



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Thursday, 24 October 2019**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE COUNCIL

**Thursday, 24 October 2019**

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

**The PRESIDENT** read the prayers.

### *Visitors*

#### **VISITORS**

**The PRESIDENT:** I invite attention to the presence in my gallery of the Hon. Shaun Leane, MLC, President, accompanied by Mr Andrew Young, Clerk of the Parliaments, Legislative Council of Victoria, who are visiting the New South Wales Parliament for a two-day program.

### *Motions*

#### **THE HON. SHAUN LEANE**

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

That the Hon. Shaun Leane, MLC, President of the Legislative Council of Victoria, be invited to take a chair on the dais during question time.

**Motion agreed to.**

### *Bills*

#### **WATER SUPPLY (CRITICAL NEEDS) 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. Don Harwin.**

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

That the second reading of the bill stand as an order of the day for the next sitting day.

**Motion agreed to.**

### *Visitors*

#### **VISITORS**

**The PRESIDENT:** On behalf of all members, I welcome into the public gallery year 9 students and staff from the Sacred Heart Central School, Cootamundra. You are most welcome to the Parliament.

### *Motions*

#### **RANDWICK OFFSHORE RESCUE BASE**

**The Hon. LOU AMATO (10:04:51):** I move:

1. That this House notes that:

- (a) on Sunday 13 October 2019, a ribbon cutting ceremony was held for the opening of the new Surf Life Saving and Randwick City Council Offshore Rescue Base at Malabar New South Wales;
- (b) the new facility was funded by a joint venture between the New South Wales Government and Surf Life Saving NSW;
- (c) the new purpose-built rescue base for the Randwick Offshore Rescue Boat replaces a garage on the existing site;

- (d) the new facility has reduced response times to afterhours tasks by 30 minutes, which will save lives along one of the most treacherous stretches of coastline in Australia; and
  - (e) the new rescue base will provide for male and female amenities, a fully functional boat bay and an operations room.
2. The following distinguished guests attended the ribbon cutting ceremony:
- (a) Councillor Danny Said – Mayor of Randwick Council;
  - (b) Mr George Shales – President, Surf Life Saving NSW;
  - (c) Mr Steve Pearce – CEO, Surf Life Saving NSW;
  - (d) Mr Danny Donohue – Chairperson, Randwick District Executive of Surf Life Saving;
  - (e) Mr Mathew Harper – Captain Surf Life Saving Offshore Rescue Boat;
  - (f) Mr Matthew Thistlethwaite – Federal member for Kingsford Smith; and
  - (g) the Hon. Lou Amato, MLC, representing the Hon. Gladys Berejiklian, Premier, and the Hon. David Elliott, Minister for Police and Emergency Services.
3. That this House acknowledges:
- (a) the vital work of Surf Life Saving NSW in saving lives and making our beaches safer;
  - (b) the longstanding partnership between the Government and Surf Life Saving NSW; and
  - (c) the volunteer members of Surf Life Saving NSW who give of their time and resources to keep our beaches safe.

**Motion agreed to.**

### **CHILDREN'S PARLIAMENT**

**The Hon. NATALIE WARD (10:05:17):** I move:

1. That this House notes that:
- (a) from 19 to 27 October 2019, the Office of the Advocate for Children and Young People [ACYP] held its annual Children's Week program;
  - (b) part of Children's Week is Children's Parliament run by ACYP in partnership with Children's Week Committee and YMCA, held on 21 October 2019;
  - (c) Children's Week Parliament brought together 93 children and young people from across New South Wales to voice their ideas, passions and experiences in a parliamentary format;
  - (d) children who participated were given the opportunity to create solutions to the issues they are passionate about and present those ideas in New South Wales Parliament House;
  - (e) part of this experience was to hear directly from members of Parliament during a Q&A panel about the issues that matter most to them; and
  - (f) the Q&A session was attended by:
    - (i) Mr Dugald Saunders, MP, member for Dubbo;
    - (ii) Ms Jodie Harrison, MP, member for Charlestown; and
    - (iii) the Hon. Natalie Ward, MLC.
2. That this House acknowledges the importance of our youth understanding and participating in our parliamentary democracy.

**Motion agreed to.**

### **UNIONS IN UNISON DIVINE DIWALI EVENT**

**The Hon. SHAOQUETT MOSELMANE (10:05:44):** I move:

1. That this House notes that:
- (a) on Friday 18 October 2019, Unions NSW and Transport Workers Union, together with South Asia Labor, held their second Unions in Unison Divine Diwali event to honour the diversity of people working in numerous industries the unions represent, especially from South Asian communities;
  - (b) the event was organised by South Asia Labor founders and directors Aisha Amjad and Harish Velji, who worked tirelessly for these communities and served as a vital link between the unions and its diverse members, as well as politicians at a local, State and Federal level;
  - (c) the organisers paid tribute to the Hon. Bob Carr, former Premier of New South Wales, who held the first ever interfaith Diwali celebration in 2003 at NSW Parliament, and in 2004, was the first person in the world to light up the exterior of any Parliament outside India to celebrate Diwali;



- (d) the organisers also paid tribute to the Hon. Shaoquett Moselmane, MLC, for his presentation of the Holy Bhagavad Gita to New South Wales Parliament, providing a holy book for future politicians of Hindu faith to take their oath on;
  - (e) the event included many dignitaries including the Leader of the Opposition, Ms Jodi McKay, MP; former Premier of New South Wales, the Hon. Nathan Rees; Indian Consul, Mr Nandakumaran; and numerous interfaith and community leaders including Ahmet Polat, Affinity Intercultural Foundation; Harmohan Walia, Sikh Community Leader; Bimal Joshi, Hindu Council of Australia; Secretary of the Labor Friends of Palestine, Mr Louay Moustapha, representing the Lebanese Community Council of NSW; Jeremy Jones, Jewish Community Leader and four priests (Swami Ji's) visiting from India; and
  - (f) the Unions in Unison Diwali celebration is yet another example of the New South Wales union movement taking a leadership role in hosting the first celebration of this kind in support of a multicultural Australia and recognising the cultural and religious diversity that has enriched us all.
2. That this House:
- (a) congratulates Unions NSW, including Mark Morey, Transport Workers Union of NSW, including Richard Olsen, South Asia Labor and in particular Aisha Amjad and Harish Velji for their significant and symbolic divine Diwali event, celebrating the Magic of Multicultural Australia; and
  - (b) extends its gratitude to Vijay Halagali, for making this event as the first of its kind in any Diwali celebration in Australia.
3. That this House wishes a happy Diwali to all Hindus, Jains and Sikhs worldwide celebrating the triumph of good over evil, light over darkness, knowledge over ignorance and hope over despair.

**Motion agreed to.**

#### *Committees*

### **PRIVILEGES COMMITTEE**

#### **Report of Independent Legal Arbiter**

**Mr DAVID SHOEBRIDGE (10:06:22):** I move:

- 1. That this House notes that, after its rising in November 2019 for the summer recess, the House is not scheduled to sit again until Tuesday 3 March 2019.
- 2. That, while the House is not sitting during the summer recess:
  - (a) on receiving a report of the Independent Legal Arbiter appointed to evaluate a disputed claim of privilege on documents returned to the House under Standing Order 52, the Clerk is to refer the report to the Privileges Committee for consideration;
  - (b) the Privileges Committee is authorised to undertake the role usually performed by the House in dealing with disputed claims of privileges over returns to order under Standing Order 52, including taking the decision to make public the report of the Independent Legal Arbiter and any documents over which privilege has been claimed but not upheld by the Independent Legal Arbiter;
  - (c) any document authorised to be made public by the committee under this resolution is deemed to have been presented to the House and published by authority of the House; and
  - (d) on the next sitting day, the committee is to report to the House what action, if any, it has taken under this resolution.

**Motion agreed to.**

#### *Documents*

### **TABLING OF PAPERS**

**The Hon. SARAH MITCHELL:** I table the report of the New South Wales Department of Education entitled *Progress Report: Improving outcomes for students with disability 2019*. I move:

That the report be printed.

**Motion agreed to.**

#### *Ministerial Statement*

### **SCHOOL DISABILITY STRATEGIES**

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (10:07:30):** I wish to speak about the report entitled *Progress Report: Improving outcomes for students with disability 2019* and our progress in improving outcomes for students with disability in New South Wales public schools. Last night I co-hosted Family Advocacy's Inclusive Education Parliamentary Forum alongside my colleagues Mr David Shoebridge and the member for Londonderry, Prue Car, in the other place. I acknowledge the attendance of MPs, including Gareth Ward, the Hon. Penny Sharpe and the Hon. Mark Latham. I acknowledge

this is an area where there is support across the political divide to strengthen inclusion for students with disability. The Disability Strategy released in February this year outlines our vision for building a better education system for students with disability in New South Wales public schools. The strategy builds on the Government's response to the parliamentary inquiry report entitled *Education of students with a disability or special needs in New South Wales*.

One of the parliamentary inquiry's recommendations was that each year the education Minister makes a statement in Parliament, reporting on the educational progress of students with disability. This is the first report giving effect to that recommendation. I am pleased to report on our key areas of achievement and goals for the future and I am committed to providing this report each year and to tabling it in Parliament. I know there is significant debate around what we mean when we use the word "inclusion". That is why the Government explicitly outlines its interpretation of "inclusion" in the progress report. Inclusion means all students, regardless of disability, can access and fully participate in learning at their local school, supported by reasonable adjustments and teaching strategies tailored to meet their individual needs.

More than 125,000 students across New South Wales schools are receiving supplementary, substantial or extensive adjustments to their learning because of disability. Around 97 per cent of students with disability learn in mainstream public schools. We are committed to building the capacity of our mainstream public schools to meet the needs of all students so that every child can be engaged with learning at their local school. We also acknowledge this needs to be balanced against parental choice. In cases where there are individual reasons why a different setting would better support the student, we will work with parents and education experts to individualise this support.

Significant progress in improving support for students has been made in the eight months since the Disability Strategy was released. Last night we heard fantastic examples of schools across the State that are working hard to ensure that all of their students are included. That is why I am so proud to launch the Disability Strategy innovation program for schools to trial and test new ideas to improve the learning and wellbeing of students with disability. We want to work with schools to build an evidence base for what works and look at scaling up effective practice. I urge principals to use the Disability Strategy innovation program to put forward their ideas for improving outcomes for students with disability.

A child's journey through education has transition points that impact their experience and outcomes. The journey begins with early childhood, through to primary and high school and on into preparing our young people for further study and the workforce. Under the Disability Strategy, the Government has improved the process for students with disability going from primary school to high school to make it easier for families and give them more time to plan. That is a direct response to feedback from families. The process for applying for additional funding and support for high school has moved from year 6 to year 5 in most cases. Students receiving funding support in year 6 will now have it automatically rolled over into year 7.

The measures are just the beginning of the changes that we are making to reduce the administrative burden for families. We also want to build the capability of our teachers, which is why we have launched a new scholarship for teachers to study a masters of inclusive or special education. Students will have more support as we build the confidence, capabilities and skills of teachers so that they are better equipped to support the needs of students with disability. Our goal is to increase the number of New South Wales public teachers studying a master of inclusion (special) education by 50 per cent in 2022, which is why we have launched a new scholarship for teachers to study a masters of inclusive or special education. The scholarship will provide significant funding support for each successful applicant, who will receive up to \$23,000 towards their degree. We are expecting to have more than 100 scholars in 2020.

The Department of Education will also undertake a review to explore more contemporary ways of funding students with disability, which takes account of their educational and support needs as students, rather than a disability diagnosis. That may involve exploring the role of different sources of data, such as the Nationally Consistent Collection of Data, in determining need as well as reviewing the department's current disability criteria. We are listening to the concerns raised and will keep working to ease the pressure on students and their families. For the first time, we also asked all parents whether their child's school supports inclusivity and access, and whether the built environment supports learning. That is now part of the annual NSW Tell Them From Me survey and will help the department measure and report back on how it is improving things for students with disability.

We will also ask parents whether their child is enrolled in their first choice of public school, as recommended by the parliamentary inquiry. I recognise that there is much more to be done and many improvements that we can make. I am committed to driving positive change for students with disability. That is why the Disability Strategy remains a living document to prompt ongoing action and why the progress report sets out an ambitious agenda for 2020. We will continue to improve the experience of families of children and young people with disability as they engage and collaborate with us. We want to make it as easy as possible for families

and carers to find the information and advice that they need online. We will develop new family information packs and web content, providing clear guidance on the kinds of support available at all New South Wales schools. We will also continue to improve the way we respond to concerns and complaints.

Schools will be provided with further guidance on early and ongoing engagement with families and expectations for personalised learning and support discussions. We will keep improving the access request process and enhance transparency for families, and continue to strengthen our professional development offerings and build our workforce capability. Schools will have more support through evidence-based professional learning on inclusive practice and active promotion of the disability standards training. I share concerns regarding the rates of suspension at New South Wales public schools, especially for students with additional learning and support needs. We acknowledge that this is a challenging area and there is more to do to support schools in managing student behaviour, especially where students have complex needs.

That is why the Department of Education's suspension and expulsion policy is being reviewed as part of the Student Discipline in Government Schools Policy. A range of internal and external stakeholders have been consulted during 2018 and the first part of 2019 to identify what is working well and where more support is needed. Over coming months consultation will continue and it will include disability advocacy groups, including those specifically focused on attention deficit hyperactivity disorder. Last night I had the chance to meet the parents of some of those children.

The review of the procedures commenced in 2018 and continues this year with implementation to occur in the first half of 2020. We will continue to work closely with school leaders to address staffing pressures to address the issues. We will strengthen additional career progression strategies for teachers and support staff to support the objective of a steady supply of staff with expertise in supporting students with disability. The partnerships with NSW Education Standards Authority and universities will continue to ensure that the Department of Education is building teaching capability through all undergraduate and postgraduate teaching and education degrees. We will also provide greater assistance to schools to access specialist allied health services more quickly and effectively.

In 2020 and beyond, I want to ensure we fulfil all the Disability Strategy's commitments and do even more to further improve the inclusivity of education and equip students for fulfilling lives after school. Over subsequent progress reports, we will update our data, report back on indicators to measure outcomes for students with disability and, more importantly, on how we want to affect outcomes for students with disability. We will continue listening and responding to the diverse voices and experiences of our students, their parents or carers and school staff to bring about positive change. Only by working together and tailoring support to our students and school communities across the State will we improve the learning, wellbeing and independence of every child.

I look forward to continuing to engage with students, their families and the broader community on this important work. Understanding and responding to the learning and support needs of students with disability is a shared responsibility for government, the community and the teaching profession. It is crucial that we work together to continue to improve school education for students with disability now and into the future. I commend the *Progress Report: Improving outcomes for students with disability 2019* to the House. I thank members for their time.

**The Hon. PENNY SHARPE (10:15:56):** I make a short contribution on the important *Progress Report: Improving outcomes for students with disability 2019*. The report is an example of Legislative Council committees working at their best. The committees have taken an interest in the education of students with disability and special needs for a long time. The first report came out in 2010. The report in 2017 picked up on that work. The report tabled today is a result of the recommendations from that committee. I congratulate all the members and staff who worked on that committee for a long period on continuing to take an interest in kids with disability and ensuring that not only are they getting the best education that they can but also that they are included in the educational experience of every student.

Last night I was pleased to attend the Family Advocacy showcase event on inclusion education. I highly recommend MPs getting hold of the information that was provided there. Family Advocacy's campaign—Same Classroom. Same Opportunity—is very simple and is reflected in what the report is trying to achieve. The campaign means that every student, no matter what their classroom, should be given the same opportunity as every other student. It was inspirational to see the work that is being done by the very professional teachers in New South Wales schools. They are trying to ensure that every child in their classroom is able to participate to their fullest. They see that as fundamentally part of their work, not extra work.

In the event last night there was also a lot of discussion about the improvements that are made to all students as they learn and live in an environment where everyone is truly included. I congratulate Family Advocacy on its work. I congratulate Alan and his teachers at Turramurra High School for the incredible work

that they have done. The 15-minute video is well worth the time to see what can be done when people open their minds and put on their thinking caps to ensure that kids are included.

The report is an important first step but there is much more to do. I cannot let the report simply go through without acknowledging that there are still real problems in our schools in ensuring that all kids are included. There are real barriers to students being able to enrol. Parents are rocking up to a school to enrol their child, as is their right at the local school, and are being told that they cannot be helped and that they will have to find somewhere else. In 2019 that is completely and utterly unacceptable. There still are problems about the physical surrounds and equipment within our schools to allow students to get there in the first place. They cannot get up a block of stairs and need to make adjustments. Schools are using that as an excuse. We know that it costs a lot of money. The Government is making investment in improving the physical accessibility of our schools but more needs to be done. If we are true to the commitment, then every child in every classroom must have the same opportunity. We need universal access to our schools and they must have all of the equipment they need so that every student can attend.

I also raise the issue of suspensions. This has been in the news recently and the Minister acknowledged it in her contribution. We cannot ignore the fact that kids with disabilities make up 20 per cent of the school population but 40 per cent of those suspended. Between 2015 and 2018 there were 15,435 suspensions, of which 4,000 were for physical violence, 10,000 for continued disobedience and 4,220 for persistent or serious misbehaviours. These are kids with disability who need extra support. I also acknowledge that every child needs to be safe in their classroom. If there are issues those need to be managed but suspensions are not the way for kids with disabilities.

The idea that 10,000 kids with disability are being suspended for continued disobedience worries me greatly. The fact that at around 6,800 students aged just six or seven years are being suspended from school also worries me greatly. With the transition to the NDIS a whole world of opportunity has been opening up for people with disability to get the support that they need. Many problems still remain for the crossover, particularly distinguishing between what State provisions are and what individual provisions are, and the way in which we can ensure that gaps do not open up when it comes to support services, particularly inclusion services.

I cannot let this debate end without mentioning the Ability Links NSW program, which is about to cease being funded in New South Wales. Ability Links NSW ensured people with disabilities could play sports in the local sporting team, participate in the local youth centre and be part of the local community. A program funded through both State and the Federal governments, which supports thousands of people and has won Premier's awards, is about to come to an end because everybody says that it is all over to the NDIS now. That is of great disappointment to me.

I make the point that the report is very important but, as required under the Disability Inclusion Act, there is a plan within the Department of Education for disability inclusion. Yes, that exists and it is running out in 2020 and will have to be revisited. It is unclear to me how those two plans speak to each other. One of the things that happens in government is that a department has a plan and then when a new issue comes along they make a new plan. Next thing we have four different plans that do not talk to each other. I worry this will happen yet again and the teachers who are trying to deliver quality education will be required to refer to three different plans, rather than a single commitment around inclusion. That is something that needs to be ironed out as we go through this process into the future.

The second last point I make is that I welcome the focus this year on trauma-informed support for kids in the classroom. That has to include children in out-of-home care. Young people with disability are also overrepresented in this group. We currently have a significant issue with young people being relinquished by their parents to the care of the State and a bureaucratic fight between the Federal and State governments when it comes to disability funding. That is unacceptable and is impacting greatly on these young people's ability to access education. It is all pretty simple: every person deserves and has a right to an education in New South Wales. Every student should have every opportunity in every classroom in every school. We should not rest until that is achieved. I thank the Government for providing this report and the parliamentary work that continues every day to provide oversight of this important part of the delivery of services in New South Wales.

#### TABLING OF PAPERS

**The Hon. SARAH MITCHELL:** I table correspondence in response to private members' business item No. 274 outside the order of precedence standing in the name of Mr David Shoebridge, regarding a written answer provided to a question taken on notice during the Portfolio Committee No. 3 - Education budget estimates inquiry on 4 September 2019. I move:

That the document be printed.

**Motion agreed to.**

### **TABLING OF PAPERS**

**The Hon. DON HARWIN:** I table the following document:

Report of the NSW Electoral Commission entitled *Report on the conduct of the 2019 State Election*.

I move:

That the report be printed.

**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 (10:35:34):** I move:

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

1. Item No. 61 standing in the name of Mr Banasiak relating to the Real Estate Services Council Bill.
2. Item No. 233 standing in the name of Mr Roberts relating to the cognate Liquor Amendment (Harm Reduction Areas) Bill and the Liquor Amendment (Intoxication) Bill.
3. Item No. 307 standing in the name of Ms Boyd relating to the Central Coast Drinking Water Bill.
4. Item No. 215 standing in the name of Reverend Mr Nile relating to the Child Protection (Nicole's Law) Bill.
5. Item No. 318 standing in the name of Mr Shoebridge relating to closure of the Brewarrina Correctional Centre.
6. Item No. 302 standing in the name of Mr Mookhey relating to an order for papers regarding manufactured stone sites and silica dust management.
7. Item No. 279 standing in the name of Mr Franklin relating to the centenary of the National Party of Australia.
8. Item No. 4 standing in the name of Mr Secord relating to maternity services at Yass District Hospital.
9. Item No. 264 standing in the name of Mrs Houssos relating to an order for papers regarding demountable classrooms.
10. Item No. 305 standing in the name of Ms Hurst relating to the horseracing industry in New South Wales.
11. Item No. 290 standing in the name of Mrs MacLaren-Jones relating to the seventy-fifth anniversary of the Liberal Party of Australia.
12. Item No. 139 standing in the name of Reverend Mr Nile relating to the Crimes Amendment (Zoe's Law) Bill 2019.
13. Item No. 243 standing in the name of Mr Borsak relating to an order for papers regarding Avocado Consulting Pty Ltd and Testing for NSW Police Force Staged Firearms and Licensing Information Management System.
14. Item No. 316 standing in the name of Ms Faehrmann relating to a climate emergency declaration.
15. Item No. 291 standing in the name of Mr Field relating to an economic analysis of the Narrabri Gas Project
16. Item No. 313 standing in the name of Mr Latham relating to land clearing.
17. Item No. 311 standing in the name of Ms Faehrmann relating to orders for papers regarding koala conservation.

I indicate that it has been agreed that the business items at paragraphs 5, 6, 8, 9, 10, 13, 14, 15, 16 and 17 will be considered in the short form format.

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

**Motion agreed to.**

### *Bills*

### **REAL ESTATE SERVICES COUNCIL BILL 2019**

### **First Reading**

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

## Second Reading Speech

**The Hon. MARK BANASIAK (10:39:15):** I move:

That this bill be now read a second time.

Whether you own your property, have a mortgage on it or you rent, everyone in New South Wales is a stakeholder in real estate. We have consulted widely and I am pleased to introduce this important piece of legislation, the Real Estate Services Council Bill 2019, into the House today. It is clearly important for any regulatory reform initiative to ask why. What existing adverse outcomes is Parliament seeking to remedy and will the proposed legislative activity adequately address those issues? I will now answer both of those questions.

The journey that has led the Shooters, Fishers and Farmers Party here today has been extensive. Our party is undertaking a deep dive into the industry and we have completed significant due diligence to craft the solution I put before the House today. Real estate is the world's longest conversation, nowhere more so than in New South Wales, particularly Sydney. It is difficult to read a newspaper, enjoy a social gathering with friends or take a taxi ride without property prices entering the conversation. Residential real estate transactions alone are a \$107 billion industry annually in New South Wales. This makes it bigger than the combined mining industry at \$21 billion, the retail industry at \$22.8 billion and the tourism industry at \$38.1 billion.

Property transfer duty, sometimes called stamp duty, contributed \$8.4 billion to the New South Wales Government in the 2018 financial year across 220,313 transactions. To this we can add land tax. Clearly, from a housing, economic and tax revenue perspective, everyone in New South Wales is a stakeholder in real estate. Our relationship with real estate is often colloquially termed "cradle to the grave". There are more than 3.05 million dwellings across New South Wales, made up of 2.024 million houses and 1.03 million units. The median sale price of a house in Sydney is \$985,000 and a unit is \$717,000. The importance of the property industry goes well beyond its economic contribution—it provides one of life's necessities: shelter.

We all have a relationship with real estate. Four per cent of New South Wales residents own their own home, 33 per cent rent and 18 per cent have a variety of other arrangements. The majority of tenants aspire to one day buying their own home. Additionally, many people invest in residential rental property as part of their wealth generation strategy and retirement planning. It is therefore paramount that the property industry is prosperous, transparent and hygienic. If all of these market conditions are active and patently obvious, then we will have market confidence from which we all enjoy direct and indirect benefits.

Having now provided a synopsis of the significant and multifaceted contribution that the property industry makes to the State and its citizens, I will now turn my attention to one market participant, the property services industry, and the important contribution that industry makes to market confidence. Consumers have the reasonable expectation that the real estate agents they retain to advise and guide them through a property transaction are ethical, appropriately educated and experienced. It was the then Minister for Fair Trading John Aquilina and Parliament's intention to deliver on those expectations when it supported the passage of the Property, Stock and Business Agents Bill 2001. Having satisfied all of the requisite requirements, that bill is now known as the Property, Stock and Business Agents Act 2002. Unfortunately, with what I am about to report, the House must reluctantly acknowledge that the Property, Stock and Business Agents Act 2002 has not delivered the outcomes Parliament intended. Therefore, consumers' expectations have not been met.

During the second reading speech on the Property, Stock and Business Agents Bill 2001, Mr Aquilina made a number of specific observations and predictions in relation to the positive impact the bill would have for the consumer and property services industry. The following are direct quotes from Mr Aquilina's speech:

The bill will simplify the licence application process, improve industry standards, and lighten the regulatory burden for licensees ... the core proposals: the introduction of competency standards, mandatory continuing professional education, and professional indemnity insurance ...

The conduct of residential property auctions in this State has been a source of increasing concern for consumers, the industry and the Government for some years. In particular, there is concern about a lack of competency and breaches of ethical standards by persons conducting property auctions. To address this, the bill introduces mandatory requirements for persons who wish to conduct residential or rural land auctions. They must hold a real estate agent's licence or a stock and station agent's licence, and must attain additional qualifications relating to auction conduct and ethical practice before being entitled to conduct auctions. This measure will address the decline in auctioneer competency by setting entry requirements that recognise the specialist skills and ethical standards needed to be held by persons wishing to perform this crucial role ...

The core proposals in this bill—the introduction of competency standards, mandatory continuing professional development and professional indemnity insurance—provide the framework for modernisation of the property industry. The grant of a licence or certificate of registration will be based on entry-level competency and good character ...

By ensuring that those who are granted a licence or certificate of registration demonstrate certain levels of competency, consumers are protected, consumer confidence is boosted, vocational professionalism is increased, and an economically efficient property sector ensues...

The bill also enables the renewal of a licence or certificate of registration on condition that licence holders undertake continuing professional development each year. Licensees and certificate holders, like many others in business, need a wide range of skills to competently perform their functions. Equally, they need to keep abreast of changes and developments in their fields of competence. Continuing professional development recognises the changing nature of the marketplace, and provides flexibility to educate property professionals in the special competencies needed in relation to the licence and certificate categories under the Act. Continuing professional development could cover topics such as law and technology changes, ethics, dispute resolution and business management ...

In addition to competency and continuing professional development requirements, the bill enables the director-general to require a licensee to hold a policy of professional indemnity insurance that meets certain minimum conditions ...

The introduction of professional indemnity insurance requirements is viewed as a means of raising industry standards and enhancing consumer redress in relation to quality of service issues. It is anticipated that this attention to risk management will result in fewer claims by consumers and lower premiums for licensees. I must emphasise that professional indemnity insurance is as important an element of the reform package as the recognition of competency standards and the introduction of continuing professional development. It is envisaged that they will work hand in hand to lift the expertise and raise the ethical standards of the industry.

That is a lengthy and detailed explanation of the intent of that Act. To compress Mr Aquilina's speech to a few words, it was about: improved consumer protection, appropriate education standards for entry to real estate practice, mandatory continuing professional development, professional indemnity insurance, addressing concerns with auctions, and professionalism. I will now examine each of those items in turn.

Firstly, the education required to enter the property services industry in New South Wales is alarming. A person seeking a career in real estate requires less than one week's education and does not need any experience. Additionally, and despite the education being so grossly inadequate as a starting point, there exists in the market very aggressive competition between registered training organisations to deliver the education faster and cheaper. As a result, inadequate education is partnered with poor quality. Prior to the Property, Stock and Business Agents Act 2002, a person seeking a career in real estate had to attend TAFE for three years part-time while gaining on-the-job experience. As the complexity of real estate underwent a parabolic shift northward, the education requirements went proportionally south. I do not believe that the Parliament intended to expose consumers to service providers with less than a week's education. All other trades and professionals have responded to the increased complexity of their chosen area of service with additional education.

In my opinion, it was Parliament's intent that the property services industry follow in those footsteps. One may ask, "If it was not Parliament's intention to flood the market with inadequately educated and inexperienced real agents, then how has this come about?" The answer is that Fair Trading NSW determines the education requirements for real estate agents. So, despite Mr Aquilina's speech and the patently obvious outcomes sought by Parliament, Fair Trading NSW determined in its unfettered discretion what education it required for agency practice in New South Wales. Fair Trading NSW's decision to unilaterally plunge education into the realms of the ridiculous is in defiance of Parliament's legislative intent for the protection of consumers in New South Wales.

Additionally, it is worth noting that 80 per cent of new entrants to real estate practice in New South Wales churn out in the first 12 months. They quickly realise that the realities of real estate practice are far more complex and demanding than their education had prepared them for. The current education regime fails the consumer and those people seeking a career in real estate. Despite the empirical evidence, Fair Trading NSW defends its position and responds to criticism by saying that increased education would pose a barrier to entry and reduce competition.

Industry fully supports competition, it sees it as a healthy market influence. However, unlike Fair Trading NSW, it believes it should be amongst appropriately educated and experienced service providers. Finally, on the subject of education, there are two matters that I feel compelled to discuss. Firstly, since the introduction of the inadequate education standards in 2002, a number of journalists have undertaken and completed the requisite education for real estate practice. The solitary purpose of the study was to better understand the inadequacy of the tuition so they could write a damning story for their newspaper. Secondly, there is an agreement between all of the States and Territories of Australia to recognise a licence or certificate issued in one jurisdiction in the other jurisdiction. This is termed "mutual recognition".

There is also a mutual recognition agreement between New Zealand and Australia. Not surprisingly, people wishing to enter the industry seek out the jurisdiction offering the easiest path to a certificate or licence. New South Wales is prominent on that list. The Real Estate Institute NSW has provided me with a letter from the Real Estate Institute NZ complaining about the education standards in Australia as compared to New Zealand. Put bluntly, New Zealand is asking us to lift our game. I find the activities of the journalists and the request from New Zealand extremely embarrassing. I will now move to continuing professional development or CPD.

CPD is recognised by numerous professions and industries as essential to keep service providers abreast of developments in their industry. These matters include emerging technology, new legislative instruments and

identified areas of weakness with regulatory compliance. There is currently a requirement for agents to undertake four hours CPD as a condition precedent to renewing their licence or certificate. The quality of CPD in the market is extremely poor, because providers pitch themselves as cheap and fast. The online CPD is particularly poor. Agents can complete the training very quickly or, alternatively, have someone else do it for them, typically an office administration worker or receptionist. The Real Estate Institute NSW videoed one of its employees doing an online CPD course from one of these providers. This employee completed the required four-hour training in just 3½ minutes. The Real Estate Institute NSW sent the video to then Minister for Innovation and Better Regulation Matt Kean and to Fair Trading.

The Real Estate Institute NSW has persistently asked Fair Trading to advise it on what action is being taken. In response, Fair Trading has alleged that it is investigating CPD providers generally. This investigation has now been underway for over 12 months. It was unquestionably Parliament's intention that real estate agents should receive relevant and quality CPD, and that the regulatory authority, Fair Trading, would police the matter. Fair Trading has, by the absence of any activity in this important area, determined that CPD is unnecessary. However, given the legislative requirement imposed by Parliament, Fair Trading has adopted a perfunctory strategy.

The combination of grossly inadequate entry level education and meaningless CPD perpetuates ignorance of not only the regulatory environment but also the skills and competencies required to deliver the consumer a quality service. Fair Trading sets the consumer up for dissatisfaction with the industry, and people seeking a career in real estate are similarly set up for failure. To gain some appreciation of this issue, I ask you to imagine being asked to sit an exam on a very complex topic without any tuition. As I have mentioned, Mr Aquilina named professional indemnity insurance as one of the three core components of the Property, Stock and Business Agents Act 2002.

With that as the background, I was surprised and extremely disappointed to learn that Fair Trading strongly resisted this consumer protection strategy. Industry relentlessly petitioned Fair Trading to mandate public indemnity insurance as a condition precedent to deliver property services to consumers. Industry argued that imposing such a requirement merely adopts mainstream consumer protection initiatives employed in other industries. Fair Trading in response expressed the view to industry that public indemnity insurance is in its view a business decision, not a licensing requirement. Pleasingly, industry was ultimately successful, with the assistance of then Minister for Fair Trading Anthony Roberts. It was, however, an eight-year battle but nonetheless an important victory for consumers.

Fair Trading's resistance to public indemnity insurance is difficult to fathom. Prior to the introduction of mandatory public indemnity insurance, 80 per cent of agents had public indemnity insurance voluntarily or as part of their franchise agreements. If you subscribe to the 80-20 rule, the 20 per cent who did not have public indemnity insurance were the ones that needed it the most. Importantly, the insurance was, and continues to be, very affordable. Industry wanted a base of \$2 million, but Fair Trading pushed back and a compromise of \$1 million was agreed to. Fair Trading's determined resistance to public indemnity insurance is very concerning, given it is promoted as the consumer's champion. Additionally, Fair Trading's resistance is clearly contrary to the wishes of Parliament. The penultimate item on Mr Aquilina's primary list of matters to make special mention of in his speech was auctions. To paraphrase Mr Aquilina's comments:

The conduct of residential property auctions in this State has been a source of increasing concern for consumers, the industry and the Government for some years. To address this ... Agents must hold a real estate agent's licence ... and must attain additional qualifications relating to auction conduct and ethical practice before being entitled to conduct auctions.

When Fair Trading gave notice of its intention to de-license auctioneers, industry bodies came together as one and rallied community support to prevent it. Once again, the industry has had to come to the rescue of the consumer. You may ask why Fair Trading would do this, when it is clearly contrary to the wishes of Parliament.

The answer is partly arrogance, but predominantly ignorance of the industry Fair Trading staff are charged with regulating. Fair Trading only sees the theatre of auctioneering, and from that position believes a person with a loud voice and a bias towards an extrovert personality can conduct an auction. What alludes them is what is actually happening and the purpose of the auction. It is, as we know, the making of a contract for a very valuable asset, imposing onerous obligations on the parties and always involving legal complexity. Because auctions are public events, it is not uncommon for Fair Trading to arrive at an auction unannounced.

On these occasions, there are usually three or more Fair Trading staff all wearing clothing that clearly identifies them as being from Fair Trading. It is also usual that a television journalist and camera crew accompany Fair Trading on these occasions. We should ask ourselves: Are Fair Trading staff attending the auction to protect consumers or to ingratiate themselves in the eyes of the public? Industry strongly opposes Fair Trading attending auctions in this manner. If hands-on regulatory action is required at the point of service delivery, that is a paramount admission that the regulatory controls that are in place to protect consumers prior to the auction have



failed. Additionally, when the regulatory authority arrives in such a public manner, potential purchasers become unnecessarily concerned about the integrity of the auction proceedings. Although difficult to accurately quantify, the industry believes the presence of Fair Trading in these circumstances adversely affects the sale price. Fair Trading rejects this proposition. Nonetheless, I ask rhetorically: If you were in a restaurant and three representatives of the health department arrived all wearing uniforms identifying themselves, and with a television crew in tow, would you eat the fish?

The last of Mr Aquilina's core deliverables was a more professional industry. Industry has taken up that challenge. The Real Estate Institute NSW is in the advanced stages of making an application to the Professional Standards Authority for the establishment of a scheme under the control of the PSA and the legislation it administers. A successful application is difficult, expensive and time consuming. Nonetheless, industry is committed to this goal. When industry announced its intention to make an application to the PSA and sought the assistance of government, then Premier Mike Baird said, "When industry wants to improve itself, why would Government get in the way?" I must unfortunately report that if the application made by the Real Estate Institute NSW to the PSA is successful, it will not be because of Fair Trading; it will be despite it.

I will now provide a synopsis of other issues that I believe are important for the purposes of this debate, and the broad industry dissatisfaction with Fair Trading. Following a particularly frustrating period, industry wrote to then Premier Mike Baird. The letter was dated 16 March 2016 and requested that the Premier remove the industry from Fair Trading and establish a dedicated commissioner for the property services industry. The industry bodies that signed the letter are as follows: the Australian Institute of Conveyancers; the Australian Livestock and Property Agents; the Estate Agents Co-operative; the Owners Corporation Network; The Property Owners Association; the Real Estate Institute NSW; and the Strata Community Australia (NSW). The Premier referred the matter to Victor Dominello as the appropriate Minister. After lengthy discussions with industry, it was agreed that Mr Dominello would establish a body to be known as the Real Estate Reference Group.

The Real Estate Reference Group was charged with reviewing the industry including education, training, consumer protection, and the regulatory architecture of the industry. After 18 months of work, the Real Estate Reference Group had achieved nothing. Industry said to Fair Trading that the Real Estate Reference Group must prepare a report discussing the issues that required remedial action and make recommendations. Fair Trading refused to prepare a report. With little option to advance the remedial activity required, industry prepared a report and provided it to Fair Trading for its contribution. Fair Trading refused to participate and the report was provided to Minister Dominello without Fair Trading's input. That triggered considerable unrest between industry and Fair Trading. Minister Dominello in response sent his senior policy adviser to mediate an agreement. Industry pushed for higher standards and Fair Trading resisted. Once again, a compromise was struck.

Despite the commitment of industry working within the Real Estate Reference Group, Fair Trading has been able to prevent any positive outcomes whatsoever. As I stand here today, not one solitary amendment has been made to the Property, Stock and Business Agents Act 2002. In the opinion of industry, the Real Estate Reference Group was established by Mr Dominello to create a forum within which industry could make a genuine contribution to the issues facing its industry and achieve positive reform. However, Fair Trading saw it as a means of maintaining the status quo and keeping the industry quiet. I have not discussed in any detail the workings of the Real Estate Reference Group. I can assure you it is not the proudest performance of the public service. I will, however, draw attention to a couple of matters that I believe to be instructive.

Industry attended a Government presentation in 2016 on open data. The keynote speaker was then Minister for Innovation and Better Regulation Victor Dominello. The message of the day was that government holds a lot of data and unless there is a very good reason why the data should not be released, then it should. In reliance of Mr Dominello's representation, the Real Estate Institute of NSW asked for the detailed list of licence and certificate holders that appear on the Fair Trading website. Fair Trading refused to provide it, arguing that it might breach privacy obligations. This is clearly an interesting stance given it is a public site. The Real Estate Institute of NSW wanted the list to enable it to better communicate with the entire property services industry. The ability to do that enables the Real Estate Institute of NSW to appraise agents of industry issues, including new legislative instruments. Despite repeated requests over six months, Fair Trading refused to provide the database. Ultimately the Real Estate Institute of NSW advised Mr Dominello that it was its intention to engage an offshore resource to build the file by using an algorithm to interrogate the Fair Trading database one record at a time. This obviously came at a cost.

I stress at this point that the database the Real Estate Institute of NSW sought was public. The database was eventually provided following direct instructions from Mr Dominello's office. Clearly Fair Trading defied the Government's open data policy, presumably believing it was in a better position to decide such things. Industry has petitioned Fair Trading repeatedly to join with it in a variety of industry-based educational programs. Included in these proposed activities are consumer events. These events are designed to assist consumers with property

transactions. Fair Trading has refused to engage with these proposed programs every single time. This decision is again contrary to Parliament's intention. In fact, Parliament made specific provision in the Property, Stock and Business Agents Act 2002 to fund events such as these.

Recognising the futility of the Real Estate Reference Group, the Real Estate Institute of NSW resigned its position on the Real Estate Reference Group on 24 September 2018. The Real Estate Institute of NSW requested a parliamentary inquiry into the competency of Fair Trading to regulate the industry. This request was conveyed in a letter to the then Minister for Innovation and Better Regulation, Matthew Kean, who then took what can be most favourably described as a quick decision and denied the request. It appears evident that Mr Kean made no investigation of the issues nor consulted any of his colleagues.

On 8 October 2018 the industry groups once again wrote to the Premier requesting the establishment of a commissioner for the Property Services industry. I submit that when the entire industry and industry associations have no confidence in the competency of Fair Trading to regulate their industry then its ability to do so is untenable. We may ask what is wrong at Fair Trading. Fair Trading is a high-frequency, small-dollar-value, minimal legal complexity regulator. Property transactions are low frequency, always involve large sums of money and occur with a very complex legal environment. By way of example, the following industries are within Fair Trading's remit: motor repairers, pawnbrokers, second-hand dealers, hairdressers, tattooists and tow-truck drivers.

Despite an extremely unproductive environment created by Fair Trading, the industry continues to make an enormous contribution to the development of regulatory controls and legislative instruments. Most recently the residential property management committee of the Real Estate Institute of NSW provided detailed input into the review of the Residential Tenancies Act 2010. If the Government were required to pay for this expert consultancy it would come at considerable cost. It is, however, provided freely, and is begrudgingly acknowledged. Industry regularly sees itself as the panacea for misguided and ill-informed policy drivers at Fair Trading. Rescuing the consumer from Fair Trading is a costly and time-consuming activity that industry provides freely.

In relation to other instances of consultation, the industry is confident that its involvement is perfunctory only: The decisions have already been made and the ruse of industry's participation enables Fair Trading to report to the Minister that a consultative process was followed. I will say this in conclusion before turning to the bill. What I have spoken about today regarding Fair Trading's lack of competency to regulate this important industry is not an exhaustive discussion. There is much more that could be said. I think, however, I have sufficiently articulated the case for legislative intervention.

The Legislative Council will have noted that the bill is not large by comparison to other bills that come before the House. The reason for this is simple. Despite the issues being serious and widespread, the solution is comparatively easy. The principal legislative instrument regulating the property services industry, the Property, Stock and Business Agents Act 2002, would benefit from a review, as all legislative instruments in these times of constant disruption require. However, that Act is not the primary concern. Accordingly, it will remain largely unchanged. The fundamental issue is the competency of the current regulatory authority, Fair Trading.

The bill has at its heart two independent, however, interwoven parts: firstly, the creation of the Real Estate Services Council. The council comprises consumer and industry representatives along with the regulator. The council is a forum within which all stakeholders can make a genuine contribution to the betterment of the industry. The council is charged with advising the Minister on matters such as consumer protection, agent education and training, refinements to the regulatory architecture and public information programs. Secondly, the bill establishes the office of the Property Services commissioner. The commissioner will have deep industry knowledge and will be exclusively focused on the regulatory controls for the property services industry as set out in the Property, Stock and Business Agents Act 2002.

This bill will bring to life the consumer, market and industry benefits intended by Parliament. With the assistance and cooperation of industry, the commissioner will use technology to have a window into many of the activities of the industry. This will in many instances be in real time. The commissioner will collect data and target specific areas of compliance weakness both from a geographic perspective and specific issues shared more broadly. Regulation will be evidence based: collect the data, analyse same and address the problems. Similarly, the continuing professional development will be designed and delivered to address specific issues identified from the data.

We cannot leave the State's biggest and most important industry with the same people we turn to when our kettle does not work properly. We need to place it under the control of a dedicated and industry-experienced regulator that will work cooperatively and constructively with industry, protect consumers and support industry to deliver high-quality consumer outcomes. In closing, I express my thanks to the hardworking team in my office. I particularly thank Tim McKibbin, Chief Executive Officer of the Real Estate Institute of NSW, who has provided invaluable advice over many months. It would additionally be remiss of me to not recognise the Parliamentary

Counsel's Office in what has been a difficult drafting process in the preparation of the bill. I firmly believe that consumers have the right to expect high-quality and professional services from the property services industry and that is what I intend to bring about by introducing this bill. I commend the bill to the House.

**Debate adjourned.**

## **STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 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.**

## **LIQUOR AMENDMENT (HARM REDUCTION AREAS) BILL 2019**

## **LIQUOR AMENDMENT (INTOXICATION) BILL 2019**

### **First Reading**

**Bills introduced, and read a first time and ordered to be printed on motion by the Hon. Rod Roberts.**

### **Second Reading Speech**

**The Hon. ROD ROBERTS (11:09:41):** I move:

That these bills be now read a second time.

Neither of the two bills before the House to amend the Liquor Act 2007 creates additional offences. I advise the House that I consulted widely with and have the support of stakeholders, including the Australian Hotels Association and ClubsNSW. I will deal first with the Liquor (Amendment) Intoxication Bill 2019, which proposes a change to the definition of "intoxicated". I refer to the current legislation that relates to the definition of "intoxicated". Currently section 5 (1) of the Liquor Act 2007 defines "intoxicated" as:

- (1) For the purposes of this Act, a person is intoxicated if:
  - (a) the person's speech, balance, co-ordination or behaviour is noticeably affected, and
  - (b) it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

Members will note that the definition of "intoxicated" at present refers to alcohol only. Determining if a person is intoxicated is simple: It is done by the observation of speech, balance, coordination or behaviour. However, determining whether affected speech, balance, coordination or behaviour is solely the result of the consumption of liquor and not drugs or other substances is an issue of law. The bill before the House extends the definition of "intoxicated" to include drugs and other intoxicating substances. Drugs and other intoxicating substances are sometimes used in conjunction with alcohol. Determining what has caused intoxication can be difficult.

Licensees require the ability to remove intoxicated persons from their premises without the need to determine what substance has caused the intoxication. In some instances people on licensed premises whose speech, balance, coordination and behaviour are affected are clearly intoxicated even though they have not consumed any alcohol at all. To remedy the difficulty in establishing proof of intoxication, the bill proposes two amendments. The first amendment is to insert the words ", a drug or other intoxicating substance" after the word "liquor" in section 5 (1) (b) of the Liquor Act 2007. The amended section 5 would then read:

- (1) For the purposes of this Act, a person is intoxicated if:
  - (a) the person's speech, balance, co-ordination or behaviour is noticeably affected, and
  - (b) it is reasonable in the circumstances to believe that the affected speech, balance, coordination or behaviour is the result of the consumption of liquor, a drug or other intoxicating substance.

Section 73 of the Liquor Act 2007 sets out the offences and defences if a licensee permits intoxication on licensed premises. At present "intoxicated" in that section only relates to intoxication by alcohol. Consistent with the proposed amendment to section 5 of the Act, the second amendment in the bill will insert the words ", drugs or other intoxicating substance" after "alcohol" in section 73 (4) (b) of the Act. The proposed changes are simple, commonsense amendments. In our society it is well known that some members of the community use drugs and other intoxicating substances. If the use of drugs and other intoxicating substances leads to intoxication, the users of those drugs or other substances should be subject to the same legislative standard whilst on licensed premises as are those who are intoxicated by liquor alone.

Patrons of licensed venues should be safe in the knowledge that all intoxicated persons can be removed from those venues, not just patrons affected by alcohol, as is the current standard. A licensee should not be required to differentiate between intoxication by alcohol or a combination of other substances when determining if a person is intoxicated on licensed premises, nor should our police or licensing enforcement staff be required to do so. The fact that a person is intoxicated should be sufficient. It should be noted that the bill is not intended to place any obligations on a licensee to police drugs or other intoxicating substances on licensed premises. The second bill is the Liquor Amendment (Harm Reduction Areas) Bill 2019, which proposes to insert a new section into the Liquor Act 2007 to provide for the creation of a harm reduction area inside licensed premises. Clause 3 of the bill inserts new section 73A, which states:

**73A Harm reduction areas**

- (1) A licensee does not commit an offence under section 73(1)(a) if an intoxicated person—
  - (a) is on the licensed premises and the licensee proves that the licensee, or the licensee's employees or agents, caused the intoxicated person to move to a harm reduction area, or
  - (b) is in a harm reduction area.
- (2) In this section—
 

***harm reduction area*** means an area on licensed premises where—

  - (a) intoxicated persons are safely supervised by the licensee or the licensee's employees or agents, and
  - (b) liquor is not sold or supplied to, or consumed by, intoxicated persons.

The amendment does not make it mandatory to provide or use a harm reduction area. It gives the licensee the ability to rely on good humanitarian reasons and not turn out intoxicated persons. Those reasons may include but are not limited to whether the patron would be vulnerable if removed from the premises, personal knowledge of the patron, the time the intoxication was identified—for example, at 2.00 a.m.—and the availability of transport, public or otherwise.

The Take Kare Safe Space program, which operates in the city of Sydney each Friday and Saturday nights, provides roving teams of trained volunteer ambassadors who provide on-the-spot assistance to people who are vulnerable to becoming offenders or victims of crime in the city at night. It would be fair to suggest that a large percentage of people who sought assistance from the program have been removed from licensed premises under the current section 73 of the Liquor Act 2007, as a licensee must not permit intoxication or any indecent, violent or quarrelsome conduct on the licensed premises. In 2017-18, 12,801 people were supported by the Take Kare Safe Space program in the Sydney CBD alone. People were provided with first aid and assistance with public transport and were helped to reconnect with family and friends. Some spent time at a safe space location.

A 2015 judgement of Judge Scotting of the District Court of New South Wales supports the proposition of allowing intoxicated persons to remain on the premises for supervision and safety purposes. In the matter of *Som Chai Muinying v Darren Duke* 2014/285421—Darren Duke was an inspector at Liquor & Gaming NSW—Judge Scotting dismissed the charge brought against Muinying by Liquor & Gaming NSW. In that case the licensee permitted an intoxicated person to remain on the premises. Once staff detected the female was subject to intoxication, they took a number of steps that were responsible and appropriate, including, first, cutting off the service of alcohol to her; secondly, providing her with water and/or tea; thirdly, instructing her friends not to provide her with any further alcohol; and, fourthly, allowing her to stay in the care of her friends. This offence, or alleged offence, occurred at 2.00 a.m. Although obliged by the Act to remove the intoxicated person from the premises, the licensee chose to act in a responsible and humane way, mindful of his duty of care to patrons. In dismissing the charge brought by Liquor & Gaming NSW, Judge Scotting found that the licensee and his staff acted in a responsible manner that was calculated to minimise harm.

An example of when the course of action to allow an intoxicated person to remain on licensed premises might include a young person experiencing alcohol for the first time. The young person becomes intoxicated after consuming minimal drinks. The licensee is now in breach of the existing section 73 if he allows the person to remain on the premises. Under the amendment in the bill, the licensee would be permitted to place the young

person in a harm reduction area where he or she would be supervised and served no further alcohol whilst arrangements are made for the young person's safe transportation home. This could be by collection by a parent or by taxi or a venue-provided courtesy bus.

Surely this action is a more prudent and safer measure than placing the intoxicated person out onto a public street unsupervised. A second example might be where a person becomes intoxicated on licensed premises while in the company of a group of friends. One of the persons is the designated driver for the group on that evening. The intoxicated person can be placed in a harm reduction area until the group have completed their drinks and are ready to take the intoxicated person safely off the premises.

At no stage is the licensee obliged to use a harm reduction area. If a patron is acting in a violent or quarrelsome manner a licensee can use the existing powers under section 73 to remove the intoxicated patron. The spirit of this amendment is simply to provide the licensee with an option, not an obligation, to allow the intoxicated person to remain on the premises under supervision. The use of a harm reduction area is entirely at the discretion of licensees if they feel it is appropriate given the circumstances.

It is recognised that licensed venues vary in size and dimensions across the State, from venues holding hundreds of patrons to an operation with one bar operated by one person in a remote rural location. The location and size of the harm reduction area should be left to the discretion of the licensee. In larger metropolitan areas a harm reduction area could be a segregated, roped-off area supervised by dedicated staff. In a small one-bar, one-bar person operation it could be a stool at the end of the bar where the person can be placed and kept under observation and not served any further alcohol. Determining the location of the harm reduction area would be at the discretion of the licensee. As long as the intoxicated person can be supervised and observed and cannot access further alcohol the area would be an appropriate harm reduction area.

These amendments are not intended to place any additional responsibility on licensees to address drug use or the consumption of other intoxicating substances on licensed premises beyond what currently exists. The intention is to prescribe actions that many licensees are already undertaking. Persons who are intoxicated by drugs or other substances or in combination with alcohol are currently being removed from licensed premises. Some licensees are currently risking prosecution by acting humanely, by caring for their patrons, by taking steps to ensure their safety and on occasions having them remain on licensed premises. The intention of these bills is to allow the licensee to act in a responsible manner to reduce and minimise harm. I commend the bills to the House.

**Debate adjourned.**

## **CENTRAL COAST DRINKING WATER CATCHMENTS PROTECTION BILL 2019**

### **First Reading**

**Bill introduced, read a first time and ordered to be printed on motion by Ms Abigail Boyd.**

### **Second Reading Speech**

**Ms ABIGAIL BOYD (11:24:39):** I move:

That this bill be now read a second time.

The Central Coast Drinking Water Catchments Protection Bill 2019 is an extension of a bill with the same name that was first proposed by The Greens in 2014. A subsequent bill was introduced by the Opposition entitled the Wyong Special Area (Protection) Bill. I acknowledge the work that the member for Wyong, David Harris, has done on this issue in the other place. I encourage members to read the second reading speeches on those bills for more detail and colour on the history of and opposition to the Wallarah 2 coalmine and the broken promises to the community in relation to this mine.

The bill seeks to protect the Central Coast drinking water catchment by cancelling any mining authorisation granted in relation to land in a protected catchment and by prohibiting any granting, renewal or modification of titles and permits for exploration for and mining of minerals, including coal, petroleum and coal seam gas, in the drinking water catchment areas. It further seeks to prohibit interference with—including polluting and taking water from—the drinking water catchment areas.

The "protected catchment area" is defined in the bill as any area within the Central Coast local government area; land within the operational area of the Central Coast Water Corporation covered by the Central Coast Water Corporation Act 2006; land subject to the mining authorisations EL6514, EL4911 and A405; and, to be proclaimed by regulation, the areas that comprise the Mangrove Creek Dam catchment area, the Mangrove Creek Weir catchment area, the Mardi Dam catchment area, the Mooney Mooney Dam catchment area, the Ourimbah Creek catchment area, the Porters Creek catchment area and the Wyong River catchment area.

The bill seeks to confer protected catchment area status on these areas, directly impacting on the administration of the Mining Act 1992 and the Petroleum (Onshore) Act 1991, such that the Minister must not grant any authorisation on land in the catchment areas, renew any authorisation or make any changes to an authorisation. Mining authorisations in relation to the land in these areas, including those in relation to the Wallarah 2 coalmine, will be cancelled. The bill further seeks to prevent planning approvals being granted for prospecting or mining for any minerals or petroleum products over or beneath the land in the catchment areas. Once enacted, the bill will prevent any person using or taking any water from a water source located on land in the catchment areas. This includes groundwater and creeks. It forbids the construction or use of any water supply, drainage or flood works and any interference with any aquifer in the catchment area.

The bill contains provisions to allow the Central Coast Water Corporation, residents and farmers to continue their lawful activity and to ensure that the Act is compatible with the Water Management Act 2000. The bill does not seek to include pollution incidents as the catchment areas are already protected by the Protection of the Environment Operations Regulation 2009. Protecting the Central Coast from the Wallarah 2 coalmine was the subject of an election promise from the Liberal Party in 2007 and 2011 and from the Labor Party in 2015. In a statement the Liberal Party will not be allowed to forget, on 28 February 2008 Barry O'Farrell, the then Leader of the Opposition, told a rally against the Wallarah 2 coalmine:

The next Liberal Government will ensure that mining cannot occur here. He continued: It will ensure that mining cannot occur in any water catchment area and will ensure that mining leases and exploration permits reflect that common sense—no ifs, no buts, a guarantee.

That promise was subsequently repeated a number of times. Prior to the 2011 State election, it was stated Liberal Party policy that there would be no coalmining in the Wyong water catchment valleys. Over a decade after the "no ifs, no buts" guarantee was given to the Central Coast community, in the face of sustained community opposition, with the evidence mounting about the dangers of invasive, destructive and water-intensive longwall mining, the bill gives the Government the opportunity to finally make good on that promise.

The Central Coast, of which I am a proud resident, has a population of over 340,000 people, predicted to reach 415,000 by 2036. The community has steadfastly opposed the Wallarah 2 coalmine from the beginning, gathering together to protest, holding information sessions, writing submissions to planning assessment commissions and crowd-funding legal actions. Each iteration of the Wallarah 2 mining proposal has been met with community opposition. I give my gratitude to groups such as the Australian Coal Alliance including Mike Campbell and Alan Hayes, Lock the Gate, the Community Environment Network, the Central Coast Greens and the Coast Environmental Alliance for keeping the battle going over two decades. This Saturday afternoon I will see them at the next rally against Wallarah 2 in Wyong.

The Central Coast Council has been clear in its responsibility to the residents of the Central Coast and opposes the mine, as did the separate Wyong and Gosford councils before they were amalgamated. The mine was the key issue on the Central Coast during the 2011 State elections and has continued to be a primary focus in State and Federal elections ever since. It has been, and continues to be, crystal clear that there is no social licence for the Wallarah 2 coalmine. The Wallarah 2 longwall coalmine is proposed to be built underneath an important part of the Central Coast's water catchment. Mining under a catchment that supplies water to such a large population should never be permitted.

Unlike much of Sydney and the Illawarra, currently no special protections are in place for the Central Coast's drinking water catchment. That cannot be allowed to continue. Recently WaterNSW spoke out against mining in the Illawarra's drinking water catchment, arguing against the approval of South32's Dendrobium longwall mine expansion. I have no doubt that WaterNSW would say the same thing about Wallarah 2 if it had the chance, but only the Sydney and Illawarra water catchments are covered by WaterNSW. It is an anomaly for the drinking water of Central Coast residents to not be treated in a similar way to that of the Illawarra's residents. The Government will no doubt argue that we should not be interfering in its ostensibly independent planning assessment framework. It will say that the 200-plus conditions placed on the Wallarah 2 mining approvals are sufficient protection. It will rely on the mining company KORES to do the right thing and ensure that it does not accidentally pollute or deplete the drinking water of a population bigger than that of the Northern Territory.

One of those conditions allows the mining company to recycle mine water back into the Central Coast's water catchment—that is, trusting KORES to ensure that water is of a quality fit to drink—without anyone even asking the Central Coast community if it is okay with that. Wallarah 2 poses significant threats to the creeks and water tributaries that form the Central Coast water supply system. The Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining, known in short as IESC, confirmed that risks posed by the current Wallarah 2 proposal would include conventional and non-conventional subsidence to Jilliby Jilliby Creek and tributaries, non-conventional subsidence to Wyong River, changes to water quality and quantity in Wallarah Creek, and changes to water quality at the site of treated water discharge back into the Central Coast water supply

catchment. Other risks confirmed by the IESC included potential impacts to groundwater dependent ecosystems, water-dependent species and cumulative groundwater impacts.

The IESC noted that during extended dry periods there may not be sufficient water to protect ecosystems in subsidence areas. It listed more measures that the mining company should introduce to support a biodiversity management plan, especially for the endangered or vulnerable species including the Macquarie perch, Australian grayling, giant barred frog, giant burrowing frog, green and gold bell frog, stuttering frog, Littlejohn's tree frog, green-thighed frog and wallum froglet. We have seen the devastating effects of longwall mining on Sydney's catchment under the Thirlmere Lakes, which are now dry. We must not repeat the same mistakes. Not only does Wallarah 2 present a risk to the volume of water supply through subsidence and cracking, there is also a contamination risk. The IESC states:

Monitoring should be undertaken to determine if leakage from shallow near-surface fractures occurs and if the flows through fractures are returning to the watercourses

...

Groundwater quality monitoring is needed to determine whether groundwater that has travelled through shallow subsidence fractures ... contains metals or other contaminants.

It gets worse. The New South Wales development consent requires the mine to release 300 megalitres per year of treated water back into the catchment. But an assessment of the potential impacts to surface watercourses and groundwater-dependent ecosystems associated with this condition is not required until prior to the release of any treated water, which we imagine will not be for 10 years. The IESC has called for inclusion of data relating to the potential to alter habitat and flow requirements for in-stream biota, such as the vulnerable Australian grayling and endangered Macquarie perch.

The committee also called for a risk assessment of the mine's impacts on in-stream, riparian and associated groundwater-dependent ecosystems downstream of where treated water would be released. Those are the very ecosystems that help maintain the quality of the Central Coast water supply. The IESC called for a surface water monitoring and management plan to manage the potential impacts to Wallarah Creek, including parameters for metals, water quality monitoring for eco-toxic impacts and a direct toxicity assessment using freshwater species. The IESC said changes to water flows could provide habitat for unwanted exotic species such as mosquito fish, which would affect the breeding habitat of native fish and frogs.

The community still has very little information about how its water supply will be protected from the discharge of 300 megalitres of treated mine water per year. Mine water is salty and contains heavy metals. To what standard will the water be cleaned before release? How will it be cleaned before release? What will become of the toxic sludge left over? Whose water catchment will that be fobbed off to? If predictions about barium levels in discharged water are correct, the IESC states:

... discharged water could pose a potential risk to aquatic biota in Wallarah Creek when the majority of flow in the creek is made up of treated water.

I say to the Government that if its mining approvals process has resulted in a longwall mine being permitted in the drinking water catchment of over 340,000 people, and when that process results in a mining company being allowed to discharge recycled mine water into that drinking water catchment, then that process is deeply flawed. The bill will fix that flaw, at least when it comes to the Wallarah 2 coalmine.

I could talk for days about the other dangerous impacts that this mine threatens the Central Coast community with, all of which have been well documented over the past two decades. They include the accepted numbers of anticipated deaths from the additional air pollution, the overall negative impact of the project on the economy of the Central Coast as well as the broader New South Wales economy, the subsidence, the degradation of the local environment and its effect on threatened species. This bill is focused on one thing: protecting the Central Coast's drinking water.

In an era of increasing awareness about the importance of water, when our water reserves are already being depleted at an alarming rate, we should need to look no further than water to justify the passage of the bill and the prevention of the Wallarah 2 coalmine. Currently New South Wales is in unprecedented drought. Sydney's dam levels are at 48.9 per cent, down 0.4 per cent from just last week and more than 15 per cent since last year. Sydney's desalination plant is needing to produce 250 million litres every day. Towns across regional and remote New South Wales have little or no drinking water. Central Coast storage levels are at 55 per cent overall. The Central Coast is on permanent Water Wise Rules restrictions, which apply to domestic, commercial, industrial and government water users who use water sourced from the town supply, but not to KORES.

The Central Coast total water demand is currently 485 megalitres per week. KORES will be allowed to remove almost one week's water supply from the Central Coast every year. On a rapidly warming and drying

continent, in an area with a growing population, this is deeply irresponsible of the governments who let this happen. Water is life. We on the Central Coast know that and The Greens know that. Even Barry O'Farrell knew it many years ago when he proudly wore his "Water Not Coal" T-shirt. We must protect the Central Coast's drinking water and put a stop to the Wallarah 2 coalmine. I commend the bill to the House.

**Debate adjourned.**

### **CHILD PROTECTION (NICOLE'S LAW) BILL 2019**

#### **First Reading**

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

#### **Second Reading Speech**

**Reverend the Hon. FRED NILE (11:41:30):** I move:

That this bill be now read a second time.

The Child Protection (Nicole's Law) Bill 2019 is a simple, straightforward bill, which aims to protect the most vulnerable members of our community, namely children. I have included a girl's name, Nicole, in the title of the bill because Nicole was sexually abused by a neighbour who was a convicted sex offender but the people in that location had no knowledge of his identity. The bill will require the publication of information that will allow members of the public to identify individuals who live among them who have been convicted of child sexual assault. The bill forms part of the legislative framework under the Child Protection (Offenders Registration) Act 2000, and references that Act in its key operative provisions. The mechanisms proposed by the bill mandate certain information be published, but they also mandate certain information be exempted. They also mandate that certain information be removed from the register where a condition is met under the Child Protection (Offenders Registration) Act.

The information will be available on the NSW Police Force website and will be accessible to the public at police stations free of charge. People must take those steps if they wish to know whether a child sex abuser is in their immediate location. Specifically, the Commissioner of Police will be charged with the responsibility of providing the following to concerned members of the public—again, those who seek it: past and current names, and the times during which the offender was known by that name; and the date of birth, suburb and postcode of his or her residence. If the offender has been found guilty of a Class 1 offence, the offender's full residential address will be published on the register. A physical description of the offender, including the gender, race and a recent photograph of the offender will be provided as well as the details of the offence that the offender has been found guilty of. A Class 1 offence is defined in the Child Protection (Offenders Registration) Act 2000, specifically under section 3. This is the most serious type of offence, and since the bill operates directly in relation to this class, I think it is important to highlight exactly what kind of crimes we are talking about.

Section 3 (1) of the Act defines Class 1 offences as: the murder of a child; sexual intercourse with a child; the persistent sexual abuse of a child; offences against a child located outside of Australia; child molestation by self-manipulation; an offence against a law in a foreign jurisdiction which would be a crime if committed in New South Wales; and the intention, attempt, conspiracy or incitement to commit any of the above offences. I point out that since the bill references the Child Protection (Offenders Registration) Act, information that would be publishable under the bill would also relate to offences committed before the passage of section 3 of that Act. That is because section 3 (1) (i) is a retrospective provision. Furthermore, the bill stipulates the following is exempt information which is not to be published under the proposed scheme: any information that would allow the identification of a protected witness and any information that would lead to the identification of a victim of the crime that the offender is guilty of.

A protected witness is defined under part 3 division 5 of the Child Protection (Offenders Registration) Act, and this means essentially an individual who is part of a witness protection program. Their identity will obviously be protected. Moreover, when the offender is no longer subject to any reporting obligations under the Child Protection (Offender Registration) Act, the Commissioner of Police is to withdraw that offender's information from the publicly viewable database. According to reports by the ABC and other places, Western Australia and the Northern Territory both have some form of sex offender registry.

The United Kingdom and Wales also have a similar scheme called Sarah's Law, which also involves a sex offender registry. A number of states in America also have registries known as Megan's Law. I assume in those cases the female's name indicates a victim of sexual abuse. Likewise, South Korea also has a similar scheme whereby the details of sex offenders are kept on a register. The precedent has already been set overseas and in Australia. There is no reason why New South Wales should not establish a similar register to protect the



community. Data from the United States suggests that where there is a register, it has a general deterrent effect—no further child sexual abuse cases.

My motivation behind the bill is the commonsense approach to child protection. If the impact of such a register can at the very least prevent such crimes reoccurring, then that is enough in my eyes to support such a scheme. A community has a right to be notified of any dangerous individual who comes to live among it. Such notification allows members of the community to take measures to protect their children. The fact that an individual on such a registry will have his or her information removed by the Commissioner of Police under the Child Protection (Offenders Registration) Act means that the mark is not permanent against their name. However, people must be held accountable for the crimes they have committed, and in cases such as serious crimes against children, that account is of a higher order. I do not believe we should avoid taking steps to protect the children of our community from sexual abuse by individuals who have already been convicted. I commend the bill to the House.

**Debate adjourned.**

### *Motions*

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

**Mr DAVID SHOEBRIDGE:** I move:

That private members' business item No. 318 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE (11:50:11):** I move:

1. That this House notes with concern the Government's decision to close the Yetta Dhinnakkal correctional centre in Brewarrina, which was opened in 2000 and is exclusively for Aboriginal men.
2. That this House notes that elders from Brewarrina attended Parliament House on 23 October 2019 to call for the centre to remain open.
3. That this House calls on the Government to reverse the decision to close the Yetta Dhinnakkal correctional centre in Brewarrina and listen to the concerns of the elders and the community.

Yesterday I had the good fortune of meeting with Irene Peachey, who is the acting CEO of the Brewarrina Aboriginal Land Council, and also with Isaac Gordon, a former chair of the local Aboriginal land council [LALC] and a former worker at Yetta Dhinnakkal. I also met with Ted Gordon, who is a director of the LALC; Barbara Gordon, a traditional Ngemba woman, a traditional owner and also a director of the LALC; and Bruce Shillingsworth, an elder from the region, who has previously worked as a cultural officer at Yetta Dhinnakkal. They came with one voice and that was to ask the Government, and to ask Parliament to do all it can to persuade the Government, to reverse the decision to close Yetta Dhinnakkal.

Why is Yetta Dhinnakkal important? Why is a Greens MP asking for a jail to be kept open? There is a reason for that. Yetta Dhinnakkal is an Indigenous phrase and it means "the right pathway". Yetta Dhinnakkal was opened in 2000 to much fanfare at the time, and it was considered to be a necessary and, indeed, a groundbreaking response to the rising number of Aboriginal and First Nation men being incarcerated in New South Wales jails. Since that time the number of Aboriginal people in our jails has continued to rise. The concept behind Yetta Dhinnakkal was to purchase a remote cattle station and transform it into, effectively, a prison without walls—without bars, without armed guards, without electric fences. It was opened consciously to be a second chance.

Yetta Dhinnakkal is located about 70 kilometres south of Brewarrina on 10,553 hectares; it is an extraordinary concept. When it was first opened it had deep and close connections with the community. It had approximately 70 inmates and they were engaged with culture and community. They were getting a second chance to divert from what otherwise might be a progression into correctional facilities, and to reconnect with culture. The reports that I have had from those elders is that when the centre first opened it was an extraordinary place. The investment was there, the engagement with Aboriginal cultural learning was there and it was turning lives around. The data that was delivered from its first approximately 10 years of operation showed that the reoffending rate was half—20 per cent after Yetta Dhinnakkal was opened compared with 40 per cent or more in the rest of the correctional facilities. In 2005 and 2006 the centre was awarded the gold award at the NSW Premier's Public Sector Awards in the Social Justice category. It is a remarkable place.

There have been concerns that in the last five, six or seven years the number of cultural programs has decreased and increased security—even though it is a minimum security facility—has made it far harder to operate the cultural programs. But this community in the north-west region of New South Wales wants to keep the centre open because they know how important it is to have a facility on country, with close connections to culture and

the community. So often it sees their young men put into the criminal justice system and then sent to jails hundreds or even thousands of kilometres away from their community.

They are asking the Government to reverse the decision. Keeping Yetta Dhinnakkal open would cost about \$10 million or less a year, and that is at full capacity of 70 inmates. It currently has about 30 to 40 inmates. Compare that to a government that has had an expanded prison budget over the past four years of about \$3.9 billion. This is the only occasion that I can recall First Nation peoples coming to the Government asking for a jail to be kept open. It is unclear why the centre was closed. No notice was given to the LALC or to the community. They are losing this crucial facility, which was recommended by the black deaths in custody inquiry. I commend the motion to the House and I hope we can get a majority support for it.

**The Hon. NATASHA MACLAREN-JONES (11:55:23):** I move:

That the motion be amended as follows:

1. In paragraph 1 omit "with concern".
2. In paragraph 3 omit all words after "That" and insert instead:

this House notes the Government met with elders from Brewarrina and the Brewarrina Local Aboriginal Land Council on 23 October 2019 and is committed to working with the local elders, Brewarrina Shire Council and Mayor Phillip O'Connor, Roy Butler, MP, and the local community to repurpose the facility.

Brewarrina is a minimum-security centre predominantly for young Aboriginal and Torres Strait Islander male offenders. In September the Government announced that the correctional centre at Brewarrina will be retired in mid-2020. The lengthy lead-in time will help staff retention and allow time to consult with the community and businesses on a future use for the facility. Corrective Services will coordinate this work with experts from the Department of Planning, Industry and Environment.

Yesterday the Minister and the Acting Commissioner of Corrective Services met with representatives from the Brewarrina Local Aboriginal Land Council. The Central Darling Shire Council, the Brewarrina Shire Council and the member for Barwon were also engaged to discuss a range of matters including the future use of the prison once retired. The Government has already received proposals for the future use of these facilities, which show that community members are already engaging with this process. The isolation of the facility and the commitment of the New South Wales Government to improve the quality of correctional centre infrastructure for the benefit and safety of staff and inmates are central to the decision.

Brewarrina's isolated location has presented a number of enduring challenges relating to the transfer of inmates, the attraction of staff, access to services and programs and, importantly, contact with family and friends. All inmates assessed as suitable for the centre must meet the necessary security classification and pass a health assessment to ensure that they can be placed in safety in the area. We know that contact with family and friends is an important part of an inmate's rehabilitation. However, inmates at the centre on average receive less than three visits per year, compared with the State average of 15.5 visits per year. At present, only one inmate at the centre is from Brewarrina, with other inmates coming from areas including Orange, Wagga Wagga and Parramatta.

It is also an ongoing challenge to recruit and retain the specialist staff we need to effectively deliver services and programs to inmates at these centres. Corrective Services is providing assistance to staff leading up to the retirement of the facility to find alternative employment in the organisation. At present, due to its isolation, there are limited services and programs available to inmates at Brewarrina. Offenders moved from Brewarrina to other correctional centres will have access to a wider range of services and programs to assist their rehabilitation.

The Yetta Dhinnakkal program is the principal program that operates at the centre. The program is a working farm maintained by Aboriginal male inmates, with culturally appropriate programs that address offending behaviour as well as providing practical skills and vocational training. Importantly, the Yetta program will remain available for Aboriginal offenders at a different location. The program will be relocated primarily to St Heliers Correctional Centre at Muswellbrook. This relocation will ensure better access to visits from family and enhanced programs for rehabilitation.

**The Hon. JOHN GRAHAM (11:58:24):** I speak for the Opposition on this motion. The Opposition supports the motion and opposes the Government's amendment. We have concerns about this closure. We do not think it is good enough for the Government to come to this place and say that it has met with Indigenous elders, that it has heard their view but it will not be implementing them. One significant issue is the backlog for Indigenous imprisonment in New South Wales. From 2013 to 2016 that rose by 25 per cent. That is of real concern to the Opposition. It is currently 13½ times the rate of imprisonment compared to non-Indigenous citizens of this State. By way of comparison, in the US—where there is an out-of-control jail system—the rate of imprisonment of African Americans compared to the rest of the population is 5.6 times. Here it is 13.5 times. There is no peace on these issues until we can get to a better place. I make that point by way of backdrop. Jobs in this community are

a concern. It is a concern in general. Brewarrina, like much of the State, is in drought at the moment. Water is desperately short. Jobs are desperately short. There could not be a worse time to make this decision.

**The PRESIDENT:** Order! According to sessional orders, proceedings are now interrupted for questions. Before I call the Leader of the Opposition, according to the resolution of the House this day I invite the Hon. Shaun Leane, MLC, to take a chair on the dais. I welcome the President to the House.

[*The Hon. Shaun Leane, MLC, took the dais.*]

#### *Questions Without Notice*

### **SCHOOL COUNSELLORS**

**The Hon. ADAM SEARLE (12:00:50):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given there are only 219 full-time equivalent specialist school counsellors available, when will the remaining 501 full-time equivalent positions as promised by her Government be filled?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:01:09):** I thank the honourable member for his question in relation to our commitment to mental health in schools, though the terminology was slightly different. He is right. The Government has made commitments to support mental health to have extra student support officers and either a full-time psychologist or counsellor at all high schools across New South Wales. A lot of work is being done in relation to this commitment. In terms of the time frame, I will seek more detail because there has been a lot of work on this. Scholarships are available. Rural and regional areas are being prioritised given the current drought and issues around mental health. My understanding is that the employment of those extra positions is due to begin from the beginning of term one next year. I will see if I can get that information for the Hon. Adam Searle before the end of question time.

### **ABORIGINAL CULTURE AND HERITAGE**

**The Hon. MATTHEW MASON-COX (12:02:18):** My question without notice is addressed to the Aboriginal affairs Minister. Will the Minister update the House on initiatives to support Aboriginal peoples and communities to manage and share their cultural heritage and knowledge?

**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) (12:02:30):** I thank the honourable member for his question. I am delighted to advise that the State Library of NSW has partnered with Jumbunna Institute of Indigenous Education and Research at the University of Technology Sydney and Washington State University to produce Mukurtu. Mukurtu is a free mobile and open source digital platform, built with Indigenous communities to manage and share their own digital cultural heritage. The platform was launched on 22 October at the International Council on Archives conference in Adelaide. I am thrilled that it has already received national and international acclaim.

Importantly, Mukurtu provides a network of support for Indigenous communities who want to manage and share their own cultural heritage on their own terms. Another key element is that the broader Mukurtu community is international and includes First Nations groups from around the world. Communities can upload their stories, knowledge and cultural materials to Mukurtu in a wide variety of formats including audio, text, image and video. Once uploaded, communities then digitally curate, manage and preserve their content according to their own access protocols. The wonderful team at the State Library of NSW are facilitating training for local Indigenous communities to develop their skills in using the platform to curate their materials. This training also enables communities to determine the specific levels of access based on particular community needs and values.

The State Library is also returning digital versions of material from its collections back to Indigenous communities where possible. For example, State Library staff recently presented Gomeroi Elders with a digital print of the historic manuscript by prominent community leader Mary Jane Cain entitled *Mary Jane Cain reminiscences of Coonabarabran, New South Wales and district, 1844-1926*. Award-winning Indigenous artist Jake Duczynski, a Gomeroi man and one of this country's most prominent animators, is working with the library to create a unique artwork and accompanying visual identity for Mukurtu. I am always delighted when the State Library of NSW or any of our cultural institutions help put New South Wales on the international stage. Its collections and visitation allow them a unique opportunity to not only tell the story of our State and the country, it can also share and preserve the stories of our First Nations peoples.

### **EARLY CHILDHOOD EDUCATION**

**The Hon. PENNY SHARPE (12:05:34):** Mr President—

**The Hon. Mark Latham:** Point of order: I draw your attention to *New South Wales Legislative Council Practice*, page 264. It clearly states that members need to rise in their place to seek and receive the call. It is a handy discipline in a Chamber that when a member is wanting to ask a question, they stand up rather than sit down. I hope the House will comply with its own practice.

**The Hon. Adam Searle:** To the point of order—

**The PRESIDENT:** It will be difficult for me to hear the Hon. Adam Searle if the Hon. Walt Secord interjects while his leader is speaking.

**The Hon. Adam Searle:** The practice is a guide. It is always a matter for the discretion of the President as to who to give the call to.

**The PRESIDENT:** I have said this previously. There are occasions where I must await a member's call to determine who is seeking the call and to give that call at my discretion. There are also instances where the Chair has been advised in advance as to who the next member to have the call will be, whether it is during question time or the adjournment debate. The crossbench provide me with a detailed list of when members will be asking a question in the order they have agreed to.

It is the rule of this Chair that the Leader of the Opposition will ask the first question, the Government will ask the second question, the Deputy Leader of the Opposition will ask the third question, the crossbench will ask the fourth question, the Government will ask the fifth question and the crossbench will ask the sixth question. It then follows the order of Opposition, Government and crossbench. I already have a list in front of me. I can sit here and wait until a member seeks the call, but for the efficiency of question time and to assist the Chair by being able to follow the list before me, it is far more practical to simply call the next member listed. I note the point of order by the Hon. Mark Latham. I use my discretion to follow the list provided to me by the crossbench and the order of questions agreed to by the House.

**The Hon. PENNY SHARPE:** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that the entire Kidstart Family Day Care network is now closed and there have been two deaths in New South Wales early childhood learning centres in 2018-19, does the Minister stand by the rating and assessment system which found that there were zero early childhood learning centres assessed as requiring significant improvement in its most recent report?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:08:30):** I thank the honourable member for her question. I am happy to speak to the assessment and rating system that exists in New South Wales, but I will first comment in relation to the specific family day care service the member has mentioned. The service was raised in the House not long ago in relation to the tragic death that occurred. I made comments about that at the time but it is under ongoing police and departmental investigation with a referral to the Coroner. There is limited information that I can give in relation to that particular service as the member would know and appreciate.

**The Hon. Penny Sharpe:** I am not asking about that.

**The Hon. SARAH MITCHELL:** The member referenced it in her question, which is why I have put that on the record again. In terms of assessment and rating more broadly, we have been providing a strong regulatory system promoting compliance and continuous quality improvement in the sector. Part of the assessment and rating system is to allow families to compare services and make informed choices about which service best meets their child's needs. As at 30 September 2019, 94 per cent of services in New South Wales had been assessed and rated. We have over 5,400 approved services in New South Wales. With over 34 per cent of all early childhood services we have the largest number of services within Australia.

It may interest the member to know that in the 12 months prior to 30 September 2019 we assessed and rated 1,464 services. There has been a steady improvement in service ratings in New South Wales. The percentage of New South Wales services rated as "working towards" is 24.2 per cent, which has steadily decreased from 43.7 per cent in 2014. We are also doing a lot of work with those services who require more support to lift their rating from "working towards". I have spoken about that in the House before. I want to make the point that assessment and rating is an important part of the regulatory framework that we have for our early childhood services, but it is not the only interaction that we have with services and it is not the only way to monitor quality and look at the delivery of early childhood education in this State.

We have roadshows underway at the moment where services attend and receive information in terms of compliance. There are spot checks and investigations into incidents that are reported within our services and there are figures in relation to the number of services that we visit. There are multiple services. Every day regulatory staff are out and about visiting services, not just conducting assessment and rating. As I said, spot checks,

compliances and investigating any issues that may have been reported make it a robust system. It has to be because of the important work and necessary aspects that need to be in place to protect the safety of children.

**The Hon. PENNY SHARPE (12:11:23):** I ask a supplementary question. Will the Minister elucidate her answer in relation to the criteria of those services requiring "significant improvement"? As has been indicated in the Minister's answer, there are zero services currently under that criteria. Will the Minister elucidate for the House whether she believes that the assessment and rating system is robust enough to pick up services where the safety of children is not adequate?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:11:54):** I thank the member for her question. I am not intending to debate the question, but I am not sure I understand. Is the member saying that there are no services listed as "significant improvement required"?

**The Hon. Penny Sharpe:** Correct.

**The Hon. SARAH MITCHELL:** I do not know the source of the member's information.

**The Hon. Penny Sharpe:** Answers to budget estimates questions.

**The Hon. SARAH MITCHELL:** I will check where that is coming from. "In terms of the number of services with a rating older than three years"; I will seek clarification in relation to that. What this shows is that there is not a requirement for assessment and rating every three years. We do have robust systems in place. There is a risk-based framework. I will seek more information in relation to the specifics of that question.

**The Hon. WALT SECORD (12:12:46):** I ask a second supplementary question. Will the Minister elucidate her answer in relation to her reference to spot checks. Are those spot checks announced or unannounced spot checks?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:13:18):** I thank the member for his supplementary question. My understanding is that they are unannounced spot checks. That is the information I have.

#### RACEHORSE WELFARE

**The Hon. EMMA HURST (12:13:36):** I direct a question to the Minister for Finance and Small Business representing the Minister for Better Regulation and Innovation. A horse called The Drake reared up in the gates and flipped over on his back before the TAB Highway Handicap at Randwick on Saturday. Will the Minister provide the House with an update of the condition of The Drake?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:14:14):** I thank the honourable member for her question and interest in the outcome for and condition of the thoroughbred horse called The Drake. I am instructed that Racing NSW has advised that The Drake was subject to three veterinary examinations by Racing NSW veterinarians after the incident. The horse presented with no abnormalities and was given clearance to leave the racecourse. Trainer Jenny Graham has advised the horse has taken no harm from the incident and is currently in work without any issues being detected. The horse will barrier trial before the stewards before being permitted to start again. It will be subject to a further veterinary inspection before barrier trialling.

#### STUDENTS WITH DISABILITY

**The Hon. TAYLOR MARTIN (12:15:09):** I address my question to the Minister for Education and Early Childhood Learning. Will the Minister update the House on how the Government is making it easier for primary school students with disability or additional needs to transition to high school?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:15:33):** I thank the Hon. Taylor Martin for his question. This touches on some of the comments I made earlier in the ministerial statement relating to the work the Government is doing for students with disability or additional needs. Last night at the Family Advocacy's Inclusive Education Forum, which I attended alongside many members from both Houses, we heard the story of Al. The Hon. Penny Sharpe spoke of him in a speech earlier today. He is a former student at Turrumurra High School. Al attended Turrumurra all the way through high school and had a fantastic experience thanks to teachers and peers who welcomed, accepted and included him.

We also heard from the Principal of Ashfield Public School, Damien Moran, who has started collaborative classrooms to include students from the school's support unit into mainstream classes. However, we know that the transition to high school is a significant milestone and can be a huge change for all students, but even more so for students with disability and their families. That is why this Government is bringing forward the application process for placement in support classes from year 6 to year 5. It will allow more time for parents or carers to talk about the transition with their child.

I am so proud that we are streamlining the transition process from primary to secondary school to ensure these students and their families have a chance to plan adequately for the change. We want to ensure that all students feel welcome and have the opportunity to learn to their full capacity. These changes will allow increased time for good transition planning by parents, students and both the primary and secondary schools. We are also making the transition to high school easier for students who receive integration funding support. Students who receive funding in year 6 will continue to receive support in year 7 without the need for a new application.

More than \$190 million was allocated to integration funding support in the 2019-20 budget, and the revised process will bring about greater consistency, better support and a smoother transition for students. The revised process will directly benefit around 1,400 students with disability who transition from primary to secondary school each year. We are committed to providing students with disability, their families and the broader community with an education system that meets their needs. We have also launched a new scholarship program for inclusive practice in education to help meet our target to increase the number of teachers specialising in special education by 50 per cent by 2022.

Applications are now open for students commencing study in 2020 and I encourage existing teachers to apply for the scholarships. As a Government, we want to ensure all students feel welcome in their local school community and thrive both academically and socially. As I said earlier today, we know that there is always more to do to support students with disability and additional needs and this is just one of the ways that we are committed to reducing the burden on students and their families. I look forward to continuing the work in this space. It is incredibly important. It was wonderful to have members from across the political divide in attendance at the event last night. *[Time expired.]*

*[The Hon. Shaun Leane, MLC, left the dais.]*

*[Business interrupted.]*

#### *Visitors*

#### **VISITORS**

**The PRESIDENT:** I welcome the legal studies, commerce and economic teachers attending the New South Wales economics and business educators conference. You are welcome to the New South Wales Parliament and you are most welcome to our question time.

#### *Questions Without Notice*

#### **GOODS AND SERVICES TAX**

*[Business resumed.]*

**The Hon. MARK LATHAM (12:18:51):** I direct a question to the Minister for Finance and Small Business representing the Treasurer. At a time when New South Wales has slipped in national economic rankings, when New South Wales productivity growth has fallen below 1 per cent, when Sydney congestion costs are rising, when country New South Wales has been gutted by the drought, when investor confidence in our State has collapsed due to the folly of the Independent Planning Commission, will the Minister inform the House why this is not the worst time for the Government to broaden the goods and services tax with a 10 per cent tax on food, health, education and water? Have not farmers and consumers, in particular, suffered enough without a 10 per cent tax on everything they sell and eat, as promoted this week by the Treasurer, Mr Perrottet, as part of the Government's review of Federal financial relations?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:20:01):** There could not be a better place to live or work than New South Wales. All the things about New South Wales deliver a place where people want to work. What do we do in New South Wales?

**The Hon. Walt Secord:** Privatised!

**The Hon. Mick Veitch:** Privatised!

**The Hon. DAMIEN TUDEHOPE:** I welcome those interjections because in many respects—

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

**The Hon. DAMIEN TUDEHOPE:** It happens every time.

**The PRESIDENT:** Sadly it happens on too many occasions when a Minister invites and encourages interjections. If Opposition members are asked a question, they will answer it. The Minister will not encourage interjection. I ask those being encouraged to restrain themselves from taking up the offer.

**The Hon. DAMIEN TUDEHOPE:** This is a serious question and I say that headwinds are confronting every economy in Australia at the moment. Surprising as it may be to those opposite, we did not launch drone attacks on oil tankers in the Strait of Hormuz. We did not author any of the tweets by the President of the United States of America. We did not carry out negotiations on behalf of the Prime Minister of Great Britain in relation to Brexit. All of these things are creating instability in the world economy.

What we can say about New South Wales is that if ever there were an economy that is prepared for headwinds, including drought, it is an economy which has \$93 billion worth of infrastructure in place, a drought policy in place and a budget surplus. Those things can safeguard the State in relation to the headwinds of drought. When the Hon. Niall Blair was a member of this place he gave an articulate response to a question about drought and its impact on the economy. New South Wales acknowledges that headwinds are heading our way but we are an economy which is, in fact, well set up for the purpose of dealing with those headwinds.

In the remaining 48 seconds available to me, I ought to deal with the issue of the Federal Financial Relations Review. If the Hon. Mark Latham had been in the Chamber during the adjournment debate earlier this week he would have heard an articulate exposé of the steps taken by the Government to inquire into how we can have a better financial relationship with the Commonwealth and the inquiry that is being conducted. The Hon. Scott Farlow, the Parliamentary Secretary to the Treasurer, gave an excellent—

**The Hon. Penny Sharpe:** GST or not GST?

**The Hon. DAMIEN TUDEHOPE:** Let me tell the member this. This is an inquiry— *[Time expired.]*

**The Hon. MARK LATHAM (12:23:33):** I ask a supplementary question. The Minister mentioned the Government's drought policy. Will the Minister elaborate by assuring the House that the Government will not promote the idea of a 10 per cent tax on everything farmers sell at this dreadfully sensitive time in drought-ridden New South Wales?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:23:50):** I welcome that supplementary question because it is in stark contrast to the policy those opposite took to the last election that it was going to tax farm—

**The Hon. Penny Sharpe:** Point of order: It is direct relevance. This is way outside what the Hon. Mark Latham asked, which was about drought and GST. It has nothing to do with the policies of the Opposition.

**The PRESIDENT:** Unfortunately, I have not heard enough from the Minister to determine whether the Hon. Penny Sharpe is correct. I remind the Minister that he has to be directly relevant to the supplementary question and link it.

**The Hon. DAMIEN TUDEHOPE:** The position taken to the last election was to tax farm vehicles. This Government is conducting a review of Federal-State relations in relation to the manner in which the Commonwealth and the States deal with the income which is earned by the Commonwealth: it is the Federal Financial Relations Review. The Treasurer has made some observations in relation to that but it is a review to which everyone can make submission. We look forward to the Opposition's submission. We will be making a submission to that review. We will look forward to the shadow Treasurer's submission to the Federal Financial Relations Review. He will have to answer some great questions in relation to that review.

Which State taxes impact citizens and businesses the most? It is a good question to answer. How can the tax system work better for citizens and businesses to improve the economy for future generations and keeping in mind the changing environment and increasing volatility of the State? Let me say that everything is on the table in relation to a review—if we can get rid of land tax, payroll tax, stamp duty and all those things. Let us have a look at all the options that are available— *[Time expired.]*

### CAMPBELL'S STORES, THE ROCKS

**The Hon. JOHN GRAHAM (12:26:38):** I direct my question to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. During budget estimates I asked Minister Pavey questions and raised my concerns that a document relating to the Campbell's Stores lease at The Rocks had not been provided to an Independent Commission Against Corruption investigation. The agency has since conceded that the document in question should have been provided. I then asked six questions which were taken on notice. I was provided with the following answer:

I am advised that this is a matter for the Hon. Rob Stokes, Minister for Planning and Public Spaces.

I have been made aware that if I raise these matters at estimates next week with Minister Stokes they will be referred back to Minister Pavey. Who is in charge? Next week when I ask these questions which Minister should I ask?

**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) (12:27:28):** What a good question. I am happy to make some inquiries during question time and get a timely answer for the honourable member. If not, I will provide an answer as soon as possible.

### MENTAL HEALTH SERVICES

**The Hon. SAM FARRAWAY (12:28:53):** I address my question to the Minister for Mental Health, Regional Youth and Women. Will the Minister outline some of the ways that the New South Wales Government is supporting innovative service delivery for people with mental illness?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:29:09):** I am pleased to say that the Government actively supports mental health services to develop innovative approaches to care. As part of the 10-year mental health reform an innovation fund was established to encourage flexibility, innovation and service integration. From this fund, Mission Australia received \$600,000 to develop the Connections Program in Broken Hill, an after-hours support service staffed entirely by peer workers. The Connections Program helps people who feel isolated and lonely to find friendship and confidence in the community. This program is accessible to anyone experiencing mental illness. People who access multiple agencies are encouraged to take part. The pilot showed an 80 per cent reduction in participant emergency department presentations and an estimated reduction of 354 admitted patient bed days. This is really a huge achievement. A participant in the program said, "I cut the world off, being depressed. Connections is my lifeline. It gets me out of the house." It is a fantastic initiative.

During Mental Health Month the 2019 NSW Health Awards were presented and I had the great pleasure of presenting an award to Police, Ambulance and Clinical Early Response [PACER]. The team also recently won a South Eastern Sydney Local Health District Improvement and Innovation award. I am pleased to say that PACER has recently been announced as a finalist in the upcoming NSW Premier's Awards. PACER is a police and mental health service response that is activated by police, targeting peak demand times and offering on-scene and telephone assistance to the community. If when a person calls 000 and speaks with police the police identify that mental health is a relevant factor they can engage a PACER clinician to go out together with them. PACER incorporates a mental health clinician as a secondary response, assessment in the community at the time of crisis, and real-time social and clinical information.

In one incident police attended a woman in a car with her kids on the water's edge. They called a PACER clinician who successfully de-escalated the situation and undertook a mental health assessment of the mother. The PACER clinician then used their network to connect her and her family with relevant services, including other agencies. The PACER pilot has been successfully implemented in the St George Mental Health Service. Evaluation demonstrates that there has been cross-agency and informed response to people experiencing a mental health crisis; avoidance of emergency department presentations—we want to keep people experiencing mental illness out of emergency departments; early links to community and welfare services; the provision of alternative pathways to care; early de-escalation to avoid coercive measures; and reduced demand on agencies, including the time spent by police on the scene. I congratulate the PACER team at south-eastern Sydney on its excellent initiative.

### ETHANOL INDUSTRY

**Reverend the Hon. FRED NILE (12:31:18):** My question concerning the ethanol industry in New South Wales is directed to the Minister for Finance and Small Business representing the Minister for Better Regulation and Innovation. Will the Government renew its support for the ethanol mandate that supports local New South Wales industries? Will the Minister provide information about any inquiries undertaken with respect to the ethanol industry in New South Wales, including who was undertaking the inquiry, what were the inquiry's terms of reference and when the inquiry's report is due? Will the Minister inform the House as to whether any action has been taken against petrol stations that do not make E10 fuel available at the pump? How many petrol stations have been fined in the past two years for that offence?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:32:20):** I thank the member for his question. The aim of the Biofuels Act 2007 is to foster a viable local biofuels industry, reduce reliance on imported petroleum and ensure consumers have the choice of accessing a cleaner and cheaper petrol blend. The Biofuels Act prescribes that 6 per cent of all petrol sold in New South Wales by certain fuel retailers must be ethanol, and that 2 per cent of all diesel sold must be biodiesel. Volume sales are yet to meet the 6 per cent ethanol mandate and the 2 per cent diesel mandate. Reforms to the biofuels mandate commenced on 1 January 2017. They extended the laws beyond major retailers—oil companies and supermarkets—to larger service stations, while exempting small to medium businesses. The reforms level the playing field between service



stations, while also protecting small businesses. They also require large service stations to make a petrol ethanol blend available for purchase.

A review of the Biofuels Act has commenced to assess the Act's objectives and provisions and recommend any reforms. On Tuesday 1 October 2019 a discussion paper was released as part of the public consultation on the statutory review. The consultation will end on Tuesday 29 October 2019. Following the close of the consultation and consideration of all stakeholder submissions, a report on the review will be tabled in each House of Parliament by 30 June 2020. The review may propose reforms to the biofuels regulatory regime. I will provide the honourable member with a copy of the discussion paper.

#### **THOMPSON SQUARE, WINDSOR**

**The Hon. PETER PRIMROSE (12:34:17):** My question is directed to Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Given that Transport for NSW is seeking to take an additional 300 metres off Thompson Square in Windsor, the oldest square in Australia, what representations has the Minister and his department made to the Department of Planning and Transport for NSW about the heritage value of Thompson Square?

**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) (12:34:48):** Heritage NSW has looked at Thompson Square. I do not have with me in the Chamber the precise details necessary to answer the question fully. I will take the question on notice and provide the honourable member with an answer by the end of question time, if possible, or as soon as possible otherwise.

#### **WESTERN SYDNEY AEROTROPOLIS**

**The Hon. LOU AMATO (12:35:28):** My question is addressed to the Minister for Finance and Small Business. Will the Minister update the House on any developments relating to the game-changing Western Sydney Aerotropolis?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:35:44):** I thank the honourable member for his good question.

**The Hon. Penny Sharpe:** Your office did well. They will get a bickie.

**The Hon. DAMIEN TUDEHOPE:** It is good to see the Deputy Leader of the Opposition back and in good health. We have missed her. If there is one thing we can all agree on in this House it is this: The new Western Sydney Airport and surrounding precinct is a game changer for the region and it will unlock new jobs and new opportunities like never before. The aerotropolis will make a significant contribution of 200,000 new jobs for western Sydney by establishing a new high-skill jobs hub across the aerospace and defence, manufacturing, health care, freight and logistics, agribusiness, education and research industries. The Government has signed memoranda of understanding to ensure that the new precinct reaches its full potential, including one with Vitex Pharmaceuticals, which has announced plans to invest an initial \$10 million in a 10,000 square metre state-of-the-art pharmaceutical training and research facility that will support about 100 jobs and train up to 200 students at a time.

Members will be pleased to know that only yesterday the Premier announced that the Japanese company Hitachi has signed up to be the first tenant at the Western Sydney Aerotropolis, with a collaboration and research centre that will generate hi-tech jobs. Based on Hitachi's successful facility in Japan, the centre will promote collaborative creation-style research between business, academia and government and will create more than 85 advanced technology jobs in western Sydney in fields such as data analytics, artificial intelligence and other technologies. Hitachi's presence at the aerotropolis will attract the brightest minds and the best in the business to the region.

**The Hon. Daniel Mookhey:** So you won't work there.

**The Hon. DAMIEN TUDEHOPE:** I probably will not be alive. It is a great opportunity for economic development and job creation into the future. It will not stop there. Some \$20 billion worth of infrastructure has already been committed by both State and Federal governments, with new roads and rail connections to come. The project is about creating economic opportunities closer to where people live and creating new jobs and new opportunities for families, businesses and individuals to get ahead. As Jennifer Hewett wrote in *The Australian Financial Review* today:

"New Airport, New Possibilities." And new hopes ...

Construction on the Hitachi centre is expected to begin in late 2022. To date, the New South Wales Government has signed 17 memoranda of understanding— [Time expired.]

### RACEHORSE WELFARE

**The Hon. MARK PEARSON (12:38:54):** My question is directed to the Minister for Finance and Small Business representing the Minister for Better Regulation and Innovation. Yesterday in response to my question about horse welfare, the Minister made glowing reference to the use of recently retired racehorses as part of a rehabilitation program for prisoners at St Heliers Correctional Centre at Muswellbrook, although I note the Minister said it was at Maitland. Today I have received information that up to 40 horses have been killed and buried in a pit at the jail. Will the Minister advise whether he is aware of those deaths and whether they have been included in the Racing NSW figures for the rehoming of racehorses?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:39:53):** I referred to the St Heliers facility yesterday, not that I have any recent knowledge of its involvement, but I am aware thoroughbreds have previously been rehabilitated to the centre. I have no specific information regarding the allegation made by the member today. In view of the concerns not only about the issue he has raised but also about the industry generally, I will seek additional information relating to the incident and provide that to him.

### PAYROLL TAX

**The Hon. DANIEL MOOKHEY (12:40:45):** My question is directed to the Minister for Finance and Small Business. What action is Revenue NSW taking to ensure that Wesfarmers and franchise chains like Subway, The Coffee Club, Sunglass Hut, Muffin Break, Jamaica Blue, as well as Bunnings, are meeting their payroll tax obligations given that they have all been prosecuted for wage theft?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:41:28):** Wage theft is a serious crime. Yesterday I made reference to the Pearcey awards, which I attended. On display at those awards was a software manufacturer—

**The Hon. John Graham:** But what are you doing about it? I have heard this answer.

**The Hon. Trevor Khan:** Point of order: A serious question has been asked by the Hon. Daniel Mookhey. The Minister is being directly relevant and yet he is being heckled by the Hon. John Graham. I ask that you throw him out.

**The PRESIDENT:** I was prepared to call the Hon. John Graham to order for the first time but as you have asked that he be thrown out, I do not uphold the point of order. Members will cease interjecting. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** The software has been developed by a local small business and provides employers with details of when a worker clocks on—

**The Hon. Daniel Mookhey:** Point of order: My point of order is on direct relevance. I did not ask about wage theft. I asked about what steps the Minister has taken to ensure that payroll tax obligations are being met. We heard his answer yesterday about software to address wage theft. I ask that you draw him back to the specific question, which was: What action is Revenue NSW taking to ensure payroll tax compliance?

**The PRESIDENT:** The end of your question used the words "are meeting their payroll tax obligations given that they have all been prosecuted for wage theft". You opened the door to allow the Minister to comment on that topic. The Minister is being directly relevant.

**The Hon. DAMIEN TUDEHOPE:** I invite the member to embrace this because when provided to any company the software removes the opportunity for that company to defend a prosecution for unpaid wages. The company should know what a worker is entitled to and it should know immediately what the award is, thereby discounting any defence against underpaid wages. In circumstances where wage theft is made out, payroll tax should be assessed in respect of the unpaid wages as a component of the wages foregone. In those circumstances, I say to the Hon. Daniel Mookhey that Revenue NSW will pursue payroll tax in respect of any wage theft that is proven by New South Wales entities.

**The Hon. DANIEL MOOKHEY (12:45:22):** I ask a supplementary question. Will the Minister elucidate his claim that Revenue NSW will pursue companies for payroll tax—or wage theft—by outlining a timeline for Revenue NSW to complete that job, specifically related to the companies I mentioned?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:45:54):** I thank the member for his supplementary question. It would be unusual that I would come into this House knowing a timeline for a specific case, a specific company and a specific pursuit of a specific debt. Quite frankly, for the member to ask that suggests that there is no strategy behind his questioning. If there was a specific prosecution for unpaid wages and a referral to Revenue NSW, I would be happy to get that detail for the member. Regarding the two entities that the member identified, I am happy to make additional inquiries of Revenue NSW.

**The Hon. Daniel Mookhey:** Seven entities.

**The Hon. DAMIEN TUDEHOPE:** Sorry, the seven entities. My point is that if the member is asking what the Government's policy is regarding foregone revenue when there is unpaid payroll tax then the question answers itself. Of course the New South Wales Government is entitled to recover, on behalf of taxpayers, any payroll tax that is due to the State.

### ARTS AND CULTURAL PROJECTS

**The Hon. SHAYNE MALLARD (12:47:13):** My question is addressed to the arts Minister. Will the Minister update the House on how the Government is supporting longer-term investment in arts and cultural programs?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:47:47):** I thank the honourable member for his question. The Government is committed to supporting our arts and cultural sector across Sydney and throughout regional New South Wales. One of the key ways this support is delivered is through the Government's multi-year organisation funding program that supports the needs of independent small to medium arts organisations. The Government has today announced reforms to the multi-year organisation funding program to provide a more flexible and responsive funding framework for the sector. These funding reforms reduce potential eligibility barriers and introduce fixed application timelines, providing certainty to applicants.

Importantly, applicants do not need to have received prior funding from Create NSW to apply for multi-year funding, which expands the number of organisations eligible for funding. The guidelines have also been reviewed to better cater for independent organisations with tiered funding options, meaning organisations can apply for funding that best suits their capacity and size. In addition, multi-year agreements have moved from three-year arrangements to a four-year funding period—effectively two plus two—which aligns with Federal arts funding time frames. That means less administration and reporting for supported applicants, so arts and cultural organisations can spend much more time creating excellent work. By providing longer-term support for small to medium organisations, the New South Wales Government provides recipients with financial stability while enabling them to leverage support from philanthropy, corporate sponsorship and other government funding. Independent organisations will seek funding through an expression of interest to encourage new applicants and to test the sustainability of organisations.

In addition, local government will be given the opportunity to apply in its own unique round with a focus on the impact of New South Wales Government-funded outcomes. The reforms have been informed by extensive consultation with the sector, including the Arts 2025 Summit, the Major Performing Arts Review led by the Australia Council for the Arts, applicant surveys, and interviews with key sector leaders. The reforms announced today coincide with a record \$61 million being provided to the arts and cultural sector in 2019-20. I encourage arts and cultural organisations to be ambitious— [*Time expired.*]

### GOODS AND SERVICES TAX

**The Hon. ROD ROBERTS (12:50:47):** My question is directed to the Minister for Finance and Small Business representing the Treasurer. Why is the Government promoting its Federal Financial Relations Review as a way of broadening the GST base to enable the abolition of New South Wales stamp duty without a plan for the compensation of low-income workers and welfare recipients, given the unfair impact that a 10 per cent tax on food, health, education and water will have in New South Wales?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:51:32):** I thank the member for his question. The Federal Financial Relations Review is a review of the tax system. The Government has adopted no proposal about the GST or the abolition or replacement of any taxes. I was asked about land tax last week; I have been asked about GST this week. A responsible government always looks at the best way it can serve the people of the State. The honourable member's point that an additional GST may create inequities if it were to be imposed could be part of a submission to the review. That is a legitimate submission. But the Government's position is not to embrace any of that.

I have heard only that we are having a review. Parties are entitled to make submissions to it, including the Opposition, the Government, One Nation, the Christian Democratic Party, the Animal Justice Party and The Greens. Everyone can make submissions to the review about what delivers the best revenue outcome for the people of the State. Quite frankly, bankrupt States such as Labor-run Western Australia and Queensland are propped up by New South Wales. The taxpayers of this State are supporting the bankrupt governments of other States.

There is a compelling case to be made that there is an obligation to conduct a review to ensure that we get the fair share of taxation revenue to which the people of this State are entitled. That is the driver for the review. Fundamentally, we say that we are not getting a fair distribution of the revenue collected by the Commonwealth to support the people of this State, who are the greatest contributors to that revenue. The current taxation system rewards irresponsible economies such as Queensland by penalising high-performing economies such as New South Wales. We are in fact bearing the burden of those economies. My response to the member's question is that the review should be embraced because the Government is seeking to support the people of the State by getting a fairer outcome for them.

### SCHOOL AIR CONDITIONING

**The Hon. COURTNEY HOUSSOS (12:54:25):** My question is directed to the Minister for Education and Early Childhood Learning. Given that the Government has completed installing air conditioning at 30 schools that do not meet the criterion of a mean maximum temperature of 30 degrees or above in January, why has the Government failed to prioritise Penrith Public School, which, according to the education department's website, does have a mean maximum temperature of above 30 degrees in January?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:55:05):** I thank the member for her question about the air conditioning rollout and the schools where that has been completed. As I said in response to a question on the same issue yesterday, the Government is committed to prioritising schools where the average January temperature is over 30 degrees. I provided that extra information to the member yesterday and I think the service rollout as it stands reflects that. But as is evident on the list, some schools with a mean temperature below 30 degrees have been able to receive air conditioning. Often that is because other capital works or maintenance works are occurring at the same time. Frankly, it just makes sense to install air conditioning early in those schools when workers are there doing other work. That would explain the first part of the question that the member asked.

There is quite a list of services in schools that the Government is working on. I will check the status of Penrith Public School. But, as I said, the Government is rolling out the five-year program as part of its election commitment. Work in several schools is completed. Work is under construction in several others, it is in the design and tender phase in several others and other schools are getting their due diligence done. It is an important program and the Government is committed to rolling it out.

**The Hon. COURTNEY HOUSSOS (12:56:24):** I ask a supplementary question. Will the Minister elucidate her answer to outline when Penrith Public School will have its air conditioning installed?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:56:37):** As I said in my previous answer, I will seek some advice on that school and come back to the member.

### SUSTAINABLE SCHOOLS PROGRAM

**The Hon. WES FANG (12:56:48):** My question is addressed to the Minister for Education and Early Childhood Learning. How is the New South Wales Government making schools more sustainable?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:57:23):** I thank the Hon. Wes Fang for his question. If we are serious about preparing future generations to restore and maintain a healthy environment and to use natural resources wisely, it is important to turn sustainability from an idea into an action. Historically, Coalition governments have led the way in environmental education in schools, with the first specialist environmental schools, now called Environmental Education Centres, established by the Liberals and The Nationals in the early 1970s. It was also a Coalition government that mandated environmental education in the New South Wales curriculum for the first time in 1989.

The Government has continued the tradition by incorporating environmental design principles into its massive school building program, with design quality now mandated in all new school buildings. The Government has also announced the rebuilding of the Penrith Lakes Environmental Education Centre, as well as a brand-new Environmental Education Centre at Middle Head, the first in 20 years. The Sustainable Schools Program, announced as part of the Government's election commitments, adds to the legacy. The program will help New South Wales government schools to take effective steps to reduce, reuse and recycle their resources.

Students care passionately about the environment. The program will encourage them to work together to develop innovative and hands-on solutions to make their school environments more sustainable. Great examples include schools such as Harrington Park Public School, which reduced lunch waste by 30 per cent in one week after participating in Clean Up Australia Day. The program will help tap into the creative minds of our students and harness their passion for a cleaner environment by providing up to \$15,000 to government schools to implement measures to improve sustainability. The measures will include initiatives to save water, plant more

trees, reduce energy consumption and encourage recycling. Schools will be able to apply annually for funding, which is supported by an investment of \$10 million over four years.

The program will support the excellent work already being done by many schools across the State that have implemented their own sustainability initiatives, and will complement other measures introduced by the New South Wales Liberal-Nationals Government, including the *Environmental Design in Schools* guide. The guide is intended to engage and motivate school communities to make positive and sustainable changes in the design and operation of their schools, and highlights what other school communities are doing in New South Wales to make a real difference for the environment.

By focusing on restoring and maintaining our local school environments, our Sustainable Schools policy will equip young people with the skills to create a healthy environment at home and in the wider world. The program is a good step forward in encouraging young people to go to school and learn the practical skills they need to make their homes and workplaces more sustainable. I look forward to seeing the kinds of projects that schools would like to undertake using this funding. It is an opportunity to do some great things in our school communities and I look forward to seeing it rolled out.

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

### **CAMPBELL'S STORES, THE ROCKS**

#### **THOMPSON SQUARE, WINDSOR**

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (13:00:35):** The Hon. John Graham asked me a question earlier in question time. I am delighted to respond by saying that he should ask Minister Stokes, in his capacity as public spaces Minister with place management responsibilities.

In relation to the Hon. Peter Primrose's question, I can assure the House that the Government is protecting significant heritage items across New South Wales and will continue to do so. As members are very well aware, the new Windsor Bridge was approved as a State significant infrastructure project in 2013. The project includes works in the State Heritage Register, listed as Thompson Square Conservation Area in Windsor. This item is of recognised heritage significance to New South Wales. As the project is State significant infrastructure, usual protections under New South Wales heritage legislation do not apply.

However, the Heritage Council of NSW has an advisory role and consultation with key stakeholders has taken place to ensure potential impacts to significant heritage items are appropriately managed. The Heritage Council of NSW has offered to work with Transport for NSW to achieve better heritage outcomes in line with recommendations that have been made, amongst others, by this House's parliamentary inquiry. These questions are matters for the Minister for Planning and Public Spaces. If there are any aspects of the member's question which have not been responded to, we will supply the information on notice.

### **SCHOOL COUNSELLORS**

#### **EARLY CHILDHOOD EDUCATION**

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:02:53):** Earlier in question time the Hon. Adam Searle asked me about time frames for mental health positions. As part of the \$88.4 million election commitment, up to 100 additional counselling staff and 350 mental health workers or student support officers will be employed so that every high school will have full-time specialist psychology support and additional mental health and wellbeing support onsite. I can advise the honourable member that these positions will be phased in with 25 per cent in 2020-21, 50 per cent in 2021-22 and 25 per cent in 2022-23. As I said in my original answer, the first round of scholarship recipients taking up these positions will begin in schools from term 1, 2020.

In response to the question asked by the Hon. Penny Sharpe in relation to information provided about assessment and rating, I can advise her that effective early childhood regulation depends on approved services ensuring compliance with legal and regulatory requirements, including monitoring educators. There are two elements to quality assurance by the regulatory authority in early childhood education. One is assessment and rating and the other is regulatory compliance, which is aimed at ensuring that services meet minimum safety standards contained in the law and regulations.

Assessment and rating involves each service documenting its plans for quality improvement with implementation of the plan and its outcomes tested and validated by the regulator. Service performance is assessed against seven quality areas, leading to an overall rating that is published. There are five overall ratings: significant

improvement required, working towards the National Quality Standard [NQS], meeting the National Quality Standard, exceeding the National Quality Standard, and excellence. In scheduling services for assessment and rating, the regulatory authority follows the guide to the National Quality Framework, which outlines the risk-based approach to assessment and rating.

Services with higher quality ratings will generally have a longer period of time between assessment and rating visits, in recognition of their ability to operate above the NQS. This means that services with lower ratings are prioritised for re-rating. The figure of zero referred to by the member in her question does not show that there are no services with this rating. It shows that there are currently no active services with a rating older than three years rated "significant improvement required". This is because services rated "significant improvement required" are subject to increased compliance and monitoring activity by the regulatory authority. As I said in my earlier answer, compliance and monitoring activity can include unannounced spot checks, investigation, monitoring and compliance visits, guided compliance and a range of other regulatory sanctions—for example, show cause to cancel and emergency action notices.

### PAYROLL TAX

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:05:37):** Earlier in question time the Hon. Daniel Mookhey asked me a question about Revenue NSW and its pursuit in respect of payroll tax obligations of seven identified companies. I am instructed by Revenue NSW that they do not disclose information in relation to individual taxpayers for privacy reasons. For that reason, notwithstanding that there may well be a tax obligation, he can be assured that Revenue NSW will be pursuing any payroll tax obligations which are unpaid. It is policy in respect of every taxpayer that Revenue NSW does not disclose the details of that taxpayer's liability.

### *Supplementary Questions for Written Answers*

### SCHOOL AIR CONDITIONING

**The Hon. COURTNEY HOUSSOS (13:06:43):** My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Which of the New South Wales public schools on the Cooler Classrooms delivery status report under design, tender and due diligence, have a mean maximum temperature of 30 degrees and above in January?

### *Questions Without Notice: Take Note*

### TAKE NOTE OF ANSWERS TO QUESTIONS

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

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

### CAMPBELL'S STORES, THE ROCKS

**The Hon. JOHN GRAHAM (13:07:18):** I take note of an answer from the Leader of the Government. I thank him for the information that he has provided about which Minister is responsible. I will briefly indicate some of the Opposition's concerns. Perhaps this might serve as a preview for the Minister for next week when he is asked these questions. We on this side make no secret of why we are asking this question of the Leader of the Government. Our concerns are on the record. This is about a site not far from here, right on the harbour—one of our most historic sites. Dotted around Sydney Cove there were a whole lot of these warehouses; there is now one left. It is right down on the harbour at The Rocks. That is the site we are asking questions about. We have one simple question: Why was this site not put out to public tender?

Sometimes governments make these decisions but they should always be in the public interest. If they are in the public interest, they should be able to be defended. We have raised questions in this House about why the leasing agent for the Government is also the leasing agent for the developer. We have raised questions in estimates about whether documents have been provided to the ICAC investigation into this. It became clear—the agency has now admitted—that documents were not provided. They should have been provided and they now have been provided. Those concerns were intensified because one of those documents appears to directly contradict the advice that the department had previously provided to the ICAC. So it is clear why we might be concerned.

The sorts of questions the Opposition has are: What is the value of this deal? Why did the developer's legal firm draft the terms of a lease? Why does the advice to ICAC appear to be contradicted? Why does the individual at the centre of this appear on the negotiating team even though we are told that he was not involved at all? No Minister will stand up to defend this deal, and I can understand that, because it looks like a very poor deal. No Minister wants to stand up to answer these questions, and I can understand that, because they are difficult

questions. My issue with this is who is scrutinising this deal? Which Minister is making sure that the public interest is being served here? Which Minister is keeping an eye on these agencies? The Opposition does not know all the answers to these questions but we certainly expect to be able to ask them and we will certainly be doing that next week in budget estimates.

### GOODS AND SERVICES TAX

**The Hon. MARK LATHAM (13:10:21):** I take note of the answers regarding the broadening of the GST and the scrapping of stamp duties. It is said that this is a review, a discussion paper, but it is much more than that. Adam Creighton, a very good journalist who knows the Government well, led off his story on Monday as follows:

The goods and services tax would be broadened, stamp duties scrapped and messy federal-state funding agreements abolished under a call for a major reform of the federation proposed by the NSW Government.

Last night on radio 2GB the Treasurer was being interviewed and the announcer expressed concern about stamp duty—maybe because the announcer had just purchased a home in Sydney—and asked the Treasurer what he is doing with this excellent plan to broaden the base of the GST onto food, health, education and water and abolish stamp duty. The Treasurer's response was to say that you go into politics to do the right thing. Indeed, you do go into politics to do the right thing, but this is the wrong plan and the wrong idea, and it has one fundamental flaw. Anyone who has ever tried to increase consumption taxes in an economy always pays compensation to low-income earners.

The Government's proposal is to broaden the base of the GST, raising \$21 billion nationally. New South Wales, quite conveniently, is a third of the economy and New South Wales gets a \$7 billion share. Nice, neat mathematics. Why abolish stamp duty? There is \$7 billion—there is the formula. But it is a transfer of wealth and opportunity in our society from low-income earners to asset holders. The asset holders get the benefit of not paying stamp duty or transfer duty, while low-income earners—if they are renting, on welfare or have a low-income job—get no compensation because the \$7 billion is entirely eaten up by getting rid of the stamp duty.

When Howard and Costello introduced the national GST in the late 1990s they paid the compensation, as you would, as an equity measure, ensuring that people with the highest propensity to spend their income are not disadvantaged, so you have got consumption power in the economy. Even in New Zealand, the driest of the economic dry, Roger Douglas, when he introduced the GST in the 1980s, paid the compensation. So Rogernomics did the right thing, but Dominomics in New South Wales is saying, "Don't worry about the low-income people, don't worry about consumption, don't worry about the fragile New South Wales economy. Eat up the entire \$7 billion with benefit for asset owners."

I support asset ownership but it cannot be done this way; it cannot be done at the legitimate equity and economic expense of people who do not own any assets. This is the wrong plan at the wrong time for New South Wales. It is more than a discussion paper. I have been around the track a few times and you see this; it is the old trick of saying it is just a discussion paper. But they trail it through the media, talking about it as a proposal to see if they can gain any leverage, any currency, any support. It should not have any of that because it is the wrong idea. The Government should abandon this plan. If it wants to get rid of stamp duty it should do it by other means and not punish poor people in New South Wales.

### EARLY CHILDHOOD EDUCATION

#### GOODS AND SERVICES TAX

#### ETHANOL INDUSTRY

**The Hon. WALT SECORD (13:13:12):** I participate in the take-note of answers debate and make a number of observations on child care, taxation and biofuels. It was very, very disturbing to hear from the Minister for Education and Early Childhood Learning that, yes, there have been two deaths in early childhood. There is a police investigation and a coronial inquiry underway so we will not delve into the specifics. However, 24.2 per cent of the centres are in the most worrying category—that is one-quarter—and the Minister skated over that. That was very worrying.

In relation to the GST and taxation, as the Hon. Mark Latham commented, the Minister said that the Government has been trailing this through and says that it is for discussion, for commentary, but the Government is refusing to rule out whether it wants to increase the GST and whether it will apply to food. The Minister also talked about the economic storm clouds gathering over New South Wales, but he did not say that the CommSec report in July showed that New South Wales slipped behind Victoria—that is the first time in a long time. We led the nation from October 2014 to July 2018 and now we are behind Victoria. As for the infrastructure spend, the

Minister did not say that the light rail blew out by \$1.5 billion, that there have been blowouts with stadiums and that the Government has to pay \$576 million to the private operator of the light rail.

The Minister also talked about drone attacks, but he did not talk about household debt increasing, low wages growth and the high cost of living in New South Wales, nor did he talk about the International Monetary Fund forecasts, which show that Australia this year will only grow by 1.7 per cent and next year by 2.3 per cent. The Minister also failed to mention that unemployment has increased in New South Wales and that it is now 4.5 per cent, seasonally adjusted.

In response to Reverend the Hon. Fred Nile's question about biofuels—and we all know that it was related to Manildra—the Minister confirmed that a statutory review is underway, but he gave scant details about that. I would like the Minister to provide a copy of that statutory review to us too, but we would like to know if the Minister will guarantee jobs in the sector, because yesterday's briefing from Manildra said that the drought is hitting so hard that they are unable to get wheat in Australia—they get very, very poor quality wheat—and they are importing it, for the very first time, at very high rates. I fear for the jobs in rural and regional New South Wales affected by and connected to biofuel.

### THOMPSON SQUARE, WINDSOR

**The Hon. PETER PRIMROSE (13:15:51):** In question time I asked the Leader of the Government a question about representations that have been made to the Department of Planning and Transport for NSW about the heritage value of Thompson Square at Windsor. The Hon. Penny Sharpe, who has been a strong advocate for many years for the protection of this area, Susan Templeman, the Federal member for Macquarie, and heritage groups right around Australia have been making representations and I participated in a parliamentary inquiry that was set up by this House to look at issues from Roads and Maritime Services [RMS] about this proposal.

We were assured that all the data has been taken, that there has been lots of research, that statistics are available and that there is nothing to worry about here, even though, as we know, when one goes out and looks at the site today, effectively a moonscape has been made there and the heritage value of what is the oldest public square in Australia has been decimated. Not only heritage per se but also part of the local economy which relies on heritage tourism is being decimated by the actions of this Government. But we were assured that all of that has been taken into account.

At the eleventh hour we have found out that the Government is now seeking to take out, as I indicated in my question, a further 300 metres from Thompson Square in addition to what has already been taken out. This is after we were reassured that RMS had done all its homework, all the statistics had been done and all the research had been done and that not only had the local community been advised, not only had the Department of Planning been advised but also the parliamentary inquiry was assured, in evidence under oath, that absolutely every expert under the sun had said that this was all that was required.

The answer given to any questions that we raised about how two lanes can be merged into one at the intersection just in front of the bridge was that "RMS engineers have said that's fine". But now the deck is going over the river, it is a moonscape already and we are told that RMS has come back and said that it just will not work and that they need to take another 300 metres out of historic Thompson Square, further decimating the heritage of that community. There are many more questions to be asked about the incompetence associated with this outrage at Windsor.

### PAYROLL TAX

**The Hon. MARK BUTTIGIEG (13:19:03):** I take part in this take-note debate in regard to the question that was asked by my colleague the Hon. Daniel Mookhey regarding the desire of the Government to maintain the integrity of the New South Wales tax system by making sure that those employers involved in wage theft honour their commitments. I was very concerned by the response to the initial question whereby the Minister reverted to software to fix the problem—this automated software is going to come in and, because it can automatically gather scales and data, the employer will not be caught in a trap, as if there was some sort of honest mistake involved in this systematic wage theft. That is the way the Minister answered the question.

There are businesses out there right now using software packages every day of the week. If you input the data correctly, all these things get spat out automatically. You do not make mistakes because you enter the right pay rates to start with and the payroll tax gets levied accordingly. The software works it all out. We are talking about systematic wage theft by employers who should know better. On the supplementary question, the Minister said he would find out when that was going to happen from Revenue NSW. He was pressed on the timeline and said, "I can't be expected to know the time line." Fair enough, but it concerns me that a Minister of the Crown responsible for the finances of this Government and for maintaining the integrity of the tax system was not aware of any action on foot to recover this lost payroll tax.



There are businesses out there doing the right thing, paying their employees the right wages, not involved in systematic wage theft and paying their fair share of payroll tax, as the taxpayers of New South Wales would expect. I would have thought that the Minister responsible for this would have been onto it prior and had a ready answer to the question my colleague asked. The New South Wales taxpayer should expect nothing less. The people doing the right thing and the taxpayers of New South Wales deserve to understand and know that taxes are being paid fairly across the board. People who systematically underpay their employees should not be getting away with not paying their fair share of tax.

### PAYROLL TAX

**The Hon. DANIEL MOOKHEY (13:21:55):** I too contribute to the take-note debate to reflect on the Minister's three answers given to the question I asked him about wage theft. I join the Hon. Mark Buttigieg in expressing my disappointment with the quality and calibre of the answers that we received. The first position the Minister took was that this problem could be solved by software—that was the implication in what he was saying. The second position he took was, "I am not sure whether these companies have been prosecuted or not; therefore I am not sure whether or not anything ought to be done." He kept saying that if these companies have done the wrong thing then of course he would expect Revenue NSW to act. The third position he took, which we learnt after question time, was, "Even if we do investigate them and even if they are found to have not complied with their payroll tax obligations, we are not going to tell anyone. We're going to keep that information quiet as well." The Minister advanced those three positions this afternoon and all three are disappointing.

I take the Minister to his first position. I asked the Minister about seven companies, including Wesfarmers, which is one of Australia's biggest corporations and also, incidentally, it was the biggest employer of Australians at the time those crimes took place: the Subway franchise; the Coffee Club franchise; the Sunglass Hut franchise; the Muffin Break franchise; the Jamaica Blue franchise; and of course Bunnings, a company famously owned by Wesfarmers. It is not as though those companies were alleged to have committed wage theft or are accused of wage theft. They were prosecuted and found to have engaged in it. They have admitted it. The Fair Work Ombudsman prosecuted them for it. This is all public. It should not require the Minister or Revenue NSW to pick up a newspaper to know that; they should know that.

As a result, they ought to be immediately proactively checking whether or not these companies have complied with their payroll tax applications. It is not as though the wage theft we are talking about here is small in quantum. Wesfarmers underpaid its staff in its industrial division by \$15 million, and this is one of Australia's largest corporations. For Subway workers, one of the known franchisees that were audited underpaid \$82,000. It was publicly known well before we asked those questions today. We ought to be able to expect a proactive strategy from the Minister.

It is telling that in one of the Minister's three answers he said, "I think the criticism that the Opposition is levelling at me is that we do not have a strategy for this." That is correct. That is exactly the criticism we on this side of the Chamber are levelling at him. There is no strategy in place. The Minister is reactive. His agencies are relying on newspaper reports. This Parliament ought to be able to expect better. As the Hon. Mark Buttigieg correctly said, when a company engages in wage theft they are engaging in three crimes: They are robbing the workers, they are robbing the taxpayers of the payroll tax they should be paying and they are robbing every honest small or large business that complies with the law.

### SCHOOL AIR CONDITIONING

**The Hon. COURTNEY HOUSSOS (13:25:04):** I refer to answers given to a question I asked regarding the Cooler Classrooms program, which was a program promised by the Government in the lead-up to the last election whereby the Liberals and Nationals said they would air-condition 900 schools. In March this year people rightly went off to vote expecting that a significant proportion of schools would be air-conditioned come the next summer—well, they are not. We have discovered there are 48 that are in place. Our questioning revealed today that of those that are completed, only 18 have a mean maximum temperature of above 30 degrees in January. The other 30 schools do not. They deserve air conditioning too.

The concern that we raised was specifically about schools that have a mean maximum temperature of above 30 degrees in January—the schools that were told by this Government, "Don't put in an application. Don't worry. We're going to come and air-condition your schools. You don't have to do anything". But the devil was in the detail. We now know that that work will not commence until at least June 2020. It is 33 degrees in Penrith today and it is going to be 37 degrees tomorrow. Students in Penrith Public School and Claremont Meadows Public School will not have their air conditioning commenced until after June 2020.

We know that educational outcomes are lower. I have heard directly from parents whose children do not have air conditioning in their school classrooms that their children literally lie on the floor during the time that

they are supposed to be learning. And when it comes to lunchtime the children are let out. Children and students who are lucky enough—and I mean lucky enough—to have air conditioning in their classrooms can be kept inside during lunchtime so they are not exposed to the heat. What choice do those students at Penrith and Claremont Meadows have and what choice do their parents have? They do not have much choice and it is this Government that is letting them down. It told them one thing before the election and another thing after the election. They have every right to be disappointed.

### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:27:37):** I thank the Hon. Mark Latham for his submission to the Federal Financial Relations Review. It was an erudite submission and it will be received. In many respects it is wrong to have attributed an interview with the Treasurer as ruling out compensation to people—if in fact that became the policy, where compensation would not be part of the policy. I repeat that the inquiry being conducted is to deliver a fairer revenue base for the State of New South Wales and for the people of this State.

I accept the submission made by the Hon. Mark Latham in relation to getting to that point and making sure that there is equity in a proper revenue raising regime. But to attribute to the Treasurer that he has in fact concluded a view undermines the nature of having the review, the recommendations that a review would make and the Government's response to that review. That is the process we are going through. I respect the Hon. Mark Latham's experience. Governments traditionally float ideas as part of the review process. But in many respects the purpose of having the review is to allow everyone to have a say, including him and those opposite, on what they believe is a fairer distribution of revenue to this State so the people of this State get what they are entitled to.

In relation to the Hon. Daniel Mookhey, in many respects he is a good bloke but he is disingenuous. The exact same questions he raised in question time today he put to the Chief Commissioner of State Revenue during budget estimates and got identical answers in relation to policy and privacy requirements. They were identical answers. And today the member has said that I do not have a view because I reflected the view of the Chief Commissioner of State Revenue. In relation to the issue of wage theft, the answer I gave in relation to software employers ought to use in paying their employees to ensure they are paying their employees the right amount is in fact—[*Time expired.*]

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

**Motion agreed to.**

### *Written Answers to Supplementary Questions*

#### SCHOOL AIR CONDITIONING

In reply to **the Hon. COURTNEY HOUSSOS** (23 October 2019).

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

There are 18 schools that have a mean maximum temperature of 30 degrees that have completed Cooler Classroom projects.

- Bedgerabong Public School
- Bonalbo Central School
- Bowning Public School
- Cranebrook High School
- Curlewis Public School
- Elderslie High School
- Glenmore Park High School
- Jamison High School
- Kingswood High School
- Muswellbrook High School
- Muswellbrook South Public School
- Nepean Creative and Performing Arts School
- Nimbin Central School
- Peak Hill Central School
- Penrith High School
- Penrith South Public School
- Singleton High School
- York Public School

There are 18 schools that have a mean maximum temperature of 30 degrees that are currently in the construction phase of their Cooler Classroom projects.

- Abermain Public School

- Bogan Gate Public School
- Boggabilla Central School
- Boomi Public School
- Casino High School
- Cessnock High School
- Chifley College Shalvey Campus
- Condobolin High School
- Inverell Public School
- Longneck Lagoon Environmental Education Centre
- Louth Public School
- Maitland Public School
- Regentville Public School
- Ross Hill Public School
- Trundle Central School
- Walgett Community College — High School
- Wanaaring Public School
- White Cliffs Public School

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

*Private Members' Statements*

**OKTOBERFEST**

**The Hon. LOU AMATO (15:01:05):** A quick glance towards the Domain and we can see a hive of activity. The annual Oktoberfest is upon us. In Germany the annual Oktoberfest is the world's biggest beer festival. During the 16-day festival our German friends celebrate by consuming almost eight million litres of beer. We have a lot to thank the Germans for: Not only do they produce some of the safest and most luxurious cars in the world, they also brew the world's finest beer. Many ask why the Germans brew such wonderful beer. To answer that we have to go back to 1516 when the purity law was introduced.

The purity law of 1516 limited the ingredients to be used for beer brewing to barley, hops and water. In 1859 when Louis Pasteur first discovered how yeast is required for fermentation, the law was amended to allow for the addition of yeast. The origins of the purity law have come under considerable debate. Some experts believe it was to prohibit the use of toxic additives for the safety of the people. Some say it was to prohibit the use of some plants that were being used in pagan rituals. Others say it was just the Germans wanting to brew the very best beer. Whatever the reason, German beer is the standard for excellent pure beer.

The German stein is another interesting example of the German love for pure beer. If you have ever wondered why a German stein has a lid you may find the answer interesting. A lot of people think the main purpose of the lid is to keep the beer cold. The real reason for the lid is to keep flies out of the beer and reduce the transmission of the plague. From about 1340 to 1380 the bubonic plague, or black death, killed more than 25 million Europeans. How the plague was transmitted was not identified until 1894, when Alexandre Yersin discovered that the causative bacterium was transmitted from rodents by fleas. Regardless, the Germans wanted to make sure their beer remained pure and germ-free. Interestingly, the Australian beer Resch's was established by Edmund Resch who migrated from Germany to Australia in 1863. We can thank the Germans for being part of the establishment of the Australian beer brewing industry. I hope everyone enjoys the upcoming Oktoberfest, grabs a beer and, as the Germans would say, prost.

**ALDI TRANSPORT WORKER SAFETY**

**The Hon. MARK BUTTIGIEG (15:03:22):** I commend truck drivers around the country, led by the Transport Workers Union, for taking strike action to draw attention to wealthy retailer Aldi and its actions. Aldi's activities are continuing to put people's safety at risk. Those opposite seek to trivialise the issue. Last week Channel 9 showed images and videos of Aldi's delivery docks which were deeply disturbing. The shocking evidence showed safety doors blocked, fire safety equipment blocked from use, exposed electric cabling—

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I call the Hon. Wes Fang to order for the first time.

**The Hon. MARK BUTTIGIEG:** —unhygienic food storage, extremely unclean floors, defective electrics and a flooded yard outside a loading dock. This evidence displays Aldi's complete disregard for its workers and public health and safety. It is disgraceful that when deeply distressed workers have tried to raise safety concerns they have been ignored and ridiculed. The Transport Workers Union has been calling on Aldi to ensure that safety is prioritised throughout its supply chains. The major issue is that Aldi's low-cost contracts at the top of the supply chain put enormous economic pressure on transport companies and workers. Aldi's cost-slashing methods lead to increasing pressure being placed on drivers to drive for too long and too quickly, to cut their much-needed mandatory breaks and to defer the important maintenance of their vehicles.

Safe Work Australia has demonstrated that transport workers have the highest numbers of deaths for any profession. Just this year, out of a total of 121 workers killed on the job 41 were transport workers. The kind of pressure these workers are under leads to horrific injuries and deaths in truck crashes on our roads. The people of New South Wales do not want companies such as Aldi taking measures that see fatigued workers who are forced to speed driving on their roads. The Government must not allow this public safety problem to continue. The Transport Workers Union National Secretary, Michael Kaine, has been encouraging Aldi to discuss improving safety. It is astonishing that Aldi has failed to take action or even discuss the safety issues. Woolworths and Coles have responded to truck drivers' concerns about safety and have provided written agreements. It is about time that Aldi does the same. I would hope that those opposite do not trivialise this issue.

### **NSW POLICE FORCE STRIP SEARCH PRACTICES**

**Mr DAVID SHOEBRIDGE (15:06:16):** Presently the Law Enforcement Conduct Commission is undertaking an investigation into police strip search powers, focusing on the appalling circumstances in which a 16-year-old girl was stripsearched by police last year at Splendour in the Grass. That girl was one of six children stripsearched at the event without a parent or guardian present and in gross breach of police powers. When questioned the police who undertook the search admitted that they had no understanding of the legal requirements or protections in place. The female officer who searched the 16-year-old girl without a support person present said that she obviously did not turn her mind to the legislation and admitted that inspecting the teenagers panty liner for drugs could have been extremely humiliating for the teenager. This was done without a parent or support person and in breach of the law. There is one way to describe that: It is sexual assault by the police in gross breach of the laws.

Those young people were not alone. There were approximately 143 strip searches undertaken at Splendour in the Grass, with the grand total of 10 per cent of the searches finding drugs. As I said before, one police officer admitted that of the 19 strip searches that the officer had undertaken all of them may have been illegal because they had no idea about the law. When tested in evidence they had little, if any, regard for the civil liberties or the basic decency of the people they were searching. The commission heard that only one of the searches conducted by that officer found any drugs at all, and that was a single antidepressant tablet, a drug used to treat anxiety and depression.

In the past two days a New South Wales police officer admitted that police had inflated the amount of drugs eightfold, having undertaken a guesstimate of the amount of drugs discovered. That officer admitted to being "muddled up" when making the charge against the individual. The New South Wales police repeated that mistake three times by tripling the amount of drugs found at the Splendour in the Grass event. What we are seeing exposed by the Law Enforcement Conduct Commission is systemic abuse of people's rights. We have police with no regard for the law or basic decency who are willing to stripsearch minors in breach of the law in grossly humiliating circumstances and we have heard nothing from the police Minister in response. Shame on him, shame on the police.

### **PINK STUMPS DAY**

**The Hon. WES FANG (15:09:28):** This coming Sunday as part of Breast Cancer Awareness Month Wagga Wagga is set to host its largest Pink Stumps Day for the McGrath Foundation. In communities across Australia there are 135 McGrath breast care nurses helping both women and men through their breast cancer treatment. These highly qualified nurses provide physical, psychological and emotional support without charge, from diagnosis and throughout treatment. They have helped more than 75,000 families since 2005. Wagga Wagga is particularly fortunate to have two McGrath breast care nurses in Sue Munro since 2009 and Monica Jessop since 2015.

The Pink Stumps initiative aims to raise funds for another 120 breast care nurses to help 19,000 Australian families experiencing breast cancer. Statistics just released state that one in seven Australian women and one in 675 Australian men are expected to be diagnosed with breast cancer in their lifetime. Thanks to the members of the Wagga Wagga Pink Stumps Day committee, Jill Tucker, Warren Smith and Colin Firman, 27 October is set to be a fantastic day out for the family.

I will be dusting off the old pads and having a knock on the pink pitch. I am not quite sure how I will fare against GWS Giants midfielder Harry Perryman and Olympic legend Dawn Fraser who will also be showcasing their best cricketing skills. But it is all about having fun and raising funds for these remarkable nurses. There will be a barbecue, a jumping castle, rock climbing and face painting. I would encourage anyone who can make it on the day to come to the Mark Taylor Oval, Bolton Park, Wagga Wagga, between 10.00 a.m. and 2.00 p.m. Funds raised will help provide nurses for the future to make life a little easier for individuals and families experiencing breast cancer. I also speak on behalf of the Minister for Mental Health, Regional Youth and Women, a former breast care nurse for the McGrath Foundation, and congratulate all involved to ensure the day is a success.

### WELLNESS WALK—BRIDGE WALK FOR MENTAL HEALTH

**The Hon. TARA MORIARTY (15:12:10):** On Sunday 13 October I took part in the Wellness Walk—Bridge Walk for Mental Health. The walk was hosted by One Door Mental Health as a great opportunity to raise awareness of mental health during Mental Health Month and, most importantly, to raise funds to support One Door Mental Health and the great work it does. It was a great chance to bring the community together and to shine a light on services that are needed in the mental health space.

I arranged Team Labor to undertake the walk with me and I am grateful to have been joined on the walk by a number of colleagues from this place and a fantastic young Labor team. We joined well over 1,000 people, starting at Government House and walking over Sydney Harbour Bridge and back to help raise awareness and ease stigma around mental health. It was great to see the community come together, giving up their Sunday morning to walk in solidarity for those who are suffering and to raise money for a worthy cause. As we all know and acknowledge, mental health does not just affect an individual, it also affects the friends, family and support networks of people suffering. The more we come together as a community, the easier the struggle and pain of mental health becomes to manage. If you are struggling or know someone who is reach out because that is what can make the difference in someone's life.

I am proud that the Labor team was able to raise money in support of One Door Mental Health, which is a fantastic organisation that provides crucial mental health care to the community. One Door Mental Health is a mental health service provider specialising in severe and persistent mental illnesses such as schizophrenia, bipolar disorder, obsessive compulsive disorder, post-traumatic stress disorder, psychosis, schizoaffective disorder and borderline personality disorder. It provides care to thousands of individuals across New South Wales.

Working tirelessly to break down the stigma of mental health, One Door Mental Health provides inclusive and innovative care to those suffering and to their families, creating a strong community atmosphere. As I said previously, the more we come together as a community and share our experiences, the easier the management of mental health illnesses becomes. I thank those who joined me on the walk, including the member for Canterbury, Sophie Cotsis and the Hon. Mark Buttigieg, MLC, and Young Labor members Max Kennedy, Emma Ross, Dexter Gordon, Symeon Zeigler and Tiana Myers. Well done to everyone who participated.

### TAXI LICENCES

**The Hon. MARK BANASIAK (15:14:27):** When the Taxi Owners and Small Business Operators Association [TOSBA] approached us last year to represent them, we were unsure of what it was they needed from the Shooters, Fishers and Farmers Party. When TOSBA briefed us, however, we realised we were in fact familiar with one particularly large element of the point-to-point shemozzle and subsequently knew that we could take on this issue on behalf of TOSBA and taxidriver in New South Wales. That element was Mike Baird. The Shooters, Fishers and Farmers Party is very familiar with Baird and his ability to shut down whatever he likes, whenever he likes. We saw him in full flight with the greyhound industry and we stopped him in his tracks. So we knew he would try it on again with the taxi industry without breaking a sweat.

When Uber came to town it operated outside of the law, and right under Baird's nose. The regulations that applied to the taxi industry did not transfer over. As a result Uber had an unfair, competitive advantage from the get-go. Pre-Uber, taxi licences were being bought for around \$450,000. People were investing their life savings into these licences. They were their retirement funds. Family homes were mortgaged against them. When the taxi industry started making a noise about the unfair operations of Uber, the Government, true to form, hastily put together a package that would alleviate some of the stress taxi owners and operators were experiencing.

The Government called it deregulation. It can call it what it likes but the truth is that it changed market conditions and drove down the price of taxi plates. The Government did this by adding an additional 800 lease plates, which saturated the market, lowered incomes and lowered plate values. It froze drivers' incomes and then introduced a competitor. Then to show some compassion it imposed a levy of \$1 on each trip to go towards a \$250 million so-called compensation package for hardship experienced but with no definition as to what constituted "hardship". We have heard experiences of hardship assistance being paid to people who were not experiencing true hardship while others have missed out. We have also heard allegations that the hardship applications that were not processed before the cut-off date simply got thrown in the bin and those people missed out, regardless of whether they were worthy.

Transport Minister Andrew Constance announced this hardship package as the "most generous compensation in the world". The definition of "generosity" is to be generous, showing a readiness to give more of something, especially money, than is strictly necessary or expected. Forward estimates in this year's budget show that the Government will distribute approximately \$15 million over the next three years while pocketing close to \$455 million. So essentially the Government has redefined "generosity" to something that Ebenezer Scrooge

would be proud of. Taxi owners are killing themselves because of decisions made by this Government. They have been bankrupted and destroyed by this Government. This is classic Mike Baird stuff. They had a thriving industry with one of the most valuable assets one could invest in. This industry has been bent over and screwed over by this Government and Uber. The taxi industry deserves to be treated with respect, dignity and natural justice.

### **TRIBUTE TO BOB GEOGHEGAN**

**The Hon. TAYLOR MARTIN (15:17:20):** Earlier this week the Maitland community and the Liberal Party lost a good man and I and other members lost a good friend. Bob Geoghegan was a loving husband to Robyn, a father and grandfather, a stalwart of the Liberal Party in Maitland and a friend and mentor of mine as well as many others in the party and in the Hunter. Bob and Robyn moved to Maitland in the 1970s, fell in love with it and never left. They opened Hit n Dip Sports Centre in Green Hills. Bob served on Maitland City Council for 17 years and twice stood as the Liberal candidate for Maitland. He was also a strong supporter of music and the arts in the greater region.

Bob loved Maitland and Maitland loved Bob. He was a valued leader in the community. It is fitting that his funeral next week will be held at Maitland Town Hall. When Bob stood for election he would stand as a Liberal. However, I heard him give advice to councillors that "Once you are elected you stand for your community, you stand for Maitland." Bob has been an enormous source of advice and support for me over the years. We were in constant contact, using each other as a sounding board. I can attest that in every conversation Bob was solely interested in real outcomes for Maitland, for his community, for New South Wales and for Australia. I am sure members on this side of the Chamber and those on council, especially across party lines and Independents, will agree that Bob's mind worked in a way that was focused always on the outcomes for local people.

It has been comforting to hear the tributes that others from the Maitland community have made to Bob this week, including the Hon. Catherine Cusack in her adjournment speech last night. I acknowledge her comments about being unsure as to how Bob voted in the many preselection panels he served on. Other members would attest to the truth of her statement. Many members on this side of the House probably had good chats with Bob but when he got into that room he voted for what was best for Maitland.

Other tributes have come from the former member for Paterson the Hon. Bob Baldwin—Bob Geoghegan was Bob Baldwin's campaign manager for his election wins—the former member for Maitland and former member of this place Robyn Parker; and Bob's former council colleagues Peter Blackmore and Philip Penfold. I thank them for their kind words. I acknowledge also the nice words from the Labor Mayor of Maitland City Council, Loretta Baker, and the Labor member for Maitland, Jenny Aitchison. All of those tributes are a recognition of the broad respect Bob Geoghegan generated in his community beyond the Liberal Party. Both Maitland and the Liberal Party have been left in a better place because of Bob's tireless work and advocacy. Neither will be the same without him. I extend my sympathies to Robyn and their daughters, grandchildren and extended family and friends.

### **WAGE THEFT AND WORKPLACE BULLYING**

**The Hon. ROSE JACKSON (15:20:31):** Four young women—Maxine, Laura, Tutti and Ruhha—came to New South Wales Parliament yesterday. They are all university students in their early 20s who are studying to be lawyers, engineers and policy researchers in New South Wales. They are the future of this great State. Maybe they did not seem particularly special—just four girlfriends from uni who are studying, working and living life together. But they were, in fact, extraordinary young women with energy, ideas, values and kindness.

In part they came as a small celebration of Tutti Copping who finished as my University of Technology Sydney intern yesterday. The University of Technology Sydney and the Department of Parliamentary Services run a great program for interns and keen young university students to work with members. I particularly want to thank Tutti for her work on my submission to the Legislative Council Procedure Committee's inquiry on the broadcast of proceedings resolution. I note I am the only current member of the Legislative Council to make a submission to that inquiry and I will have us TikToking in question time before I am done. Tutti did a lot of the research and work on that submission on my behalf and I thank her for that.

The women also came to share their stories of wage theft, an experience that was common to all of them and amongst all their friends and across all places where they had worked. They had all been underpaid and experienced sexual harassment and bullying at work. They all had the same stories. It was quite sad and depressing to hear how consistently they had been underpaid. Despite working part-time for years, their superannuation balances were minuscule. They had worked for well below the minimum wage, cash in hand, for as little as \$13 an hour. One of them had worked alongside an international student who was working up to 50 hours a week for \$9 an hour.

Wage theft occurs not only in hospitality and retail but also in administration and community services. Those four young women all live at home, not because they want to—they are in their early 20s and want to move out into share houses and get on with our lives—but they simply cannot possibly afford rent. They have no way of budgeting week to week to ensure they have enough to make the rent. When they raised issues they had experienced bullying and shift cuts. They were consistently paid late. They had to chase down tax details. They said that they felt uncomfortable to approach their bosses about these issues. Some had experience with Fair Work Australia. If members are looking for a laugh, I encourage them to look at the incredible comments on the Fair Work Australia Facebook page which deride Fair Work Australia's energy and effort on this subject. My message to them was clear: Join your union. Joining together, as they did for lunch yesterday, and with others across their workplaces is the only way to deal with the chronic and systemic wage theft that young people are experiencing right now.

### **BUS SERVICES PRIVATISATION**

**The Hon. JOHN GRAHAM (15:23:45):** In making some broad-ranging remarks about the taxi industry my colleague the Hon. Mark Banasiak was quite critical of the Minister for Transport and Roads. I am extraordinarily sympathetic to the member's concerns about the taxi industry and I thank him for raising those concerns. Hardworking taxi operators do have an issue. It is not an easy job and it has got harder in recent years. I am sympathetic to the case the member has put.

However, I do like the fact that the Minister for Transport and Roads, Mr Andrew Constance, is up-front about what he believes, unlike some politicians. There are two sorts of people in politics. Mr Constance is one of those politicians who believes in something and goes about putting it in place. Minister Constance tells it like it is. Two years ago he put forward his view about the future of transport to the Committee for Economic Development of Australia. He said that it should all be private. The Minister has gone on to implement that view. Members have heard his announcement that all bus transport in Sydney will be private. Three Sydney regions remain to be privatised. He has certainly kept the promise he made at that luncheon. I understand he is heading back to the committee next week. He will be able to fly the "mission accomplished" banner on this one. However, I strongly disagree with where the Minister is headed with that decision.

The data from the existing privatisation shows that it is all going backwards for customers. We have learned from the inner west region and from what has happened up in Newcastle that on-time running has worsened in those areas. That makes sense in some ways because, of course, private operators will act to maximise fare revenue but not necessarily maximise getting people to their destinations at the right time or on time. So it is an unsurprising conclusion. Not only does the Opposition disagree but also it strongly disagrees that transport decisions should be ideologically driven. The Opposition is not opposed to private transport being part of the mix but it is opposed to those decisions being made ideologically. They should be based on whatever is working on the ground, and that is not the case with the Minister's decision. The Minister has led an interesting discussion about the future of transport but the Opposition is worried about the future of the people who have to use that transport—how they are going to get to work, the terms on which they do it and whether they will get there on time.

### **RACEHORSE WELFARE**

**Ms ABIGAIL BOYD (15:27:10):** Whenever there are revelations of animal abuse in the horseracing industry the familiar defence is that it is just a few bad apples. So it went when Melbourne Cup-winning trainer Darren Weir and three colleagues who were charged with 34 offences, including corrupt betting, conspiring to deceive stewards and animal torture involving the use of poly pipe and electric shock devices known as jiggers. We are told, "just a few bad apples". So it went again when ABC's 7.30 reported on horses being abused and sent to abattoirs. Viewers saw footage of horses being kicked, dragged and shocked with electric prods. Every year potentially thousands of horses are subjected to abuse. Again, people are told it is just a few bad apples.

It is true that many people involved in horseracing love their animals and treat them well. I believe them when they say that they were horrified at the recent revelations and would work to prevent it happening again. However, I find it hard to reconcile that love for horses with the scientific facts of what horses endure when they train for and compete in races. Statistics show that pain, suffering and premature death is very common in racehorses. Information compiled by the Coalition for the Protection of Racehorses show that 122 horses were killed on the track in the year from 1 August 2018. That is one horse dead on a track every three days. We can expect four horses to die before this year's Melbourne Cup. But even while they are alive and racing most still suffer.

A 2005 study by the University of Melbourne found that 56 per cent of racehorses have blood in their windpipes and 90 per cent have blood deeper in their lungs caused by exercise-induced pulmonary haemorrhage. A 2002 study in the *Equine Veterinary Journal* found that EIPH is "a condition affecting virtually all horses during

intense exercise worldwide". Due to their diet and training regime, racehorses are also prone to stomach ulcers. A 2003 study in the *Australian Veterinary Journal* found the prevalence of ulcers to range from 66 per cent to 93 per cent. A 2007 study in the *New Zealand Veterinary Journal* found the prevalence to be 88 per cent.

Inflammatory Airway Disease [IAD] is also a common condition. The Australian Rural Industries Research and Development Corporation published a study in 2003 on young thoroughbreds and IAD. It found that more than one-third of racehorses entering stables for training already had some form of lower airway inflammation and others developed inflammation within two weeks. The toxic mix of animals and gambling will always produce bad apples. Some will do whatever it takes to maximise their profits at the expense of the welfare of animals in their care. If you love horses, take a stand and tell the horseracing industry to stop giving our horses bad apples and on 5 November say: Nup to the Cup!

### DROUGHT

**The Hon. ROBERT BORSACK (15:30:17):** The Nationals leader John Barilaro announced on the weekend that if we are still in drought in three years, only God can help us. The Deputy Premier has thrown his hands in the air, saying that the Government has done all it can and it is now up to God to make it rain. I do not think anyone—not even the Deputy Premier—truly believes that. This Government has had many years to act. This is Australia. We are prone to drought and we have been in drought before. How can this Government think it has done enough when it has not built a dam since 1987? Our water infrastructure in New South Wales is failing and rural and regional areas are in drought.

It was 18 months before this Government even acknowledged that New South Wales was in drought. It took many more months for it to put together a drought plan which would see farmers sink into further debt. An inquiry was held in 2016 and a report was produced last year on the augmentation of water supply for rural and regional New South Wales. The committee made 51 recommendations. In the Government's response, it acknowledges and accepts—*[Time expired.]*

### Rulings

### INDEPENDENT LEGAL ARBITER

**The DEPUTY PRESIDENT (The Hon. Trevor Khan) (15:31:56):** Further to the President's statement in the House on Wednesday 16 October 2019, I inform the House that, under Standing Order 52, the President has this day appointed the Hon. Joseph Campbell, QC, a retired Supreme Court Judge, as an independent legal arbiter to evaluate and report on the disputed claim of privilege on documents lodged with the Clerk on 26 September 2019, relating to the disclosures of Minister Sidoti under the ministerial code of conduct, in place of Mr Mason. The Clerk released the disputed documents to Mr Campbell.

### Motions

### BREWARRINA "YETTA DHINNAKKAL" CENTRE

#### Debate resumed from an earlier hour.

**The Hon. JOHN GRAHAM (15:32:32):** The Opposition believes this is the wrong decision and it certainly believes this is the wrong time for this decision. There could be no worse time in Brewarrina—a town almost without water and with few jobs—to have this closure.

**The Hon. Anthony D'Adam:** And one of the schools has just closed.

**The Hon. JOHN GRAHAM:** I acknowledge that interjection. I call on the Government to reconsider this decision at this time. If it is true that this facility could be kept open for just \$10 million or less, we need to revisit whether we can keep it open in this community, certainly while the drought is rolling. That is the position I put on behalf of the Opposition. It is in stark contrast to what the Premier told the people of New South Wales at the election when she said, "You can have it all." That is not the case in Brewarrina—a town in drought—which will have fewer jobs following this decision. We call on the Government to reverse the decision and support the resolution put by Mr David Shoebridge. I congratulate him for moving the motion. I commend the resolution.

**The Hon. PENNY SHARPE (15:33:56):** On 6 August 1987, a 20-year-old Aboriginal man, Lloyd James Boney was violently arrested by three police officers for breach of bail. He was found dead 90 minutes later, hanging by a football sock in a police cell. Lloyd Boney was from Brewarrina. His death in custody was the sixteenth that occurred since the Committee to Defend Black Rights began counting in March that year. The tragic loss of this young man triggered the establishment of the Royal Commission into Aboriginal Deaths in Custody. Some 13 years later Yetta Dhinnakkal was established in 2000 following the recommendations of the Royal Commission into Aboriginal Deaths in Custody.



The establishment of a working farm 70 kilometres from Brewarrina was informed by the work of the commission and was a commitment to make real and lasting change about the way New South Wales works to reduce the number of Aboriginal people who are incarcerated. Yetta Dhinnakkal is from the language of the traditional owners of the land—the Ngemba people—meaning "right pathway". It is a working farm, focussed on the needs of young Aboriginal men who are first-time offenders. Reconnection with culture, vocational education and training in areas such as fencing, shearing and forklift operations and time to heal with family and elders has seen the recidivism rates at this centre reduce. Quite simply, the centre works.

The centre has been awarded Premier's Awards and praised by corrections Ministers from all political parties. Fast-forward to 2019. Two months ago, with no notice and no local consultation, the people of Brewarrina were told that Yetta Dhinnakkal will close next year. Yesterday, traditional owners and locals who have worked at the centre drove 800 kilometres from Brewarrina to Parliament to plead for the retention of Yetta Dhinnakkal. They told stories of healing, connection and rehabilitation that have happened at the centre. They spoke of the jobs the centre provides and the income that is needed in their town. They spoke of their vision to fully utilise the promise of the centre, which has been run down since 2011. They want to break the cycle of disadvantage and stop deaths in custody.

This morning I attended an important breakfast hosted by the NSW Council of Social Service [NCOSS]. The breakfast was billed as bringing regional voices to the New South Wales Parliament. The breakfast was also the opportunity to launch the report of NCSS, mapping economic disadvantage in New South Wales. We heard from the Deputy Premier John Barilaro. He told us about the need for regional jobs. He spoke of regional poverty. He talked about the terrible impact this drought is having on families and communities in New South Wales. They are fine words, but they are empty rhetoric if the proposed closure of Brewarrina "Yetta Dhinnakkal" Centre goes ahead.

If ever there is an example of Government decision-making that breaks promises, ignores its policies, trashes partnerships and throws a drought-affected community under a bus, this is it. The proposed closure of Yetta Dhinnakkal ignores the commitments made by Liberal-Nationals MPs to Aboriginal people, including traditional owners. The proposed closure ignores commitments made every day before and after the State election to keep jobs in regional areas. The proposed closure ignores the commitments and priorities made to reduce recidivism of the population. The proposed closure will cut secure long-term jobs in Brewarrina out of a community ravaged by drought, impacting on local schools, small businesses and on-the-job opportunities for the people living in the far west of New South Wales. It is not too late for the Liberal-Nationals to reverse this decision. It is time to walk the talk, Mr Barilaro.

**The Hon. MICK VEITCH (15:37:15):** I speak in favour of the motion as moved by Mr David Shoebridge. I also oppose the Government's amendment to this motion. I will be using the colloquial language that the people in Brewarrina use for this facility, which is Yetta. I am not going to continue with the history because the Hon. Penny Sharpe did that quite well. The people in regional New South Wales are facing bit of a conundrum. When we talked about putting a prison in their town, they did not want it. But now we are talking about removing the facility, they do not want it removed. There reason for that is jobs. I am not in favour of building a heap of facilities so we can continue to incarcerate people. But the history provided by the Hon. Penny Sharpe gives the context as to why Yetta was opened and put in place. The last few words of the resolution are really important. It states:

... listen to the concerns of the elders and the community. Yesterday the elders made a significant trek to Sydney to meet with the Government and put in place a plea. The elders want Yetta for a reason, for their young fellas. To be honest, the broader community also want Yetta. Some members have met the Mayor of Brewarrina. He is quite a large character, so to speak, and he is adamant that the facility has a future. We have to listen to the community. The community and the elders want this facility. I say to the Government that jobs in regional communities right now are really important. In better times we can have a debate about the types of jobs but right now jobs are critical to those communities.

The Minister at the table will appreciate what jobs mean to the small business community in Brewarrina, so it is important that at this time we understand and appreciate what the facility means to that community. The elders are asking us to maintain the facility. The Government should support the motion of Mr David Shoebridge. The Opposition will oppose the amendment moved by the Government.

**The Hon. ROSE JACKSON (15:40:04):** As has been mentioned, Brewarrina "Yetta Dhinnakkal" Centre, which means "the right pathway" in traditional language, was a direct result of the recommendations of the Royal Commission into Aboriginal Deaths in Custody. The royal commission recommended that, wherever possible, Indigenous inmates should be housed on, or close to, land and family. As my colleague the Hon. Mick Veitch outlined, the Government's decision to close the facility is devastating for the Brewarrina local community. Trevor Cheatley, who owns the local River View Motel on the Barwon River, estimated that one-quarter of his

income is derived from guests visiting inmates at Yetta. The visitors frequent local cafes and pubs, fill their cars at local servos and drop into local shops.

The staff at the facility are also critical members of the local community. The commitment secured by the Public Service Association that the staff will be reallocated within Corrective Services NSW is obviously better than the alternative, which is that they straight up lose their jobs. It is unlikely that the jobs will be located in Brewarrina or nearby. The staff will probably have to relocate in the medium term to Dubbo or Grafton. What a loss that will be for the local community. Only yesterday we heard speech after speech about the importance of supporting regional New South Wales. There is real stress on those communities because of the drought. Instead of meddling with nuisance laws and making ham-fisted amendments to the Inclosed Lands Protection Act to target vegans, the Government should ensure that right now real jobs in desperate regional towns are not lost.

The Government justified its decision to close the Brewarrina facility on the basis that the business case did not add up because it is small, its inmate numbers are low and it is isolated and expensive. But business cases are not the framework through which decisions about managing and rehabilitating our prisoners, particularly disadvantaged young people, should be made. Smaller facilities cost a little bit more because they are better. However this facility actually does not cost that much when considering the overall Corrective Services budget. The rehabilitation options are more dedicated and tailored. The specialist facility is co-located as a working farm, specifically tailored to give the young Indigenous men the life and work skills they need to turn their lives around.

In 2015 Premier Baird announced \$330 million to reduce recidivism in New South Wales. The goal was a 5 per cent reduction by 2019. The Government has completely failed to meet that goal. In fact, numbers have gone in the opposite direction. Now the Government has set a new goal of a 5 per cent reduction by 2023. Less than 10 per cent of prisoners released from Corrective Services custody last year completed a rehabilitation program. The Brewarrina "Yetta Dhinnakkal" Centre is exactly the kind of facility that we should keep open and invest more in; it is not the kind of facility that we should close. Closing that correction centre will devastate not only the town but potentially also the many Indigenous young men who would have benefitted from spending their custodial sentence there.

**The Hon. WALT SECORD (15:43:11):** I speak in support of the motion moved by Mr David Shoebridge and support my colleagues. As shadow Treasurer, I have been advised that the cost of keeping the facility open is \$10 million a year. That is a small investment in a community that is struggling. We have been advised that a school in the community has closed. It is in the grip of a drought and its water supply is almost gone. The local elders want the Brewarrina facility to continue. The job cuts in the facility are in stark contrast to the promise made by the Premier and the Deputy Premier before the State election that there would be no cuts to rural and regional jobs. Immediately after the election, jobs in rural and regional areas were cut. When we cut jobs in a village such as Brewarrina, we rip the guts out of that town because of the multiplier effect.

I call on the Berejiklian Government to reverse the decision. The facility's name translates into English as "the right pathway". I concur with that. The facility was created as a result of the Royal Commission into Aboriginal Deaths in Custody. Two weeks ago we were told that the facility will be closed next year. I end my contribution on a personal point. I make a personal declaration that I am particularly interested in Aboriginal incarceration. My late father, a Mississauga Ojibwe First Nation man, served time as a juvenile for car theft. We have only one photograph of him as a child and it was from when he was in prison. In that photograph he had a pot belly. I asked him why he had a pot belly. He said, "It was the only time in my life when I had three meals a day."

**Mr DAVID SHOEBRIDGE (15:45:04):** In reply: I thank all members who contributed to the debate—the Hon. Natasha Maclaren-Jones, the Hon. John Graham, the Hon. Penny Sharpe, the Hon. Mick Veitch, the Hon. Rose Jackson and the Hon. Walt Secord. I thank all Opposition members who spoke in support of the motion and pointed out the very real cultural impacts of shutting down Yetta Dhinnakkal and the very real economic impacts of the Government taking away jobs from Brewarrina in the middle of a brutal drought. The town does not have enough water. Its residents have received contempt from the Government that did not even speak to them before closing Yetta. It is one of those moments when you think how bad government can be.

Brewarrina has an extraordinarily large proportion of Aboriginal residents. The town has a correctional facility on the recommendation of a royal commission. The Aboriginal Land Council and elders are saying to the Government: Let us keep this facility. In fact, let us invest our time and energy into making it better by putting in additional cultural programs to divert our people from the jail system because you jail us at 13 times the rate of the rest of the population. They are asking just this of the Government. They are asking the Government to set aside \$10 million a year out of a budget that has increased by \$3.9 billion over the past four years to keep the facility running.

This is the one occasion when the First Nation peoples of the State are asking the Parliament to keep this one jail open. The Government initially shut doors on them and then held a meeting with them where they were heard but ignored. They drove 800 kilometres to meet with the Government and put their case, but it ignored them. It is one of those occasions where you take a step back and think: How have we got to the point where the people that we should pay the greatest regard to because we have shown the greatest disrespect to them for 2½ centuries ask for a little bit, some crumbs off the table, and they get told no? The Greens do not support the Government's amendment. I thank the members who spoke in support of the motion. It is a moment for solidarity. I commend the unamended motion to the Chamber.

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

**The House divided.**

Ayes ..... 19  
Noes ..... 18  
Majority..... 1

**AYES**

Amato, Mr L  
Cusack, Ms C  
Farraway, Mr S.J. (teller)  
Maclaren-Jones, Mrs (teller)  
Mason-Cox, Mr M  
Roberts, Mr R  
Ward, Mrs N

Banasiak, Mr M  
Fang, Mr W  
Franklin, Mr B  
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

**NOES**

Boyd, Ms A  
Faehrmann, Ms C  
Houssos, Mrs C  
Mookhey, Mr D  
Pearson, Mr M  
Sharpe, Ms P

Buttigieg, Mr M (teller)  
Field, Mr J  
Hurst, Ms E  
Moriarty, Ms T  
Primrose, Mr P  
Shoebridge, Mr D

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

**PAIRS**

Ajaka, Mr  
Harwin, Mr D

Donnelly, Mr G  
Searle, Mr A

**Amendment agreed to.**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** 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. Daniel Mookhey: I move:

That private members' business item No. 302 outside the order of precedence be postponed until the next sitting day.

**Motion agreed to.**

**The Hon. NATASHA MACLAREN-JONES:** On behalf of the Hon. Ben Franklin: I move:

That private members' business item No. 279 be postponed until the next sitting day.

**Motion agreed to.**

*Motions***YASS DISTRICT HOSPITAL MATERNITY SERVICES**

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

That private members' business item No. 4 in the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. WALT SECORD (15:59:24):** I move:

That this House:

- (a) notes that 200 babies are born in the Yass Valley each year, and that mothers face a long trip of up to an hour to give birth at either Goulburn or Canberra hospitals;
- (b) expresses its concern that mothers have been forced to give birth on the side of the Barton Highway on the way to Canberra due to a lack of maternity services at Yass District Hospital;
- (c) welcomes the 2 May 2019 pledge by Federal shadow health Minister Catherine King and local Federal MP Dr Mike Kelly to provide \$4.7 million to restore low-risk maternity services to Yass District Hospital; and
- (d) calls on the health Minister Brad Hazzard and Goulburn Liberal MP Wendy Tuckerman to reverse their opposition to restoring low-risk maternity services to Yass District Hospital, and support the community-based campaign led by local mothers including Ms Jasmin Jones, Ms Lindsay Hollingsworth and Ms Bec Duncan to restore maternity services at Yass District Hospital.

I make a brief contribution because the Chamber is well aware of this issue as I raised the matter repeatedly before the State election and twice after the election. In fact, I have met with the mums fighting for the service on four separate occasions this year alone. This is because the local MP, the member for Goulburn, Wendy Tuckerman, has refused to take up the cause of Yass Valley local government area mothers who need low-risk maternity services at Yass District Hospital. Unfortunately, the member has accepted a script from the health Minister and has read it faithfully without any thought.

**The Hon. Natasha Maclaren-Jones:** Point of order: The member knows that if he wants to cast aspersions on a member of the other place he should do so by substantive motion.

**The Hon. WALT SECORD:** The honourable member has said that it is too dangerous to have maternity services there.

**The Hon. Damien Tudehope:** Point of order—

**The Hon. WALT SECORD:** It's a statement of fact. She says it is too dangerous. It is too dangerous to have babies on the highway.

**The Hon. Ben Franklin:** Point of order—

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The Hon. Walt Secord will resume his seat.

**The Hon. Ben Franklin:** My point of order is that the Government Whip took a point of order and before you were able to rule on that point of order the member—

**The Hon. WALT SECORD:** Stop the clock.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** We cannot stop the clock during this debate. The Hon. Walt Secord will resume his seat.

**The Hon. Ben Franklin:** I ask you to rule on that point of order and then subsequently we can listen to the honourable member.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** I concur with the Hon. Ben Franklin. Before I made a ruling the Hon. Walt Secord commenced his contribution. The Hon. Walt Secord will refrain from casting aspersions on members in the other place.

**The Hon. WALT SECORD:** The role of a local member is to stand up for their local community. The *Yass Tribune* and the young mums in Yass have done more to fight for the restoration of low-risk maternity services at that hospital than anyone else. In fact, I met with them as recently as 8 October. At the last two meetings I attended at Yass I was accompanied by our Queanbeyan-based MP, Tara Moriarty. She has been arm-in-arm with me supporting those mothers. At that 8 October meeting, the Hon. Tara Moriarty and I received a copy of a proposal for the Yass Valley Midwifery Group Practice, presented by Ms Jasmin Jones, who is a local councillor and a local mum.

Written in September 2019, the document proposes the development of a maternity group practice at Yass District Hospital to cater to women with normal, low-risk pregnancies according to the Australian College of Midwives. The key features of this proposal are that each woman would have a primary midwife who cares for their pregnancy, birthing and postnatal needs. The primary midwife would work in a small team with four other midwives. The team members would provide back-up for each other during off-call times. Each woman would have opportunities to meet with at least two other midwives on the team in order to provide continuity of midwifery care. Women with normal pregnancies would be eligible for birthing at the proposed birth centre within the new Yass District Hospital.

This is a very sensible plan and one worthy of consideration by the Berejiklian Government. The situation is dire. Currently mothers are forced to travel more than an hour to give birth across the border in Canberra or even further in Queanbeyan or Goulburn because of a lack of maternity services in Yass. But Yass is not alone. Since the 1990s we have seen the ripping out of maternity services in rural and regional areas. I still remember when the previous health Minister, the Hon. Jillian Skinner, said that she would restore maternity services. But again, nothing. Yass Valley is growing and the demand at the hospital is increasing each year. Yass District Hospital is already a busy hospital with hardworking staff. It has 6,000 patients a year come through its emergency department, which represents an increase of 21 per cent on the number of admissions over the past four years. It is no wonder the issue of maternity and birthing services is becoming a critical issue for families in the region.

On previous occasions the Hon. Tara Moriarty and I met with Ms Jasmin Jones, Ms Lindsay Hollingsworth and Ms Bec Duncan—all from the region. They were the driving force behind a 2,000 person petition to restore maternity services there. The process of labour and the timing of labour, in particular, is unpredictable from mother to mother and from birth to birth. It can progress more quickly than expected, creating immense pressure on mothers and their families if there is a great distance to cover. Two of those mothers, Ms Jones and Ms Hollingsworth, each gave birth on the side of the Barton Highway, trying to reach maternity services in Canberra. In fact, Ms Hollingsworth's daughter's birth certificate states that her place of birth is the Barton Highway. Ms Hollingsworth joked that they expect that it will cause problems when they apply for a passport for their daughter. Ms Jones has described what would be an otherwise straightforward third birth for her, but then it became traumatic and dangerous. [*Time expired.*]

**The Hon. NATASHA MACLAREN-JONES (16:04:46):** The New South Wales Government opposes this motion. It is interesting that the motion moved by the Hon. Walt Secord fails to note that it was the former Labor Government that closed the Yass District Hospital maternity services. This is a typical stunt by the member.

**The Hon. Walt Secord:** Tell that to the mothers.

**The Hon. NATASHA MACLAREN-JONES:** It is a typical stunt of a motion that he puts forward to stir up and scaremonger in the electorate. The fact is that restoring maternity services is not something that can be done with a \$4.7 million—

**The Hon. Damien Tudehope:** Point of order—

**The Hon. Walt Secord:** I will not sit here and have her attack those mothers.

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

**The Hon. Damien Tudehope:** I am reluctant to take a point of order but the interjection is just so objectionable that you ought to take some steps in relation to it.

**The Hon. Walt Secord:** To the point of order: What is objectionable is them attacking the mothers of Yass. That is so objectionable. I will stand up for the mothers of Yass, you won't

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The Hon. Walt Secord will resume his seat.

**The Hon. NATASHA MACLAREN-JONES:** As I was saying, this so-called promise by the Federal Labor members of \$4.7 million is not sufficient. The New South Wales Government has committed \$8 million to the redevelopment of Yass District Hospital. This will provide 24-hour access to emergency care, an additional treatment bay, dedicated ambulance services and access to X-rays. What is of note is that birthing services across southern New South Wales local health districts are planned and provided according to the needs, birth numbers and availability of staff and to ensure that the women receive the care that they need.

Furthermore, I note that the Hon. Walt Secord claimed that 200 babies are born in Yass Valley each year. He has not got the data right; it is 185, but I will not split hairs. The point is that it is based on the Yass Valley local government area. The majority of people live closer to Canberra and to Queanbeyan and are accessing

hospitals in those areas, they are not accessing the Yass District Hospital. Yet again, the member is misleading this House. He is playing games and is scaremongering with this motion.

**Ms CATE FAEHRMANN (16:07:17):** I speak in support of the motion moved by the Hon. Walt Secord. However, I note the contribution by the Hon. Natasha Maclaren-Jones that it was, in fact, the Labor Government that slashed these services in the first place. But here we are the day after we hear that the State Liberal Government is yet again demanding more cuts from the health system—\$252 million, I think, after efficiency dividends. Clearly, if we are at the point where maternity services are being scrapped in regional hospitals and 2,000 people have signed a petition in that local community demanding those maternity services be reinstated, it is time to acknowledge that we should not be cutting any more funding from our health budgets. Yet that is what the Government is absolutely determined to do. But I say again that the former Labor Government was not perfect in this area either.

We know that research has shown that areas which have had maternity units closed down are experiencing four times higher infant mortality rates compared with other areas with obstetrics. This is about ensuring that women who go into labour, who possibly cannot travel the one to two hours that they may need to travel, are able to access safe birthing units when they need to. It is about time that those opposite and the health Minister, Brad Hazzard, took maternity units and midwifery seriously and stopped the cuts to those services. Midwives have been treated almost as second-class citizens in the health system for too long. Ensuring that we have enough midwives to service demand is another aspect of this. I know that is not in this motion. The Greens support the motion. There are a lot of other issues to discuss in this area.

**The Hon. TARA MORIARTY (16:09:45):** I speak in support of the Yass Valley mothers who have what is a very simple ask: low-risk maternity services at Yass District Hospital. Earlier this year I had the pleasure of meeting with local mothers in Yass. Receiving 2,000 signatures in two months, these women and their local community have led a strong campaign to bring back maternity services to the area. As we have heard, women currently have to travel for over an hour to either Goulburn or Canberra to give birth. With the timing of labour being unpredictable, some women have not made it and have given birth on the side of the highway. This is unacceptable in New South Wales in this day and age. Giving birth is already a stressful experience for a new mother, adding the extra fear of not making it the hour-and-a-half journey to the closest maternity service is not good enough.

With a population of over 16,000 in the Yass Valley local government area and expectations for it to rise to over 20,000 by 2026, the local community is crying out for what seems to be a relatively straightforward and crucial service. During the State election, Labor committed to reinstating maternity services to the area, giving women the opportunity to give birth close to home, amongst their family, friends and support networks. I am happy to say that Labor will be standing with women and families in the Yass Valley region, supporting their campaign and committing to ensure the safety of women in Yass is on the forefront of the Government's mind.

I was in Yass again earlier this month and I met again with Councillor Jasmin Jones. She presented the Hon. Walt Secord and me with a further proposal for low-risk maternity services at Yass Hospital drafted by Janette Jakab, a registered nurse and midwife of more than 13 years. The paper and the work they have done only strengthens the argument for these services and it strengthens my support for their campaign. I am proud to stand with a party that takes healthcare in regional New South Wales seriously. We committed to providing this service during the State election campaign and we are committed to providing this service now. The Liberal-Nationals Government, rather than supporting the proposal or even acknowledging the community's campaign, continues to point the finger and pivot from the issue. Women and families in Yass deserve more from their local member and from their Government.

**The Hon. PETER PRIMROSE (16:12:10):** I planned to make a short speech in this debate relating to the effects of the Government's pernicious efficiency dividends, but I have heard the Government spokesperson seeking to undermine and attack the mothers and families of Yass by suggesting they do not understand what is happening or the effect of it on their community. The Government is suggesting that local residents are not aware of what is happening to their hospital and services where women are at their most vulnerable and families are most concerned.

The Government's only response is that the shadow Treasurer got an issue wrong. He does not understand because only 185 were affected, not a couple of hundred. If that is the strongest argument the Government has, it has no argument at all. We are talking about something that is absolutely critical to the community. It should not come down to the members of the Government attacking mothers and community groups saying that they do not understand what has happened in the local community.

We are seeing firsthand what the New South Wales Liberal-Nationals Government means by its seemingly innocuous annual efficiency dividends on agencies. We keep hearing this term. I will not even begin

to say what that has meant for the oversight functions here at Parliament. Cutting important and necessary services in places like Yass Valley in the capital region that support maternal and infant health services has got to be one of the worst outrages. When this Government finally goes in the dustbin of history, that will be highlighted as one of the most outrageous and pernicious elements of it.

The 2018-19 budget specifically said that there would be an increase in this so-called annual efficiency dividend by 3 per cent to be applied to all agencies without exception. Astoundingly, it is being imposed for four years. People like the Minister for Finance and Small Business totally endorse that it is not only one cut. It accumulates over time. There is one cut, and then another cut, and then another cut, every year. The Government has stopped simply cutting the fat, it is now cutting into the bone. It is happy to sit down and see cuts to these important health services for mothers and children right across New South Wales. It is absolutely outrageous and Government members should be ashamed of themselves.

**The Hon. WALT SECORD (16:15:22):** In reply: I thank the Parliamentary Secretary for Health, the Hon. Natasha Maclaren-Jones, the Hon. Tara Moriarty, Ms Cate Faehrmann and the Hon. Peter Primrose for their contributions. We stand with the mothers of Yass. We support them. We want to see them have babies in their growing community, surrounded by their loved ones. We do not want to see them giving birth on the side of the Barton Highway. We want them to have low-risk maternity services at Yass District Hospital. Everyone there wants it, but unfortunately the local member does not. It is extraordinary.

The community expects a local member to stand up and represent them. The community expects a local member to fight for them. Not every battle is won, not every Minister is convinced, but the community expects a local member to lock arms with them when the cause is worthy, to fight for them and with them. Communities do not expect that their local member will turn around and stab them in the back. That is what has happened in Yass.

**The Hon. Ben Franklin:** Point of order: The member is flouting your ruling once again. It was made clear that if he wants to address the local member in the other place, he should do so by way of substantive motion.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** I uphold the point of order. I asked the member to refrain from making reflections on members in the other place.

**The Hon. WALT SECORD:** I feel strongly about this. It was a hard fought campaign. It was one of the central issues there.

**The Hon. Natasha Maclaren-Jones:** Point of order: The President made it clear yesterday that when members are speaking in reply to a motion or bill, they should speak in reply to comments made by members.

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

**The Hon. WALT SECORD:** I end on the points raised by the Parliamentary Secretary for Health with notes provided by the health Minister's office. Her central argument was that the number of babies born in Yass was 185 whereas the mums say 200. The central argument that she mounts is 15 babies. I thought that the Parliamentary Secretary would have listened to the arguments. The Parliamentary Secretary has responsibility for rural and regional issues. It is mind-boggling that she is not joining the mums of Yass. It is an issue. I walked on the streets of Yass with independent local councillor Jasmin Jones and people were asking her, "How is it going?" *[Time expired.]*

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

**The House divided.**

Ayes .....22  
Noes ..... 15  
Majority.....7

AYES

Banasiak, Mr M  
Buttigieg, Mr M (teller)  
Field, Mr J  
Hurst, Ms E  
Mookhey, Mr D  
Pearson, Mr M  
Secord, Mr W

Borsak, Mr R  
D'Adam, Mr A (teller)  
Graham, Mr J  
Jackson, Ms R  
Moriarty, Ms T  
Primrose, Mr P  
Sharpe, Ms P

Boyd, Ms A  
Faehrmann, Ms C  
Houssos, Mrs C  
Latham, Mr M  
Moselmane, Mr S  
Roberts, Mr R  
Shoebridge, Mr D

## AYES

Veitch, Mr M

## NOES

Amato, Mr L  
Farlow, Mr S  
Maclaren-Jones, Mrs (teller)  
Mason-Cox, Mr M  
Taylor, Mrs

Cusack, Ms C  
Faraway, Mr S.J. (teller)  
Mallard, Mr S  
Mitchell, Mrs  
Tudehope, Mr D

Fang, Mr W  
Franklin, Mr B  
Martin, Mr T  
Nile, Revd Mr  
Ward, Mrs N

## PAIRS

Donnelly, Mr G  
Searle, Mr A

Ajaka, Mr  
Harwin, Mr D

**Motion agreed to.**

*Documents***TABLING OF PAPERS**

**The Hon. SARAH MITCHELL:** I table correspondence in response to private members' business item No. 274 outside the order of precedence standing in the name of Mr David Shoebridge regarding Legislative Council questions on notice 002, 280, 317, 332, 333 and 334. I move:

That the document be printed.

**Motion agreed to.**

**DEMOUNTABLE CLASSROOMS****Production of Documents: Order**

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

That private members' business item No. 265 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. COURTNEY HOUSSOS (16:28:14):** I move:

That, under Standing Order 52 there be laid upon the table of the House within 21 days of passing of this resolution the following documents in the possession, custody or control of the Department of Education:

- (a) any documents relating to modelling by the Department of Education on how many demountable classrooms would be vacant due to the department's new enrolment cap policy; 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.

To provide the House with some context on this issue, on 22 July the Government announced a new enrolment policy that was designed to crack down on out of area enrolments. The stated purpose of the policy was supposedly to limit school enrolment based on permanent classrooms. During the budget estimates process I asked a number of questions on the new enrolment policy.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** Order! There is too much audible conversation. Members wishing to converse should leave the Chamber.

**The Hon. COURTNEY HOUSSOS:** My question during budget estimates was: Has any modelling been done on how many demountables could or will be freed up by your new enrolment policy? The question was taken on notice. The answer came back with a single word: Yes. This is an incredibly contentious area of policy. The new enrolment policy has provoked considerable outrage from families, particularly those who intended to enrol a sibling in kindergarten next year but were already out of area for whatever reason. It may be that they had an older child at a support unit and had sought an out-of-area enrolment and then wanted their children to continue at the school. It may have been that they wanted to stay at school despite moving slightly out of the area. There is a range of reasons that parents seek an out-of-area enrolment, including searching for an alternative educational pedagogy that they are happy with which might not be available at their local school.



All of a sudden there was a crackdown on parents and families. The question that I asked during budget estimates was simple: Has any modelling been undertaken? To get a one-word response was unhelpful, to be polite. I sat in on a number of different budget estimates hearings. I will particularly single out the Department of Health and the Ministry of Health public servants, who were cooperative and helpful. If they did not have the information at the time, they sought to get it and they consistently reported back during the hearing with the information that we sought. It was a respectful backwards and forwards information-seeking exercise.

In contrast, the strategy undertaken by the Department of Education public servants who were present was to take everything on notice in an attempt to stall the matter. They came back with a one-word answer to a very genuine question as to whether part of the reason that the Government is pursuing the enrolment cap is because it is looking to free up demountables. The answer to the question on notice implies that it is, but no context or understanding is given. I appeal to this House to say that we want to know whether modelling has been done and what that modelling shows.

**The Hon. Mark Buttigieg:** Point of order: The Hon. Courtney Houssos is trying to make an argument for why we want these papers. The level of noise in the Chamber is making it almost impossible to hear her. I ask that you ask members to come to order.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** I agree with the Hon. Mark Buttigieg. I ask members yet again to take their discussions outside the Chamber.

**The Hon. COURTNEY HOUSSOS:** I appeal to the House to support this call for papers. It is a reasonable request. We are seeking information. It is also important to ask public servants who are participating in the budget estimates process to engage in a genuine and meaningful way, in the same way as those from the Department of Health and the Ministry of Health, and provide us with the information we are seeking. Otherwise we will seek it through alternative means, including through calls for papers.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:32:56):** The Government will not be supporting this motion. I acknowledge the collegiate atmosphere of this Parliament, particularly because we can count and we know how the numbers work when it comes to some of these issues. The member talked about a strategy and said that it was about seeking information and engaging in a genuine way. I want to put on record that we have reached out to the Hon. Courtney Houssos on other Standing Order 52 requests that we have negotiated in terms of providing information. I acknowledge and thank her for that.

In relation to this matter, we offered a briefing on enrolment policy, how modelling is undertaken and its relationship to demountables not only to the Hon. Courtney Houssos but also to the entire Portfolio Committee No. 3 more broadly. We suggested that perhaps after that briefing takes place there might be an opportunity to then move a motion about any further information that they would seek. That was not taken up and that is fine; it is completely okay. But I wanted to put that on the record, because I think we should work collaboratively in sharing information like we have done in relation to other motions that the Hon. Courtney Houssos has moved.

I make clear that the updated enrolment policy is not about removing demountables; it is about reinforcing the local school as the centre of the community. The policy is about making sure that we meet our obligations to local students, with paramount importance given to meeting the best educational and wellbeing needs of students. The updated policy is designed to improve equity and fairness in student enrolment and make sure we are committed to providing a great learning environment for local students in all our schools. For example, when students attend their local school it enables us to improve the distribution of resources so they have a broad range of curriculum offerings.

Of course the enforcement of the enrolment policy will lead to changes in the number of students in schools. Naturally this means that, as a result of the enrolment policy, the department will be able to get a better understanding of areas where there are enrolment pressures and make necessary decisions about planning for the future, including the use of demountables where appropriate. Common sense would tell you that in some cases this will mean changes in the number of demountables at particular schools, but that is not the intention behind the enforcement of the enrolment policy.

To reiterate, demountables primarily are used when local enrolments exceed the number of students that can be accommodated within permanent classrooms at the school, and they will continue to be used in that way. At its core, the policy is about local students at their local school, with a clear focus on providing great education and great opportunities at every local school. We will not be supporting the motion, but our offer to provide information and a briefing still stands. Obviously that will be a matter that the House will determine in relation to these particular documents.

**The Hon. COURTNEY HOUSSOS (16:35:48):** In reply: It is correct that the Minister's office reached out to offer a briefing. I indicated that we may take up that offer after we see these documents, but we want to see the documents first. We sought the information through the budget estimates process and it was not forthcoming. We are now seeking the information through the House. Once we have had the opportunity to look through them we may seek a briefing or more information and we may come back to the House with more questions. In the first instance we want to see if there is a link between the new enrolment policy and the demountables and whether any modelling has been done in that way.

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

**Motion agreed to.**

### *Motions*

### **HORSERACING INDUSTRY**

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

That private members' business item No. 305 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. EMMA HURST (16:38:42):** I seek leave to amend private members' business item No. 305 outside the order of precedence for today of which I have given notice as follows:

1. In paragraph 1 (a) omit "abattoirs and".
2. In paragraph 2 omit "sending ex-racehorses to slaughter" and insert instead "allowing these racehorses to be sent to slaughter following retirement".

**Leave granted.**

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

1. That this House notes that:
  - (a) on 17 October 2019 an explosive investigative report by the ABC revealed the widespread slaughter of racehorses at knackeries in New South Wales, in contravention of Racing NSW policy and rules;
  - (b) the treatment of horses in these abattoirs and knackeries, as shown in undercover footage from the ABC 7.30, is cruel and inhumane, and something that no sentient being should ever be subjected to; and
  - (c) undercover investigations are essential to exposing hidden cruelty within animal-use industries and bringing abuses to the attention of the public, who have a right to know how animals are being treated by industry behind closed doors.
2. That this House condemns the conduct of the horseracing industry in allowing these ex-racehorses to be sent to slaughter following retirement, and calls on the Government to urgently investigate the conduct of the horseracing industry in New South Wales.

Last week Australians learnt of the cruel fate faced by horses retired from the racing industry. A 10-month investigation showed large numbers of branded registered racehorses passing through the yards at Camden Horse Sales. The ABC investigation confirmed that Camden Horse Sales is not approved by Racing NSW to sell racehorses. However, undercover footage revealed that those horses were being sold to kill buyers and ending up at New South Wales knackeries such as Luddenham Pet Meat, a business that is supplying ground-up horse flesh to the greyhound racing industry, and Burns Pet Food in Riverstone, a business revealed to have been prosecuted for animal cruelty only last month.

The ABC 7.30 program showed severe animal cruelty on a mass scale. Footage of thoroughbreds at Camden Horse Sales showed multiple horses wounded and bleeding, chewing on their stalls from stress. A retired racehorse delivered to Luddenham Pet Meat was shown being hit by a reversing car. The people of New South Wales were shocked and repulsed by what they saw and the public outcry was swift and severe. Thoroughbred horses sighted at Luddenham Pet Meats include Courtney's Luv, Unbuckled, Rebel Spin and Perfectly Spun, who was retired as a companion horse eight days prior to being sent to the knackery. Ex-racehorses meeting their end at Burns Pet Foods include Legal Waves, Hard Reign, Reliable Kingdom, Tahitian Black, Halos Image, Grand Icon and Next of Kin, who, at the time of the report, was still listed as active by the regulator.

The CEO of Racing NSW has claimed on camera that the number of thoroughbreds slaughtered in New South Wales is zero. The slaughter of racehorses is not illegal in this State but it is against Racing NSW policy and rules. Its 2016 commitment to "... ensure that every horse in NSW, domiciled in NSW, will be rehomed" has not been followed through on. The racing industry's rule stating that "in the event that a horse is being retired, the horse is not directly or indirectly sent to an abattoir or knackery" is being disregarded.

The ABC investigation showed the industry is either unable to regulate itself or, if I take the cynical approach, is deliberately misleading the Australian public as to what goes on behind the scenes, far away from the glitz and glamour of race day.

These dreadful revelations should have shaken the industry to its core yet over the weekend we saw races go ahead as if nothing had happened. Why? Because although the undercover footage obtained is horrific, the charges come as no surprise to an industry continually rocked by allegations of animal cruelty. The horseracing industry has been exposed time and time again as a business that prioritises profit above animals and ignores the serious harms associated with problem gambling. Clearly the industry should be immediately investigated and regulated by the New South Wales Government. It has become brutally apparent that the industry is unable to regulate itself.

It is important to note that the people who have exposed these atrocities are the same whistleblowers our Government is attempting to silence, punish and imprison with its draconian Right to Farm Bill 2019. Without the actions of those investigators, the racing industry, like many other industries profiting from animal abuse, would not have been exposed. Instead thousands of racehorses would continue to face unregulated slaughter behind closed doors and neither we, nor the regulator, apparently, would be any the wiser.

It is for that reason that the ABC footage is especially important. Not only does it show that undercover investigations are necessary to expose animal cruelty that is expertly hidden from both the public and the authorities, but it also shows that the horseracing industry is unable to act with integrity and enforce its own rules on the brutal slaughter of ex-racehorses. It is on that basis that I move that this House condemn the conduct of the horseracing industry in failing to exercise oversight and to protect ex-racehorses from ending up at knackeries. I call on the Government to urgently investigate the conduct of the horseracing industry in New South Wales.

**The Hon. SCOTT FARLOW (16:42:47):** New South Wales has the most robust horse welfare arrangements in Australia and is the only jurisdiction to have rules in place that require that all thoroughbred horses that have been domiciled in this State for the majority of their lives are suitably rehomed on retirement. Under its rules of racing, Racing NSW must be notified of the new location of retired racehorses and a minimum standard of care must be provided at all times. The rules explicitly prohibit retired thoroughbred racehorses from being directly or indirectly sent to an abattoir or knackery. Racing NSW was the first jurisdiction in Australia to introduce an equine welfare fund. The fund focuses on rehoming and retraining retired racehorses and it is resourced by 1 per cent of all prize money, which Racing NSW advises was around \$2.5 million last year.

With respect to the 7.30 story, there is no evidence to suggest that any horses under the jurisdiction of Racing NSW or Harness Racing New South Wales were sent to the abattoir featured in the report, which is in Caboolture, Queensland. The Queensland Government has announced an urgent inquiry into the treatment of retired racehorses and animal welfare at Queensland abattoirs, overseen by the Queensland Racing Integrity Commission and led by retired District Court of Queensland judge Terry Martin, SC, and a representative of the Australian Veterinary Association.

The 7.30 program made an unsubstantiated allegation that 14 racehorses may have been sent to knackeries in New South Wales in contravention of the rules. Racing NSW has confirmed that the New South Wales horses referred to in the 7.30 report were retired from racing and rehomed as domestic horses and were therefore outside its jurisdiction. It should be noted that no abattoirs in New South Wales are currently permitted to process horse meat for human consumption. The New South Wales Government, together with our racing codes, prioritises the integrity of the racing industry, which includes animal welfare.

On 16 October 2019 the New South Wales Parliament passed the Racing Legislation Amendment Act 2019. That Act provides Racing NSW and Harness Racing New South Wales with powers to compel unlicensed persons to provide information, including documents or things that contain information, to special inquiries. The Act allows Racing NSW and Harness Racing New South Wales to decide to treat an inquiry as a special inquiry when reasonably satisfied that it raises a threat to the integrity of, or public confidence in, the conduct of thoroughbred or harness racing.

In conducting a special inquiry, those controlling bodies can request any person to attend the inquiry, answer questions and produce information. Where a person is unwilling to cooperate, the controlling bodies will be able to apply to the Supreme Court of New South Wales for a compulsion order to obtain the information. In certain circumstances, those powers may be used by the controlling bodies to further their inquiries into animal welfare matters.

New South Wales has strict animal welfare legislation which covers the treatment of horses—along with other animals—including horses that have retired from the racing industry. The Prevention of Cruelty to Animals

Act 1979 includes penalties for aggravated animal cruelty offences of up to \$22,000 or two years imprisonment, or both, for an individual and \$110,000 for a corporation. In addition the Crimes Act 1900 includes a maximum penalty of five years imprisonment for serious animal cruelty and three years imprisonment for reckless animal cruelty. That legislation, together with the Rules of Racing of Racing NSW, provide robust safeguards to protect horse welfare in New South Wales.

The racing industry is important economically and socially. It contributes in excess of \$3.3 billion to the New South Wales economy and sustains more than 27,500 full-time equivalent jobs across the State. More than 90,000 people directly participate in the New South Wales racing industry as employees, participants or volunteers. If the controlling bodies need legislative change to implement new measures to promote and improve horse welfare, the Government is ready to support the industry.

**The Hon. MARK LATHAM (16:45:57):** I oppose the motion. Therefore, I move:

That the motion be amended by omitting all words after "That" and inserting instead:

this House notes that:

- (a) Caro Meldrum-Hanna is a fake news journalist with a bad track record of false and misleading reporting which, when acted on by foolish governments, has led to public policy mistakes;
- (b) the ABC footage was illegally obtained contrary to the principles underpinning the Government's excellent right to farm proposal;
- (c) programs run by Racing NSW re-home more thoroughbred horses than ever before in the State's history;
- (d) realistically, the only way of ensuring thoroughbreds are not on sold to "the doggers" at horse sales is to make it criminally illegal to turn an Australian Racing/Stud Book branded horse into food products; and
- (e) if animal welfare activists, including the ABC, were serious about horse protection they would vigorously oppose the practice of killing brumbies in the Snowy Mountains, especially by helicopter shootings, in the name of "sustainability" and "environmentalism".

The amendment makes a number of important points. One is that the journalist, Caro Meldrum-Hanna, is a fake news journalist. Every time she puts out a misleading report, whether it is about greyhounds or Northern Territory detention centres—most recently she was trying to get a convicted baby killer, Keli Lane, off the hook—and a government acts on her recommendations, it ends in grief. We have seen that foolish stuff time after time. So I am not giving any credit to the ABC. Its footage was obtained illegally, contrary to the principles of the Government's excellent right to farm proposal referred to in paragraph (b) of the amendment. In substance, the main constructive part of the amendment is in paragraph (d), which states:

- (d) realistically, the only way of ensuring thoroughbreds are not on sold to "the doggers" at horse sales is to make it criminally illegal to turn an Australian Racing/Stud Book branded horse into food products.

The truth is that 400 years ago racehorses were specially bred. They were genetically engineered and bred to run for speed using 30 English mares and four Arabian stallions. They were never designed to be dog food. It is appalling that someone would knowingly take a horse that they bred, owned, raised and loved and allow it to be turned into dog food. I think that is wrong but I am not going to be influenced in any way by the nonsense that somehow Racing NSW is directly responsible or that Peter V'Landys or someone else targeted by the ABC is the culprit. That is not the case.

The truth is that anywhere in New South Wales on any given day you will find a horse sale. Today Meldrum-Hanna was tweeting about the one at Camden. I know that place—Inglis Sales, every Tuesday, opposite the stockfeed place. A person can go there and sell their horse to someone who can on sell it to someone who on sells it to the abattoir. That is not the responsibility of the original owner because they have no control. Unless we want to live in some heavily regulated economy with no trade practices legislation where people cannot sell their products, it is impossible to stop the sale of horses and know where they end up. That is obvious, isn't it? The truth is that Racing NSW has made the biggest attempt ever through its 1 per cent levy and horses being rehomed at Bart Cummings' old farm at Castlereagh, "Horse Heaven", and at a bigger property further out that takes rehomed horses. Those places run a great service but they can only do so much.

The reality is people can buy and sell horses. A person loses ownership rights and control when they sell a horse. I suppose that some of the doggers are known at horse sales and some are not. A person could sell their horse to Bill Smith at a horse sale and not really know whether he is going to sell it to the abattoir the very next day. There is a lot of nonsense in the debate. The only sustainable thing to do is to ensure that a person cannot legally turn a Stud Book branded horse into food products. The Stud Book is a great resource. It is the most valuable resource with regard to animal welfare in sport and it should be used to that effect.

**The Hon. DANIEL MOOKHEY (16:49:06):** I lead for Labor in this debate on behalf of our shadow Minister in the other place, Ms Julia Finn, the member for Granville. I will establish some of the Labor principles

we bring to the debate. Firstly, Labor supports the horseracing industry, which is a multibillion-dollar industry that is a massive employer of people in New South Wales—especially across the regions. We also support people's right to engage in the practice of horseracing. It is famously a very working class pursuit, engaged in by many people across this State. We support that.

Our support is subject to the racing industry following the laws of this State, including animal cruelty laws. We do not think because you are engaged in the practice of horseracing you have a right to treat horses inhumanely. All laws should be followed, including animal cruelty laws. It is true that some abhorrent practices have come to light as a result of the ABC's journalism. All animal cruelty should be condemned. It is appropriate to note the reaction of Racing NSW and other racing authorities nationwide since the ABC's report has gone to air. They have taken these matters seriously and are currently undertaking their own investigations into them—as they should.

I note the Parliamentary Secretary's contribution outlining the preliminary findings of Racing NSW. It is appropriate for Racing NSW to undertake any investigations it believes are within its jurisdiction. We should also note that beyond this particular story, since we had the controversy in this State about greyhounds, the racing industry has been very proactive in adopting best practice standards on animal cruelty. They did that before elements of public scrutiny on practices that may—or may not—be taking place in the industry. The other lesson to be learned from the greyhound industry is that when such practices come to light we should call them out as abhorrent, but we should also be mature in our response. We should also be partisan where possible.

We should not have a knee-jerk response or be doing things willy-nilly like banning industries, as the Government did before with greyhound racing. We should be mature and deliberate in the way in which we respond as regulators and as legislators. The motion as it is currently written does not demonstrate those principles and Labor will be moving to amend it. I move:

That the motion be amended by omitting all words after "That" and inserting instead:

this House notes that:

- (a) on 17 October 2019 an explosive investigative report by the ABC revealed the widespread slaughter of racehorses at abattoirs and knackeries; and
  - (b) the treatment of horses in these abattoirs and knackeries, as shown in undercover footage from the ABC 7.30 report, is cruel and inhumane, and something that no sentient being should ever be subjected to.
2. That this House condemns the practice of sending ex-racehorses to slaughter and calls on the Government to investigate post-retirement outcomes for ex-racehorses.
  3. That this House supports the establishment of a national horse traceability register.

Labor's amendment is a proposition more likely to attract the support of the Chamber and is the right way of expressing how it feels about this issue.

**Ms ABIGAIL BOYD (16:52:58):** The Greens support the motion put forward by the Hon. Emma Hurst of the Animal Justice Party recognising the fundamental breach of Racing NSW's policy and rules as revealed by the recent 7.30 report on the ABC in relation to the inhumane and cruel slaughter of racehorses and thoroughbreds. No sentient being—no matter how big or small—should be subjected to the barbaric conditions that were exposed earlier this week. The 7.30 investigation reveals exactly why animal rights activists across the country continue to conduct undercover investigations. Earlier today it was reported that emails from Racing NSW proved that the industry was aware of the unapproved sale of horses to knackeries and abattoirs as far back as 2018.

This is despite the fact that Racing NSW told the 7.30 program days ago that it was unaware of this practice. Racing NSW has misled the public and has lied about its knowledge of the cruelty being enacted under its watch. It has lied to us about the wellbeing of racehorses and thoroughbreds. It must be condemned loudly and clearly and action must now be taken. The racing industry has repeatedly shown that it is fundamentally incapable of taking responsibility for protecting the lives and wellbeing of the animals supposedly under its care and protection. Responding to the scandal, Racing Australia Chief Executive Barry O'Farrell said that when these horses leave racing "... they become like any other property asset, the responsibility of who has bought them and who they sell them on to."

I am sure it would make things easier for Mr O'Farrell if sentient beings like horses could be traded like any other property asset—say a \$3,000 bottle of wine. I am sure it would make things easier for Racing Australia if horses were treated like used cars with shot engines—strip them for parts, crush them into cubes and dump them. Thankfully, most people do not agree with this attitude of horses as assets. Most recognise the racing industry cannot wash its hands of these horses just because they have stopped making people rich. The Greens will always stand with those activists working to expose the cruelty being inflicted by a callous industry that knows it must do better yet continues to turn the other cheek when it comes to the suffering it causes.

I acknowledge the Hon. Mark Latham's amendment and, with the exception of the first three paragraphs, I do not see them as problematic. We will not be opposing the fourth and fifth paragraphs of his amendment. Regarding the Opposition's amendments, although we do not see them as being as strong as what the Animal Justice Party has suggested, The Greens would rather support them than have the motion not pass.

**The Hon. MARK PEARSON (16:56:06):** I move:

That the amendment of the Hon. Mark Latham be amended by omitting paragraphs (a) to (c).

**The Hon. ROBERT BORSAK (16:57:10):** I cannot make much sense of this. I am completely at sea about the initial motion. Of course, I support the Hon. Mark Latham's amendment. I believe no animal should be treated cruelly whether they be racehorses, greyhounds or any animal whatsoever. When they reach the end of their useful life some of these animals may end up peacefully grazing in a paddock somewhere, others may end up in a knackery and become dog food. That is the way of life. That is the way things go. Horses are bred for a purpose and when that purpose is finished they should be allowed to retire or—if people cannot afford to keep them—they should be allowed to be sold on, as long as we do it properly and do not treat the animals with unnecessary cruelty. Animals are property, they are not humans and should not be attributed the same rights as humans. I commend the Hon. Mark Latham's amendment.

**The Hon. MARK PEARSON:** I seek leave to speak a second time in order to withdraw my amendment.

**Leave not granted.**

**The Hon. EMMA HURST (16:59:22):** In reply: I thank members for their interest in the motion. Without support for thorough investigation, ex-racehorses in New South Wales are guaranteed to face a bleak future, overseen by an industry that has been shown to be incapable of regulating itself or ensuring the welfare of horses after retirement. It is unconscionable that with what we know we continue to allow these gentle, sentient animals to fall through the cracks and face a brutal end at knackereries, being ground into pet food and sold to feed dogs in the greyhound racing industry.

I agree with parts of the Hon. Mark Latham's amendment, particularly that ex-racehorses should not be slaughtered and that there should be no aerial killing of wild horses. The Hon. Mark Latham has the full support of the Animal Justice Party regarding those two statements. However, we do not support amendments that attack good, honest journalism. I commend Caro Meldrum-Hanna for her thorough investigation of animal cruelty. I support the idea of a national horse traceability register that was mentioned in the Labor amendment but I am disappointed that it fails to recognise that such breaches would not come to light without undercover investigations. I also reject the Hon. Mark Pearson's amendment. It was well intentioned but, unfortunately, an accidental consequence of it would be the removal of part of my motion.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The Hon. Emma Hurst has moved a motion, to which the Hon. Mark Latham and the Hon. Daniel Mookhey have moved amendments. The Hon. Mark Pearson has moved an amendment to the Hon. Mark Latham's amendment. The question is that the amendment of the Hon. Mark Pearson to the amendment of the Hon. Mark Latham be agreed to.

**Amendment negated.**

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** I will now put question on the Hon. Mark Latham's amendment to the House. If his amendment is carried the Hon. Daniel Mookhey's amendment lapses. The question is that the amendment of the Hon. Mark Latham be agreed to.

**The House divided.**

Ayes .....5  
Noes .....33  
Majority.....28

**AYES**

Banasiak, Mr M (teller)  
Nile, Revd Mr

Borsak, Mr R  
Roberts, Mr R

Latham, Mr M (teller)

**NOES**

Amato, Mr L  
Cusack, Ms C  
Fang, Mr W  
Field, Mr J

Boyd, Ms A  
D'Adam, Mr A  
Farlow, Mr S  
Franklin, Mr B

Buttigieg, Mr M (teller)  
Faehrmann, Ms C  
Faraway, Mr S  
Graham, Mr J

## NOES

Houssos, Mrs C  
Khan, Mr T  
Martin, Mr T  
Mookhey, Mr D  
Pearson, Mr M  
Sharpe, Ms P  
Tudehope, Mr D

Hurst, Ms E  
Maclaren-Jones, Mrs (teller)  
Mason-Cox, Mr M  
Moriarty, Ms T  
Primrose, Mr P  
Shoebridge, Mr D  
Veitch, Mr M

Jackson, Ms R  
Mallard, Mr S  
Mitchell, Mrs  
Moselmane, Mr S  
Secord, Mr W  
Taylor, Mrs  
Ward, Mrs N

**Amendment negatived.**

**The PRESIDENT:** The question now is that the amendment of the Hon. Daniel Mookhey be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.****The House divided.**

Ayes .....28  
Noes .....10  
Majority.....18

## AYES

Amato, Mr L  
D'Adam, Mr A  
Faraway, Mr S.J.  
Houssos, Mrs C  
Maclaren-Jones, Mrs (teller)  
Mason-Cox, Mr M  
Moriarty, Ms T  
Primrose, Mr P  
Taylor, Mrs  
Ward, Mrs N

Buttigieg, Mr M (teller)  
Fang, Mr W  
Franklin, Mr B  
Jackson, Ms R  
Mallard, Mr S  
Mitchell, Mrs  
Moselmane, Mr S  
Secord, Mr W  
Tudehope, Mr D

Cusack, Ms C  
Farlow, Mr S  
Graham, Mr J  
Khan, Mr T  
Martin, Mr T  
Mookhey, Mr D  
Nile, Revd Mr  
Sharpe, Ms P  
Veitch, Mr M

## NOES

Banasiak, Mr M  
Faehrmann, Ms C  
Latham, Mr M  
Shoebridge, Mr D (teller)

Borsak, Mr R  
Field, Mr J  
Pearson, Mr M

Boyd, Ms A  
Hurst, Ms E (teller)  
Roberts, Mr R

**Amendment agreed to.**

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

**Motion as amended agreed to.***Business of the House***POSTPONEMENT OF BUSINESS**

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

That private members' business item No. 290 outside the order of precedence be postponed until the next sitting day.

**Motion agreed to.***Bills***CRIMES AMENDMENT (ZOE'S LAW) BILL 2019****Second Reading Debate**

**Debate resumed from 26 September 2019.**

**The Hon. ROBERT BORSAK (17:17:23):** I have incredible sympathy for a woman who loses a child, whether it is the loss of a child she has raised to the point of adulthood, the loss of a child through a miscarriage or, in the most heartbreaking circumstances, the loss of a child through criminal negligence, where the child never gets the chance at life. The question is: When do we value the child as having a life or the right to life? Under the current law in this State, intentionally or recklessly destroying an unborn child is recognised as a crime against the mother only. The Crimes Amendment (Zoe's Law) Bill 2019 provides clarity on that issue. When a pregnant woman loses a child in the womb because of a careless criminal act by another and is then forced to either give birth to a stillborn child or have a caesarean, the emotional anguish caused is immeasurable. As it stands, that act only counts as another form of grievous bodily harm against the pregnant woman. Any woman who has experienced this will tell you that a grievous bodily harm charge counts for nothing.

This bill recognises that all stages of pregnancy are meaningful to a mother. The loss of a child, regardless of the age, is the loss of a child. Under this bill a person who takes the life of a child through reckless negligence or a criminal act will be punished as a criminal. Reverend the Hon. Fred Nile has included important provisions in the bill around terminations. The bill does not apply to anything done in the course of a medical procedure or anything done by or with the consent of the mother to the unborn child. This bill rightfully recognises that taking the life of an unborn child through a criminal act is a criminal act and should be dealt with as such. This is not an anti-abortion bill. Fears of its impact on abortion laws are an overreaction and incorrect. Pro-abortion lobbyists fear that this bill will be the foot in the door for the recognition of the rights of the unborn child. As it stands, the law is inadequate and fails to acknowledge the depth of sorrow involved in the loss of an unborn child because of criminal negligence. I commend the bill to the House.

**The Hon. WALT SECORD (17:19:40):** I make a very short contribution to the Crimes Amendment (Zoe's Law) Bill 2019. On matters and subjects like this the Australian Labor Party has a longstanding principle of a conscience vote. Members will be very well aware of my position in this policy area. In fact, on the Mehreen Faruqi bill several years ago I voted to legalise terminations and in the most recent debate on the Reproductive Health Care Reform Bill I voted to support the bill. I support a woman's right to choice on reproductive issues. However, as a matter of principle I oppose any measure in this area that inhibits or restricts a woman's right to choice. I believe Reverend the Hon. Fred Nile's bill travels into that territory and impinges on a woman's right to choice. I note that in the United States similar efforts have been made to wind back a woman's right to choice. Therefore, when the question is put I will be voting to oppose Reverend the Hon. Fred Nile's bill.

**Debate adjourned.**

#### *Documents*

### **FIREARMS REGISTRY**

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

**The Hon. ROBERT BORSAK:** I move:

That private members' business item No. 243 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ROBERT BORSAK (17:21:57):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Department of Customer Service:

- (a) all documents relating to a consultancy commissioned by Services NSW with Avocado Consulting Pty Ltd, entitled "Testing for NSW Police Force Staged Firearms and Licensing Information Management System Phase 1";
- (b) any reports related to the Testing for NSW Police Force Stage Firearms and Licensing Information Management System; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Today is a memorable day for firearm owners in this State for all the wrong reasons. Twelve months ago today the Firearms Registry introduced its online licence application process through Service NSW. Also on this day 12 months ago my office started to be inundated with complaints from firearm owners about problems with the registry's online system. Many firearm owners do not own computers or they live in regional or remote areas of the State where internet service is unreliable. Therefore, it is essential they have access to a paper application forms system. This Government has not listened and the Firearms Registry has refused to reinstate paper-based forms, insisting that all applications be completed online.

Among the 14 Premier's Priorities are a "World-class public service" and a "Government made easy". Regrettably, these lofty aims are not being delivered to people living in regional and rural areas of New South



Wales. This production of documents order concerns a \$65,000 consultancy report commissioned by Service NSW on the testing of the Firearms Registry's Firearms Licensing Information Management System, known as FLIMS—and it is very flimsy in its application. As members have learned in budget estimates, the average time to process permits to acquire a firearm has increased, not decreased, since the introduction of the Service NSW online system. It is important that we see the consultant's findings from its testing of the online system and whether any recommendations for improvement of the Service NSW system have been adopted by the Government.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (17:23:47):** The New South Wales Government opposes the motion. Since 2012 the Government has been building the foundations for a digital government. Our vision is to transform life in New South Wales by designing policies and services that are smart, simple and seamless. In 2018 Service NSW and the NSW Police Force partnered to convert the 27 paper-based firearms application forms into four digital forms. The Firearms Registry manages over 20,000 applications per month. The digital solution provided by Service NSW significantly reduces the administrative burden and workload and brings benefits to the people of New South Wales.

Since the introduction of the digital form in October 2018, over 98,000 applications have been submitted and overall satisfaction is significantly higher, with 94.5 per cent indicating approval as at 25 September 2019. In 2018 Service NSW digitised the forms in partnership with the NSW Police Force. The Department of Customer Service has advised that Service NSW regularly engages with external vendors to develop new IT solutions. These arrangements allow Service NSW to utilise enhanced technical capacity and flexible resourcing. Contractors are engaged to work under the Service NSW operating model.

Contractors provided by Avocado Consulting were engaged on this project to assist with testing during the development of the digital solution. These contractors followed the necessary processes and successfully conducted testing, enabling the product to be rolled out to customers in October 2018. I am advised by the Department of Customer Service that the testing of the digital solution, supported by the Avocado contractors, was overseen by Service NSW and the NSW Police Force. The testing, together with a pilot test of the omni-channel service end to end with real customers, was signed off by the Firearms Registry before the product was launched across the State. Based on the information I have outlined, the Government opposes the motion.

**Mr DAVID SHOEBRIDGE (17:26:06):** On behalf of The Greens, I indicate that we will be supporting this motion. It would be fair to say that the Hon. Robert Borsak and I come to the issue of firearms and firearms control from different perspectives but I believe we share concerns about the adequacy of funding and resources in the Firearms Registry, again for quite different reasons philosophically. I have been troubled recently by the excessive number of vacancies, for example, in the Firearms Registry. Recent information provided under an earlier Standing Order 52 motion in this House shows that about 25 per cent of the positions in the Firearms Registry are vacant. That represents 27 or 29 vacancies and a significant under-resourcing of the registry. I am certain that would be a concern for the Hon. Robert Borsak as it is for The Greens, but again on a different philosophical basis. The Greens believe that providing greater insight into the operation of the Firearms Registry is good for politics, for gun control and for good governance. The Greens therefore will be supporting this Standing Order 52 motion.

**The Hon. DANIEL MOOKHEY (17:27:26):** The Labor Opposition will be supporting this Standing Order 52 motion moved by the Hon. Robert Borsak. In general, the Opposition stands for the House having more, not less, information in order to scrutinise government projects. In particular, every opportunity should be taken to heavily scrutinise IT systems, given the history of the Government's spending on IT projects. I need not remind the House of the Learning Management and Business Reform system.

**Mr David Shoebridge:** Let's put a Standing Order 52 on anyone that has stuck to budget. That would be short.

**The Hon. DANIEL MOOKHEY:** I acknowledge that interjection; it might be that no documents would be produced. The House should be provided the documents it requires to undertake scrutiny, particularly as Mr David Shoebridge and the Hon. Robert Borsak have both referred to constituencies that have a high level of interest in this issue. The Opposition stands for more information, not less, more public accountability, not less, and more opportunity to scrutinise how this Government is spending taxpayers' dollars.

**The Hon. ROBERT BORSAK (17:28:50):** In reply: I commend my motion to the House.

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

**Motion agreed to.**

*Motions***CLIMATE EMERGENCY**

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 316 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (17:30:45):** I move:

1. That this House notes that:
  - (a) the recent report of the Intergovernmental Panel on Climate Change [IPCC], Special Report: *Global Warming of 1.5 degrees Celsius*, indicates that we are facing a climate emergency and, as a result, meaningful action on climate change is urgent, at home and internationally;
  - (b) this IPCC report has found that the world is not on track to limit global warming to less than 1.5 degrees Celsius;
  - (c) at a national level, England, France, Wales, Scotland, Ireland, and Canada have all declared a climate emergency;
  - (d) in Australia over 60 jurisdictions representing roughly six million people—a quarter of the population—have declared a climate emergency, including the Australian Capital Territory Government, South Australia's upper House, City of Sydney Council and Local Government NSW;
  - (e) climate change is having a devastating impact on New South Wales with more extreme weather events, including bushfires, floods, 99.5 per cent of the State drought-declared and towns across regional New South Wales approaching day zero for water supply; and
  - (f) unmitigated climate change will lead to a steep increase in the severity and frequency of extreme weather events that will devastate large parts of New South Wales and radically impact food production, water availability, public health, infrastructure, the community and the financial system.
2. That this House declares an environment and climate emergency and calls on the Government to prepare a comprehensive plan of action to:
  - (a) urgently transition New South Wales to achieve net zero emissions by 2030;
  - (b) decarbonise our economy by phasing out thermal coal and gas;
  - (c) switch to 100 per cent renewable energy; and
  - (d) stop logging public native forests and end broadscale land clearing.

I am calling on this Chamber to finally accept the science and acknowledge that we are in the midst of a climate emergency. I know many members sitting across from me and even a few of those behind me tire of hearing about something that they fail to take seriously or perhaps do not accept as fact. I also know members on all sides of the Chamber cannot help but notice the growing state of panic that is beginning to take hold. Protest movements are growing around the world as people wake up to the fact that their governments are asleep at the wheel in the face of the greatest crisis our collective humanity has ever faced. Young people around the world are placing their hopes in a 16-year-old Swedish girl. Greta Thunberg is one of the few who has the courage to speak truth to power while political leaders say it is too hard to take the necessary action.

What those politicians are really saying is that it is too hard to stand up to the fossil fuel industry because the Labor, Liberal and National parties profit from their huge donations and a revolving door that is spinning so fast it is hard to keep track of all the former MPs, staffers and other party hacks who walk through it. However, there are members on both sides of this Chamber who know that we are doing far from enough to deal with the climate emergency. The most recent United Nations report released ahead of the United Nations Climate Summit states that business as usual will see temperatures rise by 2.9 to 3.4 degrees Celsius by the end of the century.

Do members have any idea of the scale of unimaginable disasters that would bring? In order to keep warming below 2 degrees Celsius, a scenario that would still see massive social, economic and environmental upheavals, countries around the world would need to triple their emissions targets. Due to emissions continuing to rise past 2030, achieving the safe goal of limiting warming to 1.5 degrees would require a rapid, global mobilisation unprecedented in human history. The Labor Party likes to talk about the climate emergency and being strong on climate action but Labor has already indicated to me that it will amend my motion.

Opposition members cannot quite bring themselves to admit that to prevent runaway climate chaos we must phase out coal and gas and we must stop logging our native forests. We cannot tell the people of New South Wales that we are acting on the climate emergency unless we do this. Labor needs to support the motion moved by The Greens as is and work with the unions to urgently develop a transition plan for affected workers. It must have the courage to do this. Declaring a climate emergency does not mean closing every mine and shutting every

plant tomorrow, but it does send a very strong message to those industries that their time has come and that we need to transform our society and economy into one that is clean, fair and sustainable.

I am sure the Government will boast about its stellar record on renewables and climate action—that it is striking the balance between growing the economy and taking action on climate, but it is not. At least some Government members know that. Our coal-fired power stations increased emissions by 550,000 tonnes to 50.3 million tonnes of CO<sub>2</sub> equivalent in 2018 and rampant land clearing and logging, which releases carbon into the atmosphere, is continuing and it is destroying precious carbon sinks. It continues to approve new coal projects and even changes the law so that coalmines cannot be stopped on the basis of their carbon emissions.

Members in this Chamber who are unlikely to be convinced by me should perhaps listen to the many in the business community who are also begging for more action. Insurance companies are already losing money to extreme weather events and are pushing up premiums. In this motion I have set an aspirational goal of zero net emissions for New South Wales by 2030. That may sound extreme but years of inaction and rising emissions requires an emergency response. There can be no more business as usual.

If the Government can bring in emergency powers to build more dams, it can bring in emergency powers to rein in our carbon pollution and rapidly transition to 100 per cent renewable energy and net zero emissions by 2030. I am calling on all members who are not blinded by ideology or climate denialism, who acknowledge the science, and who truly understand the gravity of the situation that we are in, to support The Greens motion to declare a climate emergency and the comprehensive plan of action attached to it. Members must think about what they will tell their grandchildren when they are asked about how they responded when the world started to burn. I commend the motion to the House.

**The Hon. BEN FRANKLIN (17:35:35):** The Government's approach to the important issue of climate change is to take responsible and decisive action. We have a commitment to achieve net zero emissions by 2050 as well as a range of programs that will help tackle our emissions. There is always a sensible debate to be had about what else can or should be done in any area of policy, including this one. That sensible debate is not helped by inflammatory language or scare tactics. The reality is that declaring a climate emergency will not remove a single molecule of carbon dioxide from the atmosphere nor stop the production of emissions. It will not get us any closer to achieving net zero emissions. Arguably, it moves us further away from responsible and decisive action. It scares and divides the population. It does not build community support.

We focus on practical action. Only today, the Minister for Transport and Roads announced that Sydney's bus fleet will move to electric or zero emission buses as part of the franchising of the remaining State-run services. This will improve air quality across our city and put a dent in our emissions profile of which transport is a significant contributor. That is the sort of practical action that this Government is focused on delivering on behalf of the people of New South Wales. The other significant contributor to our emissions is the energy sector but it is also an area of great opportunity. We have already seen the rollout of large- and small-scale renewable technologies because they make good business sense. This is driving change and the Government is working to progress that through fast-tracking four priority transmission projects.

Those projects form part of a suite of actions this Government is taking to ensure the stability and reliability of our energy system as part of the Transmission Infrastructure Strategy. The first two projects are upgrades to the existing Victoria and Queensland interconnectors that will deliver an additional 360 megawatts of energy capacity. The third is a new interconnector with South Australia that will deliver an additional 750 megawatts of energy capacity and a solar farm highway in our State's south-west. The fourth is new transmission to unlock existing and potential future energy supply from the Snowy Hydro Scheme. None of those initiatives required the declaration of an emergency. They are policies guided by sound decision-making, science and economics. We will work with any member of this House who shares that commitment.

**The Hon. MARK LATHAM (17:38:00):** One Nation opposes this motion for the reason that there is no emergency. There is just a series of fake, hysterical claims. If there was an emergency, why would Bob Brown not want to have windmills next to his property if it was going to save the planet? Why is there not condemnation of Bob Brown for not accepting the emergency? It is so worrying to him that he said, "Do not build your renewables near me. We do not need those." If there is an emergency, why do we have to put up with so many fake claims? Bushfires are not caused by climate. They are caused by arsonists and lightning strikes.

Tim Flannery was consistently wrong in saying Sydney's dams would never fill again. They have filled many times since he said that. In 2008, Tim Flannery said that we had five years before the ice caps melted, but no such thing has happened. How many false claims can we take in this debate? They are so false that the only tactic they can rely on is pushing little kids forward to chant and march with placards and scream, "How dare you!" That is not an argument. That is not evidence. They are not facts. The facts show that since the beginning of the industrial revolution there has been a one degree warming or increase in global surface temperatures.

Over the past 20 years some of the claims that were made decades ago have not been substantiated and the jury is still out on where that is headed. It is a time for sensible, realistic policies. If there were an emergency one would think The Greens would accept nuclear power—emission free, reliable, able to be dispatched and safe power. The technology is there. It is worrying to The Greens that they cannot accept logical, realistic alternatives. This is not a climate emergency, it is a reality emergency. It is an intelligence emergency, an observable truth emergency where people want to use ideology and fake claims to try to scare the world about something that is not true. I have tested some of these things since I have been a member of this Parliament. I have asked the Minister for Energy and Environment about the evidence of rising sea levels, which is another cause of the hysteria. The Minister replied that in New South Wales the longest standing measurement of sea levels is at Fort Denison. Over a 125-year period they have risen by two-thirds of a millimetre.

The Greens cannot accept that evidence in their fact-free world. If we consider a metre increase in the sea level, on that rate it will take 200,000 years. I have got to break the news to The Greens: It is not an emergency. They can have their fantasy world with their pill-induced fantasies about what is really happening, but the truth is there is no emergency on any of the evidence. There is a need for sensible energy policies that keep the lights on and, where possible, take action. If The Greens support nuclear and recognise that renewables can only be supplementary they will go further to support their cause. At the moment hysteria and exaggerations do not convince anyone but damage the cause they purport to support. [*Time expired.*]

**The Hon. PENNY SHARPE (17:41:06):** I partially support The Greens motion before the House. Labor does not need to be convinced that there is a climate emergency. The change in climate is fundamentally changing how the planet on which we live is operating. We can stand here and argue all we like but the reality is that science says that the changes are there. Anyone who pays any attention to the planet on which they live will know things have changed from the way they used to be. Labor believes that there is a climate emergency and it is fine and reasonable for this State Government in this jurisdiction to declare one.

We have signed up to the important Paris Agreement. A lot of discussion, science and negotiation has gone into finding a multi-partisan way to address climate change on this planet and that has been through the Paris Agreement, which Labor very much supports. Where the Opposition disagrees with The Greens in relation to this matter is their ongoing proscription for it. A couple of decades ago we had the opportunity to make a real change in the way that we deal with climate change and carbon pollution in this country, which had bipartisan support for a long time. Thanks to The Greens the torpedoing of the Carbon Pollution Reduction Scheme set us back decades. Since then it has meant that the bipartisanship of Coalition governments in relation to the need to do something about climate change has been lost. The Coalition has lost leaders over this and we are still arguing whether it is real. The time for that argument is over.

Even if someone does not believe that climate change is real they should listen to insurance companies, businesses and organisations across the planet, many of which I would challenge on many different issues. They are planning for the future. They are doing the future modelling and they know that the climate is changing and that we need to change. I indicate to the House that Labor seeks to amend this motion. The amendment that we are seeking to move is not to attack The Greens. In fact, it is exactly the same motion that the member for Ballina, Tamara Smith, moved in the Legislative Assembly, which Labor was happy to support this week. I move:

That the motion be amended as follows:

1. In paragraph 1 omit all words after "this House" and insert instead:
  - (a) declares an environment and climate emergency;
  - (b) recognises that:
    - (i) the recent report of the Intergovernmental Panel on Climate Change [IPCC], *Special Report: Global Warming of 1.5 degrees Celsius*, indicates that we are facing a climate emergency, and as a result, meaningful action on climate change is urgent, at home and internationally;
    - (ii) this IPCC report has found that the world is not on track to limit global warming to less than 1.5 degrees Celsius;
    - (iii) over 900 jurisdictions in 18 countries have declared a climate emergency, including the United Kingdom, Canada, Portugal, Ireland, Argentina and cities such as New York and Paris;
    - (iv) extreme weather events will devastate large parts of Australia and radically impact food production, water availability, public health, infrastructure, the community and the financial system.
  - (c) notes that the Government has acknowledged action is required to address climate change; and
  - (d) calls on the Government to take urgent action consistent with the internationally accepted science and Australia's obligation under the Paris Agreement.
2. Omit paragraph 2.

I urge members to support this amendment. It can build consensus across the Parliament rather than continue to try to divide members. [*Time expired.*]

**Ms ABIGAIL BOYD (17:44:16):** I will make a brief contribution to this debate. I was going to diligently provide a lot of facts until I listened to the Hon. Mark Latham and realised that facts do not mean anything to a number of people in this Chamber. It is not the rhetoric, messaging or words on climate change that scares people. It is not schoolchildren being vocal about their fears for their future that scares people. The fact that climate change exists scares people. I am very happy that some members in this Chamber think that they have all the facts rather than the scientists. I understand there is an anti-science fad at the moment from those on the conservative side of politics. It is fascinating. If I got told by one doctor that I had a life-threatening disease and then spoke to 98 other doctors who all said the same thing but the 100th doctor I spoke to said that I was okay, I think I would still go with the 99 doctors who advised me to seek treatment.

If people do not want to listen to scientists and indulge the market ideology and neo-liberal economics then at least pay attention to the global financial markets. In London in 2010 I was working in an industry that totally accepted the facts of climate change. Insurance companies, re-insurance companies and global regulatory bodies imposed conditions on companies to disclose the risks that they faced from climate change. It was not something that was being debated. Those who have a financial stake see it for exactly what it is. This Government is continuing to be stubborn if it would prefer things continue as they are rather than face up to the fact that our society needs to radically change track. We are in a climate crisis. We need to act. We will keep on talking about it and the Hon. Mark Latham will keep being stubborn, but one day we will get there because we will have no choice. [*Time expired.*]

**The Hon. MARK BUTTIGIEG (17:47:21):** I was not going to speak in debate on this motion but I feel strongly about this issue. I have heard what my friends on the crossbenches have said. I agree with them on a lot of things—capital versus labour, the industrial issues—but they are somewhat too dismissive of this issue. This issue is urgent. It is happening and the science is in. The tragedy is that we could use this opportunity to stimulate our economy and create the new jobs of the future. The market has moved on because it realises that we are transitioning to a renewable economy. Companies are screaming out for government direction on this matter yet the inherent conservatism of those opposite continues to hold us back. We can have our cake and eat it too.

We would be there now if we had done this in 2007 when the impetus was there, Rudd was Prime Minister and we were not scuppered by petty politics. We need this Government to step up to the plate and proactively invest in renewables so that we can transition quicker than we otherwise would have to this new economy. It will happen whether we like it or not. The question is whether we get there quickly enough to avoid the catastrophes that have been outlined in this motion. The Labor amendment strikes a good policy between what The Greens have correctly pointed out is an emergency—we do not deny that—but we have signed up to international agreements on this matter.

What is the purpose of going to these forums, participating in the debate and agreeing to them, if governments do not follow through? Labor's amendment simply says, "Yes, we acknowledge there is an emergency and we want to meet our obligations under those international agreements and we want to act." But, more importantly, what concerns me is the inherent conservatism of those in power who do not realise that we are dealing with the future of our country. We can create jobs and stimulate economic growth. Instead of having a fetish for surpluses, why not borrow a bit of money and invest in renewable technologies? Instead of telling coalminers that they do not have jobs, create the new jobs first, transition them, and then shut down the coalmines. We can do all those things but there is no imagination or ambition to do them. We have turned into a lowbrow, low-ambition nation. The conservatism of members opposite is holding back the country.

**Reverend the Hon. FRED NILE (17:50:22):** I put on the record that I agree with the majority of scientists that there is no climate emergency on planet Earth. I also agree with the comments of the Hon. Mark Latham. I will not propose an amendment but the motion should be amended to refer to "climate hoax" instead of "climate emergency".

**The Hon. ROSE JACKSON (17:51:00):** As my colleague the Hon. Penny Sharpe has said, Labor supports the declaration of a climate emergency. If members do not like the language of "climate emergency", perhaps they might prefer "water emergency" or "drought emergency". Those phrases are regularly used and, in fact, speak to exactly the same environmental disaster we are facing. It is absolutely irrefutable that the devastation being experienced right now in New South Wales is exacerbated by climate change. When the millennium drought broke, we were told that it was a once-in-a-generation event. That was less than 20 years ago and yet here we are back again. There is no doubt that the severity of the current drought is linked to climate change.

If members do not want to use the phrase "climate emergency", they can use "drought emergency" or "water emergency" or perhaps "heatwave emergency" or "bushfire emergency" because climate change is directly linked to the severity of the fires we are experiencing and the length of the bushfire season. The phrase "climate change" is used to describe our changing climate. Obviously it is not an inanimate object that literally starts fires but it is clear that changing climate is making our bushfires worse, more severe and more regular over the course of the year.

I agree with the Hon. Mark Latham on one point which is that we do not need hysterics because the facts are plain and speak for themselves. They do not need to be beefed up or made to sound worse than they are. A person can read the words and accept what they say about the direction in which our planet is going. I also agree with the honourable member when he said, as former leader of the Labor Party, and I quote from an article published in 2013:

The Labor Party will ignore adopting a progressive policy on climate change at its peril.

...

Labor has always been strongest when it has followed this technique: advancing a reform agenda but not getting too far ahead of public opinion.

The article notes that "Mr Latham says the party must 'lead the debate' on the issue" despite the fact that it had proved difficult "for prime ministers Kevin Rudd and Julia Gillard". That is absolutely right. I completely agree with him. What happened to the 2013 Mark Latham, let alone the 2004 Mark Latham? He is absolutely right when he says that is when Labor is at its best.

We do not need nuclear power. It is too expensive and too slow to come online and we do not have a good answer to the waste problem. New South Wales has a fantastic renewable energy industry that needs investment. The Government could be creating jobs in an exciting and dynamic and future-focused renewable energy industry in this State if only it would get serious. The declaration of a climate emergency is a clear, concise and direct way that this House can show that we are serious about tackling climate change in this State.

**Mr DAVID SHOEBRIDGE (17:54:00):** I speak in support of the motion, as do my colleagues, Ms Abigail Boyd and Ms Cate Faehrmann. Climate emergency, record drought, water shortage, refugee crisis, global conflict, firestorm; these are the words we will have to get used to if we do not take action on climate change. If members are frightened by the words "climate emergency", they should think about the consequences of not acting and get used to being frightened by that because it is genuinely frightening.

The Government says it has the answers and it is getting the balance right. In a budget in the order of \$80 billion, the Government did not allocate even a fraction of a fraction of one per cent to renewable energy. The amount of money allocated to renewable energy amounted to a rounding error. The Government says it has a plan to have net zero emissions by 2050. It has no plan at all—no transition plan, nothing in place. It has a target with no ideas behind it, let alone any commitment.

Some members in this place ask, "Where is the evidence?" The likes of the Reverend the Hon. Fred Nile make ridiculous assertions that the overwhelming majority of scientists do not agree with climate change. That is complete and utter nonsense.

**Reverend the Hon. Fred Nile:** It is true.

**Mr DAVID SHOEBRIDGE:** I note that bizarre interjection. Even the Pope is against you, Fred.

**Reverend the Hon. Fred Nile:** The Pope is not a scientist.

**Mr DAVID SHOEBRIDGE:** I acknowledge that interjection as well. Let us look at what the NASA says. The records for just this year show that, globally, January was the third-warmest January on record. Globally, February was the fifth-warmest February, March was the third-warmest March, April was the second-warmest April and July was the hottest month ever on record.

Australia's records have been shattered as well. In Australia January's average temperature was almost three degrees Celsius above the average between 1961 and 1990. The evidence is compelling if members open their eyes and look at it. It is a climate emergency and that means real action is required now before we entrench the disaster and hand it over to our children. That is why The Greens will not support Labor's amendments. They cut out all the meaningful action required to get us there. They cut out the urgent transition to achieve net zero emissions by 2030. They cut out the commitment to de-carbonise our economy. They cut out the switch to 100 per cent renewable energy. That is why I support the motion unamended.

**Mr JUSTIN FIELD (17:57:07):** I support the motion because the science is clear and the ecological and economic consequences of failing to take action are clear. I support the motion because I want a safe and

healthy future for my son. I support the motion because an extinction crisis is being driven by the climate emergency. I understand the Government's response in outlining a range of things that it has done but I will put that in context. I have spoken about this issue in the House and the facts speak for themselves. The Government has an aspirational target with no plan to reach it. The climate change framework is in draft form and has been since 2016. The Climate Change Fund is underspent, I believe, to the tune of almost \$300 million, if not \$400 million. That money is desperately needed by projects that can make a difference.

Some members say that the motion will not remove a molecule of carbon dioxide from the atmosphere, and it will not, but it will not build a dam either to meet critical water supply needs. The long title of the Climate Change Emergency Bill 2019 includes the word "emergency". We are in a climate emergency. The impact of climate change on regional New South Wales is an emergency. Climate change is an emergency in this city and around the world. Members recognise that emergency in their own actions but will not take the step of declaring a climate emergency in this place. Members must reflect on why. The politics of the issue are a mess and the consequences of that mess will be extreme.

A good government takes a risk-management approach to issues such as this one. A risk-management approach suggests that we take prudent action to reduce our emissions. Whether or not this House declares a climate emergency today does not change the fact that we are going to need to take action to address climate change. I am not going to let a dispute on net zero emissions by one date or another date get in the way of building a political and a public consensus to find a way past this and take that action. Whatever we do in the detail, the only way to address this is to move away from coal and gas, move away from burning it and move away from digging it up. We must electrify our transport networks. We need to stop land clearing and we need to regrow our forests. The economic and ecological opportunities of taking action on climate change are significant. We shoot ourselves in the foot, we literally kill ourselves, if we cannot find a way through this. I implore members of this House to work together to do that today and into the future.

**Ms CATE FAEHRMANN (18:00:09):** In reply: I thank members for their contributions—although I do not thank them for some of the content of those contributions. I wonder what it is going to take for some members in this place who are not at the extreme climate denialist end to acknowledge that we are in a climate emergency. The frustration is not that they are not coming to the table now on the climate emergency; it is that they have not done anything further in the face of so much evidence that we are in a climate emergency. We have not seen anything from this Government despite whole towns running out of water, despite fires in rainforests and places where fires should not be, and despite hundreds of millions of people across the planet demanding action.

We have had nothing from this Government in the past 12 months, since last summer, despite all of the evidence. The Government carries on as though it is business as usual and there is nothing to see here. Our house is literally on fire. I recently went to rainforests that have burnt. The Gondwana Rainforests were never supposed to burn—yet they have burnt to the ground. The Government knows this and it knows that areas of koala habitat, for example, are also burning to the ground—areas that should not burn. Yet the Government in reply to this speech—and I acknowledge the Hon. Ben Franklin is on the koala inquiry with me and I know he is concerned about these issues—simply refuses to do anything more. It is not true that the Government is doing everything it can to meet the targets of the Paris Agreement. I urge members to support the motion and I urge Government members to maybe consider—at some point—crossing the floor on this issue.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** Ms Cate Faehrmann has moved a motion, to which the Hon. Penny Sharpe has moved an amendment. The question is that the amendment of the Hon. Penny Sharpe be agreed to.

**Amendment agreed to.**

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

**The House divided.**

Ayes ..... 18  
Noes ..... 20  
Majority ..... 2

AYES

Boyd, Ms A  
Faehrmann, Ms C  
Houssos, Mrs C  
Mookhey, Mr D  
Pearson, Mr M

Buttigieg, Mr M (teller)  
Field, Mr J  
Hurst, Ms E  
Moriarty, Ms T  
Primrose, Mr P

D'Adam, Mr A (teller)  
Graham, Mr J  
Jackson, Ms R  
Moselmane, Mr S  
Secord, Mr W

## AYES

Sharpe, Ms P

Shoebridge, Mr D

Veitch, Mr M

## NOES

Amato, Mr L

Cusack, Ms C

Farraway, Mr S.J. (teller)

Khan, Mr T

Mallard, Mr S

Nile, Revd Mr

Tudehope, Mr D

Banasiak, Mr M

Fang, Mr W

Franklin, Mr B

Latham, Mr M

Martin, Mr T

Roberts, Mr R

Ward, Mrs N

Borsak, Mr R

Farlow, Mr S

Harwin, Mr D

Maclaren-Jones, Mrs (teller)

Mason-Cox, Mr M

Taylor, Mrs

## PAIRS

Donnelly, Mr G

Searle, Mr A

Ajaka, Mr

Mitchell, Mrs

**Motion negatived.****NARRABRI GAS PROJECT****Mr JUSTIN FIELD:** I move:

That private members' business item No. 291 outside the order of precedence be considered in a short form format.

**Motion agreed to.****Mr JUSTIN FIELD (18:14:23):** I move:

1. That this House notes the release yesterday of new economic analysis by Pegasus Economics on the Narrabri Gas Project that showed:
  - (a) the increase in east coast gas prices has been in part caused by Santos' investment in liquefied gas export facilities in Queensland;
  - (b) the Narrabri Gas Project is forecast to be high-cost gas of approximately \$9 per gigajoule supplied to Sydney compared with the anticipated marginal source of supply amount of \$5.55 delivered to Sydney;
  - (c) both IPART and the ACCC analysis have challenged claims that additional supply of gas from the Narrabri Gas Project, because of its high cost compared with the marginal source of supply, would put any downward pressure on domestic east coast gas prices;
  - (d) there are five current proposals for import gas terminals on the east coast of Australia including two in New South Wales, which, given international gas prices, would provide gas into the east coast market below the Narrabri cost of production; and
  - (e) that this House notes the answer by the environment Minister Matt Kean to a supplementary budget estimates question regarding the basis of his public claim that "The best technology available to support and firm up renewable energy is, at this stage, gas", which was that, "The (CSIRO) GenCost 2018 report found that an open cycle gas turbine built in the year 2020 would have a lower capital cost than batteries or pumped hydro of the equivalent scale, which are alternative technologies" and notes that this answer deliberately failed to consider the cost of gas as a fuel source for gas-fired electricity.
2. That this House calls on the Government to reconsider its support for the Narrabri Gas Project given the economic realities of the project and calls on Government Ministers to be honest with the public about the inability of the Narrabri Gas Project to bring down gas and electricity prices in New South Wales.

I put some facts on the table about the economics of the Narrabri Gas Project because what the public is currently hearing from the Government, the energy Minister and others Ministers in the Government about the project and how it might impact on gas and energy prices in New South Wales is not borne out by facts. It is critical that this debate is guided by facts because a decision to allow the Narrabri Gas Project will not only have significant and detrimental ecological impacts, including on the Pilliga forests and the water resources of the Great Artesian Basin, but also serve to extend the disaster that coal seam gas has been on the domestic gas market, on local manufacturing and on making the critical transition to renewable energy.

The fact is that gas in Santos' Narrabri Gas Project is expensive to produce. The fact is that Santos, as one of the major gas-exporting businesses in Australia, has helped to drive up the cost of east coast gas. The fact is that the Narrabri Gas Project will not reduce domestic gas prices or electricity prices in New South Wales. Last



week I attended a briefing in the Parliament on a new report on the economics of Santos' Narrabri Gas Project. The report by Pegasus Economics is not based on assumptions; it is based on Santos' statements to the market, reports from the Australian Competition and Consumer Commission, the Independent Pricing and Regulatory Tribunal and the Australian Energy Market Operator. The report says that the increase in east coast gas prices has been caused in part by Santos because it is one of the major investors in export gas terminals in Queensland that have linked the Australian east coast gas market to the international market and led to the vast majority of east coast gas being sold on long-term contracts to overseas buyers.

It is not that the international market is dearer—in fact, Australian gas is cheaper in Asia than in Australia. The reason is the contracts are so large and have sucked up so much gas that now Australian consumers, households and businesses have to compete for what is left in what many analysts describe as cartel behaviour by the gas industry, which is holding the country to ransom. Even against those already high prices, the cost of production from Santos' Narrabri Gas Project is still higher. In fact, the report states that, at the cost of \$9 a gigajoule delivered, Narrabri gas is as much as \$3.50 a gigajoule above the marginal source of supply. It is some of the costliest gas among known reserves in Australia. How can gas, more expensive than most other gas reserves in the country, lead to lower gas prices or lower electricity prices? It cannot do that. Why is this important? It matters because the New South Wales energy Minister, Matt Kean, seems to be hanging his hat on peaking gas power to firm up renewable energy, which I acknowledge he supports.

He continues to repeat the claim that the best technology available to support and firm up renewable energy at this stage is gas. He said that in budget estimates. When asked on what basis he makes the claim, the Minister cites a CSIRO report entitled *GenCost 2018* that suggests that open cycle gas turbines built in 2020 will have lower capital costs than batteries or pumped hydro of a similar scale. The report conveniently ignores that the capital cost for gas peaking plants is not the biggest cost. The report does not factor in the cost of the gas. That is why gas power cannot be cheaper than renewable energy in the future. The Minister fails to mention that the report also identifies the ability for demand management and storage to address firming needs. That is curious, given the Government's election commitment of \$75 million on the Emerging Energy Program to support the development of innovative, large-scale electricity and storage projects in New South Wales.

The 10 projects announced for feasibility funding were 2,150 megawatts of storage and demand management initiatives. That is more than Snowy Hydro 2.0. That is a huge investment that if it came online would address the problem. It is a great announcement, which acknowledges the need when it comes to the renewable transition and where the market is at. Why is there misrepresentation of the gas market and the Narrabri Gas Project? That is the point of the motion—to call on the Government to be honest about the Narrabri Gas Project, and the fact that it will do nothing to reduce energy prices in New South Wales. The Narrabri project is a dud. The local community and farmers know that it is a dud. Santos knows that it is a dud—it wrote it down to \$0 on its balance sheet in 2015. The Government should be honest and focus on the energy projects that will make a real difference.

**The Hon. SCOTT FARLOW (18:19:30):** The Government opposes the motion. Gas is vital to New South Wales, accounting for some 10 per cent of the energy consumed each year. However, gas supply is under pressure and prices are rising. Some 1.4 million residential consumers and 33,000 businesses in New South Wales rely on gas. Current New South Wales domestic gas production accounts for less than 5 per cent of total needs. The Government welcomes the Independent Planning Commission's recent approval of the Port Kembla Gas Terminal, which is scalable to meet up to 70 per cent of New South Wales' gas needs. The Government has also given critical State infrastructure status to the proposed Newcastle gas import terminal. A safe and sustainable gas industry in New South Wales can help deliver energy security and put downward pressure on prices. Our NSW Gas Plan delivered strong regulatory controls for gas projects. Those controls are a key element in the Independent Planning Commission's assessment of the Narrabri Gas Project.

If approved, the Narrabri Gas Project will be a significant source of gas for households and businesses and will operate under some of the strictest and most comprehensive regulatory controls in Australia. As part of the NSW Gas Plan, the Government reduced the area of New South Wales covered by petroleum titles and applications from 60 per cent under Labor to around 7 per cent by introducing legislation to extinguish pending applications for new exploration licences and implementing a one-off buyback of licences over 2014-15. Domestic gas prices have increased for more than 1.3 million New South Wales households, 35,000 small businesses and 500 large industrial users that rely on gas. The changes are mostly due to the export of liquefied natural gas, which has seen domestic gas prices increase above international market prices. Customers are competing for the available supply with international customers and there is also a decline in gas production from ageing local assets.

At peak production, the Santos Narrabri Gas Project will generate up to 50 per cent of the State's gas supply, or 200 terajoules a day for over 25 years. The Narrabri Gas Project proposes coal seam gas production

involving the installation of up to 850 production wells. In a typical full production year the State will receive around \$32 million in royalties.

**Ms ABIGAIL BOYD (18:21:50):** On behalf of The Greens, I support the motion. I also thank Pegasus Economics for doing the work referred to in the motion and the many community groups, including farmers, traditional custodians and environmentalists, who arranged for it to be brought to our attention at the presentation in Parliament House last week. I also thank them for their continued work opposing the Narrabri Gas Project and advocating for farmers and the preservation of the water supply on which they rely. The narrative being spun by the gas industry and echoed by the Government would have us believe there is a shortage of gas in Australia. We are told that we need more gas in the Australian market to bring gas prices down. An increase in supply will not bring gas prices down, as the Government and the gas industry well know. The reality is that the export of gas has caused gas prices in Australia to go up.

We are on track to become the world's largest gas exporter, exporting so much gas that there is not enough available at a reasonable cost to create electricity domestically or for it to be used by industry. Manufacturers and households are suffering from high electricity costs as a result. Gas prices in Australia are roughly double what they were four years ago. As Mr Justin Field indicated, we pay around 150 per cent of the price paid for Australian gas in Asia. The Australian Competition and Consumer Commission agrees that there is a problem, stating that Sydneysiders are paying 81 per cent more for gas than they should be. Contrary to what the Hon. Scott Farlow would have us believe, demand for gas has been on the decline for some time, falling dramatically in Australia and also internationally.

What has actually impacted on the east coast gas market is the liquefying of coal seam gas [CSG] to ship it overseas, thereby linking the domestic gas market to the world gas market. At a very basic level, increasing the supply of a domestic product will cause the price of that product to fall, but only if all other things remain equal. As The Australia Institute made clear in its *Fracking the Future* report, in this case all other things are not equal because when we began exporting gas eastern Australia became connected to the much higher world price at the time. The increase in domestic supply will only reduce the price of gas in Australia if it lowers the world price also, which is very unlikely. Import terminals will not reduce gas prices. The Santos Narrabri project, destined to produce more expensive gas than that available from Queensland sites, will not reduce gas prices.

For as long as we continue exporting our gas, only factors capable of changing the world gas price will be sufficient to change the domestic gas price. Allowing more CSG drilling in Australia will not push the world price of gas down. When we unpick the gas industry's myths about coal seam gas, we find the economic case for the Narrabri Gas Project is full of holes. Meanwhile, our knowledge in relation to the true costs of CSG, from negative environmental, health and economic impacts, continues to strengthen. The Greens agree that it is well past time that the industry and the Government got honest about CSG and the Government stepped in to stop the Narrabri Gas Project. [*Time expired.*]

**The Hon. MARK LATHAM (18:24:55):** I oppose the motion because the Santos project should have been approved yesterday. It is part of a terrible pattern by this Government where resource projects are manipulated illegally by the Independent Planning Commission—look at United Wambo, where it did not have the power to tie the coal exports to the Paris Agreement at all. It is just plain incompetence like we saw at Rix's Creek. In the case of gas, it is no surprise that the environment Minister wants gas peaking plans, because they are desperately needed to keep the lights on. The Minister is not perfect but he is desperate to keep the lights on, given the fact that renewables by themselves cannot do the job.

It is plainly ridiculous that a State that is rich in gas resources in the ground is just 5 per cent gas self-sufficient. Who does that? Australia and New South Wales should be global resource superpowers. The general public look at this and think, "How can a resource-rich nation like Australia have the energy market operator say that we have heightened risks of blackouts in the medium term in New South Wales and some of the highest electricity prices in the world?" Social justice used to mean financial affordability for people. Now the Productivity Commission is reporting that the green energy projects add \$93 to the average electricity bill in New South Wales. Today we got the shocking news that in Newcastle one in 11 families in the heart of the Hunter are disconnected from the power supply—they have no electricity because they cannot afford it. This is plain madness.

We should have an abundance of all these power sources, such as nuclear or other forms of dispatchable baseload power, with renewables on top of that as a supplementary energy source. That is the commonsense way to go. The problem for The Greens is I can absolutely assure them that the moment the lights go out with serious blackouts in New South Wales, the climate change cause is destroyed. It will drop like a stone. The reason that the environment Minister is so desperate for gas supply in New South Wales for the gas peaking plans is obvious: renewables are intermittent, they have the problem of curtailment in the grid. Why is it that just recently two of

the solar farms in western New South Wales were told to halve their capacity because of the surges in and out of the grid—the curtailment problem that destabilises the grid?

Look at Elon Musk's battery farm in South Australia—the world's largest. It is not really there for storage; it is there to stabilise the South Australian grid. The head of AGL, Brett Redman, said that if you wanted battery storage you would need—and this is like science fiction—350,000 shipping containers full of batteries that stretch from Sydney to Perth and into the Indian Ocean. There is a lack of scientific technological basis for the new secular religion of renewables. When you hold those facts up to The Greens it is like holding a stake up to Dracula—they cannot take it. But they are facts; this is the truth. We need gas to keep the lights on and the Government should be supported. Hopefully, the Santos project is approved as quickly as possible.

**The Hon. PENNY SHARPE (18:28:02):** I contribute to debate on the motion moved by Mr Justin Field. I make a few preliminary comments. The first is that, although the Hon. Mark Latham and I disagree on many things, one of the things we do agree on is that there is nothing more ridiculous than the fact that Australia has more gas than it needs and all of it goes overseas instead of being used domestically. There are many different ways that can be solved, but fundamentally it is about a failure of contracts and the greed of companies—the way in which they operate in collusion is a very big issue. If we are really serious about this we should be looking at local domestic gas reservations, as many other countries have. That would deal with half the problem.

The second issue I raise is that of the Narrabri Gas Project, which has been subject to much discussion over many years. Again, I agree with the Hon. Mark Latham about that. But where I disagree with him is that we need to make sure the most rigorous scientific investigation and exploration and protection of environmental values are dealt with. There are significant issues with that project—salt and water being two of the most important ones. While energy might be as important, water is increasingly becoming—as we are realising—one of the biggest issues. But that is not what this motion is about. This motion asks that the House notes the release of new economic analysis by Pegasus Economics on the Narrabri Gas Project. I believe it is reasonable for this House to note that and I do not see why it is controversial for anyone in this House, other than for the Government, which just wants to oppose everything on private members day, and that is not working out so well for it. This motion is about noting a report. I do not think it is that hard. The second part of the motion states:

That this House calls on the Government to reconsider its support for the Narrabri Gas Project given the economic realities of the project and calls on Government Ministers to be honest with the public about the inability of the Narrabri Gas Project to bring down gas and electricity prices in New South Wales.

Labor does not support that part of the motion and we seek to amend it. I move:

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

2. That this House calls on the Government to be honest with the public about the capacity of the Narrabri Gas Project to bring down gas and electricity prices in New South Wales.

There are lots of furrphies and rubbish in this debate. If we are going to go the Independent Planning Commission and if there is going to be a proper analysis, it is time to also be honest about the economics rather than the claims and counterclaims—many of which are false. I urge members to support our amendment.

**Mr JUSTIN FIELD (18:30:47):** In reply: I thank honourable members for their contributions to this debate. I was shocked to hear that One Nation member the Hon. Mark Latham—a champion of the battlers of western Sydney—supports increased power prices in New South Wales. That is what he wants if he wants the Narrabri Gas Project approved yesterday, because all the economic analysis says that if the project goes ahead, if it is feeding gas into the network on the east coast of Australia, we will be paying a lot more for gas because it is expensive gas. You just have to look at Santos' analysis of that.

It is interesting that we call on the Government to be honest and the response we get is just the same lines that have been proven to be incorrect, and that is a big part of the problem. The Government has taken the running from Santos—it has ignored the facts of the market that are showing this project to be an absolute dud. The concept that we only produce 5 per cent of our gas needs is also interesting. It was put that we are only 5 per cent gas self-sufficient, as if that somehow means we should go out and be 100 per cent gas self-sufficient. That would have a devastating impact on water resources and land resources in this State. But we are not 100 per cent steel self-sufficient in New South Wales. We are not 100 per cent fish self-sufficient—we import about 90 per cent of our seafood. We are not 100 per cent tomato self-sufficient—we import a lot from Queensland. This is the only industry where the argument seems to be that we have got to have it all for ourselves. We are part of an east coast gas market, we are part of an energy market where we can share, but that has to be put in context. That is not where our economic advantage is when it comes to energy.

We can be 100 per cent self-sufficient in renewable energy, in storage, and that is where the Government is heading—I recognise that. So it should be honest about the ability for gas to contribute to it. The Narrabri Gas Project will not bring gas prices down and it will not reduce electricity prices. That was the point of this motion;

it was a request for the Government to be honest in this debate so the community is best informed and best served as we go through the inevitable transition from coal and gas to renewable energy. I support the amendment moved by the Labor Party; I think it makes sense. I commend the motion to the House.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** Mr Justin Field has moved a motion, to which the Hon. Penny Sharpe has moved an amendment. The question is that the amendment of the Hon. Penny Sharpe be agreed to.

**Amendment agreed to.**

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

**The House divided.**

Ayes ..... 18  
Noes ..... 19  
Majority..... 1

#### AYES

Boyd, Ms A  
Faehrmann, Ms C  
Houssos, Mrs C  
Mookhey, Mr D  
Pearson, Mr M  
Sharpe, Ms P

Buttigieg, Mr M (teller)  
Field, Mr J  
Hurst, Ms E  
Moriarty, Ms T  
Primrose, Mr P  
Shoebridge, Mr D

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

#### NOES

Amato, Mr L  
Cusack, Ms C  
Faraway, Mr S.J. (teller)  
Latham, Mr M  
Mason-Cox, Mr M  
Roberts, Mr R  
Ward, Mrs N

Banasiak, Mr M  
Fang, Mr W  
Franklin, Mr B  
Maclaren-Jones, Mrs (teller)  
Mitchell, Mrs  
Taylor, Mrs

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

#### PAIRS

Donnelly, Mr G  
Searle, Mr A

Harwin, Mr D  
Mallard, Mr S

**Motion negatived.**

#### LAND CLEARING

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

That private members' business item No. 313 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK LATHAM (18:42:54):** I move:

1. That this House notes with concern the:
  - (a) decision of the Howard Government to include vegetation coverage and land clearing considerations as part of the Kyoto agreement on carbon emissions, thereby allowing Australia to use strict land clearing laws as a way of artificially meeting its emission reduction commitments;
  - (b) way in which the Carr Government imposed strict land clearing restrictions in New South Wales without any financial compensation to farmers, knowing this would ensure Australia complied with its Kyoto obligations without triggering the "just compensation" requirements of the Australian Constitution;
  - (c) failure of the current Government, elected in 2011, to act on its election promise and wind back the Hon. Bob Carr's land clearing laws until six years later, in 2017;

- (d) role of the former member for Barwon, the Hon. Kevin Humphries, post 2011, in encouraging farmers in his electorate to act as if the land clearing laws had already changed;
  - (e) unprofessional, vengeful campaign of the Office of Environment and Heritage targeting farmers in the Moree district in response to the death of an OEH officer in 2014, a tragic crime that had nothing to do with the farmers subsequently targeted and pursued by OEH;
  - (f) way in which farmers accused of illegal land clearing are spoken to and treated like criminals when appearing before the NSW Land and Environment Court, when they have, in practice, been trying to manage their properties to ensure they remain as ongoing financial concerns;
  - (g) way in which the successor to OEH, the new Energy, Environment and Science Group with the Department of Planning, Industry and Environment, is continuing to pursue farmers in the Moree district in cruel and unfair ways, in one case issuing a "code assessment" or de facto conservation lock-up of an area larger than the farm property itself; and
  - (h) impact of the issues relating to land clearing on Moree's farm community during a time of dreadful drought, driving affected farmers to the edge of not only their livelihoods but also their existence.
2. That this House acknowledges the:
- (a) efforts of the Minister for Agriculture and Western New South Wales and Minister for Energy and Environment to create a fairer and more workable and compassionate land clearing code in New South Wales; and
  - (b) efforts of the Treasurer, the Minister for Finance and Small Business and the Minister for Customer Service in supporting extended fine repayment arrangements for drought-affected New South Wales farmers, including in the Moree district.
3. That this House supports:
- (a) the principle of private property rights, whereby any action by the Government diminishing the economic worth and financial capacity of private property should be accompanied by matching compensation to the property owner;
  - (b) government action that supports farmers in the contentious area of land clearing laws, with a policy goal of ensuring no farmer is made to walk off their land; and
  - (c) policies that prevent farmers being thrown onto the welfare scrap heap, adding to poverty, family distress and social breakdown in New South Wales.

The land clearing debate is a bit like the *X-Files* of the Parliament—the truth is out there. Some of it goes back a long way. This motion goes back to the Howard Government, which included what was called the Australian concession in the Kyoto agreement. Back in the day, The Greens did not like that and they had a valid argument. The concession was that if a big nation like Australia was counted for vegetation protection, it would not have to do much else to meet the Kyoto obligations. That is what has happened. The Federal Government keeps saying it is going to meet the Kyoto obligations. That is because we have these draconian land clearing restrictions without compensation for farmers. Back in the day, The Greens gave the critique to say that structural change was needed in the energy sector. They have dropped off that now and are talking about land clearing as an article of faith. The structural change needed is to have nuclear or other dispatchable power and renewables on top of that as a supplementary source of power generation.

The problem with the Howard Government approach was the swindle on the farmers. The Federal Government was relying on land clearing restrictions to meet Kyoto obligations. These restrictions were being administered by State governments, it did not trigger the just compensation clause in the Australian Constitution. The Federal Government got away with meeting Kyoto without paying compensation that would have otherwise been due to the farmers. It can be argued that if someone's property is interfered with for public policy purposes, compensation to keep those enterprises viable should be paid. State governments in Queensland and New South Wales have not done that. They do not have just compensation clauses in their constitutions and arrangements. The farmers have been doubly duded.

Farmers are carrying the weight of Australia meeting its Kyoto obligations and not getting compensation for it. At the same time, as I make clear in the motion, a former member of Parliament up there said, "The laws are changing. Rip in. Clear your land. She'll be all sweet." He did not even live in the electorate and is no longer here. The farmers are at the Land and Environment Court being treated like criminals. It is triply damaging and unfair on the farmers. Then, in the context of the drought, the Office of Environment and Heritage staff made a big mistake thinking that because of the tragic murder of one of their officers they needed to pile into the Moree district. The statistics bear that out at every turn. Farmers are being duded and done over in these arrangements. It is not good public policy. It is not fair. It should not be sustained. Thankfully, I can report that there are Ministers who have taken these injustices and public policy inefficiencies seriously.

I pay tribute to and thank the agriculture Minister and the environment Minister for doing a sensible revision of the land clearing code, in particular in trying to avoid remediation. The thing that is really deadly for

these farmers is to have remediation orders on the land. It renders the land nearly worthless in the eyes of the bank. It is hard enough in the drought with no ongoing income. The absence of remediation orders is eminently sensible in the long-running context of how farmers have been duded and treated unfairly without compensation. I thank Ministers Tudehope, Perrottet and Dominello for the recognition that without farm income farmers cannot pay these hefty fines at the Land and Environment Court. There needs to be delayed compassionate arrangements so that when the good seasons come again the farmers are in a position to pay their fines and legal costs. The expenses are enormous. We all know the stories about where these farmers and their families are in terms of not only their livelihoods but also their very existence on the land. It is serious stuff. I thank the five ministers for recognising that. They have done good work.

The final part of my motion, as we step through the truthful aspects of this long-running saga, notes that we need to recognise the sacred principle of private property rights. This country has been built on the notion that if you own property and you want to run a farm or enterprise, you have the right to do that as long as it is respected. If government wants to meddle with your private property rights, it needs to pay compensation. I plan to take some action in this area next year by introducing a private member's bill so that this State has just compensation clauses like the Federal Government has with the provisions in the Australian Constitution.

The other parts of the motion set out a compassionate statement to the farmers that the goal of State government policy should be to ensure that no farmer is made to walk off their land. It is tough enough in this dreadful drought, the worst in a century, without forcing farmers off their land through these spurious and ridiculous land clearing restrictions. Finally, the motion notes that if they walk off the land it creates more poverty, anxiety, mental health problems, family distress and social breakdown in New South Wales. [*Time expired.*]

**The Hon. SCOTT FARLOW (18:48:08):** The Government acknowledges the concern that the Hon. Mark Latham has for farmers in the north-west of New South Wales, particularly during the ongoing and very difficult drought. The Government also supports the broad sentiment of the Hon. Mark Latham's motion that it should do what it can to support farmers, keep them on the land and keep them productive. However, there are issues with the substance of the motion. It is not accurate to suggest that there has been a campaign by staff to targets farmers. Compliance staff have a difficult but necessary job to enforce the laws and policies of the Government and Parliament. It is a difficult task.

This House must not forget that a member of staff was murdered for doing his job. It is not correct to suggest that farmers solely bear the costs of government policy with respect to their private property. The choices of landholders across the State, farmers or people living in cities, are affected by decisions of governments and parliaments that are made for the community as a whole. For example, it is not open to a person in the city to build a seven-storey house or cut down all the trees on their property just because it happens to be theirs. Farmers do care about their land and they do play an invaluable role in conservation but laws, regulations and compliance are necessary to ensure the best outcome for the community as a whole.

On the policy framework more generally, Labor's native vegetation laws were unfair and did not deliver a good outcome either for farmers or for the environment. As a result, in 2017 the Government introduced new land management and biodiversity conservation reforms to deliver an integrated approach to land management and biodiversity conservation that gives farmers more flexibility in managing their land while providing robust environmental protections. Further changes have been made to provide certainty and the Government's preference is to work with landholders, including for any matters involving the now repealed Native Vegetation Act 2003, to find a resolution that benefits the environment by delivering conservation outcomes consistent with current legislation.

Regulatory action will not be taken against landholders for historic activities that would, if carried out today, be lawful. However, the Department of Planning, Industry and Environment will continue to investigate and take appropriate action, including prosecution, for serious cases deemed unlawful under current laws where an alternative environmental outcome cannot be reached. The Government will continue to focus on achieving fair outcomes that balance the productive success of farmers and conserving our natural environment. To that end, I move:

That the motion be amended by omitting all words after "That" and inserting instead:

this House supports:

- (a) the principle of private property rights;
- (b) government action that supports farmers, with a policy goal of ensuring no farmer is made to walk off their land; and
- (c) policies that prevent farmers being thrown onto the welfare scrap heap, adding to poverty, family distress and social breakdown in New South Wales.

**The Hon. PENNY SHARPE (18:50:49):** I oppose the motion moved by the Hon. Mark Latham. The motion contains many assertions, most of which I fundamentally disagree with and I believe are factually untrue. The first is the understanding of what the Carr Government was trying to do when it introduced the native vegetation laws and their importance in reducing emissions and protecting water, soil and biodiversity, which was their aim. We have had and will continue to have many arguments with the Government in relation to the way in which this is dealt with but Labor is proud of those laws and we believe they were important.

It is also important to note that farmers gave a great deal of support when those laws were introduced. They were backed by NSW Farmers as well as environmentalists. It was groundbreaking work that made a difference. It is true that they allowed Australia to meet its Kyoto obligations. Today we have had lots of discussions backwards and forwards about climate change. It is clear that the Hon. Mark Latham does not believe that we should be overly concerned about climate change. But members on this side of the Chamber believe it is very important and that living up to and delivering on our international agreements is important—Kyoto and the Paris Agreement.

I cannot let this motion be passed when it attacks the good public servants of the Office of Environment and Heritage in whatever form they have been. Those public servants do the work that we ask of them in line with the laws that we have passed. They have a very tough job in very difficult circumstances. One man was murdered by a farmer for simply doing his job. None of us should make light of that or believe that there was retribution. A public servant was doing what we asked him to do. The life of his colleague who was with him has been significantly changed forever as a result of what happened on that farm at Croppa Creek. We cannot pretend that it was not a serious matter. To traduce the good public servants of this State for going after farmers as a result of the death of their colleague is simply untrue and frankly beneath members of this House. There is no way that we could support that. Labor is not thrilled about supporting the congratulatory messages to the Government either and we will not support them.

**The Hon. Damien Tudehope:** Come on, Penny.

**The Hon. PENNY SHARPE:** If you want to talk about the comments that some of your colleagues made at the time of the death of that public servant we can do that, but I have chosen not to. I indicate that Labor will support the Government's amendment as we think that it is a more appropriate approach in relation to dealing with the matters raised by the Hon. Mark Latham.

**Mr JUSTIN FIELD (18:53:57):** What a nonsense. It is conspiracy central in the Legislative Council today. Earlier on in a motion One Nation members—the battlers of western Sydney—were championing increasing electricity, gas and energy prices in New South Wales. Now they are backing lawbreakers. I am not sure what has happened today but it seems unusual. Let us look at who are the lawbreakers about whom the Hon. Mark Latham has been waxing lyrical in defence of on 2GB for the last couple of months.

They are not an ordinary group of farmers. They have hired a public relations firm—Newgate Communications—to run a public relations strategy. How does one think they access on a daily basis 2GB and *The Daily Telegraph*? They have the producers in their pocket and are running a campaign. Many mum-and-dad farmers are on the land doing the right thing and trying to make a business but another group of farmers is hiring public relations firms to defend themselves against prosecutions for breaking the law. They have formed a group called the North West Agricultural Alliance but all there is about it online is a fairly empty Facebook page with no names and no contacts.

Their lawyer, Brendan Moylan, a solicitor in Moree, appeared on 2GB and other media but declines to give any details or names of his clients. If we read the evidence from court hearings of people being prosecuted under the old native vegetation laws for breaking the law, they are repeat offenders in many instances. They often have farming empires valued in the tens of millions of dollars—far from the battlers presented by Ben Fordham and the Hon. Mark Latham. They are not just clearing an odd tree here or there. The average size of these clearing offences go to the order 1,000 hectares, 3½ times the size of the Sydney central business district for each offence. They are not mum-and-dad farmers who have tried to do the right thing to get through the drought and get the best value for their property.

This is large-scale broadacre land clearing against the laws of the State that everyone has known have existed for a while. They are not family-run farms. This is big agribusiness with money to burn on public relations firms. They have the ear of shock jocks. The Hon. Mark Latham—the so-called champion of western Sydney—is doing their bidding and running cover for agribusinesses in this State. The real disgrace of this motion is that it overlooks the pain brought on the family of Glen Turner and his colleagues, as put by the Hon. Penny Sharpe very well. To go after hardworking public servants in this way makes this motion particularly disgraceful.

I said last night in relation to the crazy Right to Farm Bill that with any rights come responsibilities. I cannot do what I want on my own land whether it is in a town, a farming district or in the bush. We have to abide by planning laws and environmental laws because we live in a society. We all share this place. We share the air, land and the water. We have a responsibility to one another. Farms are no different. Good farmers get that. They follow the law, do the right thing and understand why this is a crazy motion that I will not support.

**Ms CATE FAEHRMANN (18:56:53):** On behalf of The Greens I speak against this motion and support the comments of Mr Justin Field and the Hon. Penny Sharpe. I could speak about the science around land clearing. We have farmers struggling with climate change and no water. The science is in in terms of the relationship between land clearing, precipitation and rain. I want to comment on the dangerous aspect of this motion in relation to the staff of the Office of Environment and Heritage. Paragraph 1 (e) described an unprofessional, vengeful campaign of the Office of Environment and Heritage in targeting farmers in the Moree district after one of its staff was murdered because of campaigns like the one the member is running. It is absolutely disgraceful.

It is a result of campaigns by the shock jocks that the Hon. Mark Latham talks to about what is happening in the west that gets people worked up to the point that sometimes things like that happen. I would be very careful about such statements. Members of this House are supposed to provide leadership in this place and people listen to and read what we say. To state that the staff of the Office of Environment and Heritage are running an unprofessional, vengeful campaign makes people and farmers in the regions that Mr Justin Field talked about angrier and increases the potential for violence to occur. That is what this motion does, and it is disgraceful and The Greens will not support it.

**The Hon. MARK LATHAM (18:59:33):** In reply: You hear some bizarre things said in public life but the idea that people defending the rights of farmers, their livelihood and their families is somehow responsible for a murder that took place five years ago is, quite frankly, unacceptable, bizarre and unhinged. That is how I regard that assertion by Ms Cate Faehrmann. As to what has happened there, the statistics clearly show that 90 per cent of prosecutions of farmers in New South Wales are concentrated in the Moree district. Maybe it is an amazing coincidence. Maybe there is no other land clearing in New South Wales. But the statistics clearly show a concentrated effort to "do in" the farmers in Moree. You do not need to be Einstein to work out the link over time to what has happened. If that is a coincidence that the naivety of Labor and The Greens is willing to accept, it just shows what sort of green bubble they live in. The reality is very, very different.

On other fronts I am surprised that Parliamentary Secretary the Hon. Scott Farlow would be deleting from the motion the praise of five Government Ministers. I am the first to acknowledge that someone like Scott Farlow should be a Minister on the front bench, but does he need to go to the length of wiping out credit for five colleagues—Ministers—to try to realise his ambition? He will get there with hard work and on merit—we are all backing him 100 per cent. The fact that he wiped his five colleagues, including old mate Tudehope, is outrageous, isn't it? This is what is going on inside the Coalition. I am here to heal the Coalition, to try to bring them together and to acknowledge the great work of those five Ministers, so fair crack of the whip there.

Finally I make the point that Mr Justin Field might have left The Greens but he is still in the green bubble. His aversion to conspiracy theories was not limited by the fact that he rolled out his own about 2GB—the tea lady and the producer down there. We are all in on it. We are just trying to help people—the great, noble, public representative role of helping people. These speeches have confirmed to me the theory I have long held in public life about the pecking order of how I judge things, how I try to prioritise the order and the sequence in these policy matters. At the top, we look after the humans. Then come the animals, then the plants and then The Greens. That is my order of priority for how we deal with these things.

I said it on social media and I copped a world full of abuse about my pecking order, my food chain. The abuse was essentially from people not on The Greens side of politics saying, "You've got it all wrong. The order is this: humans, animals, plants, asbestos, cancer, bacteria then The Greens." That is what they said on social media. If I have to cop the sort of rubbish that we have heard from Ms Cate Faehrmann, that is a pretty fair reflection of where The Greens actually are.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** The Hon. Mark Latham has moved a motion, to which the Hon. Scott Farlow has moved an amendment. The question is that the amendment of the Hon. Scott Farlow be agreed to.

**The House divided.**

Ayes .....	31
Noes .....	5
Majority.....	26



## AYES

Amato, Mr L  
Cusack, Ms C  
Fang, Mr W  
Franklin, Mr B  
Hurst, Ms E  
Maclaren-Jones, Mrs (teller)  
Mason-Cox, Mr M  
Moriarty, Ms T  
Primrose, Mr P  
Shoebridge, Mr D  
Ward, Mrs N

Boyd, Ms A  
D'Adam, Mr A  
Farlow, Mr S  
Graham, Mr J  
Jackson, Ms R  
Mallard, Mr S  
Mitchell, Mrs  
Moselmane, Mr S  
Secord, Mr W  
Tudehope, Mr D

Buttigieg, Mr M (teller)  
Faehrmann, Ms C  
Faraway, Mr S.J.  
Houssos, Mrs C  
Khan, Mr T  
Martin, Mr T  
Mookhey, Mr D  
Pearson, Mr M  
Sharpe, Ms P  
Veitch, Mr M

## NOES

Banasiak, Mr M  
Nile, Revd Mr

Borsak, Mr R (teller)  
Roberts, Mr R

Latham, Mr M (teller)

**Amendment agreed to.**

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

**Motion as amended agreed to.***Documents***SCHOOLS ASBESTOS MANAGEMENT PLAN****Return to Order**

**The CLERK:** According to paragraph 2 of the resolution of the House of 26 September 2019, I table documents relating to an order for papers regarding asbestos in public schools, received by me this day 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 those of the documents that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**LANDCOM****Return to Order**

**The CLERK:** According to the resolution of the House of 17 October 2019, I table documents relating to an order for papers regarding Landcom directors and chair, received by me this day 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 those of the documents that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**LANDCOM****Return to Order**

**The CLERK:** According to paragraph 2 of the resolution of the House of 17 October 2019, I table redacted documents relating to an order for papers regarding Landcom, received by me this day from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

**NATIVE VEGETATION CODE REVIEW****Return to Order**

**The CLERK:** According to the resolution of the House of 17 October 2019, I table correspondence relating to an order for papers regarding the Native Vegetation Code Review, received by me this day from the

Secretary of the Department of Premier and Cabinet stating that the Department of Premier and Cabinet, the Department of Planning, Industry and Environment and the Natural Resources Commission hold no documents covered by the terms of the resolution.

## **KOALA CONSERVATION**

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

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 311 outside the order of precedence be considered in a short form format.

#### **Motion agreed to.**

**Ms CATE FAEHRMANN (19:13:42):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the passing of this resolution the following documents in the possession, custody or control of the Department of Planning, Industry and Environment, the Minister for Energy and Environment, the Department of Premier and Cabinet or the Premier created between 1 January 2017 and 31 December 2018:

- (a) any briefing prepared for the environment Minister in preparation of a meeting with Mr Geoff Provest, MP, and representatives from the Tweed Shire Council;
- (b) any briefing note or attachments prepared for the environment Minister detailing the Environment portfolio's key koala conservation actions;
- (c) any briefing note or attachments prepared for the environment Minister concerning drafts of the NSW Koala Strategy;
- (d) any briefing note or attachments prepared for the Premier on koala issues; 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.

This is a call for papers in relation to koalas, which are in a lot of trouble in New South Wales. The previous environment Ministers have had various briefings about saving New South Wales koalas from extinction. Extinction of koalas is very much on the cards if we do not pull out all the stops to save these animals.

The Greens believe that the Government is not doing as much as it could. The Government has invested \$45 million in the NSW Koala Strategy and we are very interested to see the briefings and advice around this strategy. We understand that there is some information that the Government has that potentially the public has a right to know about. A hell of a lot of people in New South Wales are concerned about the koala and are very keen for us to see the advice the Government has received about what is needed to save it from extinction. Surely that is a matter that every member of this House can support. I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (19:15:15):** I have been at some pains to try to agitate in this place the proper process for the manner in which Standing Order 52 applications are made. In many respects we are having some success as there are only four items today as opposed to eight last week. The principle in relation to a Standing Order 52 application is that the member should at least exhaust all other opportunities to gain the relevant papers. I understand in the circumstances of this motion the Minister has sought to engage with the member and to reach a compromise on or ascertain the level of documents she requires. The next component is that the application has to have a legitimate forensic purpose and not just be a fishing expedition. In speaking to the motion the member articulated nothing more than a fishing expedition. She said, "There might be some documents that we might want to see." That is a fishing expedition. She did not identify a document being held back that the public has a legitimate interest in seeing.

In today's *Notice Paper* there is listed a Standing Order 52 application by the Hon. Daniel Mookhey, which in fact has not proceeded. There are ongoing discussions with the Minister to resolve the matter without the necessity of the Standing Order 52 application. There are costs associated with every one of these applications. As I have said previously, every time members come into this place and ask questions about air conditioners in schools they should remember that the amount of money the Government has to spend on resources for the purposes of those applications could well be spent on a much better purpose. I do not deny the legitimacy of the process but the process has to be applied properly. In this case, it has definitely not been applied properly and the House should oppose the motion.

**The Hon. PENNY SHARPE (19:18:03):** On behalf of the Opposition, I support this call for papers. The issue of koalas in New South Wales is getting a lot of attention because it is very serious. All current reports suggest that koalas in New South Wales are on track to be extinct by the middle of this century. This is a serious matter for people across the State and they do not want us to be making decisions now that mean we preside over the extinction of one of our most iconic animals. Labor supports this call for papers because there is a very clear

purpose in the request for documents, as opposed to what the Minister said in his contribution. This call for papers asks for, first, the briefing prepared for the environment Minister in preparation for meetings with Mr Geoff Provest, the member for Tweed, and representatives of the Tweed council. That is not a big ask.

If you have a proper correspondence and briefing system—which I know every government department does; it is called Total Records and Information Management or TRIM—you simply put in the information and a couple of documents will show up. The call for papers is not about hundreds of documents. It is a targeted and important request that goes to the use, sale and purchase of land that may or may not have been in the best area to support and help recover the koala populations in the Tweed. Paragraph (b) of the motion refers to:

- (b) any briefing note or attachments prepared for the Minister for the Environment detailing the Environment portfolio's key koala conservation actions;

We must understand that the Government has moved from what used to be a very comprehensive plan, the Koala Recovery Strategy, which ended in 2009 and was not replaced until about three years ago with the NSW Koala Strategy. It is a massive change in the way in which the iconic animal is identified and conserved. The changes in the NSW Koala Strategy versus a koala recovery plan and the expert advice that was provided to the Minister about it is of great interest and importance when considering how we look after this animal into the future. The importance applies also to paragraphs (c) and (d) of the motion, which deal with drafts of the NSW Koala Strategy and any briefing note or attachments prepared for the Premier on koala issues.

I have never known the Premier to say anything about koalas. In the entire time that she has been in Parliament I have seen one picture of her patting a koala. It is well known that her interest in environmental matters is not great. But if she has been briefed on the issue and on the significant dangers of this animal's extinction, then it is important to have a look at that material. I commend the motion to the House.

**Ms CATE FAEHRMANN (19:20:59):** In reply: I thank the Hon. Damien Tudehope and the Hon. Penny Sharpe for their contributions to the debate. I thank the Hon. Penny Sharpe for neatly summarising the reasons that members should support this call for papers. It is not a fishing expedition—I am very aware of the advice that the Government has before it, which it signalled in the NSW Koala Strategy. As I indicated in my speech on the motion, the public interest in the issue is incredible. The koala is one of our most loved native animals. People are in despair at the thought of koalas becoming extinct. Let us find out what the Government knows, what advice it has and what advice it has ignored. Maybe if that information comes out we can ensure that more is done to save the koala.

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

**The House divided.**

Ayes ..... 18

Noes ..... 19

Majority..... 1

#### AYES

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

Buttigieg, Mr M (teller)  
Field, Mr J  
Hurst, Ms E  
Moriarty, Ms T  
Primrose, Mr P  
Shoebridge, Mr D

D'Adam, Mr A  
Graham, Mr J  
Jackson, Ms R  
Moselmane, Mr S  
Secord, Mr W  
Veitch, Mr M

#### NOES

Amato, Mr L  
Cusack, Ms C  
Faraway, Mr S.J. (teller)  
Latham, Mr M  
Martin, Mr T  
Nile, Revd Mr  
Ward, Mrs N

Banasiak, Mr M  
Fang, Mr W  
Franklin, Mr B  
Maclaren-Jones, Mrs (teller)  
Mason-Cox, Mr M  
Roberts, Mr R

Borsak, Mr R  
Farlow, Mr S  
Khan, Mr T  
Mallard, Mr S  
Mitchell, Mrs  
Tudehope, Mr D

#### PAIRS

Donnelly, Mr G

Harwin, Mr D

## PAIRS

Searle, Mr A

Taylor, Mrs

**Motion negatived.***Adjournment Debate***ADJOURNMENT****The Hon. SARAH MITCHELL:** I move:

That this House do now adjourn.

**CLIMATE CHANGE**

**Mr JUSTIN FIELD (19:30:12):** Over the past week we have witnessed a shameful and unwarranted capitulation by this Government to the NSW Minerals Council on a matter on which we cannot afford to compromise—that is, climate change action. The Minerals Council saw the writing on the wall for its industry, which has for too long had the run of this State. Just days after the Independent Planning Commission rejected the Bylong Valley coalmine the council spent millions of dollars on a public campaign against the IPC. Who has it joined forces with to mount this campaign? We know, of course: *The Daily Telegraph*, 2GB—the Murdoch press in print and online. It has had a bit of help from some political parties as well, with their climate denialism in this place, as we have heard today from the Hon. Mark Latham and the Deputy Premier, the Hon. John Barilaro, in the other place. The real shame is that it has worked, despite the rhetoric of the Premier after the State election that the Government would bring forward climate change action on its policy agenda; a genuine agenda for the environment. That is what was said in the first week after the election.

What happened to that decision in Bylong, which was in line with community expectation and protected land, water and farmers? We had a big debate in this House last night about the right to farm and protection for farmers. What happened to the decision to protect farmers? The NSW Minerals Council threw some money at it, got *The Daily Telegraph* onto it and got the IPC to back down. It worked and what a shame that is. Now we have a situation where the Independent Planning Commission is under review and legislative changes are being proposed to stymie the ability for an Independent Planning Commission to assess the impacts of major projects on this State as they relate to coalmining, coal seam gas—all of those things that are causing a climate crisis and an extinction crisis in our country and around the world; in particular, downstream emissions as a result of coalmines.

On Monday the NSW Minerals Council Chief Executive, Stephen Galilee—members might have heard of him, he was the former chief of staff to former Premier Mike Baird for a period of time—fronted the Independent Commission Against Corruption's inquiry into lobbying in New South Wales, Operation Eclipse. He answered questions about the way his organisation attempts to influence government. He is pretty clear that the NSW Minerals Council has been engaged in lobbying to oppose the IPC for some time, particularly after the Bylong Valley decision. This is particularly galling, given that the very reason the IPC was set up was as a result of ICAC inquiries and findings of corruption against former mining Ministers in this State.

The same organisation that found those matters of corruption that led to a better process to serve the people of this State was running an inquiry into lobbying. The organisation lobbying to try to overturn the Independent Planning Commission turned up and said, "Of course we do it. That is how we get change." What a disgrace that he was so easily able to get traction and the ear of the Government and achieve that outcome. It is reported that the NSW Minerals Council has just 14 employees and a turnover of up to \$7 million. Where is this money going? It is going into trying to influence political decisions against the interests of the community and for the interests of members of the NSW Minerals Council. We are seeing firsthand where this money goes. It so easily buys decisions from this Government. The enemy of coal is time and the Minerals Council cannot turn this around.

Last month 80,000 people stood outside Parliament to strike for climate action. There is a global movement away from coal and the Minerals Council knows this. I acknowledge that compared to cities elsewhere in the world the footprint from New South Wales is small, but the reality is that scope 3 emissions do not only have an impact where they are burnt; they have an impact through droughts and fires. Members ignore that at the expense of the people of New South Wales, particularly people who live on the land. Many people say that our attempts to slow action on climate change do not matter. They say, "What happens over there should be considered." What hypocrites. To allow the Minerals Council to get its way is the ultimate hypocrisy.

## SYDNEY METRO

**The Hon. SHAYNE MALLARD (19:35:21):** I am very proud to be part of the Berejiklian Government, which has made its latest game-changing transport announcement. There are too many game-changing transport projects to list, but I am talking about Sydney Metro, which is Australia's biggest public transport project. From Sydney Metro Northwest, rail is being extended under Sydney Harbour, through new underground city stations and beyond to the south-west. In 2024 Sydney will have 31 metro railway stations and a standalone 66-kilometre metro railway system, revolutionising the way Australia's biggest city travels. Metro means a new generation of world-class, fast, safe and reliable trains that easily connect customers to where they want to go. Customers will not need timetables; they will just turn up and go.

In May this year metro services on the north-west line commenced with a train every four minutes in peak times. This metro rail will extend into the CBD and include stations at Martin Place, Pitt Street and Barangaroo, new platforms under Central and will continue to Bankstown. This will be a 30-kilometre extension of the metro rail from the Sydney Metro Northwest at Chatswood, under Sydney Harbour, through the new CBD stations and south-west to Bankstown. It is due to open in 2024 with seven new metro stations and 11 upgraded stations. Only two weeks ago the tunnel boring machines reached the heart of the city, breaking through to Martin Place. The tunnel boring machines, known as Nancy and Mum Shirl, have been making their way beneath Sydney, reaching Martin Place 28 metres underground.

Nancy and Mum Shirl are two of the five tunnel boring machines currently building the twin 15.5-kilometre tunnels for Sydney Metro City and Southwest after launching from the Marrickville dive site in late 2018. That means 22 kilometres of tunnels have been completed in only 11 months. This is incredible progress for the project. Ultimately there will be capacity for a metro train every two minutes in each direction under the city, which is a level of service never before seen in Sydney. Sydney's new metro railway will have a target capacity of about 40,000 customers per hour, similar to other metro systems worldwide. Sydney's current suburban system can reliably carry 24,000 people an hour per line.

This week we heard another fantastic metro announcement from the Berejiklian Government confirming that the Sydney Metro West project will commence construction next year in 2020 and is due to open in 2030. While some have criticised the timetable of the metro west, it is a cautious and realistic timetable to complete this complicated and ambitious project for western Sydney. Two 25-kilometre tunnels will be bored from the CBD to Westmead via Sydney Olympic Park and Parramatta. The underground line will include seven new train stations between the CBD and the western suburbs, including Westmead, Parramatta, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock and the Bays Precinct. Balancing travel times and the number of stations was a key consideration for this project to ensure that it provides the best outcome for the community.

This project is a game changer that will supercharge Sydney and reduce journey times between Parramatta and the CBD to a mere 20 minutes, significantly reducing travel times for people in western Sydney. The Valvoline Raceway that sits on Crown land will be acquired as part of the metro west project. Unfortunately, land acquisitions come with major infrastructure projects. The Government will work with the community to ensure that there is significant consultation and compensation for people affected and will attempt to minimise the number of properties that are acquired. Regarding the Valvoline Raceway, which my father used to attend, Minister Constance has assured its management and fans that the Government will build a brand-new speedway with better facilities to ensure that the sport continues during its transition from the existing site. This is a great opportunity for the sport of speed car racing.

The railway servicing the new Western Sydney Airport will be developed and delivered by Sydney Metro. Construction on the North South Rail Line to the new Western Sydney International (Nancy Bird Walton) Airport will start in 2021 and will be complete for the airport's opening in 2026. The Government is investing more than \$2 billion over the next four years to build the North South Rail Line, which will run from St Marys to the new airport. The Sydney Metro, north-west, south-west and west metros are all part of Australia's biggest transport infrastructure project. To quote Premier Berejiklian, "Sydney Metro is a case study in how a good government makes bold decisions and then makes them happen."

We have seen how the game-changing Sydney Metro Northwest has transformed transport as we know it. I cannot wait to see the transformation the south-west and the west metros will have for those areas in west and south-western Sydney. It is a disgrace that the Labor Opposition, which famously abandoned its Sydney metro to Balmain at a cost of hundreds of millions of dollars, is not constructively supporting our revolutionary public transport agenda. There is no doubt that transport infrastructure will be the greatest legacy of the New South Wales Liberal-Nationals Government.

## WORKERS COMPENSATION SCHEME

**The Hon. DANIEL MOOKHEY (19:40:17):** I have been listening to the stories of the members of the Injured Workers Network. The stories about how they were injured are heart wrenching, but their stories about the workers compensation system are even more tragic. Annette is from Orange. She was a teacher librarian for 16 years. She loved being a teacher; she said she lived for it. Annette lost her profession—her calling—when she fell from a ladder and injured her back.

For 12 months she was house bound. Her weekly payments from the workers compensation system were how she cared for her children and paid her bills. She receives no payments now. This Government's policy says that if you are still injured after five years you lose your income support and you should ask the Commonwealth Government for welfare. Annette has lost her weekly payments. Even though she wants to work, she cannot find a job she can do with an employer who will take her. Her husband recently was told he has cancer, and she is too injured to help care for him during his treatment. That is Annette's story.

This is Wayne's story. Wayne is from the Central West. He did the gardens and cleaned the rubbish at his local primary school. When lifting some garbage bins he threw out a disc in his back. He now lives with extraordinary pain. Wayne lost his income support on Boxing Day 2017. He was one of the first workers to lose medical support, and this Boxing Day his benefits will terminate.

They are just two stories, but there are at least another 3,798 of them to tell. That is how many workers have been thrown out of the workers compensation system because of the deliberate policies of this Government. Eighty more join their ranks every month. We know that 21 injured workers abandoned by the workers compensation system have self-harmed. We know that at least six of those workers are no longer with us. We also know that there is no need for this policy. The workers compensation scheme currently shows a surplus that numbers in the billions of dollars. There is a better way. We should have a workers compensation system that returns injured workers to health. That is what I am fighting for as Labor's shadow Minister for Finance and Small Business, and that is what NSW Labor is fighting for.

New South Wales is currently experiencing a sharp rise in the number of people developing silicosis. Silicosis is a severe, irreversible occupational disease of the lung, which can sadly lead to an early death. Historically, New South Wales would expect to have three or four people told each year that they have the disease. Typically, those people would be in their 70s or 80s. More often than not, they would have inhaled silica dust when they worked in a mine, a quarry or a tunnel. But no longer. Forty people were diagnosed with the deadly disease last year. This year the law and justice committee has been told to expect at least 80 people to be diagnosed with the disease. The people who have the disease are much younger; they are typically stonemasons who cut manufactured stones and they are in their 30s or 40s. They stand to lose their careers; tragically, the worst affected might lose their lives.

That is why it is so urgent for the New South Wales Government to develop a comprehensive strategy to tackle the silicosis crisis in this State. We do not have that now. We will not have anything that resembles a comprehensive strategy in New South Wales until there is a change of government in New South Wales. Last week Minister Anderson said that the Liberal-Nationals policy was to simply reduce the exposure standard for silica dust to 0.05 milligram per cubic metre. Under Mr Anderson's policy, a New South Wales stonemason will be able to breathe in double the amount of potentially poisonous silica dust from manufactured stone than a stonemason currently working in Mexico or the United States.

The law and justice committee is taking evidence about the rise of silicosis in New South Wales. One story was about a worker who passed away from the disease at 46 years of age. The worker left behind two young children. His lawyer said to the committee, "He talked about the factories being full of dust. It was like a snowstorm; you could see dust everywhere. The dust also gathered all over the factory and was never cleaned out." That worker need not have died. Silicosis—the disease that claimed him—could have been prevented. New South Wales workers deserve the world's best protections. We should never settle for second-rate standards. The Minister can and must do better. Settling for a weak, lowest common denominator standard is unacceptable in the face of these horrifying stories. New South Wales should follow the lead of Victoria, which has called for a 0.002 standard. I repeat, New South Wales workers deserve better.

## FISH KILLS

**The Hon. EMMA HURST (19:45:01):** The sight of millions of dead fish, suffocated from lack of oxygen and floating belly-up in dry riverbeds, has disturbed and outraged communities across New South Wales for decades. Known as a fish kill, the horrific sight of millions of fish, molluscs and crustaceans painfully dying from oxygen starvation is becoming increasingly common in New South Wales. Over the past 30 years there have

been over 600 fish kill events in our State alone. This year we have already seen at least 24 of these disturbing incidents. Each so-called event marks the slow and excruciatingly painful death of millions of animals.

The most recent fish kill occurred at a lake in western New South Wales. Fish were trapped in a slowly drying lake, left with nowhere to go, no food to eat and no oxygen. They were left to die in a mass grave that was once their home; this Government left them there. This Government is more focused on its greedy tactics to divert water for profit than on protecting the animals and environment that it is devastating in the process. This is a desperate and deadly situation for the millions of fish that call our lakes and rivers their homes and for the ecosystems which depend on them to survive.

As one farmer put it, our water systems are turning into filthy, deoxygenated boggy holes. They are becoming shallow graves as rivers collapse and dry up, yet the Government refuses to take any real action. The bandaaid solution of simply moving these fish to other water systems will not address this catastrophe. Expecting these fish to return home when water flows again is nothing but a pipedream while we continue on our path of decimating their habitat. The New South Wales Government must address climate change, protect our water systems and protect the fish that call our streams, rivers and lakes their home.

Fish are being attacked from all angles. Not only are freshwater fish facing a bleak future due to the callous destruction of their habitat but also their saltwater cousins are facing a similar fate. On our shores and coastlines trawlers are indiscriminately destroying fragile marine ecosystems by hauling tonnes of fish, turtles, dolphins and even seabirds into their freezing hulls every day. They leave nothing behind but an oily film of death and destruction. Hundreds of thousands of fish and other marine animals are caught in these trawlers' nets, dragged along with their homes by a giant net and then sucked on board through a giant hose to be slaughtered. But that is not the greatest horror of trawler fishing.

As these nets rip tens of thousands of fish from their ocean homes—some of them squeezed so tightly that their eyes bulge and burst from their skulls—they are dragged across the sea floor while tied in with coral and other ocean debris that slowly grinds their scales off. When these suffering animals are finally hauled out of the water, those that have survived the ordeal undergo agonising decompression as the intense pressure ruptures their swim bladders, pops their eyes and pushes their internal organs out through their mouths. If by chance the captured fish live through this final torture, their gills are then cut and they are left to bleed out, slowly freeze or suffocate to death on ice. Increasingly this is the brutal fate of fish that live along our coastline. They are indiscriminately slaughtered by trawlers that rip up the ocean and destroy everything in their wake.

We cannot allow this carnage to continue. Together we must step up and protect Australia's fish—not as a so-called vital resource but as the living, sentient beings they are. Fish feel pain, they react to stress and they remember. The cruelty we inflict on these animals as we deprive them of their homes by slowly turning lakes and streams to puddles of mud or drag them along the seafloor while painfully bound up is immeasurable. This cruelty must end, but we cannot do it alone. The Government must take immediate action to protect the millions of suffering fish in our State. The New South Wales Government must show it is serious about protecting fish in our State, not through short-term solutions like moving them to another stream, creek or river, or implying so-called regulations on trawlers. It must take real, definitive, long-term action to ensure fish across New South Wales do not and cannot continue to face the bleak future of fish kills and mass slaughter they do today.

#### **BALLINA RSL SUB-BRANCH**

**The Hon. BEN FRANKLIN (19:49:55):** On 13 October 2019 the Ballina RSL Sub-Branch celebrated its centenary. That day I had the honour to not only attend the official luncheon but also take the salute at the march past during the commemoration parade. It was a wonderful celebration and an appropriate commemoration of the sub-branch's 100 years. The founding of the sub-branch was led by Dr Drew Yeates in August 1919 after he and the community saw the need to support those coming back from the trenches of World War I. It originated as a social club where veterans could meet with those who shared experiences and talk about things they may not be able to share with their family and friends. Many argue this is where the tradition of mateship began. While the club's name and badge have gone through changes, mateship is still at the centre of its mission after 100 years.

It is important that the sub-branch not be conflated with the newly refurbished Ballina RSL Club, rather it is the club housed in it. Ballina shire Mayor David Wright describes it as the glue that has stood in the background for 100 years. He could not have put it better. The club has grown to a membership of nearly 400 people from an original membership of 60 people, with the camaraderie of mates looking after each other continuing to be the focus. For the past 100 years the group has cemented itself in the broader Ballina community and made the importance of supporting our ex-service people a priority.

By 1930 membership was growing, meetings were regular and the sub-branch was flourishing. In 1932 Diggers' Hall was approved to be built by council—it took just six weeks. It must have been terrific for members

and the community to know every meeting from here on in would now be able to be held in their own hall. By 1935 RSL membership across New South Wales had skyrocketed. There were 30 sub-branches with nearly 20,000 members and 8,000 returned service people placed in work. By the 1980s the Ballina sub-branch was one of the biggest in the State. In 2014 a report from State Congress stated Ballina was second in terms of membership numbers in all of New South Wales.

The club is committed to helping both ex-service and currently serving members gain employment, providing information aimed at ensuring that job opportunities for veterans and their families are easily accessible. In 1947 a war veterans' home was established, allowing men to recover for a period of two weeks or longer if necessary. The benefits were immediately clear. Men who were admitted could be near their family and friends, leading to a much better outcome than being hospitalised in Sydney. The sub-branch president at the time, Mr F. Stoker, described the home as, "Probably one of the greatest memorials that could be erected." Today it stands as the RSL LifeCare Kokoda Retirement Village Ballina and has undergone rebuilding and refurbishment. It is now a modern, highly accredited care complex which I have had the privilege to visit on numerous occasions. It is through initiatives like these that the Ballina RSL Sub-Branch continues to honour its pledge to support returned service people medically, mentally and physically.

It is not just this sub-branch that does such excellent work. RSLs across the country honour and remember our veterans and also connect them with our communities. For civilians, RSLs remind us of the sacrifices our armed forces have made throughout history. For many, just seeing an RSL and its accompanying memorial is evocative. These memorials are an ever-present reminder of lives lost as a result of war. They are a place for solemnity but they also conjure our communities' strong spirit. War memorials are where we as Australians gather to simultaneously mourn, respect and revere our deceased soldiers, those who never made it back for a beer at their local RSL.

Looking into the future, it is important to continue to help support these organisations, aiding them to help veterans by preserving military heritage and educating youth about the involvement of Australians in wars and other deployments around the world as well as services on home soil. The Ballina RSL Sub-Branch is preserving this heritage with a wonderful museum, which started in 2002. It houses memorabilia in a recently refurbished set of displays that is exhibited for all who visit. I also acknowledge and thank Ballina RSL Sub-Branch President Dick Wills and the organisation's entire membership for holding such a brilliant series of events, for celebrating the centenary and for all the work they do supporting veterans in our community. Once again I congratulate the Ballina RSL Sub-Branch. One hundred years of history is quite a milestone. I look forward to continuing to support them in any way I can into the future.

## LEBANON

**The Hon. SHAOQUETT MOSELMANE (19:54:50):** Right now in Lebanon a revolution is unfolding. Hundreds of thousands of Lebanese have hit the streets in protest. People of all ages, faiths and political persuasions from right across the country are rallying against endless abuses of power by those at the helm. Ever since independence in 1941, the Lebanese people have been crushed and cursed by a sectarian political system of French colonialist design that is rotten and corrupt to the core—a system designed to maintain divisions between the country's religious groups, keeping the country in perpetual crisis. The former French and British colonialist powers replicated this approach throughout the Arab world, endlessly pitting citizens against one another along sectarian lines. The Lebanese people have finally hit a dead end. They have had enough.

The only way out of their dilemma is to revolt. They simply cannot salvage any aspect of the current system. It needs to be completely uprooted, then cremated and buried in a seven-metre deep hole in the ground. Sectarianism had choked the Lebanese people to death while further empowering sectarian political warlords, their political parties, their MPs and their petty cronies and thugs. Enraged by rampant corruption, the people have erupted in unison against a system that has impoverished them and robbed them even of their dignity—a system that has corrupted government, allowed for aggressive privatisation of all State assets, destroyed the economy and ruined the environment.

Those in charge have milked the country dry and are now sharpening their teeth for a slice of Lebanon's gas and oil revenue. For over 80 years, the political elite, the bourgeoisie and the religious order gutted the Lebanese political system. With high unemployment and a rapidly rising cost of living, together with ballooning deficit and public debt, and the stench of garbage and corruption, the Lebanese people could no longer tolerate the indignity of a life in poverty. With their dignity crushed, there was little else to lose; so they shrugged off long ingrained sectarian and religious prejudices, transcended all forms of social and political affiliations, and rallied in unity first and foremost as citizens of Lebanon.

I am heartened and proud to see the protesters come together irrespective of political affiliation, sect or religion, in Australia, all over the world and from right across Lebanon, all in one voice condemning corruption



and demanding equality under the law. I am particularly proud of the people of Tripoli, El Minie and Bhaneeen, here and in Lebanon. Tripoli is a city known for its openness and for people with a strong sense of unity and solidarity with Arab peoples across the world, but first and foremost with the Palestinian people. I was similarly proud to see villagers in southern Lebanon revolt—as they did in my own birthplace, the village of Kounine in southern Lebanon, where the villagers continue to this day to struggle against oppressive early twentieth-century feudal lords backed by thugs in authority. In Bint Jbeil, in Saidon, in Tyre, in the mountains of Choufe and in Sahla, Akkar, Baalbeck, Bcharre, Hermel, Albatroun and everywhere else across the country, I honour them.

In an attempt to appease the protesters, Prime Minister Hariri and his partners in authority proposed a package of economic reforms, but it was quickly dismissed for falling short of the protesters' demands. In so doing, protesters have reaffirmed their demand for an interim government that would establish the ground rules for a secular political system, free from an elite long riddled with corruption, cronyism and patronage. It is a big ask to stand in the face of entrenched political parties led by powerful warlords well versed in tactics of thuggery, while remaining alert to harmful foreign interference and internal agendas, but to date they have met the challenge.

I salute them for having the courage to stand up and unite against sectarianism, corruption and poverty, and the oppressive authority of thugs who for decades have trashed and trampled over people. As an Australian of Lebanese ancestry and as the co-Chair of the Parliamentary Friends of Lebanon, I stand proud of the Lebanese people and their peaceful protest. I concur with their rightful demands for a secular system free of corruption and sectarianism. But I call on them to stay peaceful, stay the course, and remain alert and focused.

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

**Motion agreed to.**

**The House adjourned at 20:00 until Tuesday 12 November at 14:30.**