyond the farm gate, and each job in regional New South Wales is as important as the next. It is thanks to the Liberals and Nationals in New South Wales that Essential Energy has halted its plans to cut jobs across the State.

Regional New South Wales is continuing to suffer through the worst drought on record and job losses are the last thing we need. Labor and other minor parties have used this issue as nothing more than a political football, and they should all hang their head in shame. It is the New South Wales Nationals that have been able to deliver this outcome for workers and families across the State. Essential Energy will report regularly to the Government on how it can deliver efficiencies and continue to put downward pressure on network charges as required by the Australian Energy Regulator.

It is absolutely disgraceful to be having this debate because when the Government's intentions are questioned it creates fear in workers and families. This Government has made a commitment and will deliver it. Those opposite should stop trying to distract from all the other problems they are faced with, and stop scaring regional workers. They should back them in and back this Government in on its decisions. They should back this Government, which supports rural and regional communities. They should back this Government, which every day fights for people in the bush. They should back this Government, which is sorting out what we can do for bush communities who are in the middle of a drought. They should hang their head in shame.

**Mr DAVID SHOEBRIDGE (11:31:22):** On behalf of The Greens, I support the motion moved by the Hon. Adam Searle. A commercial-in-confidence document of Essential Energy has found its way into the hands of the Electrical Trade Union, and good on the ETU for getting it. At this point I also commend the work of other unions in the area such as the United Services Union and Professionals Australia. The ETU has a document authored by Essential Energy which clearly shows in a simple graph—and honourable members on the other side can get a copy—a forecast that its job numbers will fall from 3,000 full-time equivalents in the financial year 2019 to 2,500 full-time equivalents in the financial year 2024.

That is not scaremongering from the unions; that is the commercial-in-confidence document that Essential Energy tried to hide. Who blew the whistle? It was when Essential Energy said it was going to sack 182 workers in this financial year. Another 500 are due to be chopped. That is not the basis of scaremongering from the unions but from Essential Energy's own documents, forecast and graphs that it will cut 500 jobs in the bush. The Hon. Wes Fang said the Opposition and The Greens are scaremongering, but the scaremongering is coming from Essential Energy's own documents. Why will the Government not be honest about it? Instead, we have a draft direction, which does not seem to have been finally implemented, to protect just 182 jobs for just 12 months.

A freight train being driven by the Berejiklian Government is coming to regional New South Wales and its aim is to strip 20 to 25 per cent of the workforce out of Essential Energy, and this Government is in denial. The Government should either reject Essential Energy's documents, which show it is going to cut 500 workers, or stop pontificating and pretending it is here for jobs for regional New South Wales. Under this Government's direction, the failure of its Ministers to intervene and commit to the protection of Essential Energy jobs, whose forecast suggests it is going to cut 500 jobs, shows it is rhetoric over reality. When the Hon. Wes Fang said that it is about job security and scaring workers in the regions, they are scared because his Government is not telling them the truth.

**The Hon. ADAM SEARLE (11:34:06):** In reply: We have heard today a woeful set of contributions from a tatty Government caught out as either negligent or mendacious in its treatment of the Essential Energy workforce and rural and regional communities more generally. It is those opposite who should hang their head in shame. Why? Because if the Government had a policy of protecting rural and regional government jobs, as the Premier claimed, why then did the Minister not communicate that government policy to the board of Essential Energy? The whole project of potential job cuts would never have arisen if the Government had told Essential Energy about its policy of not cutting rural and regional jobs. But the Government chose not to tell the board. It allowed Essential Energy to go down the path of planning to cut nearly 600 jobs—182 to be slated to be cut by September and the other 400 by 2024. As Mr David Shoebridge indicated, this was not a Labor Party or union scare campaign, this comes from a commercial-in-confidence document produced by Essential Energy management.

In answer to another question, the Leader of the Opposition, the Deputy Leader of the Opposition in the other place and I went to Port Macquarie to meet with many of the affected workforce and their families who were most anxious and very distressed. They invited us to Port Macquarie so they could hear what we were going to do to help protect their jobs. They had lost confidence in the Government because they wondered why the Government had allowed Essential Energy to go down this path, even temporarily. If those opposite are serious about protecting the jobs in question, or jobs across rural and regional Australia, or New South Wales more generally, they should make it clear to its own entities that those jobs are off the menu, and tell them they cannot use this avenue as a way to reduce recurrent expenditure in the business.

In budget estimates I spoke to the Department of Premier and Cabinet Secretary, Mr Reardon, who assured me that no proper formalised policy in government about protecting rural and regional jobs was in

existence. He did say that the secretaries of clusters had at the forefront of their minds what the Premier had said, but no policy was in place. This Government appears to be making up things as it goes along. The Premier says something but it is not actually a policy or binding on the Government or its agencies. The debacle about whether those jobs would be cut, workers would lose their economic protection and the impact on those communities need not have occurred if the Government had simply done its job.

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

**The House divided.**

Ayes .....23  
Noes .....16  
Majority.....7

**AYES**

Banasiak, Mr M  
Buttigieg, Mr M (teller)  
Faehrmann, Ms C  
Houssos, Mrs C  
Latham, Mr M  
Moselmane, Mr S  
Searle, Mr A  
Shoebridge, Mr D

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

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

**NOES**

Amato, Mr L  
Farlow, Mr S  
Khan, Mr T  
Martin, Mr T  
Nile, Revd Mr  
Ward, Mrs N

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

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

**Motion agreed to.**

*Members*

**LEGISLATIVE COUNCIL VACANCY**

**The PRESIDENT:** I report receipt of a message from Her Excellency the Governor convening a joint sitting of the members of the Legislative Council and the Legislative Assembly for the purpose of the election of a person to fill the seat in the Legislative Council vacated by the Hon. Niall Blair. I announce that members shall assemble for such purpose on 17 October 2019 at 3.45 p.m.

*Motions*

**HARMONY DAY**

**The Hon. SCOTT FARLOW (11:46:11):** I move:

1. That this House notes that:
  - (a) Harmony Day is organised by the Moving Forward Together association and was celebrated on 21 March 2019;
  - (b) on 19 June 2019, the Moving Forward Together association 2019 Harmony Day Poster and Song Writing Competition prize-giving ceremony was hosted in Parliament House, Sydney; and
  - (c) a number of dignitaries and special guests were present at the event including the Hon. Gladys Berejiklian, MP, Premier of New South Wales; the Hon. John Sidoti, Minister for Multiculturalism; the Hon. Sarah Mitchell, MLC, Minister for Education; Dr Marjorie O'Neill, member for Coogee representing the Hon. Penny Sharpe, MLC, Interim Leader of the Opposition; the Hon. Phillip Ruddock, Mayor of Hornsby Shire Council; the Hon. Laurie Ferguson; Mr Ernie Friedlander, OAM, President, Moving Forward Together association; Ms Nell Lynes and the Hon. Scott Farlow, MLC, Parliamentary Secretary to the Treasurer.
2. That this House notes:



- (a) that Harmony Day was created 14 years ago by Ernie Friedlander, a Holocaust survivor who was inspired to create the event to promote social harmony and the Moving Forward Together association;
  - (b) the event was designed as a social initiative by various community groups committed to creating a better understanding amongst all sectors of the community for a vision of living in harmony;
  - (c) that each year the Harmony Day Poster Competition attracts thousands of entries and brings out the creativity and passion of school students motivated by a desire for a peaceful and inclusive society with the competition open to all primary and secondary students across New South Wales and the Australian Capital Territory; and
  - (d) the Moving Forward Together team is adamant in its vision to encourage humanity to review its attitudes of those who are prejudiced and who stereotype and discriminate, which can too often lead to conflict and violence.
3. That this House acknowledges and congratulates the:
- (a) winners of the poster competition, including Georgia Lee-Ball, Nepean Performing Arts High School, State Winner (High School); Dhani Maksun, Orchid Hills Primary School, State Winner (Primary School); Alex Wang, Armidale High School; Denise Nzovu, Warrawong Intensive English Centre; Hellen Wang, Hornsby Girls High School; Rachel Seo, Concord High School; Jenna Yun, Burwood Girls High School; Jorja Cohen, Armidale High School; Meiying Wu, Warrawong Intensive English Centre; Jiho Baek, Pacific Hills Christian School; Claudia Gill, Nepean Creative and Performing Arts High School; Monica Xu, Strathfield Girls High School; Suenna Jeong, St George Girls High School; Charlotte Manton, West Wyalong High School; Bryan Ko, Epping Boys High School; Jasmine Patanjali, Mount Saint Benedict College; Caroline Lee, Our Lady of Mercy College Parramatta; Sarah Al Helfy, Birrong Girls High School; Angelina Sims, Eileen O'Conner Catholic College; Skevos Tsangaris, Eileen O'Conner Catholic College; Anthea Arvanitellis, Sydney Girls High School; Dhani Maksur, New Lambton South Public School; the St Therese's Community School, Wilcannia; Tyler Cuning, Eden Public School; Claudia Lee, Tangara School for Girls; Min Zhi Jin, Harcourt Public School; Jayden Hong, Woollahra Public School; Anastasia Forster, Belmont North Public School; Millie Jones, St Mary's Catholic School, Wellington; Shakaya Aldridge, Eden Public School; Claire Shin, Pacific Hills Christian School; Joelle Jung, Carlingford West Public School; Ivy Kim, Strathfield South Public School; San Lee, Fort Street Public School; Marina Chamberlin, Hillsborough Public School; Lennox Bennet, St Mary's Catholic, Wellington; Clarice Howe, Bulli Public School; Yeon Hee (Emma Kim), Our Lady of Dolours Catholic Primary School Chatswood; Younghoon Jung, Newington College; Francis Jang, Korean Catholic Languages School; Jack Lee, St Mary's Catholic Primary School; San Kang, Homebush Public School; and Ruby Levitt, Reddam House Woollahra;
  - (b) winners of the song writing competition, including Jeremy Dodds, North Gosford Learning Centre (First Prize); Teresa Chen, Strathfield Girls High School (Joint Second Prize); Christine Chung, Strathfield Girls High School (Joint Second Prize); Hayley Chau, Strathfield Girls High School (Joint Second Prize); Coco Batu-Sampson, Reddam House; and Jet Batu-Sampson, Reddam House (Joint Third Prize); and
  - (c) tireless efforts and work conducted by members of the Moving Forward Together association including, Mr Ernie Friedlander, OAM, President, and the entire Advisory Board.

Harmony Day was created 14 years ago by Ernie Friedlander, a Holocaust survivor who was inspired to create the event to promote social harmony. I do not think he is related to Dr Mike Freeland.

**The Hon. Don Harwin:** It is a different spelling.

**The Hon. Walt Secord:** They are related.

**The Hon. SCOTT FARLOW:** They are related? There you go. The organisation Moving Forward Together was established with a vision to not dwell on the past, to leave baggage behind as much as possible and to look forward together to a positive future. It works towards reaching communities in Australia and addressing the major issues that impair harmony, aiming to bring people together from diverse national, ethnic and religious backgrounds to build an inclusive society, acknowledging and celebrating the enduring principles of fairness, harmony and respect. The vice-regal patron of the organisation is the Governor, Her Excellency Margaret Beazley, AO, QC. Overwhelmingly, the view of Moving Forward Together is an optimistic one—that most people are decent, law-abiding citizens who deserve a fair go and that light will always overcome darkness.

When people think about Ernie Friedlander and his experience as a Holocaust survivor, they can see why he is inspired by such optimism in life. Coming from the darkest moments in life, he has seen the light and feels great warmth and acceptance in his chosen homeland of Australia. They are commendable views that reach across all religions and cultural groups. Moving Forward Together is certainly promoting this view well, spreading kindness and consideration throughout the community. It does this through the poster competition. It conducts Harmony Walks throughout all communities, including Sydney's inner west, the western suburbs, the eastern suburbs, the North Shore and throughout regional New South Wales. Harmony Day, which is the focal point of the Moving Forward Together association, was celebrated on 21 March.

It is a social initiative by various community groups committed to creating a better understanding throughout the community with a vision of living in harmony. Harmony Walks were held in multiple locations,

reaching local and broader communities. The events are supported by organisations such as the National Rugby League, which ensures harmony is at the centre of its activities. Hundreds of people celebrated Harmony Day, including a large number of schoolchildren from across the State who celebrated in their schools. Each year the Harmony Day Poster and Song Writing Competition is open to all primary and secondary students across New South Wales and the Australian Capital Territory, attracting thousands of entries. It brings out the creativity and passion of school students while motivating them with a desire for a peaceful and inclusive society.

This year's competition theme was "Harmony—it's up to us". On 19 June the Harmony Day Poster and Song Writing Competition prize ceremony was hosted in the Parliament's theatrette. It was wonderful to have the Premier come along to lend her support to Harmony Day, as it was having the Minister for Education and Early Childhood Learning, the Hon. Sarah Mitchell, supporting the event, ensuring that it is seen as a vital part of our education system. We also had support from Dr Marjorie O'Neill, representing the then interim Leader of the Opposition.

Students travelled from as far as Wilcannia in the west and Bega in the south to attend the event. Each poster was projected on the large screen as the awardees received their prizes. I congratulate one of the winners from my old primary school, San Kang from Homebush Public School, who was one of the competition winners in the younger age groups. San did an amazing job in his representation of harmony. Harmony is vitally important when coming from a school such as Homebush Public School, which is one of the most culturally diverse areas of Sydney. When I went to that school, the majority of the population came from Sri Lanka. Now the school is very diverse, with communities hailing from Korea, Sri Lanka, India and Bangladesh.

The second and third-placed songwriters performed their beautiful songs live and the winner put together a beautiful video of the winning song that was shown to all. I congratulate Dhani Maksum of Orchard Hills Public School, who was the State junior winner of the poster competition. I also congratulate the regional winners: Deepanwitha Mahata of New Lambton South Public School, the entirety of St Therese's Community School in Wilcannia, Tyler Cuning of Eden Public School, Claudia Lee of Tangara School for Girls, Min Zhi Jin of Harcourt Public School and Jayden Hong of Woollahra Public School.

I congratulate Georgia-Lee Ball of Nepean Creative and Performing Arts High School, who was the senior State winner of the poster competition. I also congratulate regional winners Alex Wang of Armidale High School, Denise Nzovu of Warrawong Intensive English Centre, Hellen Wang of Hornsby Girls High School, Rachel Seo of Concord High School and Jenna Yun of Burwood Girls High School. I congratulate the winner of the songwriting competition—whose name we cannot disclose—and the joint second prize winners Teresa Chen, Christine Chung and Hayley Chau of Strathfield Girls High School, which is the school my mother went to. I congratulate the joint third prize winners Coco Batu-Sampson and Jet Batu-Sampson of Raddam House.

While the posters were tremendously impressive, encapsulating what the Harmony Day poster competition was about in promoting this year's theme "Harmony—it's up to us", the songs were particularly moving, especially the winner's song, which was accompanied by a professional video. The song is still in my mind. It focused on harmony not only through multicultural communities but also with our Indigenous communities and the First Australians. In particular, the words of one performance struck me and I will share them with the House:

Holding hands, working together, we all have the same worth,  
All the same since birth—adult or youth, girl or boy.  
Together as one, making this world a better place,  
Singing our song, the day to belong,  
Let's come together in harmony.

I also extend my congratulations to everybody who entered the competition. The entries were of a very high calibre. It is fantastic to see not only the amazing talent we have in our young people but also their commitment to promoting harmony between people. It is worth noting that the details of the 2020 Harmony Day Poster and Song Writing Competition have been released. The 2020 theme is "Picture a World in Harmony". Entry forms will be released in November this year. It is a perfect time for this House to be discussing Harmony Day and the poster competition, encouraging people across New South Wales to get involved.

Moving Forward Together's vision to make people realise the benefit that kindness, consideration for others, love, compassion and harmony will bring to our planet nationally as well as globally is a lesson for us all. This year Harmony Day received many wonderful entries which sparked the imagination of youth throughout New South Wales and started a conversation that hopefully we will move forward together. Returning to this year's theme, "Harmony, it's up to us" emphasises an important point because we all have a role to play not only in this place but also in our communities. When it comes to harmony it is important to walk the walk as well as talk the talk. I pay tribute to the President of the Liberal Party, who has been promoting harmony throughout his parliamentary career, and one of the longest serving members of the Federal Parliament, the Hon. Philip Ruddock,

who has also been promoting harmony throughout his parliamentary career as well as his post-parliamentary career. I also mention the Hon. Laurie Ferguson from the Labor Party, whom the Hon. Mark Latham will remember.

**The Hon. Mark Latham:** A migration expert.

**The Hon. SCOTT FARLOW:** A migration expert indeed. The Hon. Laurie Ferguson was a shadow Minister in the Latham Labor Opposition. I served as the mayor of Strathfield and the Hon. Laurie Ferguson's Federal electorate overlapped a small part of the municipal area. He certainly was a fixture at multicultural events in what was then the seat of Reid. The Hon. Laurie Ferguson has shown a great commitment to multicultural communities for many years and continues to do so in retirement. I was in Granville during the State election and the Hon. Laurie Ferguson was still there.

**The Hon. Rose Jackson:** Let's talk about Julia Finn, she's very committed to multiculturalism.

**The Hon. SCOTT FARLOW:** Julia Finn was there, of course, and is again the member for Granville. The Hon. Laurie Ferguson was with me for some time on a pre-poll booth and we discussed issues relating to the multicultural community. Let us go back to Philip Ruddock. I have spent enough time on Laurie.

**The Hon. Greg Donnelly:** He's my mayor.

**The Hon. SCOTT FARLOW:** I note that interjection. He is a very good mayor of the Hornsby Shire. For many years the Hon. Philip Ruddock has done a tremendous job of supporting multicultural communities throughout New South Wales. It does not matter what multicultural event I attend—whether it be with the Lebanese community, the Korean community, the Chinese community, the Indian community, the Filipino community—the Hon. Philip Ruddock is there. It is amazing where the Hon. Philip Ruddock turns up. Those communities do not have a huge representation in the Hornsby Shire but the Hon. Philip Ruddock is always there because he is a fantastic supporter of multicultural communities throughout New South Wales.

When many of us think of retirement from this place at some point in the future, we do not necessarily think that we will attend all the functions that we attend now. Before his current role as the Mayor of Hornsby, during the period when he was somewhat retired the Hon. Philip Ruddock found a good opportunity to attend even more functions. After his retirement he attended functions that he had not been able to attend as a member. I commend the motion to the House. I commend the work of Ernie Friedlander and the Moving Forward Together Association and its entire advisory board. It does an amazing job within our community. Its efforts to bring harmony to all people are commendable.

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

#### *Questions Without Notice*

#### **NORTHERN BEACHES SECONDARY COLLEGE BALGOWLAH BOYS CAMPUS**

**The Hon. ADAM SEARLE (12:00:16):** My question without notice is directed to the Deputy Leader of the Government, the Minister for Education and Early Childhood Learning. What is the Government's response to the parents who have spoken out about the sanitary conditions at Balgowlah Boys high school, given that only four working toilets are shared by about 1,000 teenage boys? Is the Minister aware that the boys are now forced to use the petrol station toilet across the road?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:00:46):** I thank the Leader of the Opposition for his question. I am aware that the P&C of Balgowlah Boys high school and the local Federal MP have made comments on the issue. I have received advice that the Department of Education is upgrading schools across the northern beaches, including the Northern Beaches Secondary College Balgowlah Boys Campus, where the department is investing \$3.7 million in general maintenance works including a toilet upgrade. Integration works are due to be completed in February next year. It might also interest the member that other schools receiving maintenance and upgrades in the area include Balgowlah Heights Public School, Harbord Public School, Manly West Public School and the Northern Beaches Secondary College campuses at Freshwater and Manly.

#### **GREENS GUNYAH MUSEUM**

**The Hon. TAYLOR MARTIN (12:01:52):** My question is addressed to the arts Minister. Will the Minister update the House on funding through the Regional Cultural Fund to the Greens Gunyah Museum in Lockhart?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:02:11):** I thank

the Hon. Taylor Martin for his question. Yesterday a number of members were interested in my comments about the museum which I made during the condolence motion on Tim Fischer. I am happy to give additional information. The iconic project has been funded through the Regional Cultural Fund, which ensures that every region gets its fair share of arts and cultural funding. Last week I was honoured to join the Lockhart and District Historical Society President, Heather Trevaskis; the local member, Dr Joe McGirr; and Lockhart mayor Rodger Schirmer to open the new facility at the iconic Greens Gunyah Museum.

In 2018 the Lockhart and District Historical Society was awarded \$72,920 to upgrade the Greens Gunyah Museum in Lockhart for its expansion project called "Double the Space, Double the History". The project supported the society to expand into an adjacent building, redesign its exhibitions of nationally significant machinery and deliver safe, accessible spaces for all visitors and more exhibition spaces. Lockhart is a small, tight-knit community of 800 people in the Riverina. Importantly, the project and its \$100,000 construction budget contributed to the sustainability of the small rural economy and ensured ongoing work for local tradesmen, which is crucial for supporting drought-impacted communities in regional New South Wales.

The project has provided a distinct cultural experience to Lockhart locals and visitors by creating spaces and exhibitions that interpret the cultural identity of Lockhart. In addition to Tim Fischer, whom I mentioned yesterday, local identities such as X Games rider Jackson Strong feature as part of the curated exhibitions at the museum. Already the museum has increased its visitation by 30 per cent on last year's figures. I was delighted to see the project come to life. I congratulate the 35 museum volunteers, who continue to make an invaluable contribution with their tireless dedication. In particular I thank the President of the Lockhart and District Historical Society, Heather Trevaskis, for her outstanding leadership and dedication to the project. She said at the opening, "We had a dream and now it is fulfilled." A number of members said that without Heather being the driving force behind the project that dream would have been much harder to achieve. I thank Heather. I am thrilled that the New South Wales Government has supported this fantastic vision for Lockhart to come to fruition.

#### **NORTHERN BEACHES SECONDARY COLLEGE BALGOWLAH BOYS CAMPUS**

**The Hon. PENNY SHARPE (12:05:06):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given the Minister's previous answer that work will not begin at the Balgowlah Boys high school until February next year, does the Government have any plans to provide interim measures such as portaloos and/or temporary toilet blocks and extra cleaning staff for the boys at the school?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:05:24):** I thank the Deputy Leader of the Opposition for her question. I think she may not have heard correctly what I said. As I said in the earlier answer to the Leader of the Opposition, the Department of Education has advised me that it is investing \$3.7 million in general maintenance works including a toilet upgrade and that integration works are due to be completed in February next year.

**The Hon. PENNY SHARPE (12:05:49):** I ask a supplementary question. I thank the Minister for the clarification. It will take a while for the toilets to be fixed. I seek elucidation from the Minister whether there will be interim measures while the work is taking place.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:06:04):** I thank the honourable member for her question. I will seek advice relating to interim measures and come back to her.

*[Business interrupted.]*

#### *Visitors*

#### **VISITORS**

**The PRESIDENT:** On behalf of all honourable members, I welcome into the public gallery a delegation of young political leaders from the Socialist Republic of Vietnam, accompanied by representatives of the Australian Political Exchange Council, who are here today to observe question time. They are most welcome and I look forward to meeting with them later today.

#### *Questions Without Notice*

#### **TEACHER ACCREDITATION**

*[Business resumed.]*

**The Hon. MARK LATHAM (12:06:45):** My question is directed to the Minister for Education and Early Childhood Learning. Given the disappointing nature of New South Wales school results, how can the Government explain the failure of the NSW Education Standards Authority to implement an effective teacher

certification system and that out of a workforce of 88,000 school teachers only 53 were identified as underperforming in 2018?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:07:12):** I thank the Hon. Mark Latham for his question relating to the role of the NSW Education Standards Authority [NESA] and the work that is taking place around evidence-based teaching and practice. Making sure that teaching practice is based upon evidence is crucially important to me as the Minister, as the member would know. Since I have become Minister I have directed the Department of Education to undertake a number of initiatives, and there will be more. Recognising the effectiveness of phonics in improving literacy outcomes in early years, the Government is rolling out its trial phonics check in 2020, which should provide promising results. The Government is also working to assist every school to set targets in literacy and numeracy. There is more work to do. Some of the comments that the member made about NESA have been ventilated during the inquiry of the committee, which he chairs, into outcomes-based budgeting. I look forward to receiving the committee's report and giving due consideration to any recommendations made by the member or other committee members.

**The Hon. MARK LATHAM (12:08:33):** I ask a supplementary question. The Minister in her response mentioned the NSW Education Standards Authority [NESA] and her efforts to improve teacher quality. In that context, is the Minister able to give the House information about the Government's response to the Auditor-General's report on NESA and teacher certification, which was damning of what has been happening?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:08:58):** The Government and I, as Minister, take recommendations from the Auditor-General very seriously and acknowledge that the Auditor-General's work is incredibly important. The Government will be considering these issues as part of the process. Again, any issues that are ventilated through the committee process will be helpful.

#### HIGHER SCHOOL CERTIFICATE

**The Hon. WES FANG (12:09:29):** My question is addressed to the Minister for Education and Early Childhood Learning. How is the Government strengthening the Higher School Certificate and helping students achieve their best?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:09:51):** I thank the Hon. Wes Fang for his question. This morning the 2019 New South Wales Higher School Certificate written exams kicked off, with 61,000 students sitting the English exam. This year around 75,000 students will sit one or more exams and around 68,000 are on track to receive their HSC. More than 300 students will sit exams outside New South Wales and most of those are attending Australian schools located overseas. Some students combine the HSC with other academic pursuits and it is great that they are able to do both at the same time. The diversity of this year's cohort is quite astonishing. One 13-year-old student is sitting the Maths and Maths Extension 1 exam and another 13-year-old is sitting the Maths Extension 2 exam. There is also a 14-year-old student sitting the Software Design and Development exam and an 82-year-old student sitting the Maths Standard 2 exam. They should be very proud of reaching this academic milestone. You are never too old is a good message.

Over the next 3½ weeks there will be 123 exams at around 750 exam centres, overseen by around 7,500 presiding officers and supervisors. More than 5,500 markers will work across New South Wales from nine marking centres or approved locations. Around 72 per cent of those will mark online. Over the past eight years the New South Wales Government has delivered substantial investment and important reforms to the State education system. For example, as part of the Stronger HSC reforms, 2019 is the first year students will sit redesigned HSC exams, with a focus on questions that require more in-depth analysis and that reduce opportunities for pre-prepared or plagiarised work. It is also the first year that 16 new courses in English, maths, science and history are being examined. Two of these are brand-new science courses: Science Extension and Investigating Science.

The HSC is inclusive, flexible and challenging. It prepares students for success after school, for university, training or work. Tomorrow I am looking forward to visiting three students who have taken part in the HSC's first online exam, Science Extension, which around 700 students will sit on 30 October. They will hopefully tell me more about how their research projects were directly inspired by issues facing their local communities in the regions. Finally, I acknowledge and thank the parents and caregivers of HSC students. We all know they live through this experience as well, and many of them have done so more than once. I wish all students the very best of luck and say to them: Keep up the hard work, take care of yourselves during the period, make sure you sleep and eat and exercise and trust in the fact that all your hard work over the past two years will pay off. Do not be afraid to reach out to family, friends or teachers if you feel overwhelmed. I am sure I convey those sentiments on behalf of all members in this place.

**PROPERTY INDUSTRY**

**Reverend the Hon. FRED NILE (12:12:57):** My question without notice is directed to the Hon. Don Harwin, representing the Premier. Is the Government aware of the Real Estate Institute of New South Wales statement earlier this year that it withdrew from the Real Estate Reference Group due to the "sheer frustration with the phoney consultation offered by Fair Trading NSW"? Does the Government have a response to the Real Estate Institute of New South Wales correspondence earlier this year in which it called for comprehensive reforms, including the establishment of a commission for property services to reduce red tape, increasing the educational standards of those applying for real estate licensing and the removal of conveyancing for Fair Trading NSW on account of the complexity of those operations?

**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) (12:13:50):** I thank Reverend the Hon. Fred Nile for his question. Quite clearly some of those are very serious issues.

**Reverend the Hon. Fred Nile:** They are all serious.

**The Hon. DON HARWIN:** No, I did not see the reports or the letter that was sent by the Real Estate Institute of New South Wales in relation to the Real Estate Reference Group. I am happy to refer it to the Premier, although she may choose to have it responded to by the relevant Minister. I will ensure that the member receives an answer as quickly as possible.

**Reverend the Hon. FRED NILE (12:14:40):** I ask a supplementary question. Is it a fact that previously people had to complete a lengthy two-year course to get a real estate agent certificate but now they can do it in one week?

**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) (12:14:50):** I am afraid I cannot comment on that. I take a very close interest in property industry issues; they have been of interest for some time. I really cannot help the member with that question so I will also refer that to the relevant Minister for a response.

**The PRESIDENT:** I note that no objection was taken to the supplementary question so there was no need for me to rule on it. However, I indicate that I would not have considered that to be a supplementary question in meeting the three necessary elements.

**MURRUMBIDGEE REGIONAL HIGH SCHOOL**

**The Hon. SHAOQUETT MOSELMANE (12:15:26):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Has the Minister launched an investigation into reports that in one term there were 377 occasions at Murrumbidgee Regional High School where classes did not have a regular teacher, which is more than double the reported amount? Will the Minister share with the House the number of schools where this is a problem?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:16:00):** I thank the Hon. Shaoquett Moselmane for his question about Murrumbidgee Regional High School. It is a good opportunity to speak about a great school down in Griffith. I can advise the member that in relation to the reports around the number of staff absences across both the Griffith and Wade sites, the school provides supervision to all classes in instances when teachers are absent. No student is ever left unsupervised when a teacher is absent. I can also say that each site implements a number of strategies to cover staff absences. The employment of casual teachers is, of course, the preferred option. However, both sites have a process of in-built relief, which is timetabled and occurs when the casual relief pool is exhausted. Minimal supervision is implemented where a teacher or teachers may supervise a combined class when necessary.

I make the broader point that the Department of Education always looks at short-, medium- and long-term actions to make schools across the State as productive and efficient as possible. That is why not too long ago the Government announced that it would be funding five extra teaching positions to be utilised as in-built casual cover across the two sites at Murrumbidgee Regional High School when teachers are absent. That means that the school will receive in-built casual relief like no other school in New South Wales. I put on the record that this issue has been raised with me by the local member and we have met to talk about what is happening in that school. As I said, the Government has made the decision to fund those extra teaching positions to cover those absences.

**The Hon. SHAOQUETT MOSELMANE (12:17:43):** I ask a supplementary question. Will the Minister elucidate her answer relating to supervisors. Who are the supervisors? Are they qualified teachers?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:18:00):** As I said, no student is ever left unsupervised when a teacher is absent. There are a range of strategies to cover staff absences. The employment of casual teachers is the preferred option. Both sites have a process of in-built relief, which is timetabled and occurs when the casual relief pool is exhausted. As I said and will repeat for the member, minimal supervision is implemented where a teacher or teachers may supervise a combined class when necessary.

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

**The Hon. Mark Latham:** I seek to ask a second supplementary question.

**The PRESIDENT:** I will give the call to the Hon. Mark Latham for the following reason. It is more appropriate that when two or more members seek to ask a second supplementary question that I give it to a member of a different party to that of the member who asked the first supplementary question.

**The Hon. MARK LATHAM (12:19:06):** I ask a second supplementary question. Will the Minister elaborate her answer regarding teacher continuity in the classroom, an issue about which officials said at the Education budget estimates that they do not collect data on the proportion of classrooms aggregated into schools in New South Wales that have a one-teacher classroom for a whole academic school year. When will this data be collected school by school and also for the entire State so that we can see the level of continuity, given the importance of trust and the relationship between students and a single teacher in the classroom instead of many teachers coming and going?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:20:19):** That is a good question. Certainly around data collection I know that a lot of that information is held within schools. It is not centrally located within the department. That is a broader conversation that I am having with my secretary about ways in which we can improve the system.

#### MENTAL HEALTH MONTH

**The Hon. LOU AMATO (12:20:40):** My question is addressed to the Minister for Mental Health, Regional Youth and Women. October being Mental Health Month, will the Minister update the House on what the Government is doing to support community wellbeing?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:21:03):** I thank the Hon. Lou Amato for his question. October is Mental Health Month, as the Hon. Tara Moriarty noted yesterday in her notice of motion, which encourages all of us to reflect on the importance of our overall mental wellbeing. The theme of "Share the Journey" highlights the importance of social connections as part of our mental health. We are all social beings but the irony of modern life is that despite there being more ways than ever before to keep in touch, more and more of us feel isolated and alone. "Share the Journey" is about encouraging all of us to reach out to those around us. It means telling friends and family when things are a bit tough but also reaching out to someone who seems to be struggling. Collectively this decreases the sense of isolation that we can all feel when things are not great and it is a vital part of the recovery journey.

Last Friday the small community of Yeoval gathered for a rain dance. This event was supported by the New South Wales Government's \$1.5 million drought resilience fund, which provides communities with grants for community wellbeing events and programs. The people of Yeoval enjoyed a local band and activities for the kids, including a jumping castle and face painting. They enjoyed a roast and they danced the night away to forget about the drought. It was a huge success, with many people telling us that it was exactly what the community needed. One person said that it was like a drought breaker for their emotional health.

Small things can make a big difference in mental health. The New South Wales Government is supporting WayAhead grants to support special events during Mental Health Month. Grant recipients are community organisations in areas such as Broken Hill, Dubbo, Tenterfield and Deniliquin, with 46 recipients to share \$34,500 this year. This Mental Health Month I have met the most incredible workforce that I have ever come across—passionate nurses, doctors, allied health workers, researchers and other professionals, who have committed their lives to helping people recover and to live with some incredibly difficult conditions.

Mental health has come a very long way over the past few decades. How we care for people experiencing mental illness and how other people respond to mental illness have changed very much. People have different needs and those needs change. Our modern mental health services adapt to a person's circumstances as they change over time. We have seen stigma decreasing and public discussions about mental illness increasing, which is excellent. It is something all those who work in the sector should be so very proud of. This is as a result of their work; it is their achievement which has been realised through their dedication to their profession. The use and appreciation of the value of our peer support workforce in this sector is truly outstanding. As mental health

Minister I am so proud of these people, as I am sure is every member in this House. I know that each and every member across the Chamber would like to congratulate all these workers during Mental Health Month.

#### YOUTH JUSTICE NSW DETAINEES

**The Hon. ROD ROBERTS (12:24:25):** My question without notice is directed to the Minister for Finance and Small Business representing the Minister for Families, Communities and Disability Services. Section 28 of the Children (Detention Centres) Act 1987 gives authority to make orders directing the transfer of an older detainee from Youth Justice NSW to Corrective Services NSW. Since the Act was assented, how many older detainees have been transferred from the custody of Youth Justice to Corrective Services?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:25:07):** If I had that number to hand the House should stand and applaud but I do not have it to hand. This is a serious issue. I am aware of the actual process where it occurs and it is generally in the case of serious offences committed by young persons. However, I will undertake to get an answer for the member at the earliest possible time.

#### LAND TAX

**The Hon. WALT SECORD (12:25:50):** My question without notice is directed to the Minister for Finance and Small Business in his own capacity and representing the Treasurer. Given the recent report by the NSW Productivity Commission entitled "Kicking the productivity conversation", what is the Government's response to community concerns about the commissioner's assessment that land tax is "by far the most efficient New South Wales tax" and that the current land tax threshold is too low and there are too many exemptions for the three million property owners in New South Wales?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:26:29):** The Government has no proposal to increase the land tax base, as far as I am aware, notwithstanding the advice from the Productivity Commission that it thinks that it is a more efficient land tax base. I note that Adam Creighton in *The Australian* shared that exact same position but it is not the Government's position. Land tax is something that potentially can be avoided. The thrust of the question about ensuring that people pay the proper land tax according to their responsibility is something that the Government is pursuing aggressively. The member may have seen reports in the media recently where the Office of State Revenue has indicated that it now has more sophisticated opportunities of crossmatching data, which will disclose potential land tax liability by persons who are responsible for the payment of land tax.

Some of the responsibility for land tax, of course, goes to the advisers, who should be advising their clients of their obligations to pay land tax. Sometimes, of course, inadvertence occurs because of an increased valuation in land tax. The Office of State Revenue has given a three-month amnesty to persons who have not been paying land tax to give them the opportunity to get their land tax payments up to date. I welcome the question. Land tax is the responsibility of those who currently are liable to pay it. The Government welcomes them bringing their records up to date. The Government has no plan to extend the class of persons who are subject to land tax.

**The Hon. WALT SECORD (12:28:43):** I ask a supplementary question. Will the Minister elucidate his answer in regard to the three-month amnesty? What steps or details does he refer to when he says the Government will be "pursuing aggressively" those people responsible to pay land tax?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:29:05):** There are more people who are potentially carrying out audits in relation to land tax. There is more data cross-matching in respect to land tax liability. That land tax should be paid by those persons who have a responsibility to pay it is my primary comment. Whether it is that there are related entities who are not paying taxes, there are missing names or whatever, the opportunity is there for people to say, "Let me have a look at whether I have a land tax liability." They can consult with their advisors, "Do I have a land tax liability?" and, if so, bring that up to date. The Office of State Revenue has indicated that for people who bring their records up to date over the next three-month period penalties will not be imposed. There is a penalty regime in relation to non-payment of land tax. To avoid that penalty my message is: Get your records up to date, consult your advisors, bring your land tax liability up to date and pay what you are required to pay.

**The Hon. DANIEL MOOKHEY (12:30:30):** I ask a second supplementary question. Will the Minister elucidate his answer with respect to the amnesty by identifying when the amnesty began and when it will finish? How much revenue does he expect to forego in penalties arising from the decision?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:30:53):** A better question would be: How much do we expect to raise as a result of—

**The Hon. Daniel Mookhey:** Point of order—



**The Hon. DAMIEN TUDEHOPE:** I will answer the Hon. Daniel Mookhey's question.

**The PRESIDENT:** I would have upheld the point of order if it had been made.

**The Hon. Mick Veitch:** He is still settling into the new regime here. This direct relevance thing is a problem.

**The Hon. DAMIEN TUDEHOPE:** It is a problem, I have to say.

**The Hon. Walt Secord:** I want to know the answer.

**The Hon. DAMIEN TUDEHOPE:** I use the word "amnesty", as in the announcement of the Office of State Revenue last week. In its release it said that for those who have an obligation to pay a land tax, it will give consideration to the removal of penalties for those who get their records up to date in the next three months.

**The PRESIDENT:** I call the Hon. Matthew Mason-Cox.

**The Hon. Damien Tudehope:** I have a further response to the Hon. Daniel Mookhey.

**The PRESIDENT:** Order! The Minister will resume his seat.

**The Hon. Walt Secord:** He can do a supplementary answer at the end.

**The PRESIDENT:** I have already given the call to the Hon. Matthew Mason-Cox.

### **BUSINESS CONNECT PROGRAM**

**The Hon. MATTHEW MASON-COX (12:32:13):** The Minister will have a chance to respond in a moment. My question is addressed to the Minister for Finance and Small Business. Will the Minister update the House on the progress of the Business Connect program—and any resulting land tax issues?

**The Hon. Greg Donnelly:** How serendipitous was that?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:32:35):** Just to finish on that land tax issue—

**The PRESIDENT:** The Minister will answer the question asked of him by the Hon. Matthew Mason-Cox.

**The Hon. DAMIEN TUDEHOPE:** I will answer the question. I thank the Hon. Matthew Mason-Cox for his question and his interest in small businesses in New South Wales. The Government's \$30 million Business Connect program has hit a major milestone of helping more than 24,000 businesses since 2017. This successful initiative provides advice and training for small businesses across New South Wales via a network of more than 80 independent advisors with the aim of helping businesses get started, grow and get ahead. Together, we estimate the businesses assisted under this program have created about 15,000 new jobs. Last week I visited Purrfect Pets in Penrith, a business that manufactures cat scratching posts—I did not know what they were until then. This business is going from strength to strength. Daniel Romerio started Purrfect Pets in his garage. He now has 13 staff and is supplying about 35 pallets of product each week to businesses around the nation, including to major chains like Petbarn. He is looking to hire between 10 and 20 more staff and find a bigger factory premise in Penrith. As a part of Business Connect, Purrfect Pets received support from Michelle Locke—

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

**The Hon. Walt Secord:** I am a frequent flyer at Petbarn.

**Mr David Shoebridge:** You scratch my post.

**The Hon. Trevor Khan:** Oh dear.

**The Hon. Bronnie Taylor:** Sit down, Trevor. That was very good.

**Mr David Shoebridge:** I do not know where that came from.

**The Hon. Walt Secord:** Let it go.

**The PRESIDENT:** As much as I hate to dampen the joy and robustness being experienced by members during question time, if I cannot hear the Minister give his answer it makes it difficult for me to rule on points of order. It makes it difficult for me to ascertain whether a first or second supplementary question is in order. I need to be able to hear what the Minister is saying. As much fun as the interjections from both sides of the Chamber are, it really makes it difficult for me to hear the Minister.

**The Hon. DAMIEN TUDEHOPE:** As a part of Business Connect, Purrfect Pets received support from Michelle Locke, an advisor from the Western Sydney Business Centre, who delivers the Business Connect program in western Sydney. Michelle worked with Daniel to organise bookkeeping, finance and human resources requirements. She helped connect Daniel with a new business partner who also helped him grow the business. I also had the opportunity to visit the Western Sydney Business Centre last week. Its mission statement—to promote the development of economic wellbeing within the community, and by doing so generate employment opportunities—resonated with me. We understand that on this side of the House. We are all about creating jobs and generating opportunities for our communities in New South Wales. The Business Connect Program is just one way we achieve this goal and there is no better time to mark this milestone than in Small Business Month. I commend the Business Connect Program to the House.

### LOCAL GOVERNMENT ELECTIONS

**Mr DAVID SHOEBRIDGE (12:36:25):** My question is directed to the Minister representing the Minister for Local Government. Has the Government adopted the recommendations of the Independent Pricing and Regulatory Tribunal [IPART] contained within its review of local government election costs to pass on to councils the full efficient costs of the NSW Electoral Commission's contestable services to councils? If so, what will this mean in terms of additional costs payable by New South Wales councils for the upcoming 2020 local government election?

**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) (12:36:52):** I thank Mr David Shoebridge for his question. On 7 February 2019 the Premier provided terms of reference to the Independent Pricing and Regulatory Tribunal to conduct a review of local government election costs, as the honourable member is aware from his question. The IPART submitted its final report, *Review of Local Government Election Costs*, to the Minister for Local Government on 30 August 2019. The Government thanks IPART and all the stakeholders who participated in this process for their work on the review.

The Government has announced that it will provide \$19.9 million to fund the NSW Electoral Commission's core cost for local government elections. This will help to reduce council election costs as councils will pay only the direct costs incurred by the NSW Electoral Commission for administering local government elections. The Minister for Local Government has also committed to making a range of regulatory changes to further increase the efficiency of local government elections. The Government will consult with councils on the option of using universal postal voting instead of attendants voting from the 2024 election onwards to reduce costs further. The Government's full response to the IPART's final report is available on the Office of Local Government website if other honourable members have an interest in the matter and would like to get across it.

**Mr DAVID SHOEBRIDGE (12:38:41):** I ask a supplementary question. I thank the Minister for that additional information. Will the Minister advise whether the direct costs model, which is now being proposed by the Government, will lead to an increase in costs for councils. If so, how much?

**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) (12:38:59):** I will have to obtain that information from the local government Minister. I will do that as soon as possible.

[Business interrupted.]

### Visitors

### VISITORS

**The PRESIDENT:** On behalf of all honourable members, I welcome into my gallery Chief Parliamentary Research Officer Mr Patrick Wilson and Hansard reporter Ms Theresa Nori from the National Parliament of Solomon Islands. Mr Wilson and Ms Nori are here under the auspices of the twinning arrangements between our parliaments and are undertaking a week-long program. I have had the opportunity to meet with both of them and I am impressed with their body of work. On behalf of all members I wish you a warm welcome to the Chamber this afternoon.

### Questions Without Notice

### RSPCA AND PREMIER'S CHIEF OF STAFF

[Business resumed.]

**The Hon. GREG DONNELLY (12:39:51):** My question without notice is directed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Leader of the Government and representative of the Premier in this House. Given the RSPCA's official website shows that the Premier's chief of

staff is on the board of the RSPCA and the organisation is currently being investigated for under payment of workers, what steps has the Minister or his Government taken to determine the role of the board in this matter?

**The Hon. Don Harwin:** Point of order: It is not a particularly good question. It is out of order because it is not a matter to which I or the Premier is officially connected.

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

**The PRESIDENT:** Before the member proceeds, I make it clear that I require the member to start with a point of order and then to comment on the point of order.

**The Hon. Walt Secord:** My point of order is based on two points. First, the Minister represents the Premier as Leader of the Government; and, secondly, he is responsible for employment in the public service and ministerial staff. The Minister is, in fact, responsible for the public sector. Cover up!

**The Hon. Trevor Khan:** To the point of order: The matters that the Hon. Walt Secord raises—if one looks at the question—are not on point. The question clearly goes to a different issue than that raised by the Hon. Walt Secord. He is correct regarding the first matter. In relation to the second matter relating to the employment of people, that is not what the question goes to.

**The PRESIDENT:** At some stage I will have a careful look at the question and confer with the Clerk.

**The Hon. Adam Searle:** To the point of order: There are two issues. First, the Leader of the Government represents the Premier and, to the extent the question involves the Premier's staff member, it is in order. Secondly, the Minister is responsible for the public service and employee relations. One assumes the term "employee relations" means something more than people working in the public sector. When you look at the totality of the question, it is in order on both counts.

**The PRESIDENT:** I will now look at the question and confer with the Clerk.

**The Hon. Scott Farlow:** To the point of order: The question related to the board of the RSPCA; it did not relate to employment matters and was not the subject of anything the Minister is publicly connected to.

**The Hon. Walt Secord:** Wages.

**The PRESIDENT:** I indicate to members that I am trying to give consideration to the question. Any assistance from members as to why it is permitted helps me enormously.

**The Hon. Daniel Mookhey:** To the point of order: I hope this is of assistance. As to the points raised by the Parliamentary Secretary, the RSPCA is an organisation that has a piece of legislation that governs it and that this Parliament is responsible for. Therefore, one of the responsibilities of the Premier is the administration of that Act.

**The Hon. Don Harwin:** Of which Act?

**The Hon. Daniel Mookhey:** Of the RSPCA Act and the Prevention of Cruelty to Animals Act [POCTAA]. There is a nexus between the RSPCA—

**The Hon. Ben Franklin:** Point of order: No Government member can hear what the Hon. Daniel Mookhey is saying. Will the member repeat what he has said and speak up? It would be of assistance to Government members and to Hansard.

**The PRESIDENT:** The difficulty in hearing the Hon. Daniel Mookhey was due to interjections from some Government members, in particular a Minister. It would help enormously if there are no interjections. I have allowed all other members to speak to the point of order and they should be heard in silence without interjection. I ask the member to repeat his point of order.

**The Hon. Daniel Mookhey:** I was responding to the point made by the Parliamentary Secretary that the RSPCA is an organisation which is chartered by an Act of this Parliament. It is an organisation that is also listed in other Acts, including the POCTAA, for which the Leader of the Government, representing the Premier, is responsible for administering in so far as the board of the RSPCA also relates to those Acts. Therefore, the question is in order because it is a matter which is reasonably connected to the administration of the laws of this State for which the Leader of the Government must represent the Premier in this place.

**The PRESIDENT:** It is an important point of order. Standing Order 64 (1) clearly states:

- (1) Questions may be put to Ministers relating to public affairs with which the Minister is officially connected, to proceedings pending in the House, or to any matter of administration for which the Minister is responsible.

The nexus of the question indicates the following. It sets up the question with a preamble in the sense of the statement of the RSPCA's official website. It talks about the Premier's chief of staff on the board. It then indicates that the organisation is currently being investigated. That is a statement being made. That is not the question but a preamble to the question. The question is, "What steps has the Minister or his Government taken to determine the role of the board in this matter?" That is the part I am having difficulty connecting to proceedings to which the Minister is officially connected such as public affairs, proceedings pending in the House or any matter of administration for which the Minister is responsible. I am of the view that the question is out of order.

**The Hon. Trevor Khan:** Point of order: When I stood to contribute to the point of order the Hon. Walt Secord interjected with the words, "cover up". I take exception to those words. Compliance with standing orders is a matter of seriousness and all members are expected to comply with them. The suggestion that a contribution is being made in some way as a cover up is offensive to me and should be offensive to the Chamber as a whole. I ask the member to withdraw it.

**The Hon. Walt Secord:** To the point of order: Yes, I did say "cover up". I retract.

**The PRESIDENT:** I would have upheld the point of order. The Hon. Walt Secord has retracted the statement. On a number of occasions when questions are asked, answered or points of order or comments are made there has been a tendency for a member to yell out words to the effect of "cover up". That is clearly offensive, especially when it is directed to a specific member who is speaking.

### POWERHOUSE MUSEUM FASHION EXHIBITION

**The Hon. SHAYNE MALLARD (12:49:09):** My question is addressed to the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on new exhibitions curated by the Powerhouse Museum?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:49:29):** Fashion means something different to everyone. In the words of Yves Saint Laurent, "Fashions fade, style is eternal", or as Coco Chanel put it, "I don't do fashion, I am fashion." I truly believe fashion is the hallmark of contemporary culture and creativity. The Museum of Applied and Sciences has the largest public fashion collection in Australia. It is an institution that has demonstrated for many years a long-term commitment to collecting, preserving and exhibiting the very best of fashion and design.

Last night I was delighted to open the Powerhouse Museum's new exhibition featuring the incredible works of iconic fashion designers Jenny Kee and Linda Jackson with an exhibition subtitled Step into Paradise. The exhibition draws on more than four decades of the most influential pairings in the history of Australian fashion, examining the influences, inspirations and the compelling stories behind their work. The new exhibition has been curated by the Powerhouse Museum incorporating over 150 garments, textiles, photographs and artworks from the extensive collection of the Powerhouse Museum which has been brought together with the designers' personal archives.

Highlight pieces include Jenny Kee's black opal Chanel suit from Karl Lagerfeld's first collection in 1983, Linda Jackson's iconic waratah dress and a Frida Exotica costume by Jenny Kee for the arrivals section of the opening ceremony of the 2000 Sydney Olympic Games. I know the chief executive of the Powerhouse Museum, Lisa Havilah, is absolutely committed to the museum developing exhibitions inspired by its incredible collection. This new exhibition is an illustration of how this can be achieved by the very talented Powerhouse team. I thank and congratulate staff from the museum—curators Glynis Jones and Alysha Buss, designer Jemima Woo, lighting technician Peter Hermon and project coordinator Kate Ford—who have done an incredible job. It is without doubt one of the best exhibitions that I have seen at the museum of fashion, and fashion will continue to have an extremely crucial role in the work of the Museum of Applied Arts and Sciences Trust and in the new museum of fashion and design that the New South Wales Government is planning. The exhibition will run until March 2020. I absolutely encourage members and the public to go along and see the incredible work.

### DEPARTMENT OF EDUCATION STAFF

**The Hon. MARK BANASIAK (12:52:55):** My question is directed to the Minister for Education and Early Childhood Learning. In budget estimates I asked the Minister how many employees of the Department of Education in the past 10 years received out-of-court settlements and what was the total cost. The answer I received did not provide a quantitative figure on the numbers of employees or a dollar figure on out-of-court settlements, which I clearly requested, but rather a loose reference to the Treasury Managed Fund being responsible. I ask once again, what is the total number of employees who have received an out-of-court settlement in the past 10 years? What was the total cost in dollars to those awarded settlements in that 10-year period?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:53:29):** I thank the Hon. Mark Banasiak for his question, which is in a similar vein—although on a slightly different subject matter—to what he asked me yesterday. Obviously, the advice provided by the department in relation to his budget estimates question on notice was presented. He is asking for more information. Again I am happy to take that on notice to see whether I can provide more information for him. More broadly, and it is a matter for him, if he would like to speak to me outside the Chamber about any other answers, I am more than happy to have that conversation with him.

#### SCHOOLS ASBESTOS MANAGEMENT PLAN

**The Hon. PETER PRIMROSE (12:54:01):** My question is directed to the Minister for Education and Early Childhood Learning. Given the Minister's statement in this Chamber on 19 September on the subject of asbestos removal that "I take the advice of experts, not those opposite", why is the Minister not following the advice of experts who say that friable asbestos must be remediated immediately? Why do 74 schools have friable asbestos?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:54:45):** I thank the Hon. Peter Primrose for the opportunity to speak once again about asbestos removal in schools. I take this matter very seriously. As a department we take the advice of experts. I am not going to go over what I have said many times in previous question times about processes in place for asbestos removal. We have done that before and it is in *Hansard*. In relation to examples of friable asbestos listed on our register, we list them because it is an extensive register. We put it in place so that anyone who might be going into a particular school community to do any work knows where it exists in order for them to take the proper precautions, and so that principals know where it exists.

I will provide an example to the Hon. Peter Primrose that could be one of the 70-odd to which he has referred. Recently a colleague in the Legislative Assembly, the member for Wagga Wagga, sent correspondence to me about where friable asbestos was listed in his particular school. I believe it was within a gasket, contained within a unit that was sealed within a cupboard that cannot be accessed by students or staff. It is on the list so that a member of staff or a worker on the site looking at things knows where it is. That is why the list and register exist. It is not on the list because it is a risk to students or staff as it is completely sealed. And that is why similar examples of friable asbestos are on that website.

More broadly, I think the inference that certain schools that have friable asbestos are unsafe for children is wrong. It is not offensive to me, it is offensive to principals who are in schools every day and have the duty of care over their students. They are also the site managers in relation to these types of issues.

*[Members interjected.]*

It is important to have some context when we talk about these issues and the specific examples of what is on the register. We have very strict and appropriate processes in place in relation to asbestos and its removal, and I have confidence in those processes.

**The PRESIDENT:** If a member states something that is offensive, and another member takes offence to it, that member should call a point of order and bring it to my attention. An argument across the Chamber should not occur.

**The Hon. PETER PRIMROSE (12:57:38):** I ask a supplementary question. Will the Minister elucidate further about her understanding of what the term "remediate immediately" actually involves?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:57:54):** I think I have extensively canvassed this issue in questions related to this matter in the Chamber before. The department and I take this matter seriously and rely on the advice of experts, depending on the individual circumstances of the asbestos, on the safest thing to do. In some cases, as members in this House would be well aware, the safest course of action is retain asbestos where it is. Sometimes the safest course of action is to remove it. We rely on the advice of experts. We take great care with this work, and I think I have covered that matter quite sufficiently.

**The Hon. MARK BANASIAK (12:58:26):** I ask a second supplementary question. Will the Minister elucidate her answer? The Minister gave an example of where friable asbestos was not in a position where it would be exposed to staff members or children. Of the known instances of friable asbestos, will the Minister advise what percentage is not exposed to staff and what percentage is exposed to staff?

**The Hon. Courtney Houssos:** There are 74 schools.

**The PRESIDENT:** I gave the member the call to ask a second supplementary question. I did not give the Hon. Courtney Houssos an opportunity to add to it.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:59:19):** As I have said in previous answers—not today but in other question times—in relation to friable asbestos, if it is exposed to staff and is a danger, that is when the department goes in with the experts and remediates the site. If it is dangerous and in any way a risk to staff or students, that is when the remediation action will take place as a matter of urgency and in line with the appropriate protocols.

#### EARLY CHILDHOOD EDUCATION

**The Hon. TREVOR KHAN (13:00:00):** My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on how the New South Wales Government is supporting the early childhood sector in New South Wales?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:00:21):** I thank the Hon. Trevor Khan for his question. The New South Wales Government is committed to ensuring young children in New South Wales are given every opportunity to have the best start in life by accessing and participating in the highest quality education and care. However, in order for us all to make a positive difference for young children and their families, we must remain committed to continuing professional development for a workforce of over 66,000 early childhood educators in New South Wales. During my time as Minister I have been very fortunate to meet a large number of our educators and providers. They inspire me with their ongoing commitment to providing high-quality care to our State's children and families. I thank and congratulate all of our exceptional educators and providers across the State. Their pursuit of excellence and quality has led to significant changes across the early childhood education and care sector.

In consultation with the sector, the New South Wales Government has made significant progress in properly delivering to ensure every child has access to top-quality early childhood education. The feedback the Government has received from those consultations has enabled it to provide critical support to the sector where it is needed most. In 2018 the Government released the workforce strategy with an initial financial commitment of \$6 million to implement initiatives to support the sector. This means additional support for early childhood educators through the continuation and improvement of scholarships and the provision of financial support for educators upgrading their qualifications. The strategy also supports the professional development of early childhood teachers through expanded training and resources offered via the sector development program.

The Government is continuing its support of the sector with its early childhood roadshows, which on Monday kicked off for the spring session. The Department of Education delivers the roadshow sessions twice a year across New South Wales as part of the Government's commitment to engage with educators, services and providers. Each year the department carefully plans the locations of sessions across regional and metropolitan areas and rotates session locations to cover as many areas as possible within each roadshow program. This one-on-one time with our educators is a great opportunity for the department to explain new programs and regulations.

This time some of the issues that will be discussed include time lines for the latest round of drought support funding for our services—incredibly important—and for the Aboriginal Early Childhood Education Scholarships. It will also be an opportunity to talk to our mobile preschools about their ongoing funding arrangements. We will also talk about the before- and after-school care space and speak to the providers, giving them important updates on how our election commitment is progressing. It is very important because we know that early childhood education has a significant positive impact on a child's future. That is why the Government is committed to supporting our fantastic early childhood educators and providers across the State. During my time as Minister I have had the opportunity to visit quite a few of the roadshows. They are always incredibly informative sessions and I know that they are appreciated by the educators who attend.

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

#### LAND TAX

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:03:36):** Earlier today I was asked some questions in relation to land tax. Because it is an important issue and I would not want anyone to leave this place in any doubt about their responsibilities, I make clear what Revenue NSW is doing. I think I called it the Office of State Revenue which discloses the fact that I have probably had long experience dealing with it—I have not. It is Revenue NSW for current purposes. Earlier this week Revenue NSW issued a media release that states:

The NSW Government is launching a new crackdown on land tax compliance, putting landowners not paying their fair share on notice.

Acting Chief Commissioner of State Revenue Kelly Wood said a new investment of \$7.1 million from the NSW Government will improve information management and help fund additional compliance officers to identify people who are avoiding the tax.

"The majority of people are doing the right thing, but some people have been avoiding paying land tax for years, making it unfair for those who are meeting their obligations," Ms Wood said.

Land tax is paid by those whose aggregate taxable landholdings is above the tax-free threshold, which is \$692,000 for the 2019 year.

In 2018, around 190,000 individuals and 60,000 companies were required to pay land tax. The average amount payable was \$14,803, or \$6,678 for individuals and \$39,629 for companies.

"Revenue NSW is also offering a three-month amnesty period for landholders who may be unaware of their land tax liabilities to come forward and tell us about their landholdings without incurring any additional penalty on top of their existing liability," Ms Wood said.

Landowners are advised to contact a financial advisor for advice. Landowners can also update details of their properties via the land tax online portal and sign up to receive future notices of assessment via email. As part of this crackdown, more flexible payment options will be available.

The media release then makes provision for further information. My further answer is to ensure that the matter is clarified for the benefit of members opposite.

### NORTHERN BEACHES SECONDARY COLLEGE CAMPUS

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:06:14):** The Deputy Leader of the Opposition asked me a supplementary question about Balgowlah Boys High School. As I said in my original answer, I inform her and the House that in order to address the issues raised regarding the access to toilets at Balgowlah Boys High School, there is planned work on a toilet block that is due to be completed in February 2020. I am also advised that in the interim work is being undertaken to renovate an existing toilet block. The principal has advised that access to toilets is adequate while this construction takes place; however, an additional portable toilet block is also due to be placed on the site in coming days to ensure that staff and students are best supported.

#### *Supplementary Questions for Written Answers*

### MURRUMBIDGEE REGIONAL HIGH SCHOOL

**The Hon. WALT SECORD (13:07:03):** My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. It relates to her answers to two questions asked by the Hon. Shaoquett Moselmane about the supervision of students during teacher absences in the Murrumbidgee area. Will the Minister guarantee that all supervisors are qualified teachers and that they have the appropriate and necessary safety checks and Working With Children Checks?

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

### TAKE NOTE OF ANSWERS TO QUESTIONS

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

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

### LAND TAX

### NORTHERN BEACHES SECONDARY COLLEGE CAMPUS

**The Hon. WALT SECORD (13:08:00):** My contribution to the take-note debate relates to the questions put to the Minister for Finance and Small Business about land tax, to the question put to the Minister for Education and Early Childhood Learning about the Balgowlah Boys High School toilet block and to the question put to the Aboriginal affairs Minister about the RSPCA.

**The PRESIDENT:** If the member is referring to the question about the RSPCA that I ruled out of order during question time, the member cannot make a contribution on that question during the take-note debate.

**The Hon. WALT SECORD:** I wish to make comment on the response given by the finance Minister during question time regarding the response of the Berejiklian Government to Productivity Commissioner Peter Achterstraat's report, *Kickstarting the productivity conversation*, released earlier this month. I have high regard for Mr Achterstraat, AM. However, I am surprised that any organisation would consider increasing land tax in New South Wales, especially since New South Wales is the highest-taxing State in Australia. In this context, the Productivity Commissioner has said that land tax is the most efficient New South Wales tax.

The finance Minister obviously sees it as an area of significant revenue when he says in this Chamber that the inspectors and advisers at Revenue NSW have been advised to "aggressively pursue" people involving their land tax and there will be a three-month amnesty. He also uses terms like "crackdown", which shows the intention in how this will occur. It is extraordinary that they will be pursuing people and families involving land tax and considering increasing land tax at a time when the economic storm clouds are gathering over the New South Wales economy.

To give some context on land tax, in 2014-15 \$2.47 billion in land tax was collected by the Liberal-Nationals Government; in 2015-16, \$2.75 billion; in 2016-17, \$3.17 billion; in 2017-18, \$3.74 billion; and in 2018-19, \$4.2 billion. It just keeps going up and it will grow. The Berejiklian Government has forecast that in 2019-20 it will be \$4.5 billion; in 2020-21, \$4.61 billion; in 2021-22, \$4.56 billion; and in 2022-23, \$4.5 billion. That is extraordinary. We know that there are complexities with land tax. For example, is it fair to target an elderly migrant woman who has very little income but has inherited the family home— [*Time expired.*]

### SCHOOLS ASBESTOS MANAGEMENT PLAN

**The Hon. MICK VEITCH (13:11:06):** I take note of the question asked by the Hon. Peter Primrose and the response provided by the Minister for Education and Early Childhood Learning. As a way of opening my comments and by way of explanation there are a couple of things I wish to raise. Friable asbestos and asbestos in general are extremely serious matters. They are not taken lightly and they are not matters frivolously put up in questions by the Opposition. They are matters raised by people with the Opposition. To say that it was scaremongering—which was part of the Minister's response—is inaccurate. But to have ill-informed and insensitive interjections from the Government along the lines of "shameful" whilst the Minister was providing her response is disrespectful to the processes of this House and disrespectful to the process of question time.

The Opposition—and those members on the other side who have been in opposition know how this works—does not just stand here and ask a question. There is a good chance it has been provided by someone from the community who is genuinely seeking to elicit a response. What is shameful about this is the fact that an ill-informed interjection was made by someone who does not know the processes of the House. The Minister was attempting to answer the question on a very serious matter—friable asbestos in our schools. It is the work of the Opposition to hold the Government to account on matters affecting the community. The school community is a very important community to the people of New South Wales. The Opposition will continue to ask questions about these matters. It is not shameful and the honourable member who made that interjection should go away and learn his job.

### LAND TAX

**The Hon. DANIEL MOOKHEY (13:13:33):** I wish to join the take-note debate relating to the finance Minister's answers regarding land tax. The question arose after the publication of the first public report of the NSW Commissioner for Productivity, which highlighted a range of exemptions for land tax, including for land used as a principal place of residence. This Government makes much of its decision to appoint a productivity commissioner in New South Wales. Every time the Opposition says this State faces productivity challenges, we are told we have a productivity commissioner. Every time we are told that one of the biggest challenges, for example, for small business growth is the inability to pursue proper productivity reforms, we are told we have a productivity commissioner. But the first time we see a report from the Productivity Commissioner, the Government immediately scampers away from it, all of which invites the question: Why have one?

Why have a productivity commissioner capable of drawing these problems to the attention of the Parliament and to the public? The point the Productivity Commissioner is making is that the land tax system as it is currently designed is not working the way it was intended. He is making the case for reform. It is entirely possible he is wrong. It is entirely possible that now is not the time for us to be pursuing this change to the land tax. As the shadow Treasurer said, we are facing a period of economic stagnation, declining growth and challenges to retail trade. Just last week I met with the owner of the Minto Marketplace to commemorate Small Business Month. He made the point that he has to pay \$70,000 each year in land tax and that is the biggest cost that he faces. He would be surprised to learn that the Government is so muddled on land tax that it is offering amnesty to people who have been unable to comply with their obligations.

The whole point of tax in law is that it applies equally to all. That is how we ensure businesses compete in a fair marketplace. We should not be hearing about amnesties for the first time in the week when they are being implemented. Reasonable notice should be provided to the many small businesses that I am sure would also like the opportunity to potentially experience some aspects of this amnesty. We either have a land tax system or we do not. It is either fair or it is not. If it is not working, it should be reformed. All we have heard from the Minister today is that the Government does not know what it wants to do on land tax. The agency says it should be reformed.



The Minister says it should not happen. The only thing this House can conclude is we have a confused Government that has forgotten what its job is.

#### SCHOOLS ASBESTOS MANAGEMENT PLAN

**The Hon. MARK BUTTIGIEG (13:16:29):** I wish to contribute to the take-note debate on the question asked by the Hon. Peter Primrose regarding asbestos in schools and friable asbestos, and further to the point made by my colleague the Hon. Mick Veitch regarding the seriousness of this issue. It concerns me somewhat that the Minister does not necessarily understand the nature of the definition of "friable" and what that means in the way asbestos is treated in industry. It is either friable or it is not for a very good reason. The definition of "friable" is that the fibres in the bonded nature of the asbestos have been permanently disturbed and can become airborne, meaning if they are inhaled by a human that person can contract mesothelioma. That is the issue and that is why they are classified as friable.

If they are classified as friable the industry standard requires that they are remediated immediately. That is what the question went to. The Minister suggested that there are situations where friable asbestos may be tucked away in a cupboard, out of sight and out of mind from teachers and students, in which case they are not exposed and therefore we do not have to remediate it. They appear on the list; therefore, it is not necessarily the problem it is being made out to be. That is not correct. If it is friable, if this were to happen in the electricity industry, for example, they send out professional hygienists, they set up air monitoring, they have professional people with full protective clothing remove the asbestos or remediate it—meaning they re-bond it by putting protective coverings over it so it does not become airborne, they monitor the atmosphere, usually for another 24 hours, and they do not let anyone back in there until they get a clearance. That way you know you have reduced the exposure and the hazard is gone.

What the Opposition is asking is whether these are the sorts of standards and procedures that the NSW Department of Education is implementing. It appears to those of us on this side that after weeks of repeated questioning the Minister is not necessarily getting the proper advice or understanding the situation to sufficiently remove the threat to students and children. This is not a scaremongering campaign. It is a valid line of inquiry and the Government should respond appropriately.

#### SCHOOLS ASBESTOS MANAGEMENT PLAN

**The Hon. COURTNEY HOUSSOS (13:19:19):** I take note of the answer given during question time today by the Minister for Education and Early Childhood Learning on the issue of asbestos. The Minister has certainly changed her tune. Today she said that the purpose of the registers was so that people know where asbestos is so that they have information. She said that is why the registers exist. Two months ago if someone wanting the most up-to-date information logged on and followed the almost-impossible-to-find—

**The Hon. Walt Secord:** The maze.

**The Hon. COURTNEY HOUSSOS:** —maze to find the registers, they would have found the two-year-out-of-date registers that stated that 109 schools in New South Wales had friable asbestos. My colleagues talked about the incredible danger that friable asbestos places on people. The fibres that break down and lodge in lungs cause cancer 30 to 40 years later. The Opposition is pursuing a genuine line of questioning because it is a very important issue. As a result of that questioning in budget estimates, 22 days later the Government finally put up the 2019 reports on the website. There was a missing H—now it has been replaced. We note the Government fixed that typo after it was raised in the House. The 2018 reports have never been produced except as a result of an order of this House. They sit upstairs for members to have a look at. It is disingenuous at best for the Government to say that it is producing the information so that the public is aware.

We have gone through the 2019 reports. As the question of the Hon. Peter Primrose stated today, of those 109 schools, 74 still have friable asbestos—friable asbestos in their window frames, friable asbestos debris and friable asbestos dust associated with ceilings, to name a few. We found out from the Minister's comments this week that 18 schools need remediation work for vermiculite ceilings. We are not producing these classifications; we are not making them up. That is a private certifier who says, "Friable asbestos is in place." Schools are robust environments, as they should be. Ball games are going on, students are running around and teachers are sticking pins into walls and ceilings to display artwork. There is a reason that we need to be incredibly cautious about the existence of any asbestos, particularly friable asbestos, in our schools. The remediation plans will be produced next week under Standing Order 52. The Opposition will look at them closely. [*Time expired.*]

#### SCHOOLS ASBESTOS MANAGEMENT PLAN

**The Hon. WES FANG (13:22:25):** I take note of the answer given by the Minister for Education and Early Childhood Learning about asbestos. I also take note of the contributions that have been made to date on

the issue, some of which are, at best, inaccurate. The last contribution was about the registers being out of date on the website. Firstly, they are easy to find. Secondly, they were available. In the case of asbestos, we only ever see a decrease, generally, in the schools that have asbestos because when it is identified or disturbed and becomes friable, it is safely removed to keep staff and students safe, as the Minister has indicated.

Members opposite are running a scare campaign. There is no doubt about it. Today the Minister gave the example of a school that has friable asbestos in the electorate of Wagga Wagga, which is near where a number of members live. That asbestos is in a gasket that is on a boiler that is locked away in a room that is not accessible by students or staff. It poses no danger to them. It is on the register to allow any contractor who may have to go into that area at a later date to know that the gasket exists, which is exactly the point of the register. But members opposite ran a fear campaign and a scare campaign about asbestos in schools, which was shameful. Members opposite wanted those headlines. The Government is doing everything it can to ensure that asbestos in schools is handled safely. I suspect members opposite know that.

**The Hon. Natalie Ward:** Point of order: Members listened in silence to the Hon. Courtney Houssos' contribution to the take-note debate but she has interjected on a number of occasions during the contribution by the Hon. Wes Fang. One of the interjections referred to the Hon. Wes Fang as "Wes". Mr President, I ask that you direct her to address him by his proper title and ask her to cease her interjections so that the Hon. Wes Fang is afforded the same opportunity as she was.

**The PRESIDENT:** I uphold the point of order. The Hon. Wes Fang's time has expired.

### SCHOOLS ASBESTOS MANAGEMENT PLAN

**The Hon. JOHN GRAHAM (13:25:51):** I take note of the answers by the Minister for Education and Early Childhood Learning. I listened carefully to the information that she provided to the Chamber and to the people of New South Wales. To the contributions of my colleagues, we will pursue this line of inquiry. It is important. It is a matter of public interest and public safety. We will continue to raise it. I am interested in the views of experts on the matter. To the last member who contributed, I say that the Opposition does not accept assurances from a member of Parliament about an individual matter on this set of issues. That is of little use to the public. If the Government has other information from experts or from the department, the Opposition will take it seriously but it does not help the public debate to individually assure the public about a single school in New South Wales.

### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:27:03):** On behalf of the Government, I reply to the Opposition's absolute confusion on land tax. There is no confusion on the Government side of the House.

**The PRESIDENT:** Government and Opposition members will cease interjecting.

**The Hon. DAMIEN TUDEHOPE:** It emerged that there seemed to be a suggestion from members opposite that we should adopt the recommendation of the Productivity Commissioner. In fact, what I heard today was to rule that out but this side of the House would be—the effect of accepting the recommendation is that it appears that the Opposition is endorsing land tax on people's principal place of residence—

**The Hon. Walt Secord:** Point of order: The Minister is abusing the take-note debate. He is distorting the Opposition's question. We were posing a question and asking for the Government's response to it. The Opposition has no plans to introduce a land tax.

**The PRESIDENT:** There is no point of order. The Hon. Walt Secord will resume his seat. He is simply trying to take up time. It is obvious.

**The Hon. DAMIEN TUDEHOPE:** And it is obvious why. Whilst this Government stands by the appointment of the Productivity Commissioner to enhance the decision-making power of the Government, it does not mean that it abrogates its responsibility to govern for the people of this State. The commissioner makes recommendations to the Government but we do not necessarily have to comply with them. It appears that those opposite are suggesting that we should accept the Productivity Commissioner's recommendation. If that is their position, I would welcome them announcing that they will adopt a position to impose land tax on people's principal place of residence.

The shadow Treasurer mistakenly suggested that the Government was interested in increasing the land tax rate. I have never heard that suggested before in any release by the Government. It is the Opposition's proposal to increase the land tax rate; it is not the position of the Government. One has only to look at the Opposition's record on payroll tax. Members would recall that at the last election, when the Government was very generous in

ensuring that small- and medium-sized businesses got relief from payroll tax rates, those opposite were going to abolish it. We are reliable in the tax responsibilities of the people of this State. [*Time expired.*]

*Deferred Answers*

**READING RECOVERY PROGRAM**

In reply to **the Hon. MARK LATHAM** (26 September 2019).

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

The Department of Education does not collect data on the use of external programs in New South Wales schools.

Funding that was used to support Reading Recovery is distributed to schools as flexible funding. This supports schools to make decisions about interventions and professional learning to meet the needs of their students and teachers.

The department has been offering professional learning on the explicit teaching of phonics since 2018 and over 4,000 teachers have participated. All schools have access to professional learning which supports them to target teaching to best meet student needs.

**QUALITY TEACHING, SUCCESSFUL STUDENTS PROGRAM**

In reply to **Mr DAVID SHOEBRIDGE** (26 September 2019).

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

In June 2015, the Minister approved the phased implementation process of Quality Teaching, Successful Students initiative [QTSS]. The QTSS phased implementation process commenced in term 3, 2015. The phased implementation took place over a period of four years. Due to this phased implementation, it was not appropriate to review QTSS until it was fully rolled out. QTSS will undergo a review as part of review cycles commencing next year.

*Written Answers to Supplementary Questions*

**SCHOOL INFRASTRUCTURE**

In reply to **the Hon. WALT SECORD** (16 October 2019).

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

As part of the New South Wales Department of Education's record investment in school infrastructure, demountable classrooms can be used to temporarily accommodate students during major capital works. These are sometimes referred to as "pop-up" schools.

As at 17 October 2019, the following schools are utilising demountable classrooms to support capital works projects:

Alexandria Park Community School  
Armidale Secondary College  
Auburn North Public School  
Byron Bay Public School  
Canterbury South Public School  
Cecil Hills Public School  
Croydon Public School  
Curl Curl North Public School  
Epping Public School  
Excelsior Public School  
Greenwich Public School  
Gwynneville Public School  
Hurstville Public School  
Kent Road Public School  
Killarney Heights Public School  
Oran Park Public School  
Penshurst Public School  
Penshurst West Public School  
Picton High School  
Rosehill Public School  
Samuel Gilbert Public School  
St Ives North Public School  
Tamworth Public School  
Terrigal Public School  
Ultimo Public School  
Waitara Public School  
Westfield Sports High School  
William Stimson Public School  
Willoughby Girls High School  
Willoughby Public School

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

*Visitors***VISITORS**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I welcome to the President's gallery Mayor Darriea Turley of Broken Hill and her husband, Darryl. I acknowledge Darriea Turley's significant work in the area of HIV and AIDS. I thank her very much for being here.

*Private Members' Statements***LAND CLEARING**

**The Hon. MARK LATHAM (15:00:58):** There is a corrosive, malignant force inside the New South Wales Government. It is called the Office of Environment and Heritage [OEH], now known as Environment, Energy and Science, and it has embarked on what I regard to be a cruel campaign to destroy not only the livelihoods but also the lives of farmers and their families in the Moree district. The OEH has been engaged in a macabre campaign of revenge following the shooting death of its officer Glenn Turner in 2014. That was a tragic crime, but cooler, wiser and more mature heads inside OEH should have realised that a cooling-off period was needed in the Moree district. The tensions and emotions were so fraught that all parties needed to back off. Instead, OEH went in harder, seeking revenge by pursuing hundreds of drought-stricken farmers for the clearing of useless scrubland.

In 2011 the National Party came to office promising to abolish Bob Carr's draconian land clearing laws but that was not fulfilled for another six years. The former member for Barwon encouraged Moree farmers to act as if the new laws were already in place. The Carr Government's laws were part of a public policy scam—a backdoor way in which the Federal Government could meet its Kyoto carbon commitments without triggering the just compensation clause of the Australian Constitution. In effect, it was a private land lock-up without the Government having to pay farmers a cent for their financial loss and limitations. By the beginning of this year dozens of farmers were headed to the Land and Environment Court to be hit by fines they could not possibly pay, with no farming income in a time a dreadful drought.

To their credit, Ministers Marshall and Kean stepped in to develop a new land clearing code to help the farmers not yet in court and to bring them under the coverage of the new laws passed by this Parliament a few years ago. It is one thing for Ministers to announce a fair and compassionate policy to give consideration to our farmers during the drought, but it is a different thing altogether for the OEH to actually implement it—especially the provision abandoning remediation orders for all the prosecuted and persecuted farmers. I have been making representations on behalf of one Moree family in particular. The dad was a truck driver and then a share farmer before getting his own property, so we are not talking about rural aristocracy.

The family has been through the courts and copped fines and legal fees in excess of \$400,000, for which other Ministers are trying to arrange extended repayment schedules. I am very thankful to them for that. Still, the OEH lawyers will not leave them alone, with a new bogus code assessment declaring the need for 3,300 hectares of conserved locked-up land—a remediation order by any other name. This is the remediation order that the Ministers said would not happen. It is cruel and harsh during a time of drought. I have seen the correspondence and I will not go into the full detail but we are talking about people right on the edge, not only on the edge of bankruptcy but also of their very existence. The Government must correct this shameful problem right now.

**MURRAY-DARLING BASIN PLAN**

**The Hon. MATTHEW MASON-COX (15:04:10):** Yesterday I attended a meeting hosted by the Hon. Rod Roberts of One Nation when a number of farmers from southern New South Wales came to Parliament to talk about some of the problems they face on the land in their region. It was terrific to hear firsthand from them about some of the challenges. We also heard about a perverse circumstance in southern New South Wales where, in a drought situation, an abundance of water is flowing down the Murray. In reality it is a drought nonetheless because our farmers have no ability to access that water. I could not help but be aggrieved by some of the stories that were told yesterday. I acknowledge the farmers who took the time to come to Parliament and speak to members, including Chris Brooks, farmer and Chairman of the Southern Riverina Irrigators; Darcy Hare, farmer and Deputy Chair of the South Riverina Irrigators; and Chris Stillard, farmer and member of the executive council of NSW Farmers.

It was distressing to hear some of their personal stories and about the impact of the Murray-Darling Basin Plan on their communities. I could not help but think that we have a terrible drought in the north-west of the State, the impacts of which are once in a generation. We all know that farmers and communities are running out of water, yet perversely there is a lot of water in the southern part of our State—particularly environmental flows going down the Murray River—that our farmers cannot access for their fundamental lifestyle and businesses. It is

a critical problem and something that governments need to address not only in New South Wales but also in Victoria and at a Commonwealth level. It involves the Murray-Darling Basin Plan and all the governments that are affected by the flow of water across State boundaries.

It seems to me that it has got to the point where we need to address the issue of the Murray-Darling Basin Plan. The plea that we heard from those farmers was very simple: Let us pause the plan and start to look at the environmental flow regime, the modelling of the water that runs through to the South Australian system at Lake Alexandrina and the impact of that estuarine system so we can manage those flows more appropriately to ensure that the social and economic impacts are taken full account of.

### INDIGENOUS OUT-OF-HOME CARE

**The Hon. PENNY SHARPE (15:07:37):** We are currently failing Aboriginal children and young people in New South Wales. *The Family Matters Report*, released today, details the problems we have in separating Aboriginal children and young people from their families. Report authors Natalie Lewis and Richard Weston said that as at 30 June some 20,421 Aboriginal and Torres Strait Island children were living in out-of-home care across Australia and that the majority of them "will go to bed tonight in a place that is not their own, disconnected from kin, Country and culture. This is unacceptable." Indeed, it is.

The figures are not getting any better. The report today says that Aboriginal and Torres Strait Islander children and young people are more than 10 times more likely to be living in out-of-home care than non-Indigenous children. Let us not forget they make up only 5.5 per cent of the population. When we take children from their families we are supposed to be place them within Aboriginal families, but that is getting worse. We have had a 20 per cent drop in the number of kids who are staying with Aboriginal families when they are removed from their own families. That is also a failure. Aboriginal children are more likely to be on permanent care orders and in New South Wales they are almost twice as likely to be on a permanent care order as compared with the national average.

The report card given by Family Matters says that New South Wales is poor or very poor in relation to the building blocks that would turn this around. We are poor in universal and targeted services; we are very poor when it comes to participation, control and self-determination; we are very poor when it comes to culturally safe and responsive systems; and we are very poor when it comes to accountability. This is an issue of critical importance because we know the impact that out-of-home care has on all children and we know that going into the care system often brings a whole new range of trauma for children, in addition to the trauma they have suffered by not being able to live safely with their own parents.

Recently I was able to meet with youth ambassadors from the Aboriginal Child, Family and Community Care State Secretariat, or AbSec, which is the Aboriginal secretariat that looks after Aboriginal kids in out-of-home care in New South Wales. I thank Storm, Jade, Mandy and Letitia for taking the time to talk to me about their experience and make recommendations to improve things for Aboriginal children and young people in care. They talked to me about their concern at being separated from siblings. They talked to me about their concern at being taken off country and never knowing the country they are from. They talked about the limited nature of their cultural plans and their leaving care plans. They talked to me about the trauma of the removal process and they talked to me about the intersection of other issues such as disability. We can and we must do better. Aboriginal children deserve and must know about their country and about their nation and be able to live safely within our community, and that is simply not the case at the moment.

### NATIONAL PRAYER BREAKFAST

**Reverend the Hon. FRED NILE (15:10:40):** I speak briefly on an experience I had on Monday 14 October when I was a delegate to the 2019 National Prayer Breakfast that was held in the main hall of Federal Parliament House and supported by all members of Parliament from all political parties. The event draws its inspiration from the United States. After the Second World War, the United States President Dwight D. Eisenhower inaugurated the event in Washington by inviting people from all faiths and party affiliations to come together in the spirit of the Lord Jesus Christ. As described on its website in Australia, the idea behind the prayer breakfast was:

... people who exercised national leadership needed to be reminded of both their responsibilities and privileges before God. In addition, the founders of the Breakfast shared a conviction that the problems of the world were growing increasingly complex and that they needed the help of Almighty God more than ever.

This year's prayers were led by a number of younger leaders: Luke Gosling, MP, who introduced the prayer time; Chelsea Newman; Andrew Noack; Michael Gladwin; Mel Hickson; and Senator Zed Seselja, who delivered the Lord's Prayer. Trinity Christian School's Divine Clement and Worship band performed *Goodness of God*. The National Prayer Breakfast website states:

... the problems of the world can only be solved as we genuinely learn to love our neighbour. Jesus' teaching on the Good Samaritan illustrates to us that our neighbour is everyone we meet who is in need, whether they share our particular conviction and values or not.

Breakfast was followed by two memorable speeches. I had not been advised who were going to be the speakers but I was pleasantly surprised that the first was our Governor-General, previously our State Governor, General the Hon. David Hurley. He gave a very humble and memorable speech and he made one confession: that he had met his wife in a pub and that is where they had fallen in love with each other. He was very down to earth.

The second speaker was our Prime Minister, the Hon. Scott Morrison. He gave a very inspiring speech expressing his own Christian faith. The Hon. Anthony Albanese, MP, gave the vote of thanks and gave an excellent summing-up of the event. Senator Amanda Stoker closed this year's event. In a world of politics filled with negativity it is refreshing to attend something in the spirit of hope. I always find this yearly event to be uplifting and positive. I recommend it to my colleagues, who I think would benefit from attending future national prayer breakfasts in our Federal Parliament House.

### LANTERN CLUBS

**The Hon. SHAYNE MALLARD (15:13:50):** Today I speak about a fantastic organisation of the same vintage as me—Lantern Clubs, which are across New South Wales. Lantern Clubs are made up of enthusiastic, fun-loving and committed volunteers who fundraise for the Royal Institute for Deaf and Blind Children [RIDBC] through activities that include events, raffles, street stalls and networking. There are more than 13 Lantern Clubs across New South Wales, with a membership of over 500. For more than 55 years, Lantern Clubs have fundraised through a variety of fun and creative activities including literary luncheons, morning teas, raffles, fashion shows and much more.

The mission of the RIDBC is to provide quality and innovative services to achieve the best outcomes for current and future generations of Australians with vision and/or hearing loss. The charity is Australia's largest non-government provider of therapy, education and cochlear implant services for people with vision or hearing loss, supporting thousands of adults, children and their families every year. The RIDBC relies heavily on fundraising and community support to be able to continue to make a difference in people's lives. Lantern Clubs raise funds and awareness for RIDBC's Alternative Format Publications [AFP]. The AFP creates tactile and braille resources for children all over Australia, from babies as young as a few weeks old to school students needing textbooks translated into braille to allow them to keep up with their class. This ensures children are not held back by their vision impairment and are able to live life to their full potential. Lantern Club members have raised more than \$14 million to help support children with vision or hearing loss, which is an impressive fundraising effort.

I take this opportunity to congratulate the Blue Mountains Lantern Club, which celebrated its fiftieth anniversary last week at Springwood Sports Club. I also mention in particular its president, Dianne Marris, and secretary, Ruth Stevenson, who planned the successful event. I know that Lantern Clubs are always eager to expand their network of volunteers, so if any members know of people in their community or have family who might be interested in joining, I encourage them to do so. It is organisations like the Blue Mountains Lantern Club and many others and their dedicated volunteers that are the backbone of our community. I sincerely thank them for the work that they do.

### SMALL BUSINESS MONTH

**The Hon. DANIEL MOOKHEY (15:16:13):** How good is small business? In this Small Business Month I pay tribute to the work of small businesses, the many owners and operators and all those who work in small businesses in New South Wales. There are around 785,000 small businesses in this State and I wish them all a very happy Small Business Month. Since taking on the Finance and Small Business shadow portfolio, I have enjoyed meeting with small businesses and stakeholders. They have raised a number of matters that this Parliament can take up to ensure that small businesses thrive. Time and time again, every small business and small business organisation I speak to raises the issue of skills. Small businesses want to upskill themselves and they want their employees to upskill as well. They want to learn how to improve and modernise their operations, but they do not always have the means or the time to do so. Unlike many big businesses, they have not got the ability to fund extensive training budgets, which makes their reliance on public provision, including our TAFE system, all the more important.

In this Small Business Month it is important that we do everything in our power to assist small businesses that want to upgrade their staff's skills and their operations. That is a lesson I learnt just last week when I had the opportunity to visit the University of Wollongong's Innovation Campus with local member Paul Scully, the member for Wollongong. The Innovation Campus offers a fantastic program that matches small and medium enterprises with the university's researchers to help businesses prosper and grow. It assists businesses all the way from the southern border to throughout the Illawarra and the Sutherland shire. The program is particularly

important for regional New South Wales businesses. Regional small businesses are the hearts and souls of their communities and their towns' main streets. The University of Wollongong initiative equips them with research to innovate and provides them with a unique benefit that allows them to modernise their operations.

Australian businesses that engage in collaborative innovation with research organisations like that at the University of Wollongong are 242 per cent more likely to report increases in productivity compared with non-innovating businesses. However, the team's research shows that in the past few years one-third of businesses have introduced a new process or a new product. They provided an example of a Sutherland shire-based business that used their research services. Off the back of their advice the business has seen an increase and a broadening of its customer base that will allow for an increase in full-time equivalent staff from approximately three people to four people across the entire supply chain, which is an astounding return on investment for a small business wishing to upgrade its skills. It was a great lesson on how we can assist small businesses to achieve real and tangible outcomes and I applaud the University of Wollongong, its Advantage SME program and its Innovation Campus for the pioneering work they are doing in fostering collaboration between small business and our research sector.

### RELIGIOUS ORGANISATIONS

**Ms ABIGAIL BOYD (15:19:18):** Many people would assume that Australia has a strict separation between church and State. In fact, many people would expect this separation given that seven million Australians do not subscribe to any religion. This is a larger percentage of our population than those identifying as Catholic and a larger group than those subscribing to any other particular religion. One could point to the Australian Constitution as evidence of that separation. Section 116 states, in part:

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion.

However, this does not mean that organised religions do not consistently and legally influence our social and political spheres. An example is the Federal Government's National School Chaplaincy Program. Instead of receiving counselling and education from qualified professionals, our children are forced to deal with unqualified people who are in the school merely because they subscribe to a particular religion. Another example is the Federal Government's National Plan to Reduce Violence Against Women and their Children, which provides funding for couples counselling, around half of which will be provided by faith-based organisations. Instead of women and their children receiving evidence-based assistance, they will get religious preaching. Family violence experts argue this will increase the risk of harm. The final example I will give is very fresh in people's minds, the debate around abortion and reproductive health. It is clear that the opposition to abortion law reform in Australia and globally has been largely driven by organised religion. And the religious institutions who forbid women from occupying positions of authority are the same institutions that vigorously oppose expanding reproductive choice for women.

I have great respect for anyone's choice to be a person of faith. A great number of fabulous religious leaders continue to speak clearly in favour of respect for other people's viewpoints and the right to choose based on each person's individual beliefs. However, I have no respect for organised religion that seeks to influence our social and political institutions that are supposed to serve the whole of our community. The laws which govern our society should be determined through reason, debate and our common humanity, not the dogma of particular religious sects. This is particularly important when it comes to debates around health care and autonomy for women. To extend the famous slogan worn on a T-shirt by Greens Senator Kerry Nettle during the 2006 debate over the drug RU 486: Keep your rosaries off my ovaries and get your theocracy away from our democracy.

### MUSEUM PARK, NEWCASTLE

**The Hon. TAYLOR MARTIN (15:21:53):** Earlier this month I had the opportunity to officially open a new park in the Newcastle CBD on behalf of the Minister for Planning and Public Spaces, the Hon. Rob Stokes. Museum Park is a great example of the New South Wales Government's \$650 million commitment to revitalising the Newcastle city centre. The community played a big role in the creation of Museum Park through extensive consultation and it was wonderful to see our shared vision come to life. Museum Park is located at the site of the former Civic railway station, one of the old train stations on the railway line that had previously divided the Newcastle CBD. New pedestrian links have been created with the opening of Museum Park, resulting in an unbroken connection from the Civic precinct through to Honeysuckle and the waterfront. The removal of the footbridge and the opening of sections of the station building has enhanced line of sight and created a visually appealing space accessible by all. The old footbridge was a barrier in the middle of the city for people with disabilities—a stark contrast to the new light rail, which is fully accessible from start to end.

I congratulate Hunter and Central Coast Development Corporation on the opening of the park. They consulted heritage experts to retain the site's history as much as possible. They incorporated original building

materials into the landscape, such as the old blue station benches that have been put back to use. The former footbridge has been reinterpreted as a full-scale paving feature, enhancing open space while recognising the history of the site. The haunch beam from the footbridge has found new life as a one-of-a-kind bench feature in the park. The former rail lines have been replaced with an interactive lighting display, adding movement and colour to the garden, which is sure to be a hit with kids in the school holidays. The lawn will be extremely popular for large community events, picnics, night-time entertainment and lunchtime sports for city workers. It has already been put to good use by Newcastle Museum with school holiday activities.

With the opening of Museum Park we have created a green haven in the heart of the city with 25 new trees and thousands of plants in attractive inlaid gardens. I invite all members to check out Museum Park on their next visit to Newcastle and to contemplate the fact that members opposite were against it from the very start.

## FOODBANK

### BAY CITY CHURCH

**The Hon. SHAOQUETT MOSELMANE (15:24:30):** For a number of years now Foodbank has released the *Foodbank Hunger Report*, providing an annual snapshot of the hidden problem of food insecurity in Australia. Who would have believed that in 2018 four million Australians experienced food insecurity at some point in a period of 12 months, according to the report? It is hard to believe that is actually happening in the lucky country where we produce enough food for 60 million people. Foodbank provides 77 million meals a year—or 210,000 meals a day—to more than 2,600 charities around the country. It accounts for 79 per cent of all food received by charities from food rescue organisations. According to the United Nations, food insecurity is experienced when people lack secure access to sufficient amounts of safe and nutritious food for normal growth and development which would allow them to lead an active and healthy life. As a result of food insecurity, people suffer from chronic hunger and poor nutrition. Those people are less likely to have healthy and productive lives.

In a predominantly affluent country such as Australia, the growing issue of hunger regularly goes unnoticed, but not by Pastor Andrew Harper of Bay City Church. Pastor Harper has been instrumental in improving the lives of many southern Sydney residents. Launched in 2007, Bay City Care Community Foodcare was set up to bring assistance to anyone from any cultural or religious backgrounds who is homeless, in a state of hardship, unemployed, a sole parent or otherwise disadvantaged or victimised, including those suffering the effects of domestic violence. Community Foodcare has become an essential community service that provides free and affordable groceries at a low service and handling fee to over 120 families a week. Bay City Church has supported more than 2,000 local families as well as regional and remote communities. The Bay City Community Foodcare program has expanded its services to nine locations including Cooma, Tamworth, Yass, Granville, Chatswood, Cromer, Dee Why, Hawkesbury and, of course, its first site in Arncliffe.

I was delighted to learn that the newly elected president of the Rockdale District Chamber of Commerce, Mr Mohamed Mobayed, had recently linked up with Pastor Andrew Harper to provide appropriate food to many of our religious communities. Much of that is sponsored by local businesses. I thank and acknowledge all those involved in the food bank and especially our former parliamentary colleague and now chief operating officer Mr John Robertson for his hard work and dedication to the project. I thank President Mohamed and Pastor Harper. I thank former Bayside Council mayor Councillor Bill Saravinovski, current mayor Councillor Joe Awada and all at Bayside Council and Bay City Church for the wonderful work that they do in ensuring that our locals do not go to bed hungry.

## POLICE POWERS

**The Hon. ROD ROBERTS (15:27:30):** During private members' statements on 19 September I was unable to complete my statement in the allocated time due to continual interjections. The Deputy President may remember that as he was presiding that day also. I intend to take up where I left off in saying that surely Mr David Shoebridge would not deny police the ability to stripsearch suspects that results in the detection and charging of offenders for sexual assault offences or, in particular, child pornography. It should be noted that charging is not the only legal process available to police.

When looking at charge numbers as a result of stripsearching, it should be remembered that there are other alternatives to charge available to police. They include juvenile cautions, field court attendance notices, summons and on-the-spot infringement notices. Charge statistics alone are not a true reflection of the effectiveness of stripsearching. When looking at stripsearching figures it is necessary to consider the issue of persons in custody. The police computer system will issue warnings to officers if a person in custody has attempted self-harm on previous occasions. Due to their duty of care, it is then incumbent upon the officer to ensure that the person in custody has no weapons or other items on their person that they can use to harm themselves. They have to be searched for their own safety.



**The Hon. Rose Jackson:** Which causes more harm.

**The Hon. ROD ROBERTS:** There are those interjections again. It should be noted that searches undertaken at correctional facilities are also included in the police statistics for strip searches. If a visitor to a prison arouses the suspicion of corrections officers, police are called to perform a strip search. Those searches are reflected in police statistics even though they were not initiated by the police. Stripsearching by police involves a lot more than the allegation made by Mr David Shoebridge that they are simply punishing young people.

*Members*

#### LEGISLATIVE COUNCIL VACANCY

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I shall now leave the chair for the joint sitting. The business of the House will be suspended during the joint sitting. The House will resume at the conclusion of the joint sitting following the ringing of the bells.

*[The Deputy President (The Hon. Trevor Khan) left the chair at 15:30.]*

*Joint Sitting*

#### ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL

The two Houses met in the Legislative Council Chamber at 15:50 to elect a member of the Legislative Council in the place of the Hon. Niall Blair.

**The PRESIDENT:** I declare the joint sitting open and call upon the Clerk of the Parliaments to read the message from the Governor convening the joint sitting.

**The Clerk of the Parliaments** read the message from the Governor convening the joint sitting.

**The PRESIDENT:** I am now prepared to receive proposals with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Niall Blair.

**Mr JOHN BARILARO:** I propose Samuel Jacob Farraway as an eligible person to fill the vacant seat of the Hon. Niall Blair in the Legislative Council, for which purpose this joint sitting was convened. I move that Samuel Jacob Farraway be elected as a member of the Legislative Council to fill the seat in the Legislative Council previously vacated by the Hon. Niall Blair. I indicate to the joint sitting that if Samuel Jacob Farraway were a member of the Legislative Council he would not be disqualified from sitting or voting as such a member, and that he is a member of the same party—The Nationals—as the Hon. Niall Blair was publicly recognised by as an endorsed candidate of that party and who publicly represented himself to be such a candidate at the time of his election at the twelfth periodic Council election held on 23 March 2019. I further indicate that the person being proposed would be willing to hold the vacant place if chosen.

**The Hon. SARAH MITCHELL:** I second the motion.

**The PRESIDENT:** Does any other member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I hereby declare that Samuel Jacob Farraway is elected as a member of the Legislative Council to fill the seat vacated by the Hon. Niall Blair. I declare the joint sitting closed.

**The joint sitting closed at 15:53.**

*Members*

#### ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL

**The PRESIDENT:** I report that at a joint sitting this day Samuel Jacob Farraway was elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Niall Blair. I table the minutes of proceedings of the joint sitting.

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

That the document be printed.

**Motion agreed to.**

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

That the President inform Her Excellency the Governor that Samuel Jacob Farraway has been elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Niall Blair.

**Motion agreed to.**

*Motions***HARMONY DAY****Debate resumed from an earlier hour.**

**The Hon. DANIEL MOOKHEY (16:01:22):** In the spirit of harmony I am pleased to inform the Hon. Scott Farlow that the Opposition supports his motion. Long may that harmony continue. Harmony Day is known internationally as International Day for the Elimination of Racial Discrimination. It was established by the United Nations and is commemorated worldwide. On that day the whole world declares its abhorrence of racism. Members on this side of the House firmly agree with both the nobility of the sentiment and the importance of the day.

I comment on the context of this year's Harmony Day. As the motion notes, Harmony Day was celebrated this year on 21 March 2019. It would be remiss of members not to note that the week prior to Harmony Day was the week of the massacre in Christchurch, New Zealand, when a white supremacist from Australia murdered many people in the most horrific circumstances and broadcast it worldwide in pursuit of his ideology. That event certainly flavoured Harmony Day this year, as it did the International Day for the Elimination of Racial Discrimination. It was a pertinent reminder as to why it is so important that we remain vigilant against racism in all its forms. This year members ought to note that the virulence of some strains of racism is returning. Organised political forces, particularly of the far right, are stirring on those issues worldwide.

**The Hon. Natalie Ward:** Shame.

**The Hon. DANIEL MOOKHEY:** It is shameful. They are trying to draw political energy and political power on the basis of division by reviving some of the worst ideologies and symbols of the twentieth century and by trying to provide them with contemporary relevance. We should not forget that over the past year we have seen similar outbreaks to that witnessed in Christchurch, targeting people worldwide from a variety of different faiths—Christians, Jews, Muslims, Hindus. That is a pertinent reminder as to why it is so important to remain vigilant at all times.

Labor supports the motion in the knowledge that it is the responsibility of all mainstream forces never to allow such practices to take root, either in the Parliament or in the community, but rather to be vigilant and never to turn a blind eye to it. We should do so not only in the pure spirit of community but also as a political act. It is incumbent upon all members to resist those political movements as much as we can. I am aware that later in the day the House will consider the emergence of some anti-Semitic practices. It is important that we do that. In the context of Harmony Day members should note that activity targeting the Jewish community has risen in New South Wales over the past four years, and that is equally as abhorrent. Labor has been campaigning for a toughening of the law relating to hate speech. Using our legislative power in this place is one practical way to curb that practice. I say that because even last month we have seen the revival of anti-Semitic sentiment led by the same sort of political forces that are stirring on the issues highlighted by the Christchurch massacre.

Prior to Harmony Day, it was the Muslim community that was coming under assault. Since Harmony Day, it has been the Jewish community coming under assault. It is incumbent upon us as parliamentarians to stand for all communities and against those practices, no matter where they manifest and against whom they are directed. In that spirit, it is pleasing that we can support the motion moved by the Hon. Scott Farlow. Labor notes, as does the member in his motion, the practical example of bipartisanship that members have displayed. When the member moved the motion, he drew particular attention to the work of the Hon. Philip Ruddock and the Hon. Laurie Ferguson. They are two good examples of how it is possible for people across political lines to come together on an issue as important as the elimination of racism worldwide. I am pleased to say that Labor will support the Hon. Scott Farlow's motion.

**The Hon. NATALIE WARD (16:06:09):** I congratulate the Hon. Scott Farlow and my colleagues in this place for supporting the motion. I also support the motion and I am pleased to speak in debate on it. Before I talk about Harmony Day and the Moving Forward Together association, I reflect on Mr Ernie Friedlander, OAM, the Chair of the association, who made such an inspiring initiative happen. Ernie is a Holocaust survivor who was saved from being imprisoned in a concentration camp by a German soldier. He later emigrated to Australia. Ernie remembers being marched, together with his mother, in a group of about 300 Jews towards almost certain death, only to be rescued at the last minute by a German soldier who heard his mother speak German in a mostly Hungarian-speaking crowd. That experience set him on the path of working against racism and prejudice for the rest of his life.

In December 1950 Ernie arrived in Australia with his mother. At the age of 15 he started working in a knitting factory. At the same time he went to night school to learn English. He then undertook a night course in textiles and machinery for another two years. In 2006 Ernie received the Order of Australia for his work. He still

strives to bring understanding and tolerance to people of all ages by working for the organisation Moving Forward Together in connection with Harmony Day. My heart broke when I read about the experience of Mr Friedlander and others. To come out of a nightmare and then proceed to devote his life to improve the world and to bring people together in harmony shows how strong this man truly is. So from the bottom of my heart, I thank Ernie for doing everything he does.

Moving Forward Together is a social initiative by various community groups committed to creating better understanding amongst all sectors of the community and a vision of living in harmony. I recognise the comments of the Hon. Daniel Mookhey in that regard and I thank him for his contribution. The organisation is based on the philosophy of a decent society and caters to all people regardless of colour, origin, culture or religion. It stands for a decent society and invites other groups with similar concerns to work together with it. Through a series of community-wide programs and exposures, Moving Forward Together aims to establish a platform for communicating the positive benefits of harmony, humanity, unity and cooperation. Its programs include the Harmony Walk, Harmony Day poster competitions and Harmony Day songwriting competitions. By attracting thousands of entries every year, there is no doubt that those competitions are teaching our children, and even our adults, valuable lessons about acceptance, unity and, as the name of the organisation suggests, moving forward together.

Students involved in the Harmony Day Poster Competition this year were encouraged to visually articulate their interpretation of the 2019 theme "Harmony—it's up to us!" It is up to each of us. These programs engage a wide range of community members across Sydney to address racism and discrimination and have a significant impact on our society. For those questioning the necessity of such programs in 2019 in Australia, allow me to elucidate some of the many reasons why an organisation such as this is as vital as ever in our society.

Yom Kippur is the most holy day in the Jewish calendar. It is when the community is closest to God. It is a Day of Atonement. For almost 26 hours the Jewish people abstain from food and drink, do not wash or apply lotions or creams, do not wear leather footwear. Instead they spend the day in a synagogue praying for forgiveness. It is about asking for forgiveness and learning from past mistakes. Over 70 years after the Holocaust—when the world saw the death of more than six million Jews—this year in Halle, Germany, there was a shooting near a synagogue in which two people were murdered. Worse, a German politician belittled the attack on social media, saying it had only caused property damage. Shame.

On the holiest day of the year, at a time of forgiveness and fasting, the Jewish community could not even go to its place of worship without the anti-Semitic threat of hate following them. The house of prayer contained 51 people and the 27-year-old shooter confessed he intended to kill them all but failed thanks to the security measures taken by the community. But he did murder two people. Two people lost their lives and many more lives were ruined. Unfortunately, many more lives have been taken in our history by acts of hate. Fear is the last thing that should go through anyone's mind when entering their place of worship. Local authorities said two others, a man and a woman, were treated for gunshot wounds and they are no longer in a critical condition. More than 2,000 members of the community came together to form a human chain in front of the synagogue that was targeted in the attack.

Is anyone still questioning the necessity of teaching and spreading harmony in our world today? Earlier this year 59 headstones were defaced and two were knocked over at a Jewish cemetery in Massachusetts. Imagine visiting the grave of someone you love and finding their gravestones damaged with swastikas and anti-Semitic messages, including "expel the Jew" and "Hitler was right." That is exactly what happened. Here in Australia we are sadly experiencing our share of anti-Semitism as well. We are all aware of recent anti-Semitic bullying in Melbourne schools. I gave an adjournment speech about that on Tuesday. I will briefly reiterate what I said because it is important to know why teaching harmony is necessary in our country.

A 12-year-old boy, still in school, was allegedly lured to a park by a classmate with the promise of kick-to-kick football. When he arrived at the park he was ambushed by nine other 12- and 13-year-olds. He was told if he did not grovel and kiss the shoes of another child he would be beaten up. The children photographed the incident and posted it on social media to humiliate him. That boy will have to relive that horror for the rest of his life. Why? Because he is Jewish. Since this story was released the same boy has been receiving threatening text messages, including death threats.

These are anti-Semitic hate crimes being committed by children. More needs to be done to teach these kids and that is why Moving Forward Together and Harmony Day are so important in Australia and across the world. The second incident was in Hawthorn where a five-year-old boy was mocked so harshly in the school bathrooms for being circumcised that he wet himself out of fear of going to the bathroom. He was called "a dirty Jew", "Jewish vermin" and "a Jewish cockroach". How is it that here in Australia in 2019 five-year-olds are using sentiments that mirror language used in the Holocaust? I wish I could say it is limited to these two incidents but all we have to do is open the Executive Council of Australian Jewry report on anti-Semitism, all 278 pages of it,

to see just how deeply this problem is rooted in our society and how important Harmony Day is to counter this scourge.

I thank Mr Ernie Friedlander, OAM, and the Moving Forward Together team for its excellent work this year and every year on Harmony Day, the posters and the song-writing competition. I also thank all who attended that event in Parliament and who are named in the Hon. Scott Farlow's motion and other supporters who were also there. While we still see awful acts of hate taking place, events such as these and associations such as Moving Forward Together and Harmony Day give us hope for the future. It teaches our children acceptance from a young age and it refutes the culture of hate. I thank the Hon. Scott Farlow and my colleagues for their thoughtful contributions on this motion and I thank Mr Ernie Friedlander and all volunteers and participants for their vision and passion for all sectors of our community to be living together in harmony. I commend the motion to the House.

**The Hon. WALT SECORD (16:14:50):** I wish to make a brief contribution on the Harmony Day motion and reaffirm my opposition to all forms of bigotry, anti-Semitism, Islamophobia and all forms of racism for that matter. This is an issue of deep personal interest. I still remember as a child seeing the look of disgust from residents in a Canadian country town in the 1970s when my parents, an interracial couple, held hands while walking down the street. Members are aware of my lifelong connection with the Jewish community and Judaism, spanning back to my childhood on my late father's Indian reserve in southern Canada where my childhood mentor was a Holocaust and Auschwitz survivor. I also worked at the *Australian Jewish News* as a journalist from 1988 to 1991. In 2011 I became the deputy chair of the NSW Parliamentary Friends of Israel—a position I continue to hold today.

As I told the Chamber earlier this year, my spouse—who is Jewish and who migrated here 28 years ago from Moscow—and I now attend services together at the Emanuel Synagogue in Woollahra. She returned to the synagogue after it amended its constitution to permit non-Jewish spouses to become associate members of the synagogue. This is a new development in Australian Judaism. In short, as well as being a friend of the Jewish community I have a deep interest and a feeling of profound sadness when I hear and read about anti-Semitic, racist attacks or attacks on any place of worship.

Recently there have been vicious anti-Semitic attacks in Pittsburgh and San Diego and most recently in Halle in Germany during Yom Kippur. I still remember my spouse's distress while reading it online that morning and immediately contacting her brother and her sister-in-law in Berlin to make sure their family was okay. This year we have even seen anti-Semitic attacks and incidents in Bondi and most recently, as detailed by the Hon. Natalie Ward, the disgusting incidents in Melbourne involving the two young boys. These were all attacks on tolerance, acceptance and individual liberty. Some of these were attacks on people at worship, expressing their personal spirituality. They are not only reprehensible attacks against members of a faith, they are also attacks on many of the qualities that define us as humans.

Those qualities include our ability to envisage our mortality, to contemplate a life beyond our own existence and to reconcile our spirituality with these facts. From these uniquely human activities have arisen much of the greatest thinking, morality and ethics that have guided our evolving civilisations for thousands of years. To attack a man or woman at prayer or in quiet contemplation or to draw a swastika on a seawall at Bondi Beach are all unspeakable. It is not just a cowardly attack on an individual or a piece of property, it is an attack on us all. Finally, I note that we have just marked Rosh Hashanah and Yom Kippur—the Jewish new year and the Day of Atonement, the holiest day in the Jewish calendar.

Monday night marked the beginning of Sukkot and I enjoyed a lovely Sukkot dinner with Rabbi Mendel Kastel, OAM, and his wife and their children in Bondi. We are in the midst of Sukkot and each night I hear my neighbour and his wife and his children in their sukkah, the little booth they have constructed in their back yard to mark Sukkot. Rosh Hashanah and Yom Kippur are times of reflection, times to seek forgiveness and to reflect on how we treat each other. It is a time when you look back at the year past. This morning a senior Government advisor asked me why I have been very quiet this week. Why have I been suspiciously quiet in this Chamber? I joked and I ignored her request but I have been reflecting. We all have an obligation to act with greater civility. In the heat of battle and opposing the Government I often forget that. I make a pledge today that this is a time for greater civility and more pleasantness in this Chamber. I thank the House for its consideration.

**Reverend the Hon. FRED NILE (16:19:46):** I support the motion moved by the Hon. Scott Farlow acknowledging Harmony Day. I thank him for moving the motion, which states in part:

- (a) Harmony Day is organised by the Moving Forward Together association and was celebrated on 21 March 2019;
- (b) on 19 June 2019, the Moving Forward Together association 2019 Harmony Day Poster and Song Writing Competition Prize Giving Ceremony was hosted in Parliament House, Sydney,

The motion also mentions a number of dignitaries and special guests who were present. I will not go through all the names but they included the Premier. The motion further states in part:

That this House notes:

- (a) that Harmony Day was created 14 years ago by Ernie Friedlander, a Holocaust survivor who was inspired to create the event to promote social harmony and the Moving Forward Together association;

As a member of the NSW Parliamentary Friends of Israel, I am particularly interested in Harmony Day and the role of Holocaust survivor Ernie Friedlander, who was the first person to promote it. Over the years I have met people who are critical of my support of Israel. I am referring to the Holocaust deniers. Some years ago I went to Poland to visit the Belsen concentration camp where six million Jewish people were executed by the Nazis. I wanted to see firsthand the evidence of it. I believed that it occurred; I had no doubt about it. But I kept meeting people, even members of Parliament, who were Holocaust deniers, so I wanted to see firsthand the evidence of the Holocaust.

I was very moved, as was my first wife, Elaine. At the end of the war Belsen and other concentration camps were closed down on the day that they ceased to be active. They were not destroyed. Although the Nazi guards fled, all the evidence of the Holocaust is still there and has been collated. There are signs indicating what each of the areas represent. It was very emotional for me, as it would be for anyone visiting a concentration camp. The Belsen camp had evidence of up to six million Jews and other people being executed. The Nazis were systematic in recording the names of prisoners, allocating them numbers, putting the numbers onto their arms and so on.

Belsen also had sheds where the remains of the Jewish people were stacked. Some of the sheds are stacked with bags and bags of female human hair. Another shed has the remains of Jewish prisoners' artificial limbs—legs and arms—stacked in it. I ask Holocaust deniers to visit any of those camps—particularly the Belsen one, because that is the most thorough exhibition of what occurred. Lamps that were made from the skin of Jewish people, which people would use in their lounge rooms, are still there to be seen. I am pleased to support the motion regarding Harmony Day. I urge all members to give all the support they can to maintain Harmony Day in the future.

**Debate adjourned.**

## IMMIGRATION

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

That private members' business item No. 246 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK LATHAM (16:25:32):** I move:

That this House:

- (a) condemns the Government for failing to act on its election promise to halve the overseas migration intake into New South Wales as a way of taking the pressure off Sydney's congestion, overdevelopment, urban sprawl and environmental decline;
- (b) notes how public trust in politics diminishes whenever parties make promises they have no intention of keeping; and
- (c) calls on the Government to implement an urban containment strategy for Sydney that limits urban sprawl and environmental damage.

When public trust in modern politics and democratic institutions is so low and demoralised, there is nothing worse than breaking election promises. Unfortunately, the Government's main promise for urban electorates at the March election was never going to be implemented. The Standing Order 52 documents that were commissioned and approved by this House have shown comprehensively that when the Premier said in October last year that she wanted to halve the overseas migration intake in New South Wales and bring it down from 100,000 to the Howard-era figures of 45,000 per annum she was not serious about doing anything to implement that promise. The documents and the lack of material in those boxes from the Department of Premier and Cabinet, the planning department and other departments is comprehensively damning of the Premier's integrity in the matter.

On 31 October last year the Government issued a press release with the headline "New South Wales launches first population review". With great fanfare the Premier said she was appointing the State's first population panel for a new population policy for New South Wales. She repeated her promise that through the quality of the policy work and representations to Canberra the net overseas migration level would return to Howard-era precedents and that the halving of overseas migration into New South Wales would take the population pressure off Sydney.

It is well known that in urban electorates the big issues are congestion, apartment towers and the lack of trains, buses and car parks. Congestion is a massive problem, particularly in western Sydney. The Premier said so

in the press release and appointed a population panel headed by Peter Shergold, Chancellor of the University of Western Sydney, and comprising Jim Betts and the head of the Department of Planning, Industry and Environment. The panel met three times and did not deliver a report, which was due by the beginning of this year. Not only was it a broken promise but also it was a promise where no genuine attempt was made to implement it and no report was delivered. Mr Shergold signed a contract for a decent amount of money. I am assuming the Government has not paid him because he did not deliver. The Government was never serious about delivering on the promise. I think it is a shameful episode in the integrity of the Government and the honesty of election promises in New South Wales.

Moreover the documents clearly show that the bureaucrats working on this material behind the scenes did not take the Premier's election promise seriously and in fact put out documentation advocating for higher immigration in New South Wales. It is not just a matter of a sham review and panel being appointed that never reported but also about the material behind the scenes. I will not embarrass the public servants by reading out the material in the documents but none of them took it seriously. I will quote briefly from the Department of Planning, Industry and Environment circular, which summarises their attitude. The circular said that the strength of the New South Wales economy, low unemployment and the creation of new jobs was attracting people from interstate and overseas. It added that skilled migrants and international students account for half of all overseas migration, that skilled migrants are critical to filling job vacancies and that international students are also important.

There is no material about the benefits of easing congestion in Sydney by halving the net overseas migration intake. There is no material showing that the Government made any attempt to implement the policy. In fact, when the Government sought a so-called expert for the review panel it sought out Peter McDonald, who is a lifelong advocate of big Australia immigration. He is the last person the Government would recruit to give advice on this matter if it were serious about implementing its election promise. Then we go to the correspondence between the Premier and the Prime Minister, where she makes no argument for implementing the election promise. In fact, all she talks about is listing population on the COAG agenda. I am sure the shadow planning Minister will find a treasure trove of material on population growth fuelled by migration in Sydney.

My favourite document is headed, "Where the population is growing—everywhere". That is true, very true. It is unfortunately true in Sydney with the level of congestion. The only thing the Government took seriously was the politics. The then Parliamentary Secretary to the Premier, the member for Davidson, now Speaker, drafted two letters to send to anyone who made representations about congestion and immigration. One letter was for those who agreed with the cut and the other for those who disagreed. We rarely see opportunism and cynicism like that in public life. This is shameful and the Government should be condemned for an election promise it never intended to keep.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:30:47):** I was present at The Sydney Institute dinner where the Premier first raised this issue. Her concern about migration levels in New South Wales was twofold: Firstly, that infrastructure was not keeping pace with migration rates, and secondly, that New South Wales had no influence in relation to the levers of immigration because immigration levels are not set by the State of New South Wales or the Premier but by the Commonwealth. The Premier's plea was that in respect of migration we should have a seat at the table. Inherent in the Hon. Mark Latham's motion is that infrastructure is not keeping pace with emerging population levels. Notwithstanding his concern about the alleged broken promise, inherent in his comments is that migration should not be conducted in circumstances where Sydney is not keeping pace. I have some sympathy in this regard because I was the member for Epping and Epping has gone through an explosion of new dwellings in circumstances where the schools and the roads were not keeping pace. I was a great advocate for saying to slow down.

However, the Government's track record on the delivery of infrastructure is outstanding in respect of acknowledging the pressures of immigration and delivering the infrastructure that is required. In the budget is a proposal for \$93 billion worth of infrastructure over the next four years, including \$55.6 billion for public transport and roads, \$10.1 billion for health infrastructure funding, \$7.3 billion in education infrastructure, \$3.2 billion for criminal justice and emergency services infrastructure and \$10.4 billion to support water, energy and housing. One thing that can be said about the Government's record is that when it promises delivery of infrastructure it actually does it. For every infrastructure project that has been outlined the Government has told the Parliament what it intended to do and then delivered it. I say to the Hon. Mark Latham that migration and infrastructure are inherently intertwined.

**The Hon. PENNY SHARPE (16:33:55):** I indicate that Labor will be moving an amendment to this motion. We do not support it in its current form. The amendment relates to paragraph (a) of the motion. Labor does not seek a cut in immigration and does not want people to think that is our position. However, we want to hold the Government to account for this complete farce and, frankly, the lie it told the people of New South Wales when it indicated that it would try to cut migration when it had no intention of doing so. The Opposition is very

concerned that on the evidence the Premier and her Government appear to have no intention of keeping the commitment to seek a 50 per cent cut in immigration. Making promises that are not intended to be kept is destructive to community confidence in government and democracy. Worse, in this instance it is taking advantage of people's concerns for cynical purposes. The issues of population growth and migration are often vexed and they are also complex.

Other than First Nation peoples, we are all migrants or the descendants of migrants to this country. Migration has driven much of our economic growth and has made an enormous contribution to the continued evolution of the Australian identity and character, enriching it immeasurably. At the same time population growth has been identified as a concern by local communities in terms of increasing congestion on the roads and public transport and the strain it places on local infrastructure. Just three months before the Premier said at a dinner last year that the State should have more of a say in the program, she did not make a submission to the Federal Government on the size of the migration scheme.

As previous members have stated, in October 2018 the Premier said she wanted to cut migration by up to 50 per cent. The Premier and the Government have provided no details of what she meant, how she arrived at this figure and what the economic consequences of this change may be or how the Premier proposes to address them. Labor's position is that this is a serious matter and we need proper planning in this State. The overdevelopment and the concentration of development and congestion across this city in particular is not even. It is not only driven by migration but also by issues such as 457 visas and students. These are complex issues that need proper policy, not false and empty promises made in the heat of an election campaign with no intention to solve them. I seek to amend the motion: I move:

That the question be amended by omitting paragraph (a) and inserting instead:

- (a) condemns the Government for making an election promise on migration it had no intention of keeping,

**Ms ABIGAIL BOYD (16:36:48):** The Greens agree that trust is diminished by parties making election commitments that they do not keep. We do not support this motion. New South Wales does not have an immigration problem, it has an infrastructure deficit caused by years of inaction, underfunding and an over-reliance on private provision of public services. It is abhorrent that both One Nation in this motion and the Premier in 2018 would seek to blame immigration for poor government policy. Let us look at the facts around immigration: 162,000 permanent immigrants arrived in Australia in 2018 and the only recent increase in immigrant numbers have been refugees—coming by plane, not boat, it should be noted. Some 12,000 of those came from Syria and Iraq in 2017 and 18,000 overall. This is a tiny number, given the 70.8 million displaced persons worldwide.

What has changed is the large number of temporary immigrants, including students, skilled workers and working holidaymakers. Far from being a problem for Sydney, they provide a much-needed economic injection, especially to universities and also to regional towns that rely on seasonal workers and tourism dollars—but only if they are treated fairly and paid properly. I note that erosion of workers' rights was not one of the Hon. Mark Latham's concerns nor does he appear to be concerned about government funding of higher education, which has now deteriorated to such a degree that universities cannot function without the revenue generated by overseas students.

If One Nation were serious about congestion it would back The Greens' calls for integrated, accessible, publicly owned and well-funded public transport instead of privately owned toll roads that contribute to congestion and urban sprawl. If One Nation were serious about overdevelopment it would back The Greens' calls for planning powers to be returned to local councils to ensure transparent, accountable, integrated and community-driven planning decisions and help us abolish political donations that corrupt our democracy. If One Nation were serious about environmental decline it would back The Greens' call for the declaration of a climate emergency, vote for a rapid and just transition to 100 per cent renewable energy and back The Greens' call for planning laws that put communities and the environment at the forefront of planning decisions for housing, mining approvals and infrastructure projects. Instead, it is scapegoating immigrants. That is not only politically lazy but also shameful and dangerous.

**The Hon. WALT SECORD (16:39:22):** I make a short contribution. For the record, it will come as no surprise to people in this Chamber that I support migration as I am a migrant. The documents upstairs obtained under Standing Order 52 show that the decision and the comments made by the Premier in October 2018 at the Sydney Institute were simply about politics. The Premier admitted in her speech that New South Wales had no control over immigration intake; however, she goes out into the community and says she wants to slash immigration from 100,000 to 45,000. This motion is about integrity and about the Premier saying one thing to the community, one thing to the Hon. Mark Latham and one thing to The Greens. She said the complete opposite to

both audiences, walking on both sides of the street. We see The Nationals doing this—they are tough in the country and then they come here and vote with the Liberals.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The Hon. Wes Fang will come to order.

**The Hon. WALT SECORD:** This motion should be about congestion. The Premier talks about increased migration levels but she does not talk about the crumbling infrastructure, overcrowded schools or the 84,000 people waiting for elective surgery in New South Wales. The Premier does not talk about the lack of police or the 30 per cent unemployment rate in rural and regional areas. Just before the election the Premier tells people that she wants to slash migration from 100,000 to 45,000, then the documents upstairs show that there was no work done whatsoever. She appointed three experts to a panel and they produced no report. That is extraordinary.

What I missed when I looked at the documents, and I thank the Hon. Mark Latham for pointing it out, was that the Parliamentary Secretary was given two letters—and this shows how the Government was duplicitous—one letter to those who wanted increased migration and one to those who wanted decreased migration. That just shows that the Premier's whole approach to migration was based on politics, not principles.

**Reverend the Hon. FRED NILE (16:41:48):** On behalf of the Christian Democratic Party I support the motion of the Hon. Mark Latham, which states:

- (a) condemns the Government for failing to act on its election promise to halve the overseas migration intake into New South Wales as a way of taking the pressure off Sydney's congestion, overdevelopment, urban sprawl and environmental decline ...

I do not think we need to have lengthy speeches to prove that Sydney has congestion, overdevelopment, urban sprawl and environmental decline. I acknowledge the Government's response earlier that infrastructure and other areas are getting tremendous attention from the Liberal-Nationals Government and that the allocation of funds in the budget proves that. The motion goes on to state:

- (b) notes how public trust in politics diminishes whenever parties make promises they have no intention of keeping ...

The Government will have to review that earlier commitment. The motion concludes:

- (c) calls on the Government to implement an urban containment strategy for Sydney that limits urban sprawl and environmental damage.

All of us agree in principle with migration. My father came from Plymouth in the United Kingdom in his 20s and my mother came to Australia via New Zealand from a Scottish background. So I am a result of overseas migration. If we analysed it, probably most of the members in Parliament would be in the same category. No-one is calling for a ban on overseas migration because our State and nation have benefited tremendously from the gifts and talents of people who have come to Australia from virtually every nation on earth and have made a valuable contribution. It just means that migration should be handled very carefully. It is a Federal issue and the Liberal-Nationals have a role in that. These policies are part of their responsibility on a national scale. I agree with the motion and support it in principle. I thank the Hon. Mark Latham for his energies and for bringing these issues to the forefront of public debate in Australia.

**The Hon. MARK LATHAM (16:44:46):** In reply: I thank those members who have contributed to the debate. I point out to the finance Minister at the table that I am a believer in performance pay and on that defence of the indefensible from a political point of view the Government should be doubling his salary at the end of this week. He addressed everything in his contribution other than what is in my motion. It was a manful, brave attempt to defend the indefensible. But perhaps as he pockets his performance pay bonus he will also acknowledge that what I am saying in this motion is 100 per cent correct.

In relation to the contribution of Ms Abigail Boyd from The Greens, I can remember a time when The Greens believed in population policy. The Greens had the commonsense proposition under Bob Brown that Australia is an arid continent with fragile soils and a limited population-carrying capacity, and for sound environmental reasons The Greens—back in the days when they had triple-digit IQs and some common sense about the environment—would support restricted immigration and restricted population. I know The Greens in the modern era are like the fairies at the bottom of the garden, believing in all sorts of things, such as the world is ending tomorrow. I sometimes wonder why you turn up here if the world is ending tomorrow under the climate emergency; we are all wasting our time. You should be down the pub having one last party, one last good time.

The Greens have to acknowledge the virtue of population policy because it is pro-environment. Sydney has natural environmental constraints, being hemmed in by national parks, the Blue Mountains and river systems. You cannot jam an extra 100,000 people into Sydney per annum and think you are going to have a pleasant environmental lifestyle. You will have congestion, you will have urban decay, you will have urban sprawl, you



will have all sorts of problems. Perhaps in the eyes of The Greens, ironically in this debate, One Nation is the environmental advocate. I have long been an urban environmentalist because I do not want urban sprawl.

So The Greens need to rethink and so does the Labor Party, which apparently is not able to accept the words that spell out what the promise was. The Labor Party is condemning the broken promise but will not say what the promise was. There is no advocacy in this motion; it is condemning the Government. It reminds me that members of the modern Labor Party cannot say the two words "white flight"—it is like putting a cross up to Dracula; they recoil—and they cannot say the two words "halve migration". It is just a commonsense proposition. Do not be triggered by words; face up to reality and look at the facts.

I do not support the amendment and I do not support the criticisms of the motion. I condemn the Premier and the Government for making an election promise solely made to be broken. We have seen this movie too many times—we saw it with Julia Gillard in 2010 when the Labor Party was talking about migration cuts. It lasted for five seconds once the election was out of the way. We cannot continue like this with broken promises and declining public trust in our institutions and democracy.

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

**The House divided.**

Ayes .....18

Noes .....19

Majority.....1

**AYES**

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

Buttigieg, Mr M (teller)  
Faehrmann, Ms C  
Houssos, Mrs C  
Mookhey, Mr D  
Primrose, Mr P  
Shoebridge, Mr D

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

**NOES**

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

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

Borsak, Mr R  
Farlow, Mr S  
Latham, Mr M  
Martin, Mr T  
Nile, Revd Mr  
Tudehope, Mr D

**PAIRS**

Searle, Mr A

Harwin, Mr D

**Amendment negatived.**

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

**Leave granted.**

**The House divided.**

Ayes .....5

Noes .....32

Majority.....27

**AYES**

Banasiak, Mr M

Borsak, Mr R (teller)

Latham, Mr M (teller)

## AYES

Nile, Revd Mr

Roberts, Mr R

## NOES

Amato, Mr L  
 Cusack, Ms C  
 Faehrmann, Ms C  
 Field, Mr J  
 Houssos, Mrs C  
 Khan, Mr T  
 Martin, Mr T  
 Mookhey, Mr D  
 Primrose, Mr P  
 Shoebridge, Mr D  
 Veitch, Mr M

Boyd, Ms A  
 D'Adam, Mr A  
 Fang, Mr W (teller)  
 Franklin, Mr B  
 Hurst, Ms E  
 Maclaren-Jones, Mrs (teller)  
 Mason-Cox, Mr M  
 Moriarty, Ms T  
 Secord, Mr W  
 Taylor, Mrs  
 Ward, Mrs N

Buttigieg, Mr M  
 Donnelly, Mr G  
 Farlow, Mr S  
 Graham, Mr J  
 Jackson, Ms R  
 Mallard, Mr S  
 Mitchell, Mrs  
 Moselmane, Mr S  
 Sharpe, Ms P  
 Tudehope, Mr D

**Motion negatived.**

## LABOUR DAY

**The Hon. MARK BUTTIGIEG:** On behalf of the Hon. Adam Searle: I move:

That private members' business item No. 258 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK BUTTIGIEG (17:01:34):** On behalf of the Hon. Adam Searle: I move:

1. That this House notes that Monday 7 October 2019 was Labour Day.
2. That this House:
  - (a) thanks hardworking trade unions and their members for winning and maintaining minimum workplace conditions including annual leave, penalty rates, awards, maternity leave, superannuation, health and safety, workers' compensation, sick leave, long service leave, redundancy pay, allowances, meal breaks, unfair dismissal protection and collective bargaining; and
  - (b) notes that these and other vital conditions were not gifted by employers but achieved through hard work over many years.
3. That this House notes the repeated efforts of Liberal-Nationals governments to attack workers' rights.
4. That this House acknowledges that unions will always be there to defend workers' rights.

It is with great honour that I lead for the Opposition on behalf of the Hon. Adam Searle. The purpose of the motion is to commemorate Monday 7 October, Labour Day, and to recognise the hard work that trade unions do in this country for working people day in and day out. It is significant that the union movement and the work that it does is for the welfare of this country. Too often there are juvenile debates about the nature of unions and their effect on society. This motion states in paragraph 3:

That this House notes the repeated efforts of Liberal-Nationals governments to attack workers' rights.

Those opposite have found that paragraph objectionable, but it is there because it is true. We could have a rational debate about these things but those opposite choose to characterise unions as thugs and ogres in the workplace. In reality, unions provide a counterbalance to the power that big business has in this country via monopolies over capital. If you are a small business person and you are struggling to get by, we understand that you are not always in a position of power. Corporations such as Commonwealth Bank, Essential Energy, Ausgrid and Woolworths are big conglomerates that have significant power in the Australian economy.

The trade union movement has delivered reforms such as superannuation, long service leave, penalty rates—which the Coalition Government at all levels has attacked repeatedly—and workers compensation. We all know what has happened with that scheme and I see firsthand the suffering that members go through under the terrible form of workers compensation that this Government has implemented. Unions have delivered unfair dismissal protection, collective bargaining, redundancy pay, allowances and meal breaks. They are all conditions fought for by the union movement over many years to benefit everyone and make Australia a much fairer place than it otherwise would have been.

If workers cannot exercise some power in the workplace, then income and wealth is not spread evenly, you lose mass purchasing power and the economy falls in a hole. If you look to countries such as the United States that have chosen to go down the path of denuding unions of power and foreclosing their ability to negotiate, you will have wealth gathering in one corner of the economy and aggregate demand falling in a hole. Unions play a critical role. I do not understand the repeated attacks by the Coalition. If you are managing the economy, you want working people to have an even bargaining place at the table and to negotiate fair wages and work conditions. During the Howard era the Coalition attempted to introduce WorkChoices and consequently lost the election.

The people of Australia rejected the policy as an unfair attack on working people's rights. A number of bills have been introduced since that time, including the Registered Organisations Commission. The recent Australian Workers' Union investigation fell over as a result of what was clearly a setup. The Australian Building and Construction Commission and now the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019 are designed to do the same thing as WorkChoices through death by a thousand cuts. Instead of being upfront with the Australian people by putting it forward as an election platform, successive governments have employed the method of a thousand cuts. The Australian trade union movement is here to stay and the Labor Party will always back that movement. We need to recognise unions for their great contribution to this country and acknowledge Labour Day as representing the role that unions play.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (17:01:43):** My grandfather would be appalled by this. He was the secretary of the Maritime Services Union. My aunt was the private secretary to Doc Evatt. Modern day Labor is nothing like it was at that time. The motion before us is quite frankly a farce. It is a farce because the greatest risk to workers' health and safety comes from unions such as the Construction, Forestry, Mining and Energy Union, whose officers are dealing drugs out of union cars. It is a farce because the primary risk to workers' wages is from the shoppies union, which struck secret deals with large corporations that left more than 250,000 workers paid less than the award wages. It is a farce because the biggest risk to a worker's superannuation comes from unions such as the Transport Workers' Union, which negotiated enterprise bargaining agreements that robbed workers of their right to choose their own superannuation fund.

It is a farce because the principal risk to workers' interests comes from unions such as the Electrical Trades Union, which had its union bosses make a cosy deal to lend \$500,000 of union members' money to the Australian Labor Party at non-commercial interest rates just seven day before such loans became illegal. It is a farce because the key threat to collective bargaining comes from unions like United Voice that denied its own employees—the employees of the union—an enterprise agreement, and when union employees complained they were bullied and forced out. It is a farce because the greatest danger to workers' jobs comes from a Labor government that will crash our economy into the mire and put at risk the jobs of those people in New South Wales who rely on a strong economy and good government. It is an even bigger farce because the Labor Party does not even know how to spell "labour". Heaven forbid that this State would have a day celebrating the Labor Party—the party that gave us Eddie Obeid and Milton Orkopoulos.

**The Hon. Walt Secord:** Point of order: The motion is about Labour Day.

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

**The Hon. Walt Secord:** It goes to relevance. He is not speaking to the motion.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** There is no point of order.

**The Hon. DAMIEN TUDEHOPE:** Labor is the party that is currently in the dock at the Independent Commission Against Corruption telling us all about its schemes to receive and solicit illegal donations.

**The Hon. Walt Secord:** Point of order—

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** There is no point of order.

**The Hon. DAMIEN TUDEHOPE:** It is the party that has lost its last three general secretaries because of corruption, misconduct and light treason. [*Time expired.*]

**Mr DAVID SHOEBRIDGE (17:10:52):** On behalf of The Greens, I support this motion that acknowledges and commemorates Labour Day. The motion contains some key elements. First, it talks about the essential role that trade unions have played in fighting for conditions that we now take for granted, none of which were gifted to working people. Each and every one of them followed years of struggle, lockouts, strikes, industrial action and political action. That is how those rights were achieved. Critical to that was organised labour and the union movement. That is how we got minimum workplace conditions, things as basic as toilet facilities at work places, annual leave, penalty rates, minimum award conditions, maternity leave, paternity leave and superannuation. That is how we got core things like health and safety or workplace safety, workers compensation,

sick leave, long service leave, redundancy pay, a fundamental allowance for the cost of going to work and even something as simple as a lunch break.

Each of those things has been achieved through the hard work of collective labour, and not one of them was gifted by bosses. This motion asks that this House notes all of those conditions and other vital conditions were not gifted by employers but achieved through hard work over many years and that we should acknowledge and recognise that. We should acknowledge that the struggle has not ended and there are still major discrepancies in wages, especially for women. We should acknowledge the superannuation gap that women suffer and the most recent work of the union movement in equal pay cases at a Federal level. We should also acknowledge that there has been a series of attacks by this Government on things such as workers compensation rights, which it has savaged so that injured workers on long-term workers compensation who cannot go back to work and are permanently injured have their benefits cut off after a maximum of five years of payments. They are being thrown into poverty by decisions of this Government.

Those are rights that The Greens commit to working with organised labour and the unions to restore to workers. But far more needs to be done. We need to acknowledge the ecological crisis we are in and to see the role that organised labour will play in delivering a genuine green new deal that not only maintains, restores and improves the rights of working people but also ensures that our planet and its future is protected alongside that. I commend the motion to the House. I commend organised labour for what has been done in the past and what will be done in the future.

**The Hon. TAYLOR MARTIN (17:14:06):** I oppose this motion. It is clear that the Liberal Party and The Nationals are on the side of the workers. We are the ones who back workers. We want them to succeed, we want them to contribute and we want them to thrive. In other words: If you have a go, you'll get a go. Labour Day is becoming more and more irrelevant each year as the membership of trade unions falls. The number of union members in Australia has declined from around 2.5 million in 1976 to 1.5 million in 2016. During the same period the union member share of all employees has fallen from 51 per cent down to just 14 per cent. It is also relevant to note that young workers are much less likely to be union members than older workers and casual and part-time employees are less likely to be union members than full-time workers and permanent employees.

These days the October long weekend is much more associated with the National Rugby League grand final, allowing people an extra day to recover from celebrations or commiserations the night before. I want to put on the record that my personal belief is that the Queen's Birthday that we mark in June is a much better public holiday for Australians to celebrate. It is certainly much more relevant to Australians where support for the monarchy is at record highs. Recent opinion polling puts support for a republic at just 40 per cent—which is even less than it had been when it was defeated at the 1999 referendum. God Save The Queen.

**The Hon. SHAYNE MALLARD (17:15:48):** Labor Party members want to come in here—there are not many of them here—and declaim that they and the union movement are the champions of the workers. Unfortunately, the facts of the matter are more mundane. The Labor Party does not champion workers; it champions union bosses. It champions people like Michael Williamson and Darren Greenfield. It champions people like Kathy Jackson and Derrick Belan. Labor is the undisputed, undefeated heavyweight champion of people like Craig Thompson and John Setka.

The Labor Party has never had a corrupt union boss that it does not love. It will bend over backwards to help out its mates at the expense of ordinary workers. If the Labor Party were serious about protecting the wages of workers in Australia, it would at least show some concern about how much tax it asks workers to pay to fund its pie-in-the-sky schemes. If the Labor Party cared about workers it would at least have some shame about the protection racket it keeps running for the characters I have named. Instead of calling them out, the Labor Party covers them up. The Liberal-Nationals Coalition works for a stronger economy and more jobs. The Labor Party works only for jobs for the boys and girls.

Workers' rights are most imperilled by the reckless economic mismanagement of the Labor Party. If your employer cannot give you a job because the economy is failing it is no use having entitlements to meal breaks. The criticisms of employers in this motion, who are often small businesses, are quite disgusting. Most employers do the right thing by their employees, especially in a small business where workers are often treated like family. The greatest friend of the working person in New South Wales is and always will be the Liberal-Nationals Government. I should amend this motion by changing the name of Labour Day to Liberal Day.

**The Hon. WES FANG (17:18:12):** This is an amusing motion. It amuses me because it is so clearly an attempt to try to claim the mantle of champion of the workers by those opposite. While we respect that the Labor Party was established from the shearers' strike and the strong historical links between the Labor Party and the union movement, the reality is that today there is very little in the way of common interests and values that are shared between the Labor movement and the workers of this State. In a report on union membership the

Commonwealth Parliamentary Library noted that the number of workers in a union has fallen to an all-time low of 14 per cent of the total workforce in Australia. There is a downward trend in the number of workers seeking membership of their union.

There is a reason for this downward trend. It is because workers clearly do not see any value in paying dues to union bosses who, seemingly, only seek to enrich and empower themselves. We have all heard stories about how the Australian Workers' Union under Bill Shorten traded away penalty rates for low-paid stadium cleaners at Cleanevent in exchange for cash payments to the union. We have heard stories about how the bosses of the Health Services Union—a union that represented some of the lowest-paid workers in the country—used the union as their own personal piggy bank by paying personal expenses with union credit cards.

What is fascinating about the Labor Party's attitude towards industrial relations is that they do not seem to have a fixed position. Apparently, the Australian Council of Trade Unions [ACTU] is still running a campaign to "Change the Rules", rules that were put in place by the Australian Labor Party when it was in government. According to the ACTU, the Fair Work Commission—the independent industrial umpire set up under the Kevin Rudd and Julia Gillard governments—now appears to be the enemy. Sally McManus has declared war on the Fair Work Commission. The greatest friend of the working person in New South Wales is and always will be the Liberals and The Nationals in a Coalition government.

**The Hon. MARK BUTTIGIEG (17:20:41):** On behalf of the Hon. Adam Searle: In reply: The contribution of the Hon. Wes Fang illustrates the point we have made all along—there is hatred of the union movement and its temerity in representing working people who simply want their fair share for a fair day's work. We got a diatribe and the usual tactic of pulling out a few bad apples and trying to extrapolate from that.

**The Hon. Wes Fang:** A few bad apples?

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The honourable member will not respond to interjections.

**The Hon. MARK BUTTIGIEG:** Members opposite never talk about their friends in the big business sector. What about the wet-lettuce approach in the banking royal commission? What came out of that?

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

**The Hon. MARK BUTTIGIEG:** What about the endemic wage stagnation? What do they do about that?

**The Hon. Wes Fang:** The member is clearly straying from the motion. I ask you to draw the member back to the topic.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** There is no point of order. If the Hon. Wes Fang tries to take a point of order like that again, I will call him to order.

**The Hon. MARK BUTTIGIEG:** The Government is fond of trying to point out the foibles of the union movement but when it comes to the real power that resides in this economy, big business and the big corporations that rip off working people daily do nothing. They sit back and watch while the economy falls in a hole. No less than the Governor of the Reserve Bank of Australia has told the Government that wage stagnation is a systemic problem. One of the reasons for that is that the Government is taking away the bargaining power of unions. Unions are good for the economy. Government members pretend to be great economic managers but they know nothing about economics. They would not have got more than a B in Economics 101 because they do not understand that an economy requires balanced and competing power trades to spread wealth.

Instead, ever since WorkChoices, the Government has tried to bring the same thing in by stealth by using exactly the examples that members brought up earlier: by trying to institute the Registered Organisations Commission. Members have seen what happened with the Australian Workers' Union, including the show trial and the raids of the office. Those are the sorts of tactics that the Liberal-Nationals Coalition employs time and time again when it is in government. It should be resisted and will be resisted by members on this side of the House up hill and down dale. I commend the motion to the House.

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

**The House divided.**

Ayes .....23  
Noes .....14  
Majority.....9

## AYES

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

Borsak, Mr R  
D'Adam, Mr A (teller)  
Field, Mr J  
Jackson, Ms R  
Moriarty, Ms T  
Primrose, Mr P  
Secord, Mr W  
Veitch, Mr M

Boyd, Ms A  
Donnelly, Mr G  
Graham, Mr J  
Latham, Mr M  
Moselmane, Mr S  
Roberts, Mr R  
Sharpe, Ms P

## NOES

Amato, Mr L  
Farlow, Mr S  
Khan, Mr T  
Martin, Mr T  
Tudehope, Mr D

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

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

## PAIRS

Houssos, Mrs C

Mitchell, Mrs

**Motion agreed to.***Documents***NEWELL HIGHWAY****Production of Documents: Order****The Hon. MARK BANASIAK:** I move:

That private members' business item No. 260 outside the order of precedence be considered in a short form format.

**Motion agreed to.****The Hon. MARK BANASIAK (17:32:16):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of the passing of this resolution documents created since 1 July 2017 in the possession, custody or control of the Department of Transport, Department of Customer Service, Minister for Transport and Roads, Minister for Regional Transport and Roads, Minister for Customer Service and the Minister for Finance and Small Business which disclose:

- (a) the steps taken to advertise and the advertising of government procurement contracts for the construction of overtaking lanes along the Newell Highway;
- (b) how, where, when and for how long any such government procurement contracts for the overtaking lanes on the Newell Highway were advertised;
- (c) all tenders received from commercial entities for the government procurement contracts for the overtaking lanes along the Newell Highway, and records of the assessment process following the receipt of each tender;
- (d) all communications, negotiations and contracts involving BMD. Holdings Pty Ltd, BMD Group and any of its subsidiary companies relating to government procurement for construction of the overtaking lanes on the Newell Highway; 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.

It gives me no joy in having to bring this motion to the House. It was entirely avoidable if this Government were true to its word and actually cared about rural and regional New South Wales as it touts in the media. The drought we are experiencing is, arguably, the worst on record. We are witnessing record numbers of generational farmers arriving at financial ruin, with no prospect of recovery for the many of them who are now ageing. The communities in which they live have for some time been suffering the knock-on effect of the drought, with many farmers no longer having the same financial means to pay for goods and services as they did before the drought took hold.

Discretionary spending at restaurants, pubs and on leisure activities has all but ceased for many of them, resulting in many businesses in rural townships having to let staff go because they can no longer generate enough

business to pay them. Indeed, some of the newly unemployed are having to depart towns in search of work opportunities and withdrawing their children from school when in fact that student may well have been needed to retain a teacher at their school. I think most of us would agree that this drought is a crisis. This drought and its economic and social effects are the significant drivers behind this motion.

My colleague in the other place the member for Orange was in recent months contacted by a justifiably angered Mayor of Forbes, Phyllis Miller, OAM. Mayor Miller brought to the attention of my colleague that her council had been bypassed for the opportunity to construct overtaking lanes on the Newell Highway. The mayor had discovered that procurement contracts for the construction of overtaking lanes in her shire had been awarded to the Queensland-based company BMD Group. There are more than 30 overtaking lanes along 1,000 kilometres of the Newell Highway and they are only now up to the fourth lane construction. Mayor Miller advised that her council—which is certified to conduct Roads and Maritime Services works and has the capability to perform such works—was not being given an opportunity to tender for the contract.

Her and her general manager's only knowledge of the potential for any of the projects was the request for an hourly rate of wet-hire for their grader—hardly an equitable opportunity to tender for such an important contract that would have kept locals employed, retained skills and injected money into a local economy already suffering as a result of the drought crisis. So much in need of the financial injection of money into the local economy, Forbes Shire Council—had it been made aware of the project and been provided equity of consideration—would have sharpened its pencils, negotiated and been very competitive. This Government gave it no such opportunity.

My colleague arranged an urgent meeting with the Minister for Regional Transport and Roads, the Hon. Paul Toole. In the meantime, my colleague learned that Gilgandra Shire had experienced the same as Forbes Shire; BMD Group had been awarded a procurement contract for overtaking lanes on the Newell in its local government area too. In fact, other than a few individuals employed to control traffic at the Gilgandra project, people were flying in and out for the work, taking their pay cheques with them, while local jobs were drying up and economic activity was suffering in the region. It was discovered by Gilgandra Shire that the local water cart operator had no knowledge of the project opportunity either. A water cart operator from Melbourne had been subcontracted for the job.

The only real potential for local spend on the projects was at a local hardware shop, which was approached by the awarded contractors to provide hardware supplies. However, the 90-day terms imposed on the small shop were a totally unfair proposition that it could not meet. As a result, the contractor sought supplies from a larger supplier beyond the community. Minister Toole met with my colleague and the respective mayors and general managers of both Forbes and Gilgandra shires, acknowledging the facts without providing any solace as the projects were already underway and the contracts had been drawn up.

The Government has apparently been complicit in the profiting of big interstate companies while clearly and knowingly failing to notify local council and local business of opportunities. A Transport for NSW bureaucrat present at the meeting advised that changes had been made to the procurement process so that it was less complicated. Of course it is going to be less complicated if it is a tender process of just one business. But it now implicates the Government in market control at worst, and at very least the Government has contradicted its public response to the drought and its support for rural and regional New South Wales. We need to get to the bottom of this. If the rules have been changed and we have not told all the players in the game, how is that a fair process? We need to get to the bottom of this and this motion will achieve that goal in providing answers to the bewildered Forbes and Gilgandra shire councils and their drought-stricken— [*Time expired.*]

**The Hon. BEN FRANKLIN (17:37:30):** I am advised of the following: The Newell Highway overtaking lanes will improve safety, reduce travel times and improve freight productivity on the Newell Highway. The Newell Highway Program Alliance was formed with key industry partners BMD and AECOM to expedite the delivery of about 30 overtaking lanes planned for the highway as part of the \$500 million Newell Highway program. In May 2018 the New South Wales Government announced that it would hold an industry briefing to provide information about the opportunity to partner with government via an alliance to deliver the overtaking lanes. On 1 June 2018 the then roads Minister issued a media release reminding industry that the briefing would be held on 4 June 2018. Over 900 industry representatives were invited and 100 attended on 4 June 2018.

Tenders were called in early July 2018. This was supported by an additional media release providing industry with an opportunity to submit a tender. Positive guidance sessions were offered and held with proponents who requested them. Requests for proposals closed in August 2018. Seven submissions were received. The process was undertaken in accordance with Roads and Maritime Services major contract procedures. Mandatory criteria and compliance checks were completed for all conforming submissions. A series of workshops, interviews and assessments were independently facilitated and proponents were shortlisted from seven conforming, to four and then three. The project alliance agreement was executed to BMD and AECOM in January 2019.

Targeted industry briefings and community drop-in sessions are being held across the program to engage subcontractors and suppliers to undertake components and provide resources to support the individual overtaking lane projects. The alliance has reviewed its procurement process to ensure that further opportunities for local and regional suppliers of goods, services and materials are provided. I am advised that the Minister for Regional Transport and Roads has tried to get in touch with the Hon. Mark Banasiak to talk him through the issue so that he and his staff could avoid this cumbersome process.

**The Hon. ADAM SEARLE (17:39:48):** The Labor Opposition supports this call for papers. During the lead-up to the State election, the Opposition identified the need to ensure that a much greater proportion of the New South Wales Government's procurement spend is spent in New South Wales to retain and drive jobs, particularly in rural and regional New South Wales, because every dollar spent at a local economy has a multiplier effect of seven as it works its way through the economy.

As we have discussed in another debate earlier today, not only should the prospect of withdrawing government jobs from rural and regional New South Wales be avoided but also the Government should look at where it can add to those jobs, particularly in the choice of where and how it spends the money that it is already spending. The example outlined by the Hon. Mark Banasiak highlights where the State Government could do more. This is a call for papers to learn more about this particular instance. Consistent with the approach that the Opposition has taken since the State election, it will support the call for papers to learn the whys and wherefores of the decision.

**The Hon. MARK BANASIAK (17:41:14):** In reply: I thank both the honourable members for their contributions. I appreciate the historical recount by the Hon. Ben Franklin regarding some of the processes that were put in place about the procurement process. Some of that differs from the information that we have received, which only strengthens the need to have a look at the papers. As the Hon. Adam Searle has alluded, we must look at how the process can be done better so that the money and jobs are not disappearing out of our State. That is a concern. To address the issue, Minister Toole attempted to give me a briefing but, unfortunately, like the previous Standing Order 52 motion that I moved in this place, an attempt at the last hour—on the evening before—is simply not good enough. If the Government is genuine in wanting to consult with us, that needs to be done in a more prompt fashion. I commend the motion to the House.

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

**Motion agreed to.**

#### *Motions*

### **WOMEN IN SPORT**

**Debate resumed from 8 August 2019.**

**The Hon. NATALIE WARD (17:43:16):** In reply: I thank my colleagues for their invaluable contributions to the motion. Sometimes I think it might be useful if we could step outside and play a bit of footy occasionally and get rid of the dust and the cobwebs. The value of sport across ages, nations and gender is invaluable. We all know the benefits that it brings. It has been a delight to hear my colleagues speak about that, from not only a competitive perspective but also a mental health perspective and certainly an inclusion perspective. I know in some country towns getting the team together for a game of footy is cathartic. It is not just about the game; it is about everything else that goes with it. I thank the House for its indulgence and my colleagues for contributing to this motion. I particularly thank the Minister responsible for women, the Hon. Bronnie Taylor, for her contribution. I thank the Hon. Courtney Houssos, who was the only speaker on the Opposition side to speak to the motion.

I thank Reverend the Hon. Fred Nile for his contribution about women's cricket and his observation about watching women's cricket. I know I should have been watching the Chamber but I was quite delighted that there was a bit of women's cricket replay on the television to ease the tension today. I thank the Parliamentary Secretary, the Hon. Ben Franklin, for speaking about participation rates in sport and across organisations and about his mention of the tweet from my old Adelaide uni alumni, Annabel Crabb, about a couple of blokes sitting around and talking about sport. In fact, the whole conversation was about women's sport, which was a delight. I thank the Hon. Wes Fang for talking about his daughter Audrey playing soccer. I thank the Hon. Mark Latham and his unique take on transgender participation in sport.

I thank the Hon. Shayne Mallard. I am always delighted by how gentlemanly he is in his contributions. His contribution was about the sexualisation of women athletes in sport—he was quite right—and the groundbreaking agents who have participated. We have come a long way. I thank him for his contribution. I also



thank the Hon. Taylor Martin for talking about Ash Barty, the Netball World Cup, rugby league and surfing. All of the members who contributed brought together their personal experiences and I thank them.

I will wind up briefly but I say that women in sport are smashing it. They include sprinter Cathy Freeman—we remember her from the Olympic Games—Ash Barty, Ellyse Perry in cricket and soccer, Tayla Harris in Aussie rules, my friend Jane Flemming from track and field and Alyssa Healy in cricket. We all remember the days of Kay Cottee in sailing. I also acknowledge my mate Layne Beachley, who is a half decent surfer; Steph Gilmore, who is also a surfer; Olympian Jessica Fox; cyclist Anna Meares; Danni Roche, who was a pretty impressive hockey player; golfer Karrie Webb; and netball player Caitlin Bassett.

Across the whole range of sports, from Olympians years ago to today, women are participating in leaps and bounds, so to speak—no pun intended. My favourite is the Australian women's rugby Sevens Olympic gold medal-winning team, which won when we did not even know what women's Sevens was. I am proud of the contribution of my good friend Alicia Quirk. I also acknowledge great supporters of women in sport—the good blokes, the great coaches, the sponsors and the support crews, the dads who drive kids to sport on weekends and the mums who equally do that.

In conclusion, I thank the President of Easts Rugby Club, Mr John Murray, and secretary, Sam Fay, for their recognition and ongoing advocacy for women's facilities at their ground in Easts. I recognise that the New South Wales Government is pleased to deliver the \$1.8 million funding to ensure that female change rooms are built so that women no longer have to get changed in their car or in the grass at the front of the ground. Leadership in sport continues to grow and promote a new cohort of women. I am delighted to be a part of that. I commend the motion to the House.

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

**Motion agreed to.**

#### **ANTI-POVERTY WEEK**

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

That private members' business item No. 277 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. PENNY SHARPE (17:48:43):** I move:

1. That this House notes that:
  - (a) 13-19 October 2019 is Anti-Poverty Week in Australia with the week part of the United Nations Day for the Eradication of Poverty that falls on 17 October;
  - (b) in New South Wales one in eight people, including one in six children live in poverty every day;
  - (c) poverty hurts, poverty kills but importantly, poverty can be eradicated;
  - (d) everybody in New South Wales should have a safe, secure roof over their heads and food on their table;
  - (e) every child in New South Wales should be able to go to school without being hungry, be able to fully participate in school activities and they should not be worried about being homeless, or scared about the financial stress they have to go home to;
  - (f) being forced to live in poverty creates significant barriers to getting through crises and entering education or finding suitable paid work; and
  - (g) the inadequate level of Newstart and Youth Allowance means that 222,000 people across New South Wales struggle to survive on only \$40 a day.
2. That this House:
  - (a) commits to a future without poverty in New South Wales, particularly for children and young people; and
  - (b) calls on the Federal Government to urgently raise the rate of Newstart to begin the process of giving everybody the opportunity to leave poverty.

The motion takes us through some of the issues relating to Anti-Poverty Week, which is being held between 13 October and 19 October 2019 and is part of the United Nations International Day for the Eradication of Poverty, which is on 17 October.

In New South Wales one in eight people, including one in six children, lives in poverty every day. We know there are things we can do to eradicate poverty. Poverty is human made; it is about choices and understanding that we can make a difference in people's lives if we choose to do so. Everyone in New South Wales should have a safe, secure roof over their head and food on their table. Every child in New South Wales

should be able to go to school without being hungry, be able to fully participate in school activities and should not be worried about being homeless or scared about the financial stress they have to go home to. Yet that is the reality for one in six children in this State.

Being forced to live in poverty creates significant barriers to getting through crises and entering education or finding suitable paid work. One of the major drivers of this is the inadequate level of Newstart and Youth Allowance. In New South Wales 222,000 people struggle to survive on only \$40 a day. I challenge anyone in this House to do that and be able to put food on the table, shelter over your head and allow your children to go to school every day and participate fully in school activities. I ask in this motion that we commit to a future without poverty in New South Wales, particularly for children and young people, but, importantly, we are making the call and joining the campaign for the Federal Government to raise the rate of Newstart to begin the process of giving everybody the opportunity to leave poverty.

That essentially is the motion that is before us today. I will reflect briefly during this contribution not so much on the numbers but on some of the things that we can do in this State. This motion is about raising Newstart and the poor and inadequate way in which people are trying to live every day. They are struggling every day to try to find work, to find secure housing and to put food on the table. But there is a lot that we can also do in this State when it comes to alleviating poverty. I particularly mention the issue of housing. It is the State's responsibility to find affordable housing and to deal with people in crisis. The reality is that there is simply not enough investment.

We have heard many promises. I know there are Premier's Priorities that talk about homelessness and alleviating homelessness and dealing with affordable housing, but let us be honest. Every day as we leave this building we see people who do not have somewhere to stay at night, who do not know where their next meal is coming from. Less seen are the women who are living in their cars. Members will remember that we have previously debated in this Chamber the fact that one of the churches on the Central Coast has set aside a car park with extra lighting to allow women to sleep safely in their cars. That is a sign of failure in alleviating poverty and finding a way through it.

I note the growing number of people who are homeless. The largest growing number of homeless people are women aged over 55—one of the most unseen groups when it comes to homelessness. We also need to understand that there are people who are disproportionately affected and people who live in disadvantaged areas. I commend the work of Tony Vinson around disadvantage in New South Wales. We have known the areas of disadvantage in this State for over 20 years. We know where the concentration is and we know what it means for people. We know that those people do it tough every day, yet after 27 years of economic growth we have been unable to make any dent in the disadvantage that those communities feel and that is a collective failure of all of us.

I raise the issue of education costs. In this State we have seen preschool fees and education costs at public schools increase. Imagine what it is like to be the kid who does not have a new uniform or the kid who would never dare to go home and ask mum if they could go on the school excursion because they know that mum simply cannot afford to pay for it. We have kids in this State who are living that reality every day. We also have the problem of people trying to get work. The increase in TAFE fees that has occurred under this Government over a long period has also made it very hard for people to even try to get some training, let alone try to pay the rent and pay their bills. There are many things we can do to alleviate poverty; that we choose not to is an indictment on us all. We can and we must do better. We need to get the Federal Government to do better but there are plenty of things that we can do in this State and I will be pursuing that over the next few years of this Parliament.

**The Hon. NATASHA MACLAREN-JONES (17:53:52):** The New South Wales Government is committed to breaking the cycle of disadvantage. This is evident through the ambitious targets set by the Premier through the Premier's Priorities to protect our most vulnerable children from risk of significant harm and to increase permanency for children in out-of-home care. We are working to move our service system away from being crisis-driven to one where the needs of children and families are at the centre of service delivery. New South Wales is leading the nation in using research evidence and data to co-design and deliver evidence-based programs aimed at supporting children and families with the greatest need at the right time.

The Government recently released the landmark *Forecasting Future Outcomes: Stronger Communities Investment Unit 2018 Insights Report*. The report provides New South Wales with crucial evidence to help build a service system that prevents harm, intervenes early and focuses particularly on those with the greatest need. The report draws from one of the most comprehensive datasets put together in New South Wales. It provides us with a unique window into the range of human services that individuals, and their families, have engaged with throughout their childhood and early adult lives. Knowing what these groups look like means that we can design and direct services and supports to those who would benefit most from them.

This Government is getting on with the job. We have established a whole-of-government NSW Stronger Communities Investment Unit with an ambitious, multi-agency investment agenda to build a smarter, more connected service system in New South Wales. The investment unit is spearheading a future system that is more child and family focused, easier to navigate and able to bring together services from across government agencies. The rates of Newstart and Youth Allowance are obviously matters for the Federal Government.

In New South Wales, our 2019-20 budget invests more than \$2.4 billion to protect and support our most vulnerable children, young people and families. The 2019-20 budget includes \$1 billion in continued funding towards a range of homelessness and social and affordable housing programs, including programs that specifically support children and young people experiencing or at risk of homelessness. This Government is delivering record investments in infrastructure and services to create jobs, improve quality of life and deliver opportunities to all residents in New South Wales, including to our most vulnerable.

**Reverend the Hon. FRED NILE (17:56:23):** I am pleased to support the motion moved by the Hon. Penny Sharpe, which is:

1. That this House notes that:

- (a) 13 to 19 October 2019 is Anti-Poverty Week in Australia with the week part of the United Nations Day for the Eradication of Poverty that falls on 17 October;
- (b) in New South Wales one in eight people, including one in six children live in poverty every day;
- (c) poverty hurts, poverty kills but importantly, poverty can be eradicated;
- (d) everybody in New South Wales should have a safe, secure roof over their heads and food on their table ...

I indirectly had contact with poverty because my father in Plymouth, England, became an orphan after his parents died and he was living in poverty. In those days, children who had no support were transferred to a special home for children who were living in poverty, which was probably the last step of desperation for the child's life. My father was brought up in that situation. That is probably why, when he was 17 years old, he volunteered to join the British army to get away from it all. He went to France and was wounded by the Germans. He was sent back to England to the hospital, patched up, sent back to France and the Germans had a second go at him. But I thank God that he survived and migrated to Australia. He then had to work in a very difficult environment on a farm at The Rock, near Wagga Wagga, but he saved his money and finally bought a taxicab in Kings Cross—a red and black cab.

Some people say to me, "Fred, you've had an easy life. You must have been born with a silver spoon in your mouth." I say, "No, a wooden spoon—no silver spoon, just a wooden spoon." It was my father who experienced that poverty mainly but I was his son. I fully support the motion and agree with the second proposition, which reads:

2. That this House:

- (a) commits to a future without poverty in New South Wales, particularly for children and young people; and
- (b) calls on the Federal Government to urgently raise the rate of Newstart to begin the process of giving everybody the opportunity to leave poverty.

I am pleased to support the motion.

**The Hon. ROSE JACKSON (17:59:15):** It is Anti-Poverty Week. The Federal Government continues to defend the rate of our unemployment support payment, Newstart, despite the fact it is one of the lowest welfare payments in the developed world and has not risen in real terms in over 25 years. Federal Minister for Families and Social Services, Senator Anne Ruston, contributed to the debate by saying that giving Newstart recipients:

... more money would do absolutely nothing ... probably all it would do is give drug dealers more money and give pubs more money.

The assumptions in this statement go beyond the normal generalisation that unemployed people have drinking problems or are drug addicts. It suggests that, if given the chance, people receiving Newstart would spend any extra money on alcohol or drugs rather than on food, tampons, new school shoes for their kids or turning the heater on. These are the choices facing not only people on Newstart but also hundreds of thousands of Australians living in poverty.

There are plenty of unhelpful public assumptions about politicians—that we are untrustworthy or we are in it for ourselves—and we rightfully object to those assumptions. We should be considerably more thoughtful before we perpetuate similarly unfair assumptions about the unemployed. Poverty is not an individual failure; it is a policy failure. Our response to poverty and nauseating inequality should not be condescending charity towards the desperately poor, it should be an urgent political effort to reshape our economy. Despite the meaningless boosterism of the current Government, New South Wales is becoming a more unequal and unfair society.

Someone in the top 1 per cent of income earners will earn more in a fortnight than someone in the lowest 5 per cent will earn in a year.

This is particularly stark in regional New South Wales where most people have below average incomes. The average taxable income in inner Sydney exceeds \$75,000 per year whereas it is below \$50,000 in most areas 100 kilometres from the CBD. Regional people living in poverty are the real quiet Australians and Anti-Poverty Week is a chance to amplify their voices. We are a wealthy society and a rich country. There is no reason why poverty should exist in our society. It exists because we tolerate it. We tolerate desperately poor children. We tolerate homeless elderly women. We could change these things if we wanted to, chose to or had the political will. I hope one day we will.

**Ms ABIGAIL BOYD (18:02:05):** The Greens acknowledge that it is Anti-Poverty Week and that today is the United Nations Day for the Eradication of Poverty. We agree with the motion moved by the Hon. Penny Sharpe. However, this House must also acknowledge the true depth of the problem and its place in the solution. It should be a matter of deep shame to the State and Federal Coalition governments that one in six children in New South Wales lives in poverty, that one in eight people lives in poverty, that nearly 50 per cent of Australians with a disability live near or below the poverty line, that one-third of single, retired women on the age pension experience poverty and that around one in seven people working full-time and 59 per cent of unemployed single parents live in poverty.

We should be devastated that children go hungry in a country as wealthy as Australia and, despite the endless talk of surplus and good economic management, it is getting worse. In 2006, 16 per cent of unemployed single parents in Australia lived below the poverty line. In the 12 years since single parents were forced onto Newstart, that rate has trebled. Inequality is growing in Australia and our most vulnerable are paying the price. Capitalism is failing us. The customer service model used to manage New South Wales is failing us. The Government has no plans to address intergenerational inequality. It is blatantly ignoring the fact that climate change is already disproportionately affecting the poorest Australians through rising power bills, food costs, heatwaves and drought. Australia has no poverty reduction plan and neither does New South Wales. We have bandaids solutions that are designed to support unsustainable economic growth rather than communities and our quality of life. We have a punitive approach to social policy.

We know that poverty stops women leaving domestic violence situations. It causes homelessness, especially for single women over 50. It stops children attending school. It stops young people from finishing their education and obtaining further qualifications that would give them a more secure future. It stops unemployed people applying for, dressing for and getting to job interviews. It affects mental health. It reduces life expectancy and it increases healthcare costs. We also know that it is a choice for governments. They can prioritise social equality through the provision of basic income, education, housing, crisis services and social policies that support people, not corporations. Calling on the Federal Government to raise Newstart is the very least this House can do. I look forward to commitments from this House to increase public school funding, domestic violence crisis beds, funding for hospitals and healthcare services and TAFE, and replacing the Government's customer focus with a focus on stronger, well-supported people and communities.

**The Hon. MARK LATHAM (18:05:00):** I support the motion moved by the Hon. Penny Sharpe and its intent with regard to Newstart. I also caution that we should have a broader consideration of the nature and resolution of poverty. It should not just be a material standard of financial support. It is wiser to define poverty in its broadest and truest sense—social capability. Do people have the skills and capacity to participate in the economy and society? Do they have role models? Do they live in an area that encourages social participation? One thing I have noted over a long time is that there is a spatial dimension to poverty. Studies and common sense show that if you put disadvantaged people in a disadvantaged place, the extent of disadvantage is magnified many times over. One of the successful things we did 20 years ago in south-west Sydney was to start to break up the broadacre public housing estates.

I find it very gratifying to hear wonderful reports about Minto, which was down on its knees. It is not an area you would wish upon your worst enemy. It was struggling with housing stock and the shopping centre was in decline. A sprinkling of public and private housing was introduced in that estate. The wonderful Bangladeshi community have a good work ethic and are involved at the local school, which has helped to advance the area so that it seems like a middle-class suburb. And what is wrong with that? It is a lot better than where Minto was 20 years ago. After coming back into a parliamentary role I note there is much more work to do. We started up a redevelopment at Claymore which was similar to Minto. Claymore was perhaps even worse than Minto in the late nineties. The O'Farrell Government froze the vital redevelopment work at Claymore to introduce the public-private mix. That work with the housing stock and the flow-on improvements to the local schools still needs to be finished. Regrettably, the local shop owner will not redevelop. He must like having bars up and \$2 shops.

People need to live in a place that gives them confidence and pride. I have been speaking to the housing Minister and I thank her for hearing me out about the need to not only finish off Claymore with the public-private mix but also to rejuvenate the commercial area and the community facilities. People may be living in public housing but they live in an area that is as good as any of the areas we live in. That should ultimately be the goal. That is capability. It also needs a good school. I am pleased to be chairing the education committee where we have a laser focus on resolving the problems of disadvantaged schools. We received a very honest report from the education department that stated that 12 to 15 per cent of government schools in New South Wales are serving communities in dire social circumstances. One might call it a social crisis. It is very hard to break that poverty cycle. It starts with a school, goes through to social capability and the entire built environment and culture of the area. *[Time expired.]*

**Mr DAVID SHOEBRIDGE (18:08:08):** This Anti-Poverty Week I am reminded of the political choices made by the New South Wales and Federal governments which create and exacerbate the poverty cycle in which nearly three million Australians are trapped. The rich keep getting richer and the unemployed and working people are struggling more each year. This is thanks to the austere policies of the Liberals and Nationals which are dictated by their mega-rich corporate donors. The Liberals continue to cling to the rhetoric that those suffering are not working hard enough. For example, only a few months ago Prime Minister Scott Morrison claimed that the harder people worked, the more they earn. He said this despite the fact that there are 16 jobseekers for every job and that Australia's labour market only supports half of us working on a full-time equivalent basis. For those in work, wages have stagnated while the price of living has gone up. Retail and hospitality workers are facing wage cuts as penalty rates are slashed. Despite this, the media and much of the political class continue to demonise people who require welfare support to keep their head above water in this economy.

The nation is currently in the midst of a long-running debate around the necessity of increasing Newstart, which has not seen an increase in a quarter of a century. Trying to survive on \$40 a day means living in poverty. It means struggling to pay the rent and the power bills, not having a phone and not having enough to eat, let alone being able to meet the financial cost that comes with job seeking. Labor is offering only an inquiry and the Liberals are offering nothing but punitive measures such as robodebt, work for the dole and the cashless welfare card. In 2017 the Premier admitted homeless people sleeping rough in Martin Place made her "completely uncomfortable" and then pushed through legislation to allow the police to arrest them. This followed a 30 per cent increase in homelessness in the five years prior. Meanwhile public housing is sold off and the waiting list continues to grow. Some people have been on the waiting list for public housing for more than a decade.

This year we saw the Liberals refuse to fund disability advocacy services and at the Federal level continue to drive the National Disability Insurance Scheme [NDIS] into a bureaucratic nightmare. When 40 per cent of people living in poverty have a disability, failing to commit to a fully funded NDIS is criminal. Make no mistake, in a wealthy country such as Australia allowing poverty to exist is a choice delivered by successive governments. It is the result of shrinking government revenues, with \$100 billion tax cuts for the wealthy. It is the inevitable outcome of slashing workers compensation benefits for the long-term injured. It is the result of failing to fund early intervention services in the child protection system. It is the result of 2½ centuries of invasion, dispossession and occupation of Aboriginal land.

There is an answer and that is delivering a government that redirects our collective wealth from billionaires and corporations to those most in need. It is ending the corporate donations that allow politicians to literally be bought and sold and closing the revolving door between big business and government. It is about not funnelling billions of dollars into private education and private health insurance but instead putting every cent into public schools and public hospitals. It is redirecting public funds from punitive measures that drag people down into compassionate public services that lift them up. In short, to tackle poverty in this country the Government must prioritise people, not profits.

**The Hon. PENNY SHARPE (18:11:15):** In reply: I thank honourable members for their contribution. It is unclear to me whether the Government is supporting the motion or not. I note the contribution from the Hon. Natasha Maclaren-Jones. This is the classic response of all governments, including Labor governments—we say there is a problem and then list a whole bunch of programs that we say are doing something. But I go back to 27 years of ongoing growth while inequality is expanding and we have more homeless people and more women unable to access crisis accommodation to escape domestic violence. There are more kids being supported through a range of charity programs just so they can go to school with a uniform, a bag and a lunch box.

We need to understand that things are not working and a list of programs will not solve it. The Federal Government must stump up so that the basic level of funding allows people to do the training, feed their kids, get the medicine they need and be able to get on and find a job. The State Government needs to understand that we must invest far more in high-standard public housing and that the schools that are doing it tough, as stated by the Hon. Mark Latham, are getting the support they need. Those kids are not less stupid than anyone else. They are

as bright as they can be but they do not receive the support or get the teachers they need. These are things we can do something about. Poverty is not inevitable. We cannot walk past if we are serious about wanting a society where every single person is valued and has the opportunity to be what they want to be. We must guarantee safety, security and a good life for each and every person. That is not hard to do. That is a choice. I commend the motion to the House.

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

**Motion agreed to.**

*Documents*

**LANDCOM**

**Report of Independent Legal Arbiter**

**The CLERK:** According to resolution of the House this day, I table the documents identified as not privileged in the reports of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 13 September 2019 and 2 October 2019 on the disputed claim of privilege on documents relating to Landcom.

**MAULES CREEK COALMINE**

**Return to Order**

**The CLERK:** According to resolution of the House on 26 September 2019, I table documents relating to an order for papers regarding Maules Creek Coalmine, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

**PEEL RIVER**

**Return to Order**

**The CLERK:** According to resolution of the House on 26 September 2019, I table documents relating to an order for papers regarding temporary soil weirs on the Peel River, received by me today from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying the documents for which privilege is claimed and which are only available to Legislative Council members.

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**The Hon. NATASHA MACLAREN-JONES:** On behalf of the Hon. Shayne Mallard: I move:

That private members' business item No. 3 inside the order of precedence be postponed until the next sitting day.

**Motion agreed to.**

*Documents*

**BUILDING CLADDING REGISTER**

**Production of Documents: Order**

**Mr DAVID SHOEBRIDGE:** I move:

That private members' business item No. 269 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE (18:16:34):** I seek leave to amend private members' business item No. 269 outside the order of precedence by omitting paragraph 4 and inserting instead:

4. That, notwithstanding the position of this House that its committees have the power to order the production of documents, that under Standing Order 52, there be laid upon the table of the House within 14 days the following documents in the possession, custody or control of the Department of Customer Service, NSW Cladding Taskforce:
  - (a) the register of buildings containing potentially combustible cladding; 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.

**Leave granted.**

**Mr DAVID SHOEBRIDGE:** Accordingly, I move:

1. That this House notes that the Solicitor-General on the question of powers of Legislative Council committees to call for the production of documents from witnesses in his advice SG 2018/23 stated:  

"I should add, however, that it is more likely than not, in my view, that, if this question of the powers of a parliamentary Committee were to be the subject of a decision of a court, a finding would be made that a Committee of the NSW parliament has the power to call for a witness to attend and give evidence, including by the production of a document, subject to claims of privilege, such as public interest immunity and legal professional privilege, that might be made by the witness. There may be some argument as to whether such a power resides in the Parliamentary Evidence Act, Standing Order 208 (c) of the Legislative Council or a power based on reasonable necessity but, if the power does exist, it would be likely to emerge in any court proceedings on the basis that such proceedings would be difficult to confine to the limited question of the construction of the Parliamentary Evidence Act."
2. That this House notes that on 8 May 2019, the House adopted a sessional order that welcomed and endorsed the opinion of the Solicitor-General as an acknowledgement of the power of Legislative Council committees to order the production of documents.
3. That this House notes that on 14 October 2019, for the inquiry into regulation of building standards, building quality and building disputes the Public Accountability Committee resolved "that notwithstanding the likely power of Legislative Council committees to order the production of State papers, in view of the timeframes of this inquiry and the importance of obtaining the required information in a timely manner, the committee authorises the Chair to order the production through the House under Standing Order 52 of the document known as *The register of certain buildings with combustible cladding in NSW* in the possession, custody or control of the Secretary of the Department of Planning, Industry and Environment."
4. That, notwithstanding the position of this House that its committees have the power to order the production of documents, that under Standing Order 52, there be laid upon the table of the House within 14 days the following documents in the possession, custody or control of the Department of Customer Service, NSW Cladding Taskforce:
  - (a) the register of buildings containing potentially combustible cladding; 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.

There has been a lot of public discussion about the flammable cladding register, which has more than 550 properties on it, over 150 of which are residential flat buildings. There is no obligation upon owners of a residential flat building that know the building has flammable cladding to inform the people renting a flat. There are nurses, other staff and patients in a major Sydney hospital on the north side of Sydney who are working and seeking care in a major new hospital building covered in flammable cladding only 100 metres away from a large area of bushfire-prone land in north-west Sydney. There are people working in offices covered by flammable cladding and no-one is being told because this Government has deliberately kept secret the register of buildings with flammable cladding.

The Government says it does not want to release the information because it may affect the property values of those residential flats and other buildings. It may affect the property values because a purchaser who is aware of the flammable cladding may want to pay less or have the property checked out before buying it. Purchasers have the right to know. Imagine a family renting an apartment in a residential flat building covered in flammable cladding. It has not been fixed because the Government does not have a time frame for rectification. The owners may not know how to fix it because the Government has not published any guidelines about how to fix flammable cladding. They cannot employ a private certifier to tell them how to fix the flammable cladding because the bottom has fallen out of the professional indemnity market for private certifiers due to the collapse in building standards created under this and the previous Government. The flammable cladding remains on hundreds and hundreds of buildings throughout this State.

The owners were notified once. Just over a year ago a circular was issued once that said, "Your property may have flammable cladding on it". Anyone who has bought since then has had no notification. Anyone who is renting it has had no notification. Anyone working in the building or a patient or a student in the building has had no notification. People have a right to know. Against that, the Government says there will be a terrorism or arson risk if it publishes this list and people find out. As a result of a freedom of information application made by my office to the City of Sydney more than 330 buildings in the City of Sydney have been identified as having potentially flammable cladding on them. There has not been a suggestion that that has created an arson or terrorism risk. The idea that advising people the buildings they are living in may create a terrorism risk is far-fetched. I will be quite clear: People have a right know. This Government wants to keep it secret.

The other reason the Government wants to keep it secret was stated in a circular to councils. It said that people would have trouble getting insurance if their property was identified as having flammable cladding. One would almost think this Government has no idea about basic law and the legal requirement of full disclosure and good faith in relation to an insurance product. This information cannot be kept secret from insurers. I believe it

should not be kept a secret from renters, from people in their place at work or from people who go to a hospital that has flammable cladding on it. Let us shine some daylight on this. Let us find out what properties have flammable cladding on them. Let us force the owners, either through law or through public pressure, to make those buildings safe, and let us support this claim under Standing Order 52 to get a flammable cladding register on the public record.

**The Hon. SCOTT FARLOW (18:21:01):** I want to formally put on the record the Government's strong opposition to the motion seeking to publicly release the cladding register, a document that lists people's personal details, including names and addresses. I will come back to that point in a moment. First I want to put on the record some facts about the cladding issue for the benefit of the House and the public. Buildings on the cladding register still require further assessment and do not necessarily have cladding that is unsafe or which increases the risk of fire spreading. This is determined through a second assessment conducted by qualified fire safety engineers.

While these fire safety engineer assessments are being undertaken it is important to note that measures have been put in place to safeguard occupants of those buildings in the event of a fire, including strengthened fire safety plans and procedures for all buildings on the register to mitigate risks should a fire occur, processes to ensure tenants are notified if the detailed assessment finds the building does not meet fire safety standards and requires rectification, and reminders to landlords of their obligations under the Residential Tenancies Act 2010 which would require them to disclose anything that poses a health or safety risk to their tenants.

The question that we must ask ourselves is: If all of owners of every building have been made aware and all the tenants have been made aware and if owner corporations have an obligation to disclose the need for an assessment to take place to potential purchasers, what is the reason for this determined push to publicly promote these people and their addresses? I want to stress to the House the presence of this cladding on a building does not increase the risk of a fire starting. The presence of this cladding may increase the risk of a fire spreading. It is for this reason we must take every reasonable step to prevent the outbreak of a fire at these buildings.

Just this week *The Daily Telegraph* reported a trail of destruction left through Glebe by an arsonist. Whilst we would like to believe it is not true, these people do exist in our community and they seek to do harm to property and to people. So why anyone would think it is a good idea to publish a list of buildings that could possibly be more flammable than usual is beyond me. It is reckless and shows that those who support this motion have no regard for public safety. It also shows complete disrespect and disregard for the advice from the NSW Police Force and Fire and Rescue NSW, which have strongly advised against the release of the cladding register.

We understand the political pointscore that often goes on in this place and we all play our part. However we must draw the line at publishing people's personal details, including their home addresses, in order to grab a headline. To be clear, the Government will take its advice in relation to this matter from the NSW Police Force and Fire and Rescue NSW. The Government will stand up for the rights of residents, who should be entitled to privacy and not listed on the arsonists guide to Sydney. That is why we on this side of the House oppose this motion.

**Mr DAVID SHOEBRIDGE (18:24:04):** In reply: There was no surprise in the response from the Hon. Scott Farlow and the Government's fetish for secrecy on this matter. Obviously if issues arise, the names of people can be held confidentially and not disclosed. That goes without saying and it is the basic tradition of this House not to disclose names once material is produced if such objection is taken by the Government. In terms of requiring the addresses of properties that have flammable cladding on them, especially those residential flat buildings and the publicly owned government buildings—more than a dozen, I understand, are owned by the New South Wales Government—the Government is embarrassed by its lack of action. Two and a half years after the Grenfell fire disaster the Parliamentary Secretary says the Government does not even know which buildings have flammable cladding. It has not done assessments on them. This Government is asleep at the wheel with a Minister who is comprehensively failing to get on top of his portfolio by even issuing basic guidelines on how to fix up flammable cladding, let alone assist local councils, which have been given the main task to do it.

Just this week the Local Government Association of NSW, when considering this matter at its general meeting, published and adopted a resolution, cheered through by the member councils of the Local Government Association of NSW, calling for the public release of the register. Local government knows how slack this Government has been and how it has failed to give the necessary tools and support to local councils to address this public safety matter. The councils know it is their residents who are at risk and they are calling for the public release of this register. People have a right to know if they are living in a property that has flammable cladding on it.

Despite what the Parliamentary Secretary said—and I do not hold him personally responsible for his contribution, which was no doubt on advice from the Minister—there is no clear legal obligation for landlords to



give out this information to tenants. No such direction has been issued by Fair Trading or by the Minister. This is the first time we have heard the Government even suggest that landlords have an obligation to tell renters only because it is now embarrassed by its lack of action. This Government's inaction is putting people's lives at risk. Two and a half years after the Grenfell fire disaster the Government cannot tell us that it has even assessed the properties on the list in relation to flammable cladding. A year before the Grenfell fire disaster a building went up in flames in Melbourne. When will we get a Minister who realises this matter is urgent and serious and that it puts lives at risk instead of a Minister who provides that kind of contribution in this House and has a fetish for secrecy? I commend the motion to the House.

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

**The House divided.**

Ayes .....21  
Noes .....14  
Majority.....7

**AYES**

Banasiak, Mr M  
Buttigieg, Mr M (teller)  
Faehrmann, Ms C  
Hurst, Ms E  
Mookhey, Mr D  
Primrose, Mr P  
Sharpe, Ms P

Borsak, Mr R  
D'Adam, Mr A (teller)  
Field, Mr J  
Jackson, Ms R  
Moriarty, Ms T  
Roberts, Mr R  
Shoebridge, Mr D

Boyd, Ms A  
Donnelly, Mr G  
Graham, Mr J  
Latham, Mr M  
Moselmane, Mr S  
Searle, Mr A  
Veitch, Mr M

**NOES**

Amato, Mr L  
Farlow, Mr S  
Khan, Mr T  
Martin, Mr T  
Nile, Revd Mr

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

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

**PAIRS**

Houssos, Mrs C  
Secord, Mr W

Taylor, Mrs  
Tudehope, Mr D

**Motion agreed to.**

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

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**The Hon. NATASHA MACLAREN-JONES:** On behalf of the Hon. Adam Searle: I move:

That private members' business item No. 1 inside the order of precedence be postponed until a later hour.

**Motion agreed to.**

*Motions*

**NATIONAL ROAD SAFETY WEEK**

**The Hon. WES FANG:** From 6 May to 12 May 2019, Commonwealth, State and—

**The Hon. Adam Searle:** Point of order: Is it orderly for a member to be addressing the House with his mouth full?

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** Probably not.

**The Hon. Natasha Maclaren-Jones:** To the point of order: I do not believe the honourable member's mouth was full. I think he was coughing.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** Would the honourable member like to clear up this situation?

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

That private members' business item No. 10 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. WES FANG (20:03:55):** I move:

1. That this House notes that:
  - (a) National Road Safety Week is held from 6 May to 12 May 2019;
  - (b) National Road Safety Week is an annual initiative from the Safer Australian Roads and Highways [SARAH] Group, partnering road safety organisations and Governments across Australia;
  - (c) over the week, national and State icons, including the Sydney Harbour Bridge, will turn yellow to honour those who have been lost and demonstrate our pledge to drive safely; and
  - (d) each year, more than 1,200 people are killed and 35,000 seriously injured on Australian roads.
2. That this House recognises the importance of National Road Safety Week in raising awareness about the impact of road trauma and honouring those who have been lost on our roads.
3. That this House support National Road Safety Week and the New South Wales Government's aim to bring the road toll Towards Zero.

From 6 May to 12 May 2019, Commonwealth, State and local governments in partnership with road safety organisations, campaigners and businesses helped raised awareness of this deadly issue with events, safety meetings, memorials and displays of yellow ribbons honouring those we have lost and pledging to make the roads safer for everyone. This year the Sydney Harbour Bridge was lit up in yellow for only the second time ever to remind us of the impact that road trauma has on our communities. People move around regional New South Wales predominately by car, travelling long distances day and night. They drive to work, social events, doctor's appointments, visit family and drop kids at schools.

Country people make up only a third of New South Wales' population but last year deaths on country roads made up nearly 68 per cent of our road toll. The Australian Bureau of Statistics noted in 2016 that 10 per cent of New South Wales residents lived in 490 small towns with populations of less than 10,000. Of those 490 small towns, 107 had populations of less than 353. This is significant because the 2018 road toll was 353. This means that New South Wales' annual road toll is akin to seeing an entire town disappear. While one death on our roads is one too many, an entire town is far too many. This is why making regional roads safer across New South Wales is one of my biggest priorities. When people see the Government building roads, many think it is about getting them to their destinations faster. However, it is about getting everyone home safely.

That is why the New South Wales Government is investing \$145.3 million into Saving Lives on Country Roads. Under this program we are rolling out rumble strips and lifesaving barriers to prevent crashes at high-risk locations. By the end of this year we expect to have rolled out more than 400 kilometres of rumble strips. The Government is also implementing its Road Safety Plan, which will see more research and testing of crash avoidance technology and we will work with the Australian Government to see this rolled out. But while we can build the roads, it is still a community effort. We need people with a passion and commitment for road safety to work with us and help us continue to build on the foundations we have set down. We need everyone's help to remind people that road safety is everyone's responsibility and that no-one is an exception to the rule. It is not okay for drivers to quickly check that text. It is not okay to exceed the speed limit because we have driven that road 1,000 times before, and we must accept that there is no such thing as safe speeding.

There are a few simple things we can all do to make sure we are safe on the road. Put your seatbelt on—it is there for a reason. Slow down—speed limits are a rule not a suggestion. Put your phone away—the text can wait. If you are tired, the drive can wait, and if you are under the influence, just forget it. Together we can get the message out there that road safety is everyone's responsibility. Just think about the special cargo in your car or the other people's car before you get behind the wheel. A fatality is not limited to one person. It affects a family, it affects friends, it affects our emergency services and it affects our community. That is why National Road Safety Week is so important in raising awareness about the impact of road trauma and honouring those who have been lost on our roads and getting the road toll to zero. I would like to mention the excellent work being done by the regional roads Minister, the Hon. Paul Toole, to ensure road safety in our rural and regional communities.

**The Hon. LOU AMATO (20:09:30):** I thank the Hon. Wes Fang for the important motion. National Road Safety Week was held from 6 May 2019 to 12 May 2019. There are probably very few of us whose close relative or friend was not seriously injured or killed in a road accident. For every death or serious injury on our roads, the suffering is not limited to the victims. Relatives and friends have their lives changed forever by the loss of a loved one. Our emergency service personnel are subject to the horrors of attending many deaths and serious injuries that could have been prevented. Our medical health practitioners work tirelessly to mend broken bodies. In many cases medical health practitioners who give all that they have to save the life of a seriously injured young person have the terrible job of giving a parent the news that will forever change their lives, "I am so sorry. We did everything we could."

Every year over 1,200 people are killed and 35,000 people are seriously injured on Australian roads. Many of those injured will never return to normal pre-injury activities again. Many endure multiple surgeries and years of rehabilitation. Even after the surgeons have finished their job and the rehabilitation teams have done all they can, many live impoverished lives dependant on a daily intake of opiate painkiller medications. Road accidents are the second-highest killer of people aged between 15 and 24. The loss of any life is tragic; the loss of a young life, which is entirely preventable, is heartbreaking.

National Road Safety Week is an important time when we can reflect on the trauma associated with road deaths and serious injury, which affect all of us and require a united commitment to find ways to reduce preventable road deaths and injuries to zero. Zero is a highly optimistic goal. However, events such as National Road Safety Week not only help us as legislators to improve safety, but also to educate the community as a whole on road safety. Making safety a priority also motivates car manufacturers to continually invest in lifesaving technology in motor vehicles. I again thank the Hon. Wes Fang for the important motion and for his commitment to reducing the horrors of preventable road deaths and injuries.

**The Hon. BEN FRANKLIN (20:12:05):** National Road Safety Week, held from 6 May to 12 May 2019, is an incredibly important annual initiative established by the Safer Australian Roads and Highways [SARAH] Group. It brings together road safety organisations and governments across Australia. It honours those who have been lost, and is a pledge to make the roads safer for others. It represents the commitment of Federal and State governments to an agreed set of goals for our roads, putting in place a plan for action to reduce fatal and serious injury crashes on our roads, with each day focusing on a different area of road safety.

The SARAH Group was established after the tragic death in February 2012 of Sarah Frazer and a tow-truck driver, who were killed instantly after a truck sideswiped Ms Frazer's broken-down car in an emergency breakdown lane on the Hume highway. The group was set up by Sarah's father, Peter, to help ensure that more lives were not lost. It is an incredible initiative. The group lobbies to renew poor infrastructure and conditions on roads and highways. During National Road Safety Week national and State icons will light up yellow to honour those who have been lost, like Sarah Frazer. Safety on our roads is incredibly important. Traffic injury is one of the biggest killers in Australia. Each year over 1,000 people are killed on our roads, with a further 35,000 seriously injured.

I highlight the Pacific Highway, a vital intercity link particularly for my home, the North Coast of New South Wales. The highway is being upgraded to prevent and reduce the number of tragic incidents that happen on our roads each year. Since the start of the upgrade in 1996, fatal crashes on the highway have been reduced by half, with future upgrades forecast to reduce the number of fatalities even further. I am proud to say that on 26 September 2019 Sarah's Rule became a law in New South Wales following a yearlong trial. The rule orders drivers to slow down and move over at a car crash when an emergency vehicle has its lights flashing or if someone has broken down. The legislation will ensure that our roads are safer for not only those who are stuck in a traffic accident but also the brave individuals and emergency workers who help them. It will save countless lives into the future. It is through initiatives and programs like SARAH and National Road Safety Week that we can continue to do our best, make a difference and get the road toll down to as close to zero as possible.

**The Hon. CATHERINE CUSACK (20:14:44):** I congratulate the Hon. Wes Fang on moving this very important motion. Road safety is one of the most important areas of State Government activity. It is a responsibility of State and national governments to ensure that our roads are as safe as possible. Every year a huge amount of funding and a great volume of Federal and State committee work goes into roads to ensure that safety standards are understood and implemented. The theme for National Road Safety Week this year was "Lead the way: drive so others survive", very much placing the onus of responsibility on individual drivers. Members will agree that one of the most important things one can do as a driver is try to avoid distraction.

The Government has been working hard with the community to find ways of dealing with mobile phone distraction, but the truth is there are many other forms of distraction—trying to drive with your elbows while eating a hamburger is clearly a distraction. In some States that is an offence with a big fine. Ultimately we cannot rely on our police to spot every instance of distraction. That is why on average 100 people a day—1,200 people

each year—die and 35,000 are seriously injured in crashes on Australian roads. Distraction is one of the biggest areas of concern and it was very much a focus of National Road Safety Week. I congratulate all non-government organisations, the NRMA and everybody else who pitches in to make these important successes and raise that awareness. I urge every driver on the road to lead by example and do the right thing. We cannot control the behaviour of others, but we are 90 per cent of the way there if people drive with common sense.

**Reverend the Hon. FRED NILE (20:17:25):** I put on the record my support for the plan behind National Road Safety Week. I thank the Hon. Wes Fang for the motion. As other members have reminded us, each year more than 1,200 people are killed and 35,000 people are seriously injured on Australian roads. I thank God for the safety that I have experienced on the roads from when I first got my licence when I turned 16. I am still driving at 85-plus. I have always treated driving as a serious role, where the driver must give total attention to the road, to his or her vehicle and other vehicles to avoid road accidents. I support the motion that emphasises the importance of National Road Safety Week in raising awareness about the impact of road trauma, and honouring those who have been lost on our roads and their family members. I am pleased to support the motion.

**The Hon. JOHN GRAHAM (20:18:41):** I add the Opposition's support for the motion. I thank the Hon. Wes Fang for moving it. Highlighting road safety issues is an appropriate use of the time of the House. I will not delay the House long. We all know people who have been injured or killed on roads, or families who have lost someone. It is a very common occurrence in New South Wales.

It weighs on all our minds, especially those members in the House who drive from regional areas or spend a lot of time on the road. I thank all members who have contributed to the debate. It is a very important time for this discussion. It is too many lives to be lost anywhere but it is a feature of this country with the long distances people travel in order to get to see family or friends or do their business. The Opposition supports this motion and we are glad it was moved today. I commend the motion.

**The Hon. WES FANG (20:20:08):** In reply: I thank the Hon. Lou Amato, the Hon. Ben Franklin, the Hon. Catherine Cusack, Reverend the Hon. Fred Nile and the Hon. John Graham for their thoughtful and compelling contributions to this debate. All those members spoke in this debate today about the importance of road safety. The point I was trying to make was that road safety affects not only drivers but also their families, friends and other road users. Everybody who operates a motor vehicle has a responsibility not only to themselves but to everyone else. We must remember always that coming home safely to friends and family is not always guaranteed, but there are things that we can do when we are operating a motor vehicle to ensure that we do it safely and that we arrive home.

Technology will play a role in road safety into the future and I know that the Liberals and Nationals in government have done quite a bit to further that technological advance, but we have more work to do. We must ensure that we keep pace with changes to technology and that we do not put barriers up to new safety technology being rolled out. I thank all members who spoke in the debate and I urge the House to support the motion. Those of us who live in rural and regional communities in particular know how important it is that road safety continues to be promoted and continues to be a message that is delivered not only by government at all levels—Federal, State and local—but by each one of us to our friends and our families to ensure that we all get home safely at the end of the day. Road safety is the responsibility of every single one of us and we must do all we can to ensure that our loved ones are able to see us again. I thank the House for its consideration.

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

**Motion agreed to.**

### *Bills*

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

### **Second Reading Debate**

**Debate resumed from 30 May 2019.**

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (20:23:28):** I lead for the Government in opposing the Industrial Relations Amendment (Contracts of Carriage) Bill 2019. In his second reading speech when introducing the Industrial Relations Amendment (Contracts of Carriage) Bill 2019, the Hon. Adam Searle noted:

In all respects, this is the same bill that was introduced into the last Parliament in the other place by Greg Warren ...

That bill was ultimately defeated in the other place, and the Government's view about its content has not changed. As with the 2018 version, the objective of this bill is to extend the application of the Industrial Relations Act 1996

to bread, milk and cream delivery owner-drivers. The effect of this would be to further the reach of the NSW Industrial Relations Commission, and its ability to set pay and conditions, to these types of drivers.

The relevant provisions of the Industrial Relations Act can be found under chapter 6. Chapter 6 of this Act provides an industrial framework for the regulation of the pay and conditions of certain types of delivery drivers. These drivers are not, strictly speaking, employees and therefore are not covered by other industrial relations laws. Under chapter 6, the NSW Industrial Relations Commission has the ability to make contract determinations or contract agreements for particular sectors in the transport industry. In doing so they cover workers not generally considered employees.

Contract determinations are similar to industrial awards. Meanwhile, contract agreements are similar to enterprise agreements. Together, these instruments establish a set of minimum pay and conditions, including leave, as well as termination and dispute resolution processes. However, while chapter 6 of the Industrial Relations Act provides certain coverage for drivers who transport goods generally, the legislation expressly excludes certain categories of drivers from such coverage. This includes bread, milk and cream delivery drivers at section 309 (4) (d). There are some historical reasons why these drivers were excluded from the State's industrial relations regime. However, in the interests of brevity I will not go through that history, except to say that we now have a unique situation where State law does not cover these particular classes of drivers. Instead, they are covered by Commonwealth law, which I turn to now.

In 2006 the Commonwealth Government introduced the Independent Contractors Act. After a transitional phase, the Act came into full effect in 2011. The purpose of the Commonwealth Act was to create a consistent national framework for the regulation of independent contracts for services. In New South Wales the principal impact of the Commonwealth legislation on State laws was to change the way the New South Wales Industrial Relations Act operated with respect to independent contractors. The Commonwealth's Independent Contractors Act operates to cover the field with respect to bread, milk and cream delivery drivers. As such, pay and conditions for these specific types of drivers are matters to be negotiated independently between the manufacturers of these products and the relevant driver. This takes place under the Commonwealth's jurisdiction. No industry pay and conditions are set, or capable of being set, under the Independent Contractors Act.

The honourable member's bill proposes to restore the ability of the NSW Industrial Relations Commission to set pay and conditions for bread, milk and cream delivery drivers. Essentially, this would be taking a matter out of the Commonwealth's remit and placing it back within the State's jurisdiction. The clear problem with this proposal is that it seeks to create State legislation that is in direct conflict with Commonwealth legislation. This is because the Commonwealth legislation already operates to regulate bread, milk and cream delivery drivers. The explanatory memorandum to the Independent Contractors Act shows, importantly, that this was not a mere oversight. In fact, it specifically referenced bread delivery drivers in the explanatory memorandum that made the intended application of the Act abundantly clear.

What this bill proposes to do is simply beyond the power of the New South Wales Parliament. The intent of the Commonwealth is clear, and this House cannot unilaterally reverse that decision. Should there be any reform in this sector it would need to happen with agreement from the Commonwealth. This would involve the Commonwealth making a regulation to allow the State to extend application of industrial laws to bread, milk and cream delivery drivers. In the absence of any Commonwealth action, the bill is constitutionally problematic. As such, the Government cannot support it. Constitutional issues aside, I will address one other matter with this bill. The proposed approach to change industrial law is piecemeal, addressing a narrow area of law with limited impacts. It would be preferable for any proposed reform in these complex areas of industrial law, particularly as they relate to constitutional matters between the State and the Commonwealth, to be part of a broader, regulatory plan.

The Government will continue to consider the merits of any proposed changes to the way the terms and conditions for certain independent contractors are regulated in New South Wales. Where necessary, the New South Wales Government will work with the Commonwealth Government to ensure that any changes to the regulatory framework are effective and constitutional. In the meantime, the Government opposes the bill.

**Debate adjourned.**

*Motions*

## **RELIGIOUS FREEDOM FORUM**

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

That private members' business item No. 191 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Reverend the Hon. FRED NILE (20:31:20):** I move:

1. That this House notes that on 20 August 2019, the Parliamentary Friends of Religious Freedom will host the "Religious Freedom Forum".
2. That this House notes that the following people are scheduled to attend:
  - (a) His Grace the Most Reverend Dr Glenn Davies, Anglican Archbishop of Sydney and Metropolitan of NSW;
  - (b) His Excellency the Most Reverend Bishop Richard Umbers, Auxiliary Bishop of Sydney, Representative of His Excellency the Most Rev Anthony C. Fisher, OP, Archbishop of Sydney;
  - (c) His Eminence Archbishop Makarios, Archbishop of Australia and Primate of the Greek Orthodox Dioceses of Australia;
  - (d) Rabbi Dr Benjamin Elton, Chief Minister, The Great Synagogue;
  - (e) His Grace Bishop Daniel, Coptic Orthodox Church of Australia, Sydney and Affiliated Regions; and
  - (f) His Eminence the Most Reverend Metropolitan Basilios, Antiochian Orthodox Metropolitan Archbishop of Australia, New Zealand and the Philippines.
3. That this House affirms its support for religious freedom and religious liberty throughout New South Wales.

I am pleased to speak briefly on the important issue of religious freedom. From my point of view, religious freedom is probably the most important issue facing our nation at the moment. I hope that other members share this point of view. It is an issue that has been debated and discussed regularly in the media. There have been inquiries and debates in both Federal and State parliaments. Religious freedom is perhaps the most important moral question of our time. Because of that, and with others members of the parliamentary organisation supporting religious freedom, I sponsored a Religious Freedom Forum at Parliament House on 20 August this year. We invited the most senior religious leaders—religious leaders, not just Christian leaders—in Australia to address the forum on the issue of religious freedom.

I am pleased that the most senior religious leaders in Australia agreed and took part in the forum, such as His Grace the Most Reverend Dr Glenn Davies, Anglican Archbishop of Sydney and Metropolitan of NSW, His Excellency the Most Reverend Bishop Richard Umbers, Auxiliary Bishop of Sydney, representing the Most Reverend Anthony C. Fisher, the Archbishop of Sydney. We were especially pleased that the Grand Mufti of Australia, Dr Ibrahim Abu Mohammed, agreed to take part in the forum. Also in attendance from other religions was Rabbi Dr Benjamin Elton, Chief Minister of The Great Synagogue. I am pleased to have had further involvement with Rabbi Elton. He agreed with my request to have a joint Christian-Jewish celebration in The Great Synagogue. It is located in the heart of Sydney, on Elizabeth Street, and attended by over 500 people who are Christian, Jewish and other religions.

Other representatives who took part in the forum included His Eminence Archbishop Makarios, Archbishop of Australia and Primate of the Greek Orthodox Diocese of Australia; His Grace Bishop Daniel, Coptic Orthodox Church of Australia, Sydney and Affiliated Regions; and, finally, His Eminence The Most Reverend Metropolitan Basilios, Antiochian Orthodox Metropolitan Archbishop of Australia, New Zealand and the Philippines. I am sure those of us who know biblical history would remember that Antioch is the city in which people were first called Christians, which is why it is very important that the Antiochian Orthodox Church is active in Australia.

The forum discussed aspects of religious freedom. There have been challenges to religious freedom, including people being told they cannot speak freely about their sincerely held and legal views that are faith based. Others who express their religious beliefs have been subject to harassment from anti-faith bigots. There seems to be a gap in our legislation, with no legislative protection for people of faith and their free conscience at law. That is why the Federal Government established the Ruddock review, which recommended that protections be legislated in Australia, and particularly in South Australia and New South Wales. There are now two bills on the *Notice Paper* that seek to do this—one I have introduced and one the Hon. Mark Latham has introduced, which I am co-sponsoring. We are working together on this very important issue of religious freedom.

The forum opened the debate as to what steps can be taken to protect religious liberty in New South Wales. Suggestions include to encourage the population and not just Christians who support the religious freedom petition; to share that religious freedom petition with friends, neighbours and churches; and to contact Federal MPs as well as State MPs to encourage their support for legislation that protects religious freedom in New South Wales. I encourage all members of Parliament to support those petitions. I thank them for their support. [*Time expired.*]

**The Hon. SCOTT FARLOW (20:37:19):** Religious freedom is at the heart of our society in Australia. When that freedom is threatened the New South Wales Government stands united against those who threaten that freedom. While respecting and making provision for religious diversity, religious freedom only works if we share

a unified commitment to the common values that bind Australians together. We are free to hold dear our own beliefs, but we all need to show respect for each other or else we risk losing the respect of our colleagues and constituents. The New South Wales Government has for many years played a key role in bringing religious communities together. New South Wales is a peaceful, harmonious and multicultural society. Being a multicultural society means we are connected to the world through close people-to-people links. These connections bring all kinds of benefits to this State, but they also mean that when conflict occurs overseas, communities here in New South Wales are hurting.

At the centre of all religions is the doctrine of compassion. The Religious Communities Forum played a vital role in displaying solidarity in the aftermath of the horrific attacks in Christchurch and Sri Lanka. Following those horrific attacks I had the opportunity to represent the Government and the Premier in two forums, one at a mosque following the Christchurch attacks and one at St Andrew's Cathedral following the dreadful Easter attacks in Sri Lanka. This year the forum will contribute to a new partnership project funded by Multicultural NSW called the Sydney Statement. This is funded under the Community Partnership Action—COMPACT—Program, which will engage young people in delivering a powerful statement of community harmony. Their aim is to make Sydney and New South Wales beacons for interfaith harmony throughout Australia.

I thank members of the multicultural New South Wales Religious Freedom Forum for their commitment to promoting community harmony in this State. We were the first State in Australia to introduce policies welcoming cultural and linguistic diversity as a social and economic advantage. The Government is dedicated to bringing communities together and maintaining our social harmony. I note that the Parliamentary Friends of Religious Freedom, of which I am a member, seeks to do just that. As Reverend the Hon. Fred Nile has outlined, there is a broad diversity of faiths represented, including traditional Christian churches, the Jewish community, the Muslim community and the eastern faiths as well. It is important that this House continues to support religious freedom and liberty. During his time in this House Reverend the Hon. Fred Nile has been a staunch advocate of religious freedom and religious communities. The Government will support his motion today.

**Ms ABIGAIL BOYD (20:40:13):** The Greens support this motion. The Greens support New South Wales as a place where people are free to be religious if they choose. We also support government being prohibited from imposing any religion on its citizens. However, we note that "religious freedom" is often code for a covert agenda. Too often, religious freedom actually means the imposition of dogma on a society that is increasingly not religious, and overt discrimination against minority groups. To the first point, according to the latest census seven million Australians do not subscribe to any religion. That is a larger portion of our population than those identifying as Catholic, and a larger group than those subscribing to any other particular religion.

The second point is that religious freedom is often code for discrimination. That can be illustrated through two recent examples. Martyn Iles, Managing Director of the Australian Christian Lobby, appeared at the National Press Club last week to discuss the proposed Federal religious discrimination bill. He backed calls from the Australian Catholic Bishops conference for even greater powers to fire employees who do not conform to a "Christian sexual ethic" and that "sexual relations are for one man and one woman". The second example is the Israel Folau controversy. To recap, on April 10 Folau posted a picture on social media which said:

Warning. Drunks, homosexuals, adulterers, liars, fornicators, thieves, atheists, idolaters: Hell awaits you. Repent! Only Jesus saves.

Folau commented on the picture with a quote of the seventeenth century King James translation of Galatians 5:19- 21. However, as John Tait argued in the *Sydney Morning Herald* on July 17:

Note however, Galatians 5:19-21 does not, in any translation, mention homosexuals. Folau and whoever wrote the original post have projected homosexuality into the promiscuous category. That is their bias.

... Those who defend Folau by saying that he is just quoting the Bible are wrong.

... He is misusing this biblical passage by projecting judgments about homosexuality ...

I acknowledge that there are many people of faith, ordinary people and leaders alike who do not advocate for discrimination against the LGBTIQ community. Being free to worship and respecting the rights of others is true freedom, and it is that kind of religious freedom that The Greens support.

**The Hon. ADAM SEARLE (20:42:42):** I commence by indicating that I lead for the Labor Opposition in debate on this motion moved by Reverend the Hon. Fred Nile. Labor will support the motion. I move:

That the motion be amended as follows:

1. In paragraph 1 delete "will host" and replace with "hosted".
2. In paragraph 2 delete "scheduled to attend" and replace with "attended".

Those amendments will place the motion in the current tense. On this side of the House we respect people of faith, and the different faiths that people pursue in this State and across Australia. We support the right of people to

choose to profess a faith and to not profess a faith. That should be a fundamental right and the right of conscience—while struggled for over centuries—we believe should be respected and permitted. In supporting freedom of religion in a multicultural society and in a society where so many people no longer profess any religious faith is a challenge because there is the question of where does one's religious freedom end and when does it impinge upon somebody else's freedom of conscience? That may be a different religion or a different part of the same overall religion, noting the doctrinal differences within the Christian, Muslim and other faiths.

Of course, by and large in Australia we do have freedom of religion. People are free to go to their church, temple, mosque or other place of worship. They are free to bring their children up in their choice of faith. Indeed, religious institutions such as religious schools are given exemption from the effect of State and Federal anti-discrimination laws so that they can discriminate lawfully in employment matters, for example. That is a subject of ongoing debate in our society. However, that is the current legal position. Ultimately, controversies such as that involving Israel Folau will be determined on the facts of those matters because religious discrimination is covered in anti-discrimination legislation. I am not prejudging any debate that may occur in this place or elsewhere on those matters. The point I am trying to make is that we do have freedom of religion, but it is a different proposition to argue that faiths of different kinds should be elevated in the law. That is a different debate to be had.

**The Hon. MARK LATHAM (20:45:49):** I support the motion moved by Reverend the Hon. Fred Nile. I particularly note the significance of paragraph 3 of the motion, which states, "That this House affirms its support for religious freedom and religious liberty throughout New South Wales." I very much welcome the indication of support that has come from the Labor Opposition, The Greens and Government members. Sometimes we speak of religious freedom and freedom from discrimination as if it were some novel concept. However, internationally there are many instruments that give coverage to religious freedom, most notably the International Covenant on Civil and Political Rights and a number of International Labour Organization conventions. If it has become novel in Australia it is only for the reason that we have not thought we needed party and action on those international instruments. Many people are arguing that is the case now.

Some 12 months ago the Ruddock review recommended that this Parliament, along with South Australia, should enact religious anti-discrimination laws to bring us into line with other jurisdictions in the Commonwealth. Significantly, it also recommended that we adopt the Siracusa Principles which are, if you like, something of a management tool for dealing with some of the tensions that spill out of the International Covenant on Civil and Political Rights. It would be useful for The Greens to consider that Ruddock recommendation about the Siracusa Principles. It does not give any sense of a hierarchy of rights in society. It is a way of reconciling basic tensions between liberty—the freedoms we want to exercise, in this case with religion—but also the question of equality, the rights of every single citizen to access services without discrimination.

There is a mechanism there. I think it is wise for the Parliament to think about that. It is going to be a feature of the private member's bill that I have been working on. I thank the religious leaders and academics who have been a part of my consultation process. I also thank the member for Bankstown, Tania Mihailuk, and the Hon. Damien Tudehope in this place, the Minister, for convening the Parliamentary Friends of Religious Freedom. It is true that there is a parliamentary friend for just about everyone in society. We are not a lonely place. However, I think this is a body that will have—

**The Hon. Adam Searle:** We are a friendly place.

**The Hon. MARK LATHAM:** As the Leader of the Opposition points out, this is a friendly Chamber, by and large. We are certainly friendlier than others. However, there is meaty work to be done here by this group. I think it is significant, because the Government has not responded to Ruddock. The Government did not make a submission to the Porter bill consultation process. Members across the political divide have, in the fashion of cross-party working groups, united on this question of religious freedom and freedom from discrimination. There is much work to be done. I am very pleased with the progress of my private member's bill. I welcome the support of Reverend the Hon. Fred Nile and support his motion here, which is significant in the support it is receiving across this House.

**The Hon. WES FANG (20:49:01):** I want to add my voice in support of this motion, and I thank Reverend the Hon. Fred Nile for bringing it forward. Religious freedom is something that across the board we can all support. My own family is a microcosm of religious freedom. My family is made up of many different religions. I have not only Australian ancestry but also Chinese-Singaporean ancestry. On my father's side there are Catholics, Muslims, Hindus, Buddhists and Christians. As I have said before in this House, I am not bound by a religious code; I like to live my life by a moral code. In my family there are many religions but we find a way to get along well together. We all know that in families that can be rather difficult. My wife has a saying that families are like fish, they both go off in about three days. But my family accommodates all the differences that come with the different religions. I do not say that our family is special, but if we can do it then there is hope for all of us.



Religious freedom is important. I am pleased that Reverend the Hon. Fred Nile has brought this motion forward and that I am able to lend my voice in support of it. As the Hon. Mark Latham said, paragraph 3 of the motion is most important. It states:

That this House affirms its support for religious freedom and religious liberty throughout New South Wales.

I commend the motion to the House.

**The Hon. TREVOR KHAN (20:51:50):** I do not wish to speak for too long, but I will make one observation. Unlike The Greens, who typically try to turn motions like this into an opportunity to score points on a whole variety of issues, I will say that issues for the LGBTI community are not at odds with religious freedom, notwithstanding some people's political leanings, and nor are many of the other issues that I have been involved with over a period of time. Religious freedom is actually fundamental to our community. The question is not about religious freedom; the question is about how we meet the competing rights of religious freedom of different religious groups with their differing views on a variety of issues.

The view of Reverend the Hon. Fred Nile is entirely appropriate and the motion is entirely supportable. The issue is extraordinarily complex and the way we work through it as a community will require a good deal of goodwill. As I said, although The Greens try to pitch that they have an answer to all these problems, they do not. They are only capable of sowing division in our community. We have to work together to find our way through the complexities of our society. We have to find a way to accommodate the complex and diverse views in our society and we will do that through goodwill while appreciating the differences between ourselves and the extraordinary commonalities between us. I congratulate Reverend the Hon. Fred Nile on bringing this motion forward. I think the Hon. Mark Latham and I share a commonality in the sense that I do not actually have a religious bone in my body any more.

**The Hon. Catherine Cusack:** This is beautiful.

**The Hon. Damien Tudehope:** One of the great moments of the Parliament.

**The Hon. TREVOR KHAN:** I am actually developing a little rash, but we will cope. The reality is we can find a way through this, and we will find it by accepting our commonalities, not by emphasising our differences. We will get there. We will ignore The Greens contributions because they add nothing to this matter, notwithstanding that I like the member. I wholeheartedly support the motion.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:55:11):** I support the motion of Reverend the Hon. Fred Nile. It is significant that he moves this motion tonight when we have heard speeches in the Chamber during which members have tried to downplay the role that religion plays in the life of the State. Religious organisations have been great contributors to the State in many respects over its 200-year history. One only has to think for a moment where the State would be without Christian education and the number of schools that have played an important part in the education of many prominent people who helped develop this country and this State.

Look at the contributions that are made by religious hospitals and medical institutions. Again, one must ask: Where would we be without those contributions? It seems to be suggested that those religious organisations should stay out of making social contributions to debates relating to the future of the State. It appears the suggestion is, "We like what you do, we just don't want to hear from you. Just go over there and say nothing about what you think is really good for the future of the State. We want you to contribute, we want your hospitals, schools and charities and all that stuff, but for goodness sake do not have a social view."

The importance of the motion is that it says to the Parliament that religion does make an important contribution through its charitable works—like education, hospitals and all the other good things that religion does—and it also has an important role in potentially shaping the outcome of legislation in the Parliament. It should never ever be excluded from debates by those who would say that religion has too much influence on the Parliament. I have never heard anything more insulting than the slogans "Keep theocracy away from democracy" and "Keep your rosaries off my ovaries". Freedom of religion means that it has an important role to play in contributing to the social welfare of the State. I congratulate Reverend the Hon. Fred Nile on his motion.

**The Hon. MATTHEW MASON-COX (20:58:18):** I always love it when The Greens quote scripture. It is a unity ticket tonight and I am pleased to support Reverend the Hon. Fred Nile's motion. I was proud to be at the inaugural meeting of the Parliamentary Friends of Religious Freedom as a member. I commend the motion to the House.

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

**Reverend the Hon. FRED NILE (20:58:58):** In reply: I thank all members who have participated in the debate and appreciate the goodwill of all the parties that comprise the Legislative Council of the New South Wales Parliament.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** Reverend the Hon. Fred Nile has moved a motion to which the Hon. Adam Searle has moved an amendment. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**Motion as amended agreed to.**

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**The Hon. MARK BUTTIGIEG:** On behalf of the Hon. Courtney Houssos: I move:

That business of the House notice of motion No. 264 be postponed until the next sitting day.

**Motion agreed to.**

*Documents*

**NATIVE VEGETATION CODE REVIEW**

**Production of Documents: Further Order**

**Mr JUSTIN FIELD:** I move:

That private members' business item No. 285 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr JUSTIN FIELD (21:01:06):** I move:

1. That this House notes that:
  - (a) on Thursday 26 September 2019 the House ordered the production of documents relating to the Native Vegetation Code Review;
  - (b) on Thursday 10 October 2019 the House received a return to order from the Secretary of the Department of Premier and Cabinet stating that the relevant departments hold no documents covered by the terms of the resolution that are lawfully required to be provided;
  - (c) at the budget estimates hearing held on 13 September 2019 into the Energy and Environment portfolios, Minister Kean confirmed in evidence to Portfolio Committee No. 7 - Planning and Environment that the Natural Resources Commission [NRC] had completed a review of Native Vegetation;
  - (d) at the same hearing Dr Keniry, Commissioner of the NRC and Mr Wilde, Executive Director of the NRC, confirmed that the review was referred on 19 January 2019 and the report was submitted on 31 July 2019; and
  - (e) in the same evidence Mr Wilde stated that the review report was going to the environment Minister and the agriculture Minister, and was "Cabinet-in-confidence".
2. That this House notes that on 5 June 2018 this House:
  - (a) censured the Leader of the Government as the representative of the Government in the Legislative Council for the Government's failure to comply with orders for the production of documents under Standing Order 52 dated 15 March 2018, 12 April 2018 and 17 May 2018;
  - (b) ordered that under Standing Order 52 there be laid upon the table of the House by 9.30 a.m. on 6 June 2018 certain of those documents not previously provided to the resolutions dated 15 March 2018, 12 April 2018 and 17 May 2018; and
  - (c) ordered that should the Leader of the Government fail to table the documents by 9.30 a.m. on 6 June 2018, the Leader of the Government was to attend in his place at the table at the conclusion of prayers to explain his reasons for continued non-compliance.
3. That this House notes that on 6 June 2018:
  - (a) the Leader of the Government failed to table documents in compliance with the resolution of 5 June 2018;
  - (b) the Clerk tabled correspondence from the Deputy Secretary, Cabinet and Legal, Department of Premier and Cabinet in relation to the order of 5 June 2018 which stated that "after considering advice from the Crown Solicitor, a copy of which is enclosed, I advise that there are no further documents for production";

- (c) on the President calling on the Leader of the Government to explain his reasons for continued non-compliance, in accordance with the resolution of 5 June 2018 the Leader of the Government stated that "further to the earlier advice of the Deputy Secretary, Cabinet and Legal, the Department of Premier and Cabinet the documents ordered to be tabled by the resolution of the House would be provided by 5.00 p.m. on Friday 8 June 2018; and
  - (d) notes that documents were subsequently provided.
- 4. That this House notes that:
  - (a) although the Government complied with the order of the House of 5 June 2018, the index to the return to order/documents tabled on 8 June 2018 included correspondence from the Secretary of the Department of Premier and Cabinet stating that on this occasion the Government had decided to provide the documents sought to the Legislative Council on a voluntary basis, even though the Council has no power to require such production; and
  - (b) in response, on Thursday 21 June 2018 the House agreed to a resolution rejecting the statement made by the Secretary of the Department of Premier and Cabinet on behalf of the Government that the documents provided on 8 June 2018 and 12 June 2018 were provided voluntarily.
- 5. That this House notes that the resolution of the House of Thursday 21 June 2018 acknowledged the judgements of Chief Justice Spigelman and Justices Meagher and Priestley in the NSW Court of Appeal in *Egan v Chadwick* (1999) in relation to Cabinet documents in which:
  - (a) Spigelman CJ held that:
    - (i) a distinction has been made between documents which disclose the actual deliberations within Cabinet and documents in the nature of reports or submissions prepared for the assistance of Cabinet;
    - (ii) it is not reasonably necessary for the proper exercise of the functions of the Council to call for documents the production of which would conflict with the doctrine of collective ministerial responsibility by revealing the "actual deliberations of Cabinet"; and
    - (iii) however, the production of documents prepared outside Cabinet for submission to Cabinet may, or may not, depending on their content, be inconsistent with the doctrine of collective ministerial responsibility to Cabinet.
  - (b) Meagher JA took the view that the immunity of cabinet documents from production was "complete", arguing that the Legislative Council could not compel their production without subverting the doctrine of responsible government, but without exploring the distinction between different types of Cabinet documents drawn by Spigelman CJ; and
  - (c) Priestley JA noted that:
    - (i) a court has "the power to compel production to itself even of Cabinet documents";
    - (ii) the "function and status of the Council in the system of government in New South Wales require and justify the same degree of trust being reposed in the Council as in the courts when dealing with documents in respect of which the Executive claims public interest immunity"; and
    - (iii) "... notwithstanding the great respect that must be paid to such incidents of responsible government as cabinet confidentiality and collective responsibility, no legal right to absolute secrecy is given to any group of men and women in government, the possibility of accountability can never be kept out of mind, and this can only be to the benefit of the people of a truly representative democracy".
- 6. That this House notes that the resolution of the House of Thursday 21 June 2018 observed that:
  - (a) the Government apparently relies on the broad definition of "Cabinet information" adopted in the Government Information (Public Access) Act 2009;
  - (b) the Legislative Council rejects the proposition that the test in the Government Information (Public Access) Act 2009 of what constitutes Cabinet information is applicable to Parliament;
  - (c) the Government's apparent reliance on the definition in the Government Information (Public Access) Act 2009 is likely to have led to a much broader class of documents being withheld from production to this House than that articulated by the majority of the NSW Court of Appeal in the judgements of Spigelman CJ and Priestley JA in *Egan v Chadwick*, the provision of which is necessary for the Legislative Council to fulfil its constitutional role; and
  - (d) the true principle from *Egan v Chadwick* concerning the power of the House to order the production of Cabinet documents is, at a minimum, that articulated by Spigelman CJ, and that the Government has failed to undertake the discrimination between classes of documents required by the reasoning of Spigelman CJ.
- 7. That this House asserts that it has the power to require the production of Cabinet documents such as those produced on 8 June 2018 and 12 June 2018 and that the test to be applied in determining whether a document is a Cabinet document captured by an order of the House is, at a minimum, that articulated by Spigelman CJ in *Egan v Chadwick*.
- 8. Accordingly that, under Standing Order 52, there be laid upon the table of the House by seven days following the passing of this resolution the following documents in the possession, custody or control of the Department of Premier and Cabinet or the Department of Planning Industry and Environment:

- (a) the review of the Natural Vegetation Code by the Natural Resources Commission, as referred to by the Minister and other witnesses at the budget estimates hearing held on 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 motion is a challenge to a nil return received in response to a call for papers made by this House on 26 September 2019. Specifically, that call for papers related to a review of the Native Vegetation Code of which I became aware as a result of questions asked in budget estimates. Letters came back from the relevant departments, including the Department of Premier and Cabinet—with certification from the Secretary or appropriate person in each of the departments—that they hold no documents covered by the terms of the resolution that are lawfully required to be provided. I think we can draw a conclusion from that statement that there are documents but it is the Government's contention that it is not required to provide those documents. It is fair to assume that the Government considers those documents to be Cabinet-in-confidence documents.

I think it is relevant that I explain to the House how I know about these documents. It goes to the question as to why this House should enable members of the Legislative Council to access those documents, either under privilege or, if appropriate, we can challenge any claim to privilege and contend that the documents should be made available to the public. I became aware of the documents as a result of questions in budget estimates. To some degree I stumbled across them. I was asking questions about land clearing data. We have had discussions in this Chamber about the extent of land clearing and the change in circumstances ever since the changes to the native vegetation laws made by the Biodiversity Conservation Act 2016. I asked the head of Local Land Services about how that policy was working and the impact it was having. I asked questions in relation to whether or not that clearing was in excess of what they expected. I received answers that suggested that it had been.

In fact, Mr Witherden, the boss of Local Land Services, said he understood that there was a trigger once clearing exceeded 20,000 hectares per annum. I said to him, "We have passed that, though. What did that trigger?" He replied, "What did that trigger?" I said, "Yes." He said, "It triggered a review." My response was, "That review is happening because of passing that trigger—is that what you are saying?" Mr Witherden replied, "That is my understanding." Subsequently, I asked questions of the environment Minister on Friday 13 September 2019 and put Mr Witherden's responses to Minister Kean. I asked Minister Kean whether the Natural Resources Commission had conducted this review. I asked, "Is that correct?" Minister Kean responded, "Yes, that is correct." He went on to say:

My understanding is the review has been completed, a report has been handed to the Government and the Government will consider the recommendations of that report through its usual processes. I intend to make that report public.

I subsequently asked questions later that same day of both the Executive Director and the Commissioner of the Natural Resources Commission [NRC], Mr Bryce Wilde and Dr John Keniry. They indicated that they had received terms of reference from the Premier. The contention of the Commissioner of the NRC is that the review is Cabinet-in-confidence and the NRC had submitted its report. I have not heard of a process being declared Cabinet-in-confidence. As far as I am aware, documents are considered to be Cabinet in confidence where they have contributed to the decision-making process of the Cabinet. As a matter of interest, I take members through that process. We have had this debate in the Parliament before. We have had a resolution of the House that asserts the power of the Legislative Council to order the production of Cabinet documents. That power is at a minimum, as articulated by Chief Justice Spigelman in *Egan v Chadwick*, which extends as far as actual deliberations of Cabinet. As far as I know, this document has not actually gone to Cabinet yet, but it has been delivered to the Ministers. I am seeking a document that we know has been delivered to the Ministers, and we know it is a review of immense public interest.

I know that very different views are held in this Chamber about the impact this legislation is having on the ground. There are also different views about the impact it is having on the environment. But I think it is certainly our role, as the Legislative Council, to see how this review was formed and its outcomes, so we have an understanding of the impact of this legislation on the environment and on the people of New South Wales. I ask members, regardless of how they feel about the issue, to support a pretty fundamental element of transparency around how this review was conducted and the nature of the report.

**The Hon. SCOTT FARLOW (21:06:15):** The Government opposes Mr Justin Field's motion. On 26 September 2019, the House ordered the production of what is referred to as the Native Vegetation Code Review. A response was provided by the Department of Premier and Cabinet, acting on behalf of the Government. The Government acknowledges its obligation to comply with these orders, despite the significant resource and cost burden that is often imposed as a result. However, the NSW Court of Appeal in *Egan v Chadwick* concluded that the House's power to compel the production of documents does not extend to Cabinet information. Accordingly, even if otherwise covered by the terms of an order, Cabinet documents are neither identified nor produced in response to an order. The motion of the honourable member is opposed by the Government.

**The Hon. MARK LATHAM (21:07:00):** I do not see the point of a Standing Order 52 order for the production of documents that have not been produced. If there are no documents, why are we having this debate for a second time? But I do know something about the matter, and maybe that knowledge will be helpful for Mr Justin Field. I would like to think that, in some part, the new Native Vegetation Code is a product of the representations I have made to the Government on behalf of Moree farmers, who are being persecuted, being run off their land, in a time of crushing drought. I have done a few things since I was elected to this place in the March election and one thing I have done is to make a habit of asking as many Australians as I can: What do you think of the idea that if you own land and you are a farmer, you cannot manage that land with regard to land clearing? Most people—young or old and of different political views—think farmers who own their land have the right to run their land, particularly a farm in a time of drought, without having to stump up to court and perhaps face huge fines, remediation orders and code assessments.

People are being run off their own land because of provisions that were effectively put in place by the Carr Government as part of a public policy scam to do the dirty work for the Federal Government in meeting the Kyoto commitments without compensation. This will be proven in the courts. I have seen materials submitted at the High Court level and there is no doubt, if you research this matter, that the Federal Government, at the time of the Kyoto agreement, wanted a backdoor way of meeting commitments without punishing Australia, and land clearing became the convenient way of doing it without triggering the provision in the Australian Constitution about just compensation. All those who for many decades have been supporting draconian land-clearing laws should at least have had the decency to pay the money, where property rights have been infringed. But that has not happened; it is all one-way traffic against the farmers. I spoke of a case earlier today concerning a farmer in the most horrific circumstances who has effectively been persecuted off the land.

I will give an update on that. Having been fined \$400,000 and having to pay that in the Land and Environment Court, the latest code assessment that has been thrust upon them—I think improperly—was a reservation of 3,300 hectares, which is bigger than their farm. The 3,300 hectares is larger than the farm that they own, so how can you have a reservation of a conservation land that is bigger than your property? This stuff is off the planet insane and is hurting people in the most desperate circumstances. We should not be talking about a Standing Order 52 application, we should be talking about practical ways of helping those people, many of whom are battlers who have worked their way up. They have had a go, tilled the land and made a few bob, but they are now being ripped off by a Federal Government that got the State Government to do the dirty work without just compensation. A bunch of people who have little appreciation of the type of land and people we are talking about are going on a wild goose chase. This only adds to the angst and the agony of the people who are being attacked. *[Time expired.]*

**The Hon. PENNY SHARPE (21:10:25):** I heard the contribution of the Hon. Mark Latham but that is not what this motion is about. This Standing Order 52 application is yet again trying to get the Government to be realistic and honest in the way it produces documents. It is one thing to have a Cabinet document that is being considered and is properly marked Cabinet in confidence. It is quite another thing to have a document that might one day be a Cabinet document that perhaps has been wheeled into a room but never considered. Members of this House are entitled to ask the Government to produce those documents, which can be produced as a privileged document.

For that reason the Opposition will be supporting this call for papers. Regardless of what members think about the issues related to land clearing—and they have been contentious for a long time—that is not what this motion is about. This motion is about the powers of this House and the Government's ongoing desire to avoid and get around the powers of this House. We are seeking to have documents produced that have not gone to Cabinet. They should be available to be considered by members of the Legislative Council.

**Ms CATE FAEHRMANN (21:11:38):** I support the motion moved by Mr Justin Field. The Hon. Penny Sharpe is right. This motion is about the powers of this House to call for certain documents. It is not a motion to debate the pros and cons of land clearing. I heard the Hon. Mark Latham's contribution to the motion, which did not address any of the issues before us. He took the time to have his rant.

**The Hon. Mark Latham:** I was explaining where the code comes from.

**Ms CATE FAEHRMANN:** That is exactly right. I was in the budget estimates hearing when representatives from the National Resources Commission and the Minister talked about this review. They put everything on the table about this review that was commissioned in January this year. It was evident that that review was commissioned and was going before Cabinet. It is entirely appropriate for members of this House to have access to that review regardless of their positions on land clearing. Most people have different positions on land clearing. This motion is about receiving the review. In fact it looks to have been completed several months ago. Many people in this State would be very interested to see what the review contains, given the controversial

nature of the legislation, no matter what side of the land-clearing debate they sit on. The public has the right to know very soon what that review contains so I urge the House to support the motion.

**The Hon. ADAM SEARLE (21:13:37):** To be clear, I take issue with the point raised by the honourable Parliamentary Secretary about what was decided in the *Egan v Chadwick* case. The legal rule outlined by the Parliamentary Secretary was found in the decision of Chief Justice Spigelman but Justice Priestley took a different view. He indicated that even in public interest immunity cases, even true Cabinet documents were susceptible to being produced pursuant to a court order in the appropriate case. Obviously, it would be a fairly extreme case in which a court so ordered. Nevertheless, that was the case. Members should be aware that in the confrontation between this House and the Executive in the last Parliament over the production of the Powerhouse business case, this House resolved and asserted its powers in line with Justice Priestley's formulation, not Chief Justice Spigelman's.

**The Hon. Damien Tudehope:** Was he in the majority?

**The Hon. ADAM SEARLE:** I take that point. Both justices were speaking obiter because the decision did not deal with Cabinet documents. So both of those learned jurists were opining further than the facts of the case required. Nevertheless, while that is a case still to be decided one day in the courts, to date the powers of the House are a combination of law and, perhaps even more importantly, parliamentary practice. In the last confrontation between this House and the Executive, the Executive bowed to the will of the House.

**Mr JUSTIN FIELD (21:15:27):** In reply: I thank the House for its consideration of this motion. It is absolutely unclear that this document has gone to Cabinet in the first instance, so I do not think we should make that assumption. In fact, we know it has gone to the Ministers. That was made clear in budget estimates. It is highly unlikely that this document, given it is a review conducted by an independent agency, contains the deliberations of Cabinet. It is completely reasonable to request the document, given the public interest in this issue. To the Hon. Mark Latham's point, this review could well prove his point. It could well make its case exactly as the Hon. Mark Latham did. I do not know what is in this review and nor does he, but we have a role in this place as members of the Legislative Council to look at the work of the Government and consider it against the public interest.

This motion is reasonable. It makes no judgement on the issues of land clearing, environmental protections, farm rights or property rights. Certain parties in this House have established a clear line of operation that they support access to information when there is a public interest. Members have been prepared to support that view irrespective of their position on that matter of public interest. I appreciate the contributions of all members. I will make one point in regard to the Hon. Scott Farlow's comments. He was probably reading from a template, but this is a single document. The motion is not calling for an onerous task; it is one document. We know the document exists; that was acknowledged by the Minister. I am sure it is present in the top drawer of a Minister. It would not be hard to come by.

The motion is reasonable. I made every effort to try to get this document through the budget estimates process and through direct engagement with the Government, as is the expectation of members in this House in considering a call for papers. I encourage the House to support the motion so that we can have a look at this information on behalf of the people of New South Wales.

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

**The House divided.**

Ayes ..... 18

Noes ..... 17

Majority..... 1

AYES

Boyd, Ms A  
Donnelly, Mr G  
Graham, Mr J  
Mookhey, Mr D  
Primrose, Mr P  
Sharpe, Ms P

Buttigieg, Mr M (teller)  
Faehrmann, Ms C  
Hurst, Ms E  
Moriarty, Ms T  
Searle, Mr A  
Shoebridge, Mr D

D'Adam, Mr A (teller)  
Field, Mr J  
Jackson, Ms R  
Moselmane, Mr S  
Secord, Mr W  
Veitch, Mr M

## NOES

Amato, Mr L  
Farlow, Mr S  
Khan, Mr T  
Mallard, Mr S  
Nile, Revd Mr  
Tudehope, Mr D

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

Fang, Mr W (teller)  
Harwin, Mr D  
Maclaren-Jones, Mrs (teller)  
Mitchell, Mrs  
Taylor, Mrs

## PAIRS

Houssos, Mrs C

Mason-Cox, Mr M

**Motion agreed to.****WESTCONNEX****Production of Documents: Order**

**Ms ABIGAIL BOYD:** I move:

That private members' business item No. 217 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms ABIGAIL BOYD (21:26:35):** I seek leave to amend private members' business item No. 217 outside the order of precedence for today of which I have given notice by:

1. In the preamble omitting "21 days" and inserting instead "28 days".
2. In paragraph (b) omitting "all documents regarding the base-case financial models" and inserting instead "the base-case financial model".

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Transport, the Treasury, the New South Wales Treasurer or the Minister for Transport and Roads:

- (a) all documents specifying:
  - (i) any costs that may be incurred by the State if the stage 3 WestConnex contracts are varied or terminated;
  - (ii) any costs of varying or terminating the contract between the Sydney Motorway Corporation or Department of Transport with the LSB Joint Venture (comprising Lendlease Engineering, Samsung C&T Corporation and Bouygues Construction) for the construction of the mainline tunnel of the M4-M5 Link on WestConnex; and
  - (iii) any costs of varying or terminating the contract between the Sydney Motorway Corporation or Department of Transport and JCL Joint Venture (comprising John Holland & CPB Contractors) for the design and construction of the WestConnex Rozelle Interchange and the Iron Cove Link.
- (b) the base-case financial model for the sale of 51 per cent of WestConnex; and
- (c) all documents relating to the 2017 removal of the Sydney Gateway project from the WestConnex project.

The Public Accountability Committee's report from December last year entitled *The impact of the WestConnex Project* highlighted a number of concerns around the lack of Government transparency relating to the WestConnex project and made a series of recommendations to address that lack of transparency. The Government's response to that report was disappointing. It effectively ignored the recommendations and refused to provide the information requested or to commit to further transparency. I move this motion calling for papers under Standing Order 52 in that context. I seek to obtain information to enable greater transparency and accountability around the WestConnex project in the public interest. After discussions with the Government and in an effort to be reasonable, as always, The Greens have agreed to the two amendments to the original motion, which now appear in the amended motion.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:28:11):** The Government opposes this order for papers under Standing Order 52, which is the subject of the motion. The Government has supplied numerous documents in relation to the WestConnex project over time. The Government

complied with all legislative requirements relating to the disclosure of information about the impact of WestConnex in response to the inquiry. The *WestConnex Business Case Executive Summary* from 2013 and the *WestConnex Updated Strategic Business Case* from 2015 have been released publicly with redacted commercial-in-confidence information.

The WestConnex project deeds, including any commercial-in-confidence material, have been published online in accordance with Government policy and the Government Information (Public Access) Act 2009. In May 2019 the Government published the WestConnex project summary, which provides an overview of the project, its history and contractual parties. It also provides a high-level summary of key commercial terms, including a summary of the provisions of State-initiated changes and termination arrangements. I could go on. Standing Order 52 needs to be looked at by this House.

I see the Hon. John Graham is here and I know he has some reservations about this. There are three principal things that we need to be saying. First, has there been a legitimate request made for the documents in some form, either under the Government Information (Public Access) Act or a request to the Minister? Has there been some act where it can be demonstrated that the papers have been requested? Secondly, is the time limit for the production of the documents reasonable? In this case I note it has been amended from 21 days to 28 days. Again I suggest that that is potentially not reasonable. Thirdly, is there a legitimate forensic purpose for the production of the documents? Those things ought to be traversed by the mover of the motion to establish the rationale for making the application.

The production required by this call for papers represents a significant amount of time for the people who need to collate the material that is being sought. This is an extensive application made by the member, as the extension to 28 days recognises. This is costing the taxpayers of this State a significant amount of money. When Opposition members come in here and talk about the air-conditioning of schools and other programs that the Government needs to deliver they should bear that in mind because the resources that are attached to this application are resources that could be used elsewhere. I will have a lot more to say about that at a later date.

**The Hon. JOHN GRAHAM (21:31:34):** I speak for the Opposition on this motion. I have listened carefully to the Minister and I think it is helpful to the House for him to ask those questions and to assert those principles when dealing with these calls for papers. I welcome the member amending the motion to extend the time limit from 21 days to 28 days. This is a significant call for papers and I think that is helpful. I also note the other amendments. I note particularly paragraph (c) of the motion calling for all documents relating to the removal of the Sydney Gateway project from the WestConnex project. That may well be an extensive collection of papers, which should be noted and should be of some concern to the House. However, this is a matter of significant public concern and I will certainly be joining the member in examining those documents when they are returned to the Parliament.

The Opposition will be supporting this motion but I welcome the questions that have been raised by the Minister. One thing I will not accept is that there has been some sort of tradition of transparency around the WestConnex project. The secret arrangements put in place around the Sydney Motorway Corporation to shield it from public scrutiny were relatively unprecedented and have been of significant public concern. I welcome the documents the Government has released publicly but let us not pretend that this project has been up in lights in sharing this information with the public. That has not been the culture of this project. I fondly remember quizzing Sydney Motorway Corporation's chief executive Mr Dennis Cliche at budget estimates about his remuneration. It was one of my early budget estimates processes. In the end he did come clean, as he should have, and that was welcomed from a public point of view. We do not share the Minister's optimism about the tradition of transparency with this project. Labor will support the motion.

**Ms ABIGAIL BOYD (21:33:52):** In reply: I thank the Hon. Damien Tudehope and the Hon. John Graham for their contributions. We do not undertake these motions lightly. We understand that this does incur resources, not just for the Government but also for us because we are the ones who need to go through the documents. There are often privileged documents that our staff cannot access. So when we do this we know that a substantial portion of our own time needs to be put aside. This can be avoided by greater transparency. I note the Hon. Damien Tudehope's comments in relation to using other measures to obtain information. The concerns around transparency relating to the WestConnex project are longstanding and well known. The request for greater transparency was made by a committee as part of an inquiry and was included in the committee report. I note that the Government, despite reading that report, did not abide by the recommendations. It is that action that has brought us here. I thank honourable members.

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

**Motion agreed to.**



*Adjournment Debate***ADJOURNMENT**

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

That this House do now adjourn.

**ECO-ANXIETY**

**The Hon. ROD ROBERTS (21:36:01):** I speak to the new-found psychology phenomenon known as eco-anxiety. Eco-anxiety refers to anxiety about ecological disasters and threats to the natural environment, such as pollution and climate change. *Psychology Today* states:

We live in a fear-driven society. Why? Partly because of the state and culture of our society, but also because our brains are hot-wired for fear. From the dawn of time fear has helped us to survive—to keep us alert to anticipate trouble and keep us from getting eaten by predators. Fear motivates us better than anything else.

As one can see, society thrives on fear. In turn, the climate change argument promoting eco-anxiety is creating a fear-driven bunch of young people refusing to even bear children because the future seems so bleak. The Australian Psychological Society states:

Climate change is recognised as the greatest health threat of the 21st century and has significant impacts on physical and mental health and psychosocial wellbeing.

Climatic change refers to the long-term regional or even global average of temperature, humidity and rainfall patterns over seasons, years or decades. Yes, the climate changes. However, one must be careful about catastrophising all of this. Extinction Rebellion, along with Greta Thunberg, have become representatives for eco-anxiety. In her speech to the United Nations, Greta Thunberg challenged adults the world over to care about the climate crisis. She spoke of the shattered dreams and despair that her generation bears. She also recast inaction as a conscious choice. "If you choose to fail us, we will never forgive you," she said. In response Prime Minister Scott Morrison has said, "I want children growing up in Australia to feel positive about their future. I think it is important we give them that confidence that they will not only have a wonderful country and pristine environment to live in but they'll also have an economy to live in as well. I don't want our children to have anxieties about these issues. We've got to let kids be kids. We can't have them growing up as mushrooms but we've got to get a bit of context into this."

Climatic change has occurred over millions of years. Arthur Robinson and Zachary Robinson are chemists at the Oregon Institute of Science and Medicine. They state, "During the past 50 years, as atmospheric carbon dioxide levels have risen, scientists have made precise measurements of atmospheric temperature. These measurements have definitively shown that major atmospheric greenhouse warming of the atmosphere is not occurring and is unlikely ever to occur." They go on to say, "We also need not worry about environmental calamities even if the current, natural warming trend continues. After all, the earth has been much warmer during the past 3,000 years without ill effects."

Therefore, the fearmongering and brainwashing of our youth that humanity is an imminent threat is uncalled for. The fear of environmental doom is terrorising our children and must be addressed in logical and sane ways. The media, representatives, politicians, teachers and parents have a responsibility to children to make known the facts and then acknowledge that the outcome is uncertain.

**RADIATA PLATEAU**

**The Hon. SHAYNE MALLARD (21:40:00):** West of Katoomba the ancient sandstone plateau rises like a long finger out from the ridge jutting out over the Megalong Valley and bookending to the west the views of the famous Three Sisters. The plateau supports important wildlife corridors and nationally listed endangered ecological communities, including the Blue Mountains swamps and endangered species such as the spotted-tailed quoll, the greater glider and the dwarf mountain pine. The plateau is also of great significance to the Gundungurra and Dharug people and includes the significant State heritage site, Blacks Ladder, which marks a traditional Aboriginal pathway into the Megalong Valley.

The plateau is widely loved by the community and its network of walking tracks are enjoyed regularly by local residents, bushwalkers, cliff climbers and bird watchers alike. This is the last remaining undeveloped peninsula-plateau in the Blue Mountains. Exciting news is that in the past few weeks the Berejiklian Government has successfully purchased this important plateau, known as Radiata Plateau, from private owners who had been trying to rezone and develop this rare and important site over several decades. I congratulate the Liberal-Nationals Government and environment Minister Matt Kean on the purchase of the Radiata Plateau in the Blue Mountains.

The purchase comes after a 35-year campaign by local environmentalists and the community for the last remaining undeveloped peninsula-plateau in the Blue Mountains to be protected for eternity. The land will now

be incorporated into the national park reserve system, ensuring its protection for future generations. The Government negotiated hard to acquire this private property to ensure this important area is protected and that the public can continue to enjoy it in the future. Once the purchase has been finalised the National Parks and Wildlife Service will develop a plan with the community to manage its protection and access to the public.

I acknowledge the leadership of the Blue Mountains Conservation Society that has campaigned for over 35 years to have the Plateau's important biodiversity and heritage values conserved, as well as maintaining public access. The Blue Mountains Conservation society has described this purchase as a major win for the environment and for the Blue Mountains community. Securing Radiata Plateau as safe from developers for the future generations has been a long cherished goal of the community. I am proud to be a part of that great win for the environment and our community.

Prior to the sale I was pleased to accompany the Minister on a tour of the site. He took the opportunity to inspect this unique geological plateau from the air, noting the stunning sandstone cliffs, hanging swamps and ancient walking connections down to the Megalong Valley for himself. This convinced him to support the acquisition. Whilst I note that Labor are bizarrely claiming credit for this, I was not aware that they controlled the Treasury benches at this point in time. It should be noted that Labor had 16 years in government to act and secure this environmentally unique site. Frustrated by failed development proposals, the owners have always been open to discussions on a sale, especially to the State. In that time, Labor's environment Minister was even the local member for the Blue Mountains.

Labor should have taken action then, rather than yelling from the sidelines and trying to claim credit now when this Government has taken the action. This is a community win, not a political win. The fact is that only by managing the State budget and economy with no debt and a surplus can the Liberals deliver investments for the Blue Mountains and regions like Radiata Plateau. The Government cares about our national parks. The purchase of the Radiata Plateau is just one example of its commitment to expand and protect our national parks for the future. I acknowledge the dedication and ambition of the environment Minister Matt Kean for his target to expand our national parks estate by 200,000 hectares over the next two years. This Government is serious about the environment, saving our endangered species and expanding our national parks. The Blue Mountains community has seen firsthand what we are prepared to do with Radiata Plateau.

#### RESTART NSW FUND

**The Hon. JOHN GRAHAM (21:44:14):** I was pleased to see my colleagues Walt Secord and Yasmin Catley drawing attention yesterday to one of the issues I am most concerned about: the repeated failure of this Government to spend the money promised for the bush from the Restart NSW Fund. The Government's stated policy promise for this fund was that 30 per cent would be spent in regional New South Wales, but once again when the Auditor-General released its report on State finances this year the figure fell short. Spending in regional New South Wales this year was only 19.6 per cent. So 30 per cent was promised but in the 2018-19 financial year only 19.6 per cent was delivered—a funding shortfall right in the middle of regions in the grip of drought.

Each year hopes rise in the regions presented with promises in the budget but there is disappointment each year when the Auditor-General checks how much of that money has actually been spent. In six of the seven years the Auditor-General has come to the same conclusion. Over the life of the fund, even less has been delivered: just 18.9 per cent in total has been spent in the regions. One of the central causes of this imbalance in the expenditure was that a lot of it flowed to projects like the Sydney Metro City & Southwest, \$3.9 billion, and to WestConnex, \$1.3 billion, in the early years of the fund. That is important expenditure but it has left regional communities feeling like they might have missed out—in fact, it has meant regional communities have missed out. Essentially the regional part of this fund has been playing catch-up ever since those big dollops of money were spent on city infrastructure transport projects.

The budget now contains a cash flow allocation for these funds which allows us to know how much Treasury expects to spend from this fund, including the balance of this funding that will reach the regions. For the first time we can look at that analysis and learn a few things. Firstly, we will not reach the Government's 30 per cent goal in total in the life of this budget or in the forward estimates. At its highest in this budget, that average will total only 27.4 per cent. Secondly, that figure relies on the heroic assumption that in the final year of the forward estimates we will reach a total of 65.6 per cent expenditure in the regions—dramatically higher than the current rate. Thirdly, it is subject to a whole range of caveats: it is indicative only, the timing could change, changes could be made to the assumed funding profile and, of course, future government decisions could alter that expenditure.

Finally, we should be clear that when we talk about the regions here it is a very generous definition of regional New South Wales that is getting this 30 per cent share of the pie. Appropriately it excludes metropolitan Sydney and also just the inner city areas of Newcastle and Wollongong. That is to say much of the Hunter and the

Illawarra are in the calculation for regional expenditure. While I think that is appropriate, it makes it even harder to understand why the Government has not been able to reach that target. One region in particular has struggled—New England North West. They are last on the league table of Restart NSW funding of any region in New South Wales. They are getting just 6 per cent of the spend allocated to regions so far.

The Deputy Premier, when pressed, said that the 30 per cent funding commitment to the regions had no timeline. That is precisely the concern of regional communities—there is no timeline. The money has already flowed to the city projects; it has been slow to flow to the regions. We do not know when that 30 per cent target will be hit. But we do know this: It will not be in this budget and it will not be in these forward estimates. Think about this: What better year would there be to deliver on that promise in the bush than this one? There is barely a drop of rain about in the regions. Towns are having water trucked in. I call on the Government this year to deliver on that 30 per cent promise—not to make the promise in the budget again but this year of all years, this drought year, to deliver on it.

### REDDAM HOUSE

**Mr DAVID SHOEBRIDGE (21:49:10):** Last month a private school in Sydney's east, Reddam House, announced that from next year it will become Australia's first fully for-profit high school. It is officially joining the so-called Inspired Education Group, a multinational corporation that runs dozens of for-profit schools across the globe. This is hardly surprising. In fact many observers would say it simply mirrors the existing reality at Reddam where the school itself is a not-for-profit corporation, but one which has many of its key services provided under contracts with an openly for-profit and related corporation. Many critics have said this is a case of smoke and mirrors when it comes to Reddam's allegedly not-for-profit status.

Some suspect that the reason Reddam has given up its not-for-profit status, and the \$5 million in public money that comes with that, is that it was concerned about the reputational damage it would suffer if its profit-shifting structure was fully investigated by educational authorities. From now on it will have to survive on the \$30,000-plus per student it receives from parents. Reddam does not just have a questionable financial history, which includes allegations of underpayment of teachers and poor industrial relations, it also has a disturbing record educationally. Reddam sells itself on its HSC results that have recently placed it in the top dozen or so schools in the State. However, to achieve that average mark it puts its students through appalling pressures including continuous cycle testing, and any student who fails to meet Reddam's expectations, no matter what year, faces the threat or fact, of expulsion.

There are also numerous reports of students enrolled in the HSC whose marks do not meet Reddam's expectations being made to leave the school at the eleventh hour to sit their final exams at an alternative school so as not to jeopardise Reddam's results average for the HSC league tables. The ruthlessness of Reddam's educational approach was exposed by the work of my colleague, the late Dr John Kaye, when he showed how Reddam and other elite private schools regularly rorted the HSC special consideration program to collect bonus Australian Tertiary Admission Rank points. Dr Kaye demonstrated how more than one in five Reddam students obtained a benefit from the program, which was more than four times the State average.

While Reddam House is the first major Sydney school to announce its brazenly for-profit status it is all part of a right-wing agenda that sees education as a commodity to be bought and sold rather than a fundamental right for all regardless of our personal or family wealth. So, while it is good to hear that with Reddam becoming an openly for-profit school, this means one less elite private school is receiving bucket loads of public money, we should all be deeply concerned about the impact this will have on education in New South Wales.

We cannot let the promise of end-of-year CEO bonuses trump children's educational outcomes. Allowing any school to openly milk students for profit is antithetical to the basic principles of education. This is a new and gross step that further erodes the concept of universal and equitable access to education in this State. While we welcome back the \$5 million a year in taxpayer funds that has traditionally propped up Reddam, the threat from its change to a fully for-profit school is real. No for-profit corporation should be allowed to operate a school in this State because there is a fundamental truth about the market and it is this: At the end of the day profits always erode principles.

### BALLINA BYRON GATEWAY AIRPORT

**The Hon. BEN FRANKLIN (21:52:46):** Tonight I will speak about the official reopening of the multimillion dollar expansion of the Ballina Byron Gateway Airport. I was delighted, alongside Ballina Shire Mayor David Wright, Deputy Mayor Eoin Johnston, councillors Sharon Parry, Ben Smith, Keith Williams and Stephen McCarthy, to officially open the upgraded terminal which is set to boost local tourism even further. It is the State's third-busiest airport. The Ballina Byron Gateway Airport was in dire need of an upgrade. It is wonderful to see that after all the hard work that has gone into this expansion it has been completed. It will be a huge windfall

for the area. The \$6.9 million upgrade was shared by the Government and the Ballina Shire Council, including \$4.5 million under the Restart NSW Regional Tourism Infrastructure Fund. The project complements the 2016 airside upgrade project which received \$2.2 million from, you guessed it, the Restart NSW Fund.

The airport currently caters for up to 520,000 passengers each year, which has doubled over the past six years. This number is expected to continue to grow even further. The terminal expansion will accommodate the rising number of visitors through its potential to attract additional flights. I know my good friend the Hon. Sarah Mitchell will particularly enjoy the new facilities, as she travels to Byron each year and has done for many years.

**The Hon. Sarah Mitchell:** For 40 years, my family has.

**The Hon. BEN FRANKLIN:** For 40 years. I acknowledge that interjection. The new facilities include a major expansion of the departure lounge, which is now triple the size, and feature new amenities, seating, gift and retail shops and an expanded cafe and bar. There are also enhanced parking options and exterior features. The new and improved airport will now be enjoyed by locals and visitors for many years to come. I thank Ballina Shire Council's manager of airport and commercial services Paul Tsikleas for his dedication and extraordinary skill in overseeing the upgrade. It is always a pleasure working with him and everyone at Ballina council.

As all us members know, tourism is a critical part of the economy of our regions. It accounts for more than \$300 million to the Ballina shire, with more than one million visitors in the last 12 months. It is investments like Ballina Byron airport that show this Government is committed to delivering new and upgraded infrastructure in our regions. This is a true sign of our dedication to supporting and unlocking growth opportunities in the regional areas of this State. Upgrades such as the Ballina Byron Gateway Airport ensure that we are doing everything we can to make it more attractive to invest in regional New South Wales, which will see a boost to jobs and help our communities grow even further.

Targeted infrastructure investment in regional New South Wales attracts business investment, creates new jobs and makes our villages, towns and regional cities more attractive places to live, work and do business. With tourism worth tens of billions of dollars to the New South Wales economy each year it is incredibly important to keep funding infrastructure that makes regional locations even more attractive to visitors. More visitors in our regional communities means more people staying in local accommodation, eating in local cafes and restaurants and spending money in local shops. It is projects like the Ballina Byron Gateway Airport upgrade that are strategic investments, helping to drive economic growth through tourism infrastructure and create jobs in regional New South Wales.

Noting one of the previous contributions in this adjournment debate, I will talk about the Restart NSW Fund. The fund was established in 2011 as the Government's dedicated infrastructure fund aimed at improving the economic growth and productivity of this State. That is exactly what it is doing. This fund is helping to improve economic growth and productivity right across New South Wales, targeting infrastructure investment in both metropolitan and regional New South Wales and delivering unprecedented investment in new and upgraded infrastructure throughout the State. By accelerating the delivery of this vital infrastructure across the State we can continue to deliver investment, jobs, business opportunities and improved facilities for the people of New South Wales.

The \$33.3 billion worth of inflows into the Restart NSW Fund is the result of the Government's asset recycling projects, Commonwealth Asset Recycling Initiative payments, windfall tax revenues and investment earnings. The New South Wales Government is ensuring those funds unlocked through asset recycling, along with the \$1.3 billion Regional Growth Fund and the \$4.2 billion from the Snowy Hydro fund, are focused on projects that create lasting economic benefit, particularly in the regions. I am thrilled that these funds are helping to ensure our communities continue to benefit, making them even stronger. The Ballina Byron Gateway Airport, which I encourage all honourable members to visit, is just one of those benefits.

### MEDICAL GAS LICENCES

**The Hon. MARK BUTTIGIEG (21:57:50):** I bring to the attention of the House a very important issue regarding medical gas and licensing of plumbing. In late September SafeWork NSW announced that criminal charges against the South Western Sydney Local Health District had been dropped. Legal proceedings had been brought against the health district after a cross-connection of gas delivery outlets led to the devastating death of a baby boy in July 2016 and after a baby girl was tragically left with life-altering and serious brain damage in 2016 at Bankstown-Lidcombe Hospital. The newborn babies were administered nitrous oxide instead of oxygen.

The decision to drop the charges against the South Western Sydney Local Health District comes prior to the Coroner's office finishing its investigation into the tragic and devastating death of John, a newborn baby.

The Deputy State Coroner is currently being assisted in the inquiry by the Crown Solicitor's office. Instead of proceeding with the criminal charges against the health district that were confirmed in December 2018, SafeWork has now announced that the local health district has entered into an enforceable undertaking. SafeWork has stated that the strategies are likely to deliver long-term sustainable safety improvements. However, these undertakings are grossly inadequate and they fail to address the core issue which is leaving people across New South Wales at risk.

It is hard to believe but there is no requirement in New South Wales to have a qualification to work with medical gas in both installation and maintenance. The main risks associated with medical gas work include contamination of pipelines and then the cross-connections of gas delivery outlets, which tragically occurred at Bankstown-Lidcombe Hospital. There are serious concerns that this horrible tragedy could be repeated if the Government keeps failing to take action to address the absence of medical gas licensing and mechanical services licensing in this State. The Victorian and Queensland governments have seen the importance of establishing these licences to protect their residents. In fact, in response to the tragic events that took place in Bankstown-Lidcombe Hospital, the Queensland Government passed legislation to ensure that individuals responsible for the installation and maintenance of medical gas pipes are licensed.

It is disgraceful that the New South Wales Government has failed to take action after these devastating events occurred in our State. The Government needs to ensure our hospitals and health facilities have skilled and qualified individuals carrying out these vital services that can have life and death consequences. The Plumbing Trades Employees Union, led by the New South Wales State Secretary, Theo Samartzopoulos, has been bringing attention to this public safety issue and has been advocating for regulatory intervention in cooperation with the industry. The union has been highlighting that medical gas is an area that is growing in its complexity and it has stressed that the absence of quality training can have catastrophic outcomes, as we have seen.

The union has rightfully been asserting that licenses need to be established, including a mechanical services plumbing and medical gas occupational licence. The most effective method in mitigating risks to public safety is ensuring a licensing system is established as it is the best way to ensure that there are only trained and skilled individuals working on high-risk installations. SafeWork's enforceable undertaking for the health district includes an electronic contractor registration kiosk in acute facilities.

Creating a kiosk identifying contractors does not solve the core issue: that the New South Wales Government does not require licences for individuals that install and maintain mechanical services and medical gas systems. In addition, the kiosk is problematic as contractors working in hospitals around New South Wales often use subcontractors for these services that involve medical gas. This is a public safety issue. Our Government needs to take action as the Victorian and Queensland governments have. The cross-connection of gas delivery outlets at Bankstown-Lidcombe Hospital was a terrible and heartbreaking tragedy, and our hearts continue to go out to the two families. We need to make sure that it never happens here in New South Wales again, and properly regulate and licence this trade.

## DRUG POLICY

**The Hon. ROSE JACKSON (22:03:18):** In the 1980s President Ronald Reagan reflected on the efforts of President Lyndon Johnson to lift millions of Americans out of poverty by saying, "We waged a war on poverty, and poverty won." President Reagan launched his own domestic war and over 30 years since Reagan's war on drugs it is pretty clear the drugs won. Decades of political leaders telling young people "just say no to drugs" has resulted in almost no young people saying no to drugs. Statistics consistently show year-in, year-out—despite often record seizures of illicit drugs—illicit drug use or misuse of prescription drugs continues to increase. I am not saying that is a good thing or a bad thing, but it is a thing. Those are the facts and the facts that should guide our policy. I cannot think of another policy area where narrow-minded politics and ideological blinders inhibit evidence-based policy making as much as in the area of drug policy.

We seem completely incapable of listening to the overwhelming evidence that what we are doing is blatantly not working and trial measures that would reduce harm. It is incomprehensible, and considering the clear evidence that the current policy frameworks are hurting people, particularly young people, it is indefensible. Drugs are dangerous. Taking them is risky. People should be aware of these risks. I am not supportive of or interested in advocating the idea that all drugs should be legal. I will leave radical ideas like that to people like Alan Jones. Whilst I do not agree with him that ice should be decriminalised, I do agree with him when he said:

I never thought I would say this, but everything we have done to date has failed. Everything. So something different has to be done.

This was a sentiment echoed by Julie Tam, the mother of Joshua Tam, who tragically died at the Lost Paradise music festival in 2018. She said change is what is needed. Pill testing is one of many strategies. There is so much more that needs to be done to educate and protect our children. We cannot be ignorant and hope these things will not happen. But that is exactly what the Premier is advocating, ignorance, hoping these things will not happen. At

no point during the pill testing process is an individual told that the drug is okay to take or safe to consume. In fact, pill testing provides a unique opportunity for trusted health professionals to effectively and meaningfully communicate with young people about the risks of taking drugs. A trial of pill testing will do nothing more or less than provide health information to young people, which allows them to make fully informed decisions and manage risks. It will not lead to more drug use or no drug deaths. It will lead to less harm. How can we stand in the way of that?

**The PRESIDENT:** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 22:06 until Tuesday 22 October 2019 at 14:30.**