



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Tuesday, 12 November 2019

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Tuesday, 12 November 2019

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

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

Visitors

VISITORS

The PRESIDENT: I welcome legal studies students of the Rose Bay Secondary College who are attending Parliament. You are all most welcome and we hope you have an enjoyable visit that assists you with your studies.

Senate

SENATE VACANCY

The PRESIDENT: I report receipt of a message from Her Excellency the Governor following the resignation of Senator the Hon. Arthur Sinodinos, AO, on 11 November 2019.

The Hon. DON HARWIN: I move:

That the message be taken into consideration on the receipt of a message from the Legislative Assembly dealing with the same subject.

Motion agreed to.

The PRESIDENT: I table a copy of the correspondence concerning this vacancy from the Hon. Scott Ryan, President of the Senate, to Her Excellency the Governor of New South Wales. Copies of the correspondence are available from the Clerk.

Governor

ADDRESS-IN-REPLY

Presentation

The PRESIDENT: Due to catastrophic bushfire danger in the State today, the presentation to Her Excellency the Governor of the Address-in-Reply this evening has been postponed.

The Hon. DON HARWIN: By leave and without notice: I move:

That the resolution of the House of Wednesday 23 October 2019 be amended by omitting "on Tuesday 12 November 2019, at 5.00 p.m. the House do proceed to Government House and there at 5.30 p.m. present to Her Excellency the Governor the Address-in-Reply" and inserting instead "on a day to be advised the House do proceed to Government House to present to Her Excellency the Governor the Address-in-Reply".

Motion agreed to.

The Hon. DON HARWIN: I move:

That a message be sent to Her Excellency the Governor communicating the terms of the resolution of the House this day.

Motion agreed to.

Bills

TRANSPORT ADMINISTRATION AMENDMENT (RMS DISSOLUTION) BILL 2019

Messages

The PRESIDENT: I report receipt of the following message from the Legislative Assembly:

Mr PRESIDENT

The Legislative Assembly having considered the Legislative Council's message dated 15 October 2019 in which the Legislative Council requested the concurrence of the Legislative Assembly with amendments to the Transport Administration Amendment (RMS Dissolution) Bill, informs the Legislative Council that the Legislative Assembly agrees with amendment No. 3, but disagrees with amendments Nos 1, 2, 4 and 5 because:

1. Amendment No. 1 is rejected as it is too broad and applies indiscriminately to executive and non-executive employees notwithstanding the very different rules and principles that apply to each category.
2. Amendment No. 2 is rejected because the reference to outsourcing would create uncertainty for the agency and would prevent the trialling of innovative service delivery models, such as on demand transport. This amendment would have also restricted the outsourcing of general programs commonly undertaken across the sector, including aspects of IT, fraud and corruption investigations and auditing exercises. The amendment would also prevent the engagement of, for example, road design consultant to assist in the delivery of the NSW Government's record infrastructure program.
3. Amendment No. 4 is rejected because it does not recognise the right of the parties to conduct normal negotiations and to work together if the unions that are parties to the relevant awards all agree to the awards being combined.
4. Amendment No. 5 is rejected because it would allow individual employees, including the most senior executives, to lodge disputes directly with the Industrial Relations Commission. This is contrary to the Transport Administration Act 1988, which provides the employment of transport senior executives and senior managers is not an industrial matter under the Industrial Relations Act 1996—just as the employment of public service senior executives is excluded from the purview of the Industrial Relations Commission.

Accordingly, the Legislative Assembly proposes the following further amendments:

No. 1 No forced redundancies for RMS staff

Page 6, Schedule 1[35]. Insert after line 34—

No forced redundancies for RMS staff

- (1) The employment of a Transport Service non-executive employee who, immediately before the dissolution of Roads and Maritime Services, was a member of staff of Roads and Maritime Services must not be terminated on the grounds of redundancy (other than voluntary redundancy).
- (2) This clause continues to have effect only while any of the following awards apply to any non-executive employees the Transport Service—
 - (a) the Roads and Maritime Services Consolidated Salaried Award 2019,
 - (b) the Roads and Maritime Services School Crossing Supervisors Award 2019,
 - (c) the Roads and Maritime Services (Traffic Signals Staff) Award 2019,
 - (d) the Roads and Maritime Services (Wages Staff) Award 2019.

No. 2 No privatisation of certain RMS work

Page 6, Schedule 1[35]. Insert after line 34—

No privatisation of certain RMS work

For the period of 4 years commencing on the date of the dissolution of Roads and Maritime Services—

- (a) any work that, immediately before that dissolution, was performed by Roads and Maritime Services must not be privatised to a non-government sector entity, and
- (b) any contract in force immediately before that dissolution for the carrying out of road maintenance work on behalf of Roads and Maritime Services in the Sydney metropolitan area (within the meaning of the Regional Development Act 2004) by a non-government sector entity must not be extended in scope.

No. 3 RMS awards not to be merged into Transport Service awards

Page 6, Schedule 1[35]. Insert after line 34—

RMS awards not to be merged into Transport Service awards

- (1) The Transport Secretary must ensure, for the period of 4 years commencing on the date of the dissolution of Roads and Maritime Services, that the existing RMS awards are maintained as separate awards and are not combined with any other award applying to employees in the Transport Service.
- (2) Subclause (1) does not apply to an existing RMS award if all the industrial organisations that are parties to the award consent to the combination.
- (3) In this clause, existing RMS award means the following—
 - (a) the Roads and Maritime Services Consolidated Salaried Award 2019,
 - (b) the Roads and Maritime Services School Crossing Supervisors Award 2019,
 - (c) the Roads and Maritime Services (Traffic Signals Staff) Award 2019,
 - (d) the Roads and Maritime Services (Wages Staff) Award 2019.

No. 4 Disputes may be resolved by Industrial Relations Commission

Page 6, Schedule 1[35]. Insert after line 34—

Certain industrial disputes regarding dissolution of RMS may be resolved by Industrial Relations Commission

- (1) If a person who, immediately before the dissolution of Roads and Maritime Services, was a member of staff of Roads and Maritime Services to whom an RMS award applied is of the opinion that the person has been materially disadvantaged by that dissolution or actions directly consequent on that dissolution, the person, or an industrial organisation acting on behalf of the person, may apply to the Industrial Relations Commission to have the matter determined by conciliation and, if necessary, arbitration.
- (2) However, the person, or industrial organisation acting on behalf of the person, before making the application to the Industrial Relations Commission under subclause (1), must follow the dispute settlement procedure set out in the applicable RMS award as far as is reasonably practicable in the circumstances.
- (3) The Industrial Relations Commission may conduct the dispute resolution process in a manner that the Commission considers appropriate.
- (4) The Industrial Relations Commission may make orders in relation to the matter that the Commission considers are fair and reasonable in the circumstances.
- (5) If a Transport Service senior executive or Transport Service senior manager who, immediately before the dissolution of Roads and Maritime Services, was a member of staff of Roads and Maritime Services is of the opinion that the executive or manager has been materially disadvantaged by that dissolution or actions directly consequent on that dissolution, the executive or manager, or an industrial organisation acting on behalf of the executive or manager, may apply to the Transport Secretary to review the matter.
- (6) The Transport Secretary may, after reviewing the matter, make directions that the Transport Secretary considers are fair and reasonable in the circumstances.
- (7) The Transport Secretary may delegate any of the Transport Secretary's functions under subclauses (5) and (6) to a person employed in the Transport Service.
- (8) In this clause—
industrial organisation means—
 - (a) an industrial organisation of employees within the meaning of the Industrial Relations Act 1996, or
 - (b) an association of employees registered as an organisation under the Fair Work (Registered Organisations) Act 2009 of the Commonwealth.*RMS award* means the following—
 - (a) the Roads and Maritime Services Consolidated Salaried Award 2019,
 - (b) the Roads and Maritime Services School Crossing Supervisors Award 2019,
 - (c) the Roads and Maritime Services (Traffic Signals Staff) Award 2019,
 - (d) the Roads and Maritime Services (Wages Staff) Award 2019.
- (9) To avoid doubt, nothing in this clause affects the operation of section 74 of the Government Sector Employment Act 2013 or section 68O of this Act.
- (10) Subclauses (1), (2) and (5) cease to have effect on the expiry of the period of 4 years commencing on the dissolution of Roads and Maritime Services.

JONATHAN O'DEA
Speaker

Legislative Assembly
12 November 2019

The Hon. DON HARWIN: I move:

That consideration of the message be set down as an order of the day for the next sitting day.

Motion agreed to.

FINES AMENDMENT BILL 2019

Messages

The PRESIDENT: I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the bill.

Documents

INSPECTOR OF THE LAW ENFORCEMENT CONDUCT COMMISSION

Reports

The PRESIDENT: According to the Law Enforcement Conduct Commission Act 2016, I table the annual report of the Inspector of the Law Enforcement Conduct Commission for the year ended 30 June 2019, received out of session and authorised to be made public on 28 October 2019.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.

INFORMATION AND PRIVACY COMMISSION

Reports

The PRESIDENT: According to the Government Information (Information Commissioner) Act 2009, the Privacy and Personal Information Protection Act 1998 and the Annual Reports (Departments) Act 1985, I table the annual report of the Information and Privacy Commission for the year ended 30 June 2019, received out of session and authorised to be made public on 28 October 2019.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.

NSW OMBUDSMAN

Reports

The PRESIDENT: According to the Ombudsman Act 1974, I table a report of the Ombudsman entitled *OCHRE Review Report*, dated October 2019, received out of session and authorised to be made public on 28 October 2019.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.

OFFICE OF THE CHILDREN'S GUARDIAN

Reports

The PRESIDENT: According to the Children and Young Persons (Care and Protection) Act 1998, I table the annual report of the Office of the Children's Guardian for the year ended 30 June 2019, received out of session and authorised to be made public on 31 October 2019.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.

NSW OMBUDSMAN

Reports

The PRESIDENT: According to the Ombudsman Act 1974, I table the annual report of the Ombudsman for the year ended 30 June 2019, received out of session and authorised to be made public on 31 October 2019.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.

CHILD DEATH REVIEW TEAM

Reports

The PRESIDENT: According to the Community Services (Complaints, Reviews and Monitoring) Act 1993, I table the annual report of the NSW Child Death Review Team for the year ended 2019, received out of session and authorised to be made public on 31 October 2019.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.

LAW ENFORCEMENT CONDUCT COMMISSION

Reports

The PRESIDENT: According to the Law Enforcement Conduct Commission Act 2016, I table the following reports of the Law Enforcement Conduct Commission:

1. Annual report for the year ended 30 June 2019, received out of session and authorised to be made public on 31 October 2019.
2. Report entitled *Operation Asinara: Report pursuant to section 132 Law Enforcement Conduct Commission Act 2016*, dated October 2019, received out of session and authorised to be made public on 31 October 2019.
3. Report entitled *Operation Mindo: Report pursuant to section 132 Law Enforcement Conduct Commission Act 2016*, dated October 2019, received out of session and authorised to be made public on 31 October 2019.
4. Report entitled *Operation Taupo: Report pursuant to section 132 Law Enforcement Conduct Commission Act 2016*, dated October 2019, received out of session and authorised to be made public on 31 October 2019.
5. Report entitled *Operation Trieste: Report pursuant to section 132 Law Enforcement Conduct Commission Act 2016*, dated October 2019, received out of session and authorised to be made public on 31 October 2019.
6. Report entitled *The New South Wales Child Protection Register: Operation Tusket—Final Report 2019*, received out of session and authorised to be made public on 31 October 2019.

The Hon. DON HARWIN: I move:

That the reports be printed.

Motion agreed to.

Motions

CESSNOCK CUSTOMER SERVICE AWARDS

The Hon. TAYLOR MARTIN (14:38:21): I move:

1. That this House notes that:
 - (a) on Saturday 18 October 2019 the Cessnock Chamber of Commerce held the 2019 Cessnock Customer Service Awards at Cessnock Leagues Club; and
 - (b) awards presented included:
 - (i) Hospitality: Jacqueline Hope-Simmonds from Wine Country Motor Inn (winner) and Brent Bloom from Zambrero (runner-up);
 - (ii) Community Service: Melissa Gontier from Hunter Hands of Hope (winner) and Colette Blishen from Hunter Respite Services (runner-up);
 - (iii) Team: Chameleon Play Café (winner) and Wine Country Motor Inn (runner-up);
 - (iv) Business Owner: Dayne Pool from Hunter Area Plumbing (winner) and Lisa-Maree Horder from Lisa-Maree Horder Hair Stylist (runner-up);
 - (v) Professional: Kane Jackson from Commonwealth Bank Cessnock (winner) and Katrina Radnidge from Sternbeck's Real Estate and Steve Lane from Mitashabel (joint runners-up);
 - (vi) Retail: Liam Allanson from Woolworths Cessnock (winner) and Richelle Stirrat from West End Pharmacy (runner-up).
2. That this House acknowledges the outstanding work of the Cessnock Chamber of Commerce and congratulates all winners of the 2019 Cessnock Customer Service Awards.

Motion agreed to.

DAMFEST

The Hon. LOU AMATO (14:38:50): I move:

1. That this House notes that:
 - (a) on Sunday 20 October 2019 the fourteenth annual Damfest was held at Warragamba Recreation Reserve;
 - (b) Damfest is a celebration of the construction of Warragamba Dam which supplies greater Sydney with drinking water; and
 - (c) 2020 will mark the sixtieth anniversary of the completion of Warragamba Dam.
2. The following celebrations and events were held at the event:
 - (a) Mr Nathaniel Smith, MP, member for Wollondilly, met with the community during celebrations;
 - (b) Emergency Services showcased emergency equipment;

- (c) amusement rides, wood chopping events and market stalls were available for the enjoyment of the public; and
 - (d) the Australian Street Rod Federation provided an impressive car show, plus a motorcycle and truck show.
3. That this House acknowledges:
- (a) the engineering excellence in the construction of Sydney's Warragamba Dam; and
 - (b) the hard work of Ms Sandra Harlor in organising the fourteenth Damfest community event.

Motion agreed to.

BREAST CANCER

The Hon. NATALIE WARD (14:39:41): I move:

1. That this House notes that:
 - (a) October is Breast Cancer Awareness Month in Australia; and
 - (b) breast cancer remains the most common cancer among Australian women, excluding non-melanoma skin cancer.
2. That this House congratulates all those involved in raising awareness and funds in October 2019.
3. That this House encourages women to learn what to do and what to look for when conducting a breast check and to do so regularly.
4. That this House acknowledges the difficult journey faced by those touched by breast cancer, including those diagnosed, their families, their friends and the medical teams.
5. That this House commends all of the people who work to support women diagnosed with breast cancer, which has ensured 89 out of every 100 women diagnosed with invasive breast cancer now survive five or more years beyond diagnosis.

Motion agreed to.

SPORTS CLIMBING

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) (14:40:15): On behalf of the Hon. Shayne Mallard: I move:

1. That this House notes that:
 - (a) the Blue Mountains is one of Australia's most popular climbing destinations with climbers from all over the world participating in adventure sports like rock climbing and canyoning; and
 - (b) the Radiata Plateau recently acquired by the New South Wales Liberal-Nationals Government is one of the most popular climbing locations.
2. That this House notes that:
 - (a) sports climbing is one of the newest events at the Tokyo 2020 Summer Olympics; and
 - (b) sports climbing requires excellence in three climbing disciplines: boulder, speed and lead.
3. That this House notes that:
 - (a) 15-year-old rock climber Angie Scarth-Johnson of Mount Victoria has been climbing since she was seven years old;
 - (b) at age nine Angie became the youngest person to send a grade 31 in outdoor climbing;
 - (c) at age 10, she became the youngest person to send a grade 32 and 33;
 - (d) Angie competed in the International Federation of Sport Climbing Youth World Championships in Arco, Italy where she came fourth in bouldering and seventh overall, earning her a spot in the national qualifiers; and
 - (e) in less than 10 months she hopes to secure a place in the Tokyo 2020 Olympics.
4. That this House conveys its best wishes to Angie Scarth-Johnson in her goal to compete at the Tokyo 2020 Olympics.

Motion agreed to.

Documents

TABLED PAPERS NOT ORDERED TO BE PRINTED

The Hon. SCOTT FARLOW: According to Standing Order 59, I table a list of all papers tabled and not ordered to be printed in the previous month.

TABLING OF PAPERS

The Hon. SCOTT FARLOW: I table the following papers:

1. Annual Reports (Departments) Act 1985—Erratum to report of the Department of Education for year ended 30 June 2018.
2. Public Interest Disclosure Act 1994—Report of the Ombudsman New South Wales entitled *Public Interest Disclosures Steering Committee Annual Report 2018-19*, dated September 2019.

I move:

That the reports be printed.

Motion agreed to.

*Committees***LEGISLATION REVIEW COMMITTEE****Reports**

The Hon. TREVOR KHAN: I table the report entitled *Legislation Review Digest 8/57*, dated 12 November 2019. I move:

That the report be printed.

Motion agreed to.

SELECTION OF BILLS COMMITTEE**Reports**

The Hon. NATASHA MACLAREN-JONES: I table report No. 27 of the Selection of Bills Committee, dated 12 November 2019. I move:

That the report be printed.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: I move:

According to paragraph 4 (1) of the resolution establishing the Selection of Bills Committee:

1. That:
 - (a) the provisions of the Digital Restart Fund Bill 2019 be referred to the Portfolio Committee No. 6 - Transport and Customer Service for inquiry and report;
 - (b) the bill be referred to the committee upon receipt of the message on the bill from the Legislative Assembly;
 - (c) that the committee report by Tuesday 17 March 2020; and
 - (d) on the report being tabled, a motion may be moved immediately for the first reading and printing of the bill and that the bill proceed through all remaining stages according to standing and sessional orders.
2. That:
 - (a) the provisions of the Environmental Planning and Assessment Amendment (Territorial Limits) Bill 2019 be referred to the Portfolio Committee No. 7 - Planning and Environment for inquiry and report;
 - (b) the bill be referred to the committee upon receipt of the message on the bill from the Legislative Assembly;
 - (c) that the committee report by Tuesday 17 March 2020; and
 - (d) on the report being tabled, a motion may be moved immediately for the first reading and printing of the bill and that the bill proceed through all remaining stages according to standing and sessional orders.
3. That the following bills not be referred to a standing committee for inquiry and report, this day:
 - (a) State Revenue Legislation Further Amendment Bill 2019;
 - (b) Design and Building Practitioners Bill 2019;
 - (c) Professional Engineers Registration Bill 2019;
 - (d) Better Regulation Legislation Amendment Bill 2019;
 - (e) Justice Legislation Amendment Bill (No 2) 2019;
 - (f) Liquor Amendment (Harm Reduction Areas) Bill 2019 and cognate Liquor Amendment (Intoxication) Bill 2019;
 - (g) Child Protection (Nicole's Law) Bill 2019;

- (h) Central Coast Drinking Water Catchments Protection Bill 2019; and
- (i) Real Estate Services Council Bill 2019.

Motion agreed to.*Documents***AUDITOR-GENERAL****Reports**

The CLERK: According to the Public Finance and Audit Act 1983 and the Local Government Act 1993, I announce receipt of the following reports of the Auditor-General:

1. Performance Audit entitled *Ensuring contract management capability in government—HealthShare NSW*, dated October 2019, received out of session and authorised to be printed on 31 October 2019.
2. Financial Audit entitled *Internal controls and governance*, dated November 2019, received out of session and authorised to be printed on 5 November 2019.

*Committees***STANDING COMMITTEE ON LAW AND JUSTICE****Report: Mining Amendment (Compensation for Cancellation of Exploration Licence) Bill 2019**

The CLERK: According to standing order, I announce receipt of the report entitled *Mining Amendment (Compensation for Cancellation of Exploration Licence) Bill 2019*, dated October 2019, together with transcripts of evidence, submissions, tabled documents, correspondence and answers to questions taken on notice, received out of session and authorised to be printed on 30 October 2019.

The Hon. WES FANG (14:45:45): I move:

That the House take note of the report.

The Mining Amendment (Compensation for Cancellation of Exploration Licence) Bill 2019 was introduced into Parliament as a direct response to the cancellation of Exploration Licence [EL] 7270 over Doyles Creek. The licence was granted in 2008 and subsequently cancelled in 2014 following the findings made by the Independent Commission Against Corruption. The bill seeks to provide a mechanism by which people financially affected by the cancellation of EL 7270 can apply to an independent arbiter to have their claims for compensation assessed and determined.

While it is acknowledged that the circumstances surrounding the granting of the licence are inextricably linked with its cancellation, the committee was careful to examine the evidence presented before it and to maintain a focus on the provisions of the proposed legislation and what these mean for all affected stakeholders, including NuCoal Resources and its shareholders. On balance, the committee is not satisfied that all stakeholders affected by the licence cancellation should be considered in the same light. The committee is of the view that the directors of NuCoal Resources were either aware or should have been aware of the public controversy surrounding the allocation of EL 7270 at the time the company was publicly listed. However, the committee also accepts that there are some innocent shareholders, including mum and dad investors, who acquired shares in good faith and without any knowledge of the controversy.

Overall, the committee found that a number of significant outstanding issues could not be resolved, including the powers of the independent arbiter to determine claims and the compensation structure. Questions also remain as to who will be compensated, particularly given the risks shareholders routinely take when investing in the share market. For these reasons, the committee recommends that the bill not proceed to be considered by the Legislative Council in its current form. In addition, the committee recommends that the New South Wales Government address the outstanding matters raised during this inquiry, including the issue of compensation for innocent shareholders. I thank my fellow committee members for their participation and considered engagement throughout the inquiry. I acknowledge also the Hon. Niall Blair, former chair of the committee, who led this inquiry until his resignation earlier this month.

Debate adjourned.**SELECT COMMITTEE ON THE USE OF BATTERY CAGES FOR HENS IN THE EGG PRODUCTION INDUSTRY****Reports**

The CLERK: According to standing order, I announce receipt of the report entitled *Use of Battery Cages for Hens in the Egg Production Industry*, dated October 2019, together with transcripts of evidence,

submissions, tabled documents, correspondence and answers to questions taken on notice and supplementary questions, received out of session and authorised to be printed on 30 October 2019.

The Hon. EMMA HURST (14:49:15): I move:

That the House take note of the report.

Debate adjourned.

PORTFOLIO COMMITTEE NO. 5 - LEGAL AFFAIRS

Report: Road Transport Amendment (Mobile Phone Detection) Bill 2019

The CLERK: According to standing order, I announce receipt of the report entitled *Road Transport Amendment (Mobile Phone Detection) Bill 2019*, dated November 2019, together with transcripts of evidence, tabled documents and correspondence, received out of session and authorised to be printed on 12 November 2019.

Mr DAVID SHOEBRIDGE (14:50:14): I move:

That the House take note of the report.

Debate adjourned.

Bills

ROAD TRANSPORT AMENDMENT (MOBILE PHONE DETECTION) BILL 2019

First Reading

Bill 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 an order of the day for a later hour of the sitting.

Motion agreed to.

Documents

BUILDING CLADDING REGISTER

Return to Order

The CLERK: According to resolution of the House of 17 October 2019, I table documents relating to an order for papers regarding a register of buildings with potentially combustible cladding received on 31 October 2019, together with an indexed list of 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 resolution of the House of 17 October 2019, I table documents relating to an order for papers regarding Landcom directors and chair received on 31 October 2019, 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.

NEWELL HIGHWAY**Return to Order**

The CLERK: According to resolution of the House of 17 October 2019, I table documents relating to an order for papers regarding Newell Highway government procurement contracts received on 7 November 2019, 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.

PEEL RIVER**Return to Order**

The CLERK: According to resolution of the House of 26 September 2019, I table additional documents relating to an order for papers regarding temporary soil weirs on the Peel River received on 7 November 2019, 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.

CAMPBELL'S STORES, THE ROCKS**Return to Order**

The CLERK: According to resolution of the House of 26 September 2019, I table additional documents relating to an order for papers regarding granting of lease for the Campbell's Stores in The Rocks received on 7 November 2019.

FIREARMS REGISTRY**Correspondence**

The CLERK: I table correspondence relating to Avocado Consulting Pty Ltd and testing for NSW Police Force staged firearms and licensing information management system, dated 7 November 2019, stating that the relevant documents are held by Service NSW, not the Department of Customer Service, as listed in the resolution.

MINISTERIAL CODE OF CONDUCT**Correspondence**

The CLERK: According to resolution of the House of 17 October 2019, I table correspondence relating to the Premier's rulings in relation to disclosures under the Ministerial Code of Conduct, dated 1 November 2019.

MEMBER FOR DRUMMOYNE**Report of Independent Legal Arbiter**

The CLERK: I announce receipt of the report of the Independent Legal Arbiter, the Hon. Joseph Campbell, QC, dated 4 November 2019, on the disputed claim of privilege relating to the disclosures of Minister Sidoti under the Ministerial Code of Conduct, together with submissions received by Mr Campbell, QC, during his evaluation of the documents in relation to the claim of privilege. I advise that the report is available for inspection by members of the Legislative Council only.

LANDCOM**Dispute of Claim of Privilege**

The PRESIDENT: I inform the House that on 5 November 2019 the Clerk received correspondence from the Hon. Adam Searle disputing the validity of a claim of privilege on documents lodged with the Clerk on 31 October 2019 relating to Landcom directors and chair. Pursuant to standing orders, a retired Supreme Court judge, Mr Keith Mason, AC, QC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk has released the disputed documents to Mr Keith Mason, AC, QC, for evaluation and report.

*Petitions***PETITION RECEIVED****Abortion Law Reform Legislation**

Petition requesting that the House introduce legislation to repeal the Abortion Law Reform Act 2019, received from **Reverend the Hon. Fred Nile**.

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

The Hon. DON HARWIN: I move:

That Government business orders of the day Nos 1 to 4 be postponed until a later hour of the sitting.

Motion agreed to.

*Committees***PORTFOLIO COMMITTEE NO. 5 - LEGAL AFFAIRS****Report: Road Transport Amendment (Mobile Phone Detection) Bill 2019**

Debate resumed from an earlier hour.

Mr DAVID SHOEBRIDGE (15:29:35): Portfolio Committee No. 5 - Legal Affairs compiled a rapid report into the Road Transport Amendment (Mobile Phone Detection) Bill 2019. Every member of that committee recognises that the Government must act, and supports it putting mobile phone detection camera devices across New South Wales. The committee heard from a number of stakeholders who raised issues, including the reverse onus, the approach the Government is taking to signage and the impact of the bill. All members on the committee acknowledged the evidence that people picking up their mobile phones whilst driving seriously increases the risk of a crash.

Transport authorities advised us that holding or trying to operate a phone while driving increases the risk of a crash fourfold. That is unacceptable. Indeed, it is dangerous and tragically it can be deadly. Committee members agreed with the Government's proposition to roll out cameras across New South Wales as the only effective way to address this behaviour amongst the driving population in New South Wales. However, the impact of the program must be acknowledged at the outset and the Government must plan for it. I will soon read a short passage from the report that gives an understanding of the scale of what may happen as the Government rolls out the program at the end of the year.

The two cameras operating during the trial program took some eight million images, from which just over 100,000 drivers were identified as being in breach of the law for holding their phones whilst driving, with all of its consequential risks. But to get some understanding about the scale of the program, as the Government moves to install some 30 cameras across the State, I will read the following passage from the report:

- 3.28 The committee was advised by Transport for NSW that it expects to undertake approximately 135 million vehicle checks using this technology each year. If, as occurred in the pilot program, 1.8 per cent of these checks identified an offence then the number of infringement notices issued in the first year would be 2,430,000. Even if just 3 per cent of these were challenged in the Local Court (as is the rate with current mobile phone infringement notices issued by the police) then this would see some 72,900 cases filed.
- 3.29 Even if these numbers are not able to be relied upon with certainty, they provide the evidence available to the committee on the impact of this scheme as it rolls out. A simple review of these numbers indicates that this program runs the risk of overwhelming the Local Court regardless of whether or not a reverse onus is in place.

The nature of the task in front of the Government cannot be underestimated. I cannot see, and it was not clear in the evidence given to the committee, that adequate planning has been done for the resourcing of the Local Court, that adequate advice has been given to the community about the current scale of offending amongst drivers across New South Wales, and the impact of rolling out cameras over the next 12 months. There is a substantial fine of some \$350, give or take, for being found driving with a mobile phone, as there should be, given the seriousness of the offence. If some 2.4 million fines are issued next year, which would be consistent with the evidence from the pilot program, we are talking about revenue to the New South Wales Government in the order of \$800 million being collected from drivers.

The committee heard evidence that by rolling out the program the Government hopes for about a 30 per cent to 40 per cent deterrent effect. I doubt that will happen immediately, but even if it did and there were a 40 per cent reduction in those numbers, we are still talking about over one million infringement notices. We are

still talking about hundreds of millions of dollars in fines. We are talking about hundreds of thousands of people losing five demerit points and many losing their licence.

The PRESIDENT: Order! The Deputy President will have his opportunity later.

Mr DAVID SHOEBRIDGE: There is a public safety reason to roll out the program. We have heard that people are dying and being seriously injured on the road because drivers are picking up their mobile phones while driving. As I said, all committee members support the rollout of the program, support cameras being put in place and support actions being taken to identify this offending behaviour because it is dangerous. It kills and injures people. But we must plan now for what the impacts of the program will be. We are not talking about one or two infringement notices and we are not talking about a little blimp in the Local Court. We are talking about hundreds of thousands of infringement notices and a vast amount of work occurring in the Local Court, which could collapse some registries in New South Wales and result in other matters not being heard. It is not a marginal issue. It is an important safety issue but unless it is planned for it could potentially be a disaster, especially in the Local Court. It will also have an impact on the driving population across New South Wales, who will face an extraordinary number of infringement notices and fines going forward.

Debate adjourned.

The PRESIDENT: I note that we have already dealt with the questions moved by the Minister and there is no need to go back to them.

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND CUSTOMER SERVICE

Reference

Ms ABIGAIL BOYD: I inform the House that in accordance with the resolution of the House relating to the establishment of committees, Portfolio Committee No. 6 - Transport and Customer Service resolved on 6 November 2019 to adopt the following reference:

That, on completion of the inquiry into the Sydenham-Bankstown line conversion, Portfolio Committee No. 6 - Transport and Customer Service, inquire into and report on the operation of the Point to Point Transport (Taxis and Hire Vehicles) Act 2016 and in particular:

- (a) the operation of the regulatory system applying to the taxi industry;
- (b) specifically, the system of bailment that operates in relation to the taxi industry, any changes pursued by the New South Wales Government to the system of bailment since enactment of the legislation, and any changes that should be made;
- (c) the implementation of the industry assistance package for the taxi industry, including the passenger service levy and how it has been applied;
- (d) the impact of the legislation on the value of taxi plates;
- (e) the role and function of the Point to Point Transport Commissioner; and
- (f) any other related matter.

Bills

RIGHT TO FARM BILL 2019

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole.

Mr DAVID SHOEBRIDGE (15:41:47): I move The Greens amendment No. 1 on sheet c2019-177A:

No. 1 **Short title**

Page 2, proposed section 1, line 3. Insert "(Limiting Protest and Transparency)" after "Farm".

This amendment will have the simple effect of changing the name of the bill so that it reflects reality. The bill is not about the right to farm, it is about limiting protest and transparency. The Greens firmly believe that we should have truth in legislating and therefore we are moving to amend the title of the bill to Right to Farm (Limiting Protest and Transparency) Bill 2019. The amendment is about Parliament being honest about its intentions and the impact of this legislation, which is not grounded in some kind of well-founded right to farm. This legislation comes from an ugly political place. It is an angry response, particularly from big corporate agribusiness, which no longer likes having the way it works, especially with animals, exposed to the public gaze.

The real purpose of the bill is to stop the intensive chicken industry from being embarrassed and shamed by the images of the systemic cruelty of parts of that industry that have now been shown to millions of people

across this country; to protect the industrial pig industry so that people are prevented from seeing the reality of how those highly intelligent creatures are kept in conditions of systemic cruelty—in appallingly brutal cages, away from their young, with untreated wounds. That is what the bill is about. It is not about the right to farm. The bill is about the right for agribusinesses to farm with cruelty and to limit protest and transparency, which The Greens and I believe is essential if we are to stop that kind of systemic cruelty, particularly in parts of corporatised agribusiness. I commend the amendment to the Committee.

The CHAIR (The Hon. Trevor Khan): I indicate that I will try to work out an order so that the debate flows. We will take it as an iterative process as we go, but we will get an order at the table first. The Minister has the call.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (15:44:31): The new title proposed by The Greens—Right to Farm (Limiting Protest and Transparency) Bill 2019—is not reflective of the content of the bill and would mislead the public record. The Government will not support the amendment.

The Hon. MICK VEITCH (15:44:46): The Opposition will support the amendment.

The Hon. MARK LATHAM (15:44:55): We can only look at The Greens and shake our heads. They are wasting the Committee's time with a meaningless, trivial amendment. According to The Greens there is a climate emergency, the world is about to finish tomorrow and all they can draft is an amendment with few words to add to a bill that is about the right to farm. The bill is about people holding private property having the right to farm without interference, without others trying to come onto their property and destroy their enterprise. It is very hard to understand why we need this amendment. One Nation will oppose the amendment. I suggest to Mr David Shoebridge that even the intelligent pig he referred to would not put this sort of nonsense before the Committee because it is a waste of time.

The CHAIR (The Hon. Trevor Khan): As the Hon. Niall Blair said, "I am one to do as I say, not as I do." Mr David Shoebridge will control himself from interjecting.

The Hon. EMMA HURST (15:46:15): The Animal Justice Party wholeheartedly supports the amendment. During the debate on the abortion bill there was a lot of talk in this place about the importance of honesty and accuracy in the naming of legislation. The majority of members in this place supported an amendment on that basis, so I hope today those members will be consistent in their standpoint and vote to support this amendment. A bill titled Right to Farm (Limiting Protest and Transparency) Bill 2019 accurately describes what the bill seeks to do. It is giving precedence to the rights of farmers over the rights of everyone else in our society at the expense of important civil liberties and the right to transparency in the animal agribusiness industry. If members in this place are comfortable with this trade-off then they should be honest about what is really going on and support this amendment.

We should also be very clear that although it remains in the title, the bill does not enshrine any right to farm, nor will it do anything to protect people living in regional and rural New South Wales who are most affected by the harsh, ongoing drought conditions. It is important to keep that in mind, particularly on a day like today when catastrophic bushfires are raging throughout New South Wales, threatening the lives of countless humans and animals, all of whom are in my thoughts today. We are in this terrifying situation as a direct result of the climate emergency, which this Government continues to take no real, serious steps to address.

The Hon. Robert Borsak: Point of order—

The CHAIR (The Hon. Trevor Khan): I think I know what it is.

The Hon. Robert Borsak: Could you instruct the member to talk about the amendment and not about the climate emergency and bushfires. They are hardly within the remit of the amendment.

The CHAIR (The Hon. Trevor Khan): I uphold the point of order.

The Hon. EMMA HURST: To the point of order: I am referring to correctly naming the bill. When we are talking about a comfortable trade-off on these issues, we need to name the bill based on those issues, which are being neglected in the bill.

The CHAIR (The Hon. Trevor Khan): I would agree with that if that is actually what the member was saying. Referring to a climate emergency—whatever one may think of that issue—has absolutely nothing to do with the bill. I ask the member to address the amendment, which simply seeks to change the name of the bill.

The Hon. EMMA HURST: Returning to the proposed name of the bill—Right to Farm (Limiting Protest and Transparency) Bill 2019—the Animal Justice Party is particularly concerned with the limitation of transparency. This is simply reproduced ag-gag legislation based on similar legislation that has been pushed

through in the United States. The name of the bill, as it stands, fails to recognise that it is entirely about limiting transparency within animal agriculture.

The bill is yet another superficial attempt to appease lobbyists from the powerful animal agribusiness industry and to frighten whistleblowers into silence. It suggests to me that the agribusiness industry is nervous about transparency and wants to ensure that consumers remain unaware of the horrific yet legal treatment of animals in intensive farming. But if animal agribusiness genuinely believes there is no ethical issue with modern factory farming practices like cramming tens of thousands of chickens into—

The CHAIR (The Hon. Trevor Khan): Order! I have already made this point: This is not an opportunity for a second reading speech. The member is referring to matters which she dealt with in her second reading speech. The amendment moved by Mr David Shoebridge seeks to change the name of the bill. This is not an opportunity for members to ventilate the pros and cons of agribusiness in New South Wales.

The Hon. EMMA HURST: My point is that the bill's name needs to accurately reflect its contents. I am reminding the House what this bill seeks to do and why the word "transparency" needs to be included in the name of the bill.

The CHAIR (The Hon. Trevor Khan): Again, the member has strayed too far from the amendment.

The Hon. EMMA HURST: If the animal agribusiness industry genuinely believes there is no ethical issue then it should be encouraging transparency through practices like mandatory CCTV and should not be desperately hiding from transparency as it has through this bill. If the industry actually promoted transparency and showed the world what it is doing to animals through CCTV footage that is made publicly available online—

The Hon. Robert Borsak: Point of order: We are hearing the same argument as before, just put another way. The member is out of order.

The CHAIR (The Hon. Trevor Khan): I agree. I do not invite the Hon. Emma Hurst to speak on this point of order. Using the word "transparency" does not get her over the line. This amendment seeks to change the name of the bill. It is not an invitation for members to give a second reading speech, which is what the Hon. Emma Hurst is doing. I ask the member to draw her attention to the amendment and not go beyond that. Otherwise, she must sit down.

The Hon. EMMA HURST: The Government's lack of honesty in the naming of its bill draws attention to how much there is to hide. The bill will reduce transparency in slaughterhouses and where animals are being held in the farming industry. Is this what the Government wants to hide from consumers? Is this what the Government wants to stop people protesting about? The Australian public has a right to know what life looks like for the millions of animals which are intensively farmed for food in Australia each year. Already this information is being hidden from the public and this bill is designed to reduce transparency even further.

The Hon. Robert Borsak: Point of order—

The Hon. EMMA HURST: My next sentence is: Let us be honest about the purpose of the bill. I urge all members to support this amendment.

Mr David Shoebridge: This had better be a well-focused submission.

The Hon. ROBERT BORSAK (15:52:55): It is very well focused. The Shooters, Fishers and Farmers Party will not be supporting the amendment.

Mr JUSTIN FIELD (15:53:05): I support the amendment proposed by Mr David Shoebridge. I suggested in my contribution to the second reading speech that perhaps we could have called the bill the Lock Up The Knitting Nannas Bill or a range of other things which would make more sense. It is ironic that the Minister has said the Government will not support this amendment because it would mislead or confuse the public, yet the Government's bill already misleads the public. An inquiry showed clearly that the bill would not address the issues. The Government's public consultation on the right to farm has been running since 2015. This bill does not respond to the issues that were raised. We know that the nuisance shield provisions are more likely to impact farmers more than others. The bill is dishonest. The Minister talked about vegan vigilantes, which shows that the bill goes after protesters. The aggravated offences which would be strengthened by the bill were introduced by the Baird Government and went after coal and gas protesters.

The Hon. Robert Borsak: Point of order—

Mr JUSTIN FIELD: The bill is about limiting protest, which is in the name proposed by the amendment.

The Hon. Robert Borsak: It is obvious that Mr Justin Field is flouting the previous orders of the House by giving his second reading contribution again.

The CHAIR (The Hon. Trevor Khan): I understand that this is an emotive issue. Rather than direct members, I urge them to consider what each of the amendments is directed towards and to address the amendment rather than using extended rhetorical flourish.

Mr JUSTIN FIELD: I thank the Chair for recognising my rhetorical flourishes. Those two points about vegan vigilantes and going after coal and gas protesters both refer to limiting protest. The amendment proposes to change the title of the bill, which means that the title reflects exactly what is in the bill. The Government has told the public that is what the bill does. In its rhetorical flourishes to its base constituency in western New South Wales, that is how the Government has sold the bill so the bill should be named honestly according to its contents. The amendment clearly highlights this is a public relations stunt gone wrong.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendment No. 1 on sheet c2019-177A. The question is that the amendment be agreed to.

The Committee divided.

Ayes19
Noes20
Majority.....1

AYES

Boyd, Ms A (teller)
Donnelly, Mr G
Graham, Mr J
Jackson, Ms R
Moselmane, Mr S
Searle, Mr A
Veitch, Mr M

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

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

NOES

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

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

PAIRS

Sharpe, Ms P

Mallard, Mr S

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): According to sessional order, it being 4.00 p.m., I will now leave the chair and report progress.

The PRESIDENT: The Committee reports progress. Further consideration of business before the Committee is set down as an order of the day for a later hour. According to sessional order, proceedings are now interrupted for questions.

Questions Without Notice

BUSHFIRES AND HSC STUDENTS

The Hon. ADAM SEARLE (16:04:17): My question without notice is directed to the Minister for Education and Early Childhood Learning. What is the Government's advice to parents and students affected by recent and current bushfire emergencies who are undertaking the Higher School Certificate, and will they be offered special consideration?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:04:32): I thank the Hon. Adam Searle for his question. I will have more to say about the HSC later in question time today. Certainly for the benefit of the member and everyone else in the Chamber, one of the things that we are very grateful for today in the midst of these catastrophic fire conditions is the fact that the HSC finished yesterday. While several schools were closed yesterday, from memory, I think they were all public primary schools. However, we certainly understand and recognise that students in some areas of the State were not able to get to their local high school because of the fire conditions. The advice that I have received today is that many were able to attend alternative schools and sit their exams there.

We also have provisions in place, which are set into the HSC through the NSW Education Standards Authority [NESA], that if there are catastrophic conditions, if there are emergencies, illness or misadventure, students are able to put in for special consideration. I spoke to the acting CEO of NESA about that yesterday. His advice was that students should do that through their principal. Effectively, all they need to say is it was the bushfires, then they will be given that concession. No-one will be adversely affected. Students' safety had to come first. That was our message very clearly to students yesterday, and we are pleased that they heeded our advice.

The Hon. ADAM SEARLE (16:05:59): I ask a supplementary question. I ask the Minister to elucidate that part of her answer where she indicated that she would have more to say about the HSC later in question time.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:06:16): I am thankful for the opportunity, but I advise the honourable member that he can wait a little longer to hear about it.

The PRESIDENT: The supplementary question did tick all three boxes.

BUSHFIRES

The Hon. TAYLOR MARTIN (16:06:35): My question is addressed to the Leader of the Government. Will the Minister update the House on the bushfire emergency throughout New South Wales?

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (16:06:35): I thank the Hon. Taylor Martin for his question. I start by acknowledging and thanking the thousands of volunteers from across New South Wales and abroad who are currently working to protect lives and properties during this fire emergency. The State is currently facing extraordinary fire conditions that are posing a serious danger to communities, with no relief predicted in the near future. Today, as honourable members will be well aware, catastrophic fire dangers have been declared from the Illawarra to the Hunter, including the Greater Sydney region, the Central Coast and the Shoalhaven.

Fire conditions have become far more severe due to the prolonged drought affecting the entire State. Over the weekend we saw vast areas of the State's north come under severe fire threat, with an unprecedented number of fire emergencies. I am sure every member of the House sends sincere condolences and thoughts to those in northern New South Wales who have already been affected by the fires. As of this morning, we have confirmed at least 150 properties have been destroyed and, sadly, three lives have been lost in the fires. The danger present today could possibly see those numbers increase—something we all hope does not eventuate. Yesterday the Premier declared a state of emergency for seven days, allowing necessary powers for the Rural Fire Service to directly control government agencies and utilities in an effort to mitigate risks to infrastructure and lives.

Schools, TAFEs and university campuses in bushfire-prone areas have shut for the day as a precautionary measure. I know members have been receiving regular updates on lists of school closures to communicate to their communities. Over 3,000 firefighters and support personnel, with assistance from more than 60 aircraft, have been deployed across New South Wales to combat the fires as they arise. I advise the House that there are currently 12 emergency fire warnings across New South Wales. Finally, I focus on some of the key messages from the Rural Fire Service today: Remain vigilant and stay up to date with fire warnings. It is important that if you are asked to leave, you do so as quickly and safely as possible. Importantly, you should not wait to be told. If you see a threat near where you are, make the choice to get out early. Stay safe, stay informed and keep aware of your fire danger.

BUSHFIRES AND BOBIN PUBLIC SCHOOL

The Hon. WALT SECORD (16:09:37): My question is directed to the Minister for Education and Early Childhood Learning. What arrangements are in place to assist families, teachers and students at Bobin Public School near Taree, which was destroyed by fire last week?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:10:10): I thank the Hon. Walt Secord for his question. As the Leader of the Government said in answer to

the Dorothy Dixier, we know that today is a tough day and a lot of communities are currently dealing with active fires. But we cannot forget that areas of the mid North Coast were affected over the weekend, including Bobin, the area that the member has asked about in his question. I can advise the member that, unfortunately, that school was lost in its entirety, which is a real shame for the local community. There has been damage at one other school at this point in time, which is at Wyaliba, east of Glen Innes. They are the two schools that have been hardest hit in terms of infrastructure at this stage.

Obviously Bobin Public School and a lot of other schools on the North Coast are currently closed. They were shut yesterday, they are closed today and they will be closed tomorrow. We are giving families that advice as we speak so that they can make plans. When it comes to damage to school infrastructure, the intention is that as soon as it is safe to do so we will get staff from School Infrastructure on the ground to look at what opportunities there are within the site. In the initial period we will look at what we can do to support the students and take them to a neighbouring or close school between now and the end of the school year—from memory, we are looking at Wingham schools for Bobin students to head to while they are without a school site. We will look at what the damage is and look at what we need to do in terms of clearing the site.

It is certainly our intention to rebuild any schools that have been destroyed due to fire. At the moment that is the case for Wyaliba and Bobin, but until the fire threat passes and until we go and have a look we really cannot give any more detailed information. From my recollection, the intention is for those students to attend school at Wingham for the remainder of the school year as an interim measure, but we will work with the school community as we roll that out.

STATE BUDGET AND RURAL FIRE SERVICE

Mr DAVID SHOEBRIDGE (16:11:53): My question without notice is directed to the Minister representing the Minister for Police and Emergency Services, and I am pretty sure that is the Hon. Sarah Mitchell. Given this year's budget shows a 4.8 per cent reduction in the expenses budget and a 75.2 per cent reduction in the capital expenditure for the Rural Fire Service between last year's revised budget and this year's announced budget, will the Minister advise the House what the rationale and effect of that budget setting is?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:12:25): I thank Mr David Shoebridge for his question, which was asked of me representing Minister Elliott. I can advise the member that I have some information that the Minister has given me in relation to the Rural Fire Service. I can tell him that the New South Wales Government will spend a record \$1.7 billion in 2019-20 to combat emergencies and disasters, committing an unprecedented \$105 million in extra funding to enhance rescue capabilities across the State. Overall, New South Wales RFS will be receiving a record \$541 million in capital and recurrent funding in 2019-20, an increase of 12.9 per cent from funding announced in the 2018-19 budget. Fire and Rescue NSW will be receiving a record \$774.3 million expenses budget in 2019-20, as well as an additional \$51.9 million for capital expenditure.

Certainly the advice from the Minister is that claims that the RFS and Fire and Rescue budgets have been cut are categorically false. We have record budgets in relation to the RFS. There has been a significant number of one-off capital investments over the past year, including \$17.5 million for the completion of the NSW Rural Fire Service headquarters; \$26.3 million for the purchase of a 737 large air tanker and lead plane; and \$5 million to upgrade IT systems to better coordinate bushfire responses. Over the past day or two I have seen in the media, as I am sure other members have, comments made by the Commissioner of the NSW Rural Fire Service, Shane Fitzsimmons—who is doing an outstanding job in this crisis, as is his team. This is a direct quote from him. He said:

It is rubbish. It is misinformation. It is being misrepresented ... Not only has our budget not been cut, but we are enjoying record budgets. We have got more money today than we have ever had before in the history of the organisation. We have got record funding in particular programs. We are the only jurisdiction in this country that has got a dedicated large air tanker with a budget impact of something like \$26 million to make that possible.

As a government, we are supporting the RFS in the incredibly important work it does, particularly in the current period, and any comments around budget cuts are simply not true.

Mr DAVID SHOEBRIDGE (16:14:53): I ask a supplementary question. I thank the Minister for her detailed answer, but can she explain how she can assert, as she did, that the budget this year of \$541 million combined for the RFS, both capital and recurrent, is a record budget when her own budget papers show that last year's revised budget had the RFS receiving \$617 million? Those comments do not stand together. Can the Minister explain how this year's budget of \$541 million, both capital and recurrent, is a record when her own budget papers show that last year's revised budget, capital and recurrent, on the very same page, totalled \$617 million?

The PRESIDENT: Before the Minister commences her answer, so that I do not take any of her time, I remind two Parliamentary Secretaries that the supplementary question was being asked of the Minister, not of them. It is the Minister who will respond, not them. It is difficult for the Minister to hear the supplementary question clearly, just as it is difficult for me to ascertain whether the supplementary question is in order, while they are interjecting. I will not name the two Parliamentary Secretaries, who are sitting next to each other; I will just leave it at that.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:16:26): As I said to Mr David Shoebridge in my original answer, this is the information and advice I have from the relevant Minister responsible: an increase of 12.9 per cent in funding. The member obviously still has questions in relation to specific numbers in this year's budget and in last year's budget. I am happy to take that detail on notice and I will get some more information for him from the Minister and bring it back to the House.

BUSHFIRES AND SCHOOL COMMUNITIES

The Hon. WES FANG (16:16:50): My question is addressed to the Minister—

[Members interjected.]

The Hon. Trevor Khan: Point of order—

The PRESIDENT: Order! I do not think I need to hear the point of order. In a moment I will ask the Hon. Wes Fang to start his question again because a good 15 seconds passed and I do not think he had a chance to get a word in—if he did, I definitely did not hear it above the interjections. I ruled earlier about the Parliamentary Secretaries not interjecting, and I do so again. I know they commenced interjecting first, but I indicate to Mr David Shoebridge that he should not respond to the interjections. I gave him every opportunity to ask his question and made it very clear that the Parliamentary Secretaries should not interject when he was asking his question. I ask him to reciprocate. This is my final warning to the two Parliamentary Secretaries, who are sitting next to each other—both Liberal. I will not name them, but if there is one more interjection from either of them I will probably call them both to order. I simply leave it at that for the moment. The Hon. Wes Fang will commence his question again. The Clerk will start the clock.

The Hon. WES FANG: My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on the measures being taken to ensure school community safety in the face of the current bushfires in New South Wales?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:18:22): I thank the Hon. Wes Fang for his question. This is obviously something that we have touched on during question time today, but I am sure I speak on behalf of all members when I say that we are certainly thinking of the communities across the State who are facing an unprecedented threat from bushfires today. I think it is a time for all of us, regardless of our political affiliations, to come together and particularly support those on the front line, provide assistance where we can and let the RFS do its job. As the education Minister, and with catastrophic fire conditions forecast for much of New South Wales throughout today, my first priority has been to ensure the safety of students and the school communities. The Department of Education is continuing to work in conjunction with the New South Wales RFS to determine the level of risk to individual schools, and we will act accordingly if and when there is any risk throughout the day.

Shortly before question time I became aware that there are presently more than 600 government, Catholic and independent schools across the State that are closed due to bushfires or the threat of danger under the forecast conditions. I certainly will keep all members in both this place and the other place updated with regard to any schools affected in their areas. My office has been sending out that information to all members because I think it is really important, particularly at times like this, that local members know what is going on. They need to update their communities. I thank and acknowledge all members from all sides of politics who have come to see me, have asked for extra support and have said that they appreciate the information. It has been a pleasure to keep them updated. We will continue to do that both into this evening and in the days ahead.

Also, I sincerely thank all principals who have worked with departmental staff and all RFS personnel who have worked around the clock to ensure those precautionary safety measures are in place today. They are doing an unbelievable job in very difficult circumstances. All principals have been provided with key information by the department to assist them with managing their local situation and we continue to provide updates to our school communities. I encourage all parents, principals and the community at large to stay up to date both by monitoring the Fires Near Me NSW app and the department's website, education.nsw.gov.au, which is continually updating the school closures list. We have links also to the Catholic and independent schools sectors, so it is really a one-stop shop for families when it comes to schools that will be closed today and potentially tomorrow as well.

The department has also sent advice to early childhood services across the State. Many small children attend those services and many of those services closed today. We have a hotline available on the department's website if any parents have questions about early childhood services in the days ahead. I encourage parents to avail themselves of that information and give the 1800 619 113 number a call. The department will continue to monitor the situation. We know that some schools will be closed tomorrow because of the ongoing fire activity. Information will be circulated to parents as soon as possible about other school closures tomorrow to give parents time to plan ahead. We will do our best in the circumstances.

BUSHFIRES AND NATIONAL PARKS

The Hon. MARK BANASIAK (16:21:27): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women representing the Minister for Energy and Environment. Given that many of the devastating fires unfolding in our State as we sit here started in national parks, will the Minister immediately review the fuel reduction policies in national parks, particularly in areas that border major thoroughfares and connect towns?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:21:49): I thank the Hon. Mark Banasiak for his question relating to current bushfires, which he directed to a Minister in the other House whom I represent. As previously stated by other Ministers in this place, today we are facing unprecedented times in terms of bushfires. In regard to reviewing policy and where that will sit, that is a matter for discussion after these events have run their course. As the question contains detailed policy, I will take it on notice and refer it to the Minister I represent.

SHOALHAVEN MENTAL HEALTH SERVICES

The Hon. TARA MORIARTY (16:22:43): My question is directed to Minister for Mental Health, Regional Youth and Women. Given the planned closure this Christmas of the Shoalhaven Sub-Acute Adult Mental Health Unit, will the Minister guarantee that South Coast residents will have timely access to mental health care after it was announced that the Shellharbour Hospital closed five mental health beds due to critical staff shortages?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:23:11): I thank the Hon. Tara Moriarty for her question. The question was asked in two parts so I will answer it in two parts. Again, the honourable member raised the Shoalhaven Sub-Acute Adult Mental Health Unit. That is a question I have answered previously in this place. I stated that the closure occurred in previous years and that there have been no issues associated with people being unable to access mental health services. I point out also that the local health district is supportive of the unit being a voluntary admission subacute unit when clinically appropriate because it enables people being treated to spend time with loved ones over Christmas. The subacute service has been shown to have a positive impact on wellbeing and mental health.

As I previously stated in this House, any mental health consumer requiring inpatient admission to a subacute unit during the Christmas period will be accommodated at the Shellharbour Hospital, which is the second part of the question. I am advised that to ensure the safety and wellbeing of staff and consumers the Illawarra Shoalhaven Local Health District has temporarily closed seven beds at the Shellharbour Hospital's mental health service owing to current nurse staffing levels that have been affected by unplanned leave as well as vacancies occurring in specialist nursing positions.

The district is actively recruiting additional staff to manage these workforce gaps. An additional five casual staff are being orientated to support times of leave. Three full-time equivalent nurses are starting with the service before the end of November. Bed capacity and nursing numbers are reviewed daily and they are flexed accordingly. The Shoalhaven subacute unit does not take emergency admissions or provide programs for acute inpatients. I am advised by the local health district that as of 12.30 p.m. today there are four empty beds, which means that anyone who is waiting for any service to acquire mental health admission will absolutely be accommodated.

MENTAL HEALTH SPORTS FUND

The Hon. SAM FARRAWAY (16:25:49): My question is addressed to the Minister for Mental Health, Regional Youth and Women. Will the Minister update the House on how the Government is helping drought-affected communities come together through sport?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:25:57): I thank the Hon. Sam Faraway for his question. Two weeks ago I was thrilled to be in Tamworth with Minister Anderson to announce the opening of a new \$1.2 million Mental Health Sports Fund. Sporting clubs are the absolute heart of our rural communities and this fund will assist New South Wales sporting bodies to work with local clubs to deliver mental health and wellbeing initiatives that suit the needs of local people. We know

that people often do not want to see a professional straightaway and that often there is stigma in the bush, so this fund gives people a reason to connect and start talking over sport.

We are lucky that many of our New South Wales-based sporting bodies realise the importance of mental health in their associations and want to use their sports to educate their members and help them begin conversations that could save a life. We know how devastating the drought is for mental health and we wanted a reason for people to come together to enjoy a game of sport with a broader purpose. I expect a diverse range of sporting codes will apply to promote mental health and start important conversations in regional areas that are battling this tough drought.

Collectively, sporting clubs have thousands of members across regional New South Wales and are a great vehicle to promote mental health and wellbeing. New South Wales sporting bodies can apply online through the Office of Sport for funding to expand an existing program, team up with a mental health service provider on a new program or support their local member clubs to run community wellbeing events. Sport is a great way to unwind, get out of the house and catch up with one's mates. Our sporting clubs and organisations have strong ties with our communities and they act as a point of focus for families, friends and neighbours.

I was lucky to be joined in Tamworth by Phil Emery, the former New South Wales cricket player. He is part of the highly successful 2018 Baggy Blues—a regional cricket tour that, for the past few years, has harnessed a love of cricket in rural communities to engender conversations about the importance of mental health. The Baggy Blues hope to receive some of the funding to tour new locations next year, starting in Inverell and Tamworth. Phil Emery said that the matches are a great day out and encourage people to reconnect with their families and community. The players are passionate about promoting the importance of mental health and getting people to check in themselves and with those around them. I commend the Baggy Blues for their work in regional communities. The players conduct the tour as volunteers because they love the game and they love Australia. This is their way of giving back.

Any way we can reduce the stigma surrounding mental illness, increase knowledge of available mental health resources and boost community spirit is a win for New South Wales. I was lucky to attend such an event when Glenn McGrath ran one in Cooma. I promise members that every single young person was out that day to watch Glenn McGrath play and participate in his cricket clinic. The great thing about that was the parents and carers came too. People could sit on the sidelines, have a coffee and talk to each other. That is what we want everyone to do. That is what this program is about. It is a win for New South Wales.

BUSHFIRES AND BUILDING CLADDING SAFETY

The Hon. ROBERT BORSACK (16:29:03): My question without notice is directed to the Minister for Education and Early Childhood Learning, representing the Minister for Police and Emergency Services. Given that many of Sydney's emergency services have been sent to assist with the unfolding fires around the State, what contingency plans have been put in place regarding the hundreds of buildings in Sydney that have flammable cladding, are deemed to be of high risk and are now at increased risk of igniting, given the current conditions?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:29:30): I thank the honourable member for his question. It is a good question and an important one because obviously we need to be doing whatever we can to ensure safety during these current conditions. As he has rightly said in his question, a lot of Fire and Rescue staff have been deployed to assist with these bushfires that we are facing today. In terms of specific contingency plans that are in place for other areas of Sydney in relation to the issues that he has raised, I will seek some advice from the Minister and come back to him with that and I will do it as quickly as I can.

Q FEVER

The Hon. MICK VEITCH (16:30:05): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women representing the Minister for Health and Medical Research. What is the Minister's response to concerns that government funds for a beer coaster advertising campaign on Q fever entitled "Q Fever. Serious. Preventable." would have been better directed to providing subsidised vaccinations for those at risk of contracting Q fever in our community?

The Hon. Walt Secord: Here is the beer coaster—

The PRESIDENT: I remind the Hon. Walt Secord that I do not want to see props being flashed. If he was silly enough to take it from the Hon. John Graham, that is his problem.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:30:33): I thank the honourable member for his question. I note and appreciate his interest in Q fever and

vaccinations because it would be something that would affect a lot of people he has worked with over a long period of time—

The Hon. Walt Secord: And him—he is a sufferer.

The Hon. BRONNIE TAYLOR: I did not want to share that unless it was—

The Hon. Mick Veitch: They all know.

The Hon. BRONNIE TAYLOR: Okay. That is fine. I am very conscious of privacy. I thank the honourable member for his question. As it is detailed about a specific issue within a program, I am happy to take that on notice, but I inform the honourable member that it is definitely a discussion that is had—about Q fever and about the things we need to do. We know that with the vaccinations for children, for example, the efficacy is not yet completely proven. There are considerations with that as well. But we know that vaccination is a good thing. I was very pleased to know too—I believe it was last year or the year before—that Minister Hazzard announced additional research funding to look into Q fever and look into the vaccine, because we know that if we can put the appropriate research into the vaccine to make the vaccine most effective, we are going to get better coverage and at the end of the day we are going to prevent people from developing what can be an extremely debilitating disease. It is something that we want to see.

The Hon. MICK VEITCH (16:32:15): I ask a supplementary question. I thank the Minister for her answer. Will the Minister elucidate the part of her answer where she said she was going to take the question to the Minister for a more wholesome response by also seeking the time frame for the circulation of the beer coasters? Is there going to be an evaluation of that particular program?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:32:40): I thank the member for his supplementary question. As it contains detail, I will refer it to the Minister in the other House whom I represent and get a response to him in a timely manner.

The Hon. WALT SECORD (16:32:56): I ask a second supplementary question. Will the Minister elucidate her answer in regard to the research that she said the Minister for Health and Medical Research, Brad Hazzard, commissioned into the effectiveness of the vaccine? When will that research be released and will it be published and made publicly available?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:33:22): I thank the honourable member for his second supplementary question. That was funding that went into a research program for which I was not the Minister who allocated the funding but I will be more than happy to check the detail about the research being published and used for the greater public good.

BUY REGIONAL CAMPAIGN

The Hon. LOU AMATO (16:33:50): My question is addressed to the Minister for Finance and Small Business. How is the Buy Regional campaign working to support regional businesses during this drought?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:34:08): I thank the honourable member for his question and his interest in supporting regional small businesses during the worst drought on record. While more than anything what our farmers need is drought-breaking rain, supporting rural communities through income-churning projects is the next best thing. This is why the New South Wales Government has delivered close to \$3 billion in drought relief and water security since 2017, including funding for 60 bores across 23 communities and 14 pipelines. It is why as a part of this investment the \$170 million Drought Stimulus Package is funding local infrastructure projects to keep jobs and dollars local. This Government is always looking for more ways to support our regional businesses.

This is why I am especially proud to be associated with the New South Wales Government's Buy Regional campaign. We have partnered with the founders of online communities such as Grace Brennan from buyfromthebush—a great lady from Warren—Cassandra McLaren from One Day Closer to Rain as well as head chef Matt Moran from Thankful4Farmers to get the message out there this Christmas. Every dollar spent with a regional retailer or producer helps keep that small business afloat, supports jobs in that town and gets money flowing through the local economy.

This website connects regional businesses and their products with metropolitan communities. There is honey from Forbes, art from Uralla, wine from Orange, silver craft from Glen Innes, amazing bags and accessories from Cooma and so much more that can be found online. I note that members are not supposed to use props in this place so I will be very careful about how I make reference to noting that the Minister for Mental Health, Regional Youth and Women is supporting this campaign. Today she is donning a beautiful set of earrings courtesy of Laura from Featherdale Earrings in Armidale.

The Hon. Walt Secord: Cash for questions! You better declare that.

The Hon. DAMIEN TUDEHOPE: She bought them. She purchased them and supported a local economy. Since we launched this program two weeks ago we have had more than 142,000 page views, 37,000 users, 167 registered businesses and we are saying that we want more. With drought and terrible fires raging across so many different communities in regional New South Wales, there is no reason to stop people jumping online. Purchase local and back the bush.

The PRESIDENT: I note that is the third interjection by the Hon. Rose Jackson—I will allow her three.

WATER SHARING PLANS

Mr JUSTIN FIELD (16:38:02): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women representing the Minister for Water, Property and Housing.

The PRESIDENT: I take this opportunity to welcome to the public gallery this afternoon guests of Mr Justin Field including his mother, Mrs Joan Field, and his aunt Mrs Margaret Upham, both visiting from Queensland. We are pleased to have you in the Chamber this afternoon to observe question time in the number one State and city of Australia.

Mr JUSTIN FIELD: The Government's Water Management Amendment Bill 2014 amended all regulated water sharing plans so that decisions about how much water is set aside within the State's dams would not take into account the millennium drought records. The Minister at the time said that taking into account millennium drought records would result in "significant quantities of water being taken out of production and held in reserve in case of an equally severe drought". Minister, how many and what specific regulated water sharing plans continue to base water release decisions off data that does not take into account the millennium drought?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:38:50): I thank the honourable member for his question on such a special day in question time with his family here. As it is an extremely detailed question and as I represent the Minister who resides in the other place, I will take it on notice and get back to him with an answer in a timely manner.

STATE BUDGET SUBMISSIONS

The Hon. PETER PRIMROSE (16:39:18): My question without notice is directed to the Minister for Finance and Small Business, in his capacity as Minister and representing the Treasurer. A number of community organisations have sought information on the deadline for the 2021 New South Wales budget submissions and the required submission formats. Unlike the Commonwealth Government, which provides that information online, none of these organisations—nor I—can find any relevant information on any New South Wales Government website. Furthermore, despite numerous phone calls to the Treasurer's office and promises to provide the information, those promises remain unfulfilled. What are the deadlines for pre-budget submissions for the 2021 New South Wales budget and where are the required submission formats publicly available?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:40:15): What a great question. In fact, I am sure the honourable member wants to make a submission on the budget. The short answer is I do not know. If the member cannot find it online, the Treasurer has not shared that information with me and—

The Hon. Peter Primrose: Shame.

The Hon. DAMIEN TUDEHOPE: Shame. He probably should have. At any rate, I will undertake to see if there is a more fulsome answer that I can provide to the member in due course.

REMEMBRANCE DAY

The Hon. MATTHEW MASON-COX (16:40:53): My question is addressed to the Leader of the Government. Will the Minister update the House on how the New South Wales Government acknowledged Remembrance Day this week?

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (16:41:04): I certainly can. Over 100 years ago the guns fell silent on the Western Front and brought an end to hostilities in the First World War. Each year we mark the end of the war at 11.00 a.m. on 11 November—the exact moment the Armistice was brought into effect—as a moment to acknowledge the sacrifice of soldiers across all conflicts. This year, as many of our regions fight a very different battle—against fires—we paused again to remember fallen soldiers and 101 years since the end of that war. Yesterday ceremonies were held across the State at local RSLs, parks and cenotaphs, remembering lives of locals who marched to war from 1914 to 1918 and in all conflicts.

It is an opportunity for the community and our servicemen and servicewomen to come together in commemoration and in recognition of the Australia we now live in following the sacrifice of war. Remembrance Day is marked by the Flanders poppy—one of the first things to regrow on the devastated fields of France and Belgium following the war. During the war soldiers remarked that the brilliant red colour was due to the blood spilt on those fields by friend and foe alike. As a mark of respect, red poppies were projected on the sails of the Sydney Opera House during last evening. This is the fifth year in which that has been done as part of the Government's commemorations of Remembrance Day.

The regular State service was held at the cenotaph, attended by Her Excellency the Governor and, on this occasion this year, by the Prime Minister, the Premier and the Deputy Premier. We not only remember the lives of those lost in wars but also acknowledge our returned veterans who are continuing their struggle after the trauma of conflict. Some 1,200 ex-servicemen and ex-servicewomen transition from the defence force in New South Wales each year. The New South Wales Government is supporting their transition with specific employment and healthcare programs to assist them. Remembrance Day is an important acknowledgment of all soldiers, past and present, who go to war. As many communities combat bushfires and droughts, there are still moments where we may come together to pay respect and acknowledge our servicemen and servicewomen.

BANKSIA MENTAL HEALTH UNIT

Ms CATE FAEHRMANN (16:44:00): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women. Mental health admissions to New England hospitals have more than doubled from 2014 to 2018 and 12,000 people have signed a petition calling for an upgrade of the Banksia acute mental health unit in Tamworth. The past two budgets have mentioned this proposed upgrade as a line item but no price tag has been put on the project. The Minister has said the upgrade is a high priority for the Government. Will the upgrade be fully funded in next year's budget?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:44:39): I thank the honourable member for her question about the Banksia unit. I was there last week—or was it the week before? I have recently visited Banksia and met with the community group that is advocating for an upgrade to that facility. I had a full tour of the facility. I start by acknowledging that Banksia has incredible staff who do amazing work. They have recently had an upgrade due to the therapeutic environment funding and they have done some terrific work. Often what happens in these facilities that are a lot older—and, actually, Banksia is not that old; it was originally built in the 1990s—is that they are not built in a way that makes them as therapeutic and as good as our newer mental health facilities.

Banksia is a priority for me. That is why I went out and saw it, because I need to see things. I need to go and physically see it, see how it is working and talk to the staff. The unit is fortunate in the sense that Tamworth has five psychiatrists working there and a very good team of staff. I am informed that the clinical services planning for Hunter New England mental health services, which includes Banksia, is in its final stages. To go forward with redevelopments, the process is that it is part of the clinical services plan, which we refer to as the CSP. When it is in the CSP then we can go forward and keep planning, and that is exactly what is happening with that. That started in 2018. It has involved consultation with over 350 staff, patients and community members and will inform the direction of mental health services and enhancements across the district.

As the honourable member alluded to in her question when she talked about mental health admissions in the New England area, Banksia is the centre of excellence for that section of New South Wales, so it is seeing lots of people from right across that wide area. As I said, the specific planning for an improved unit will be undertaken in the context of the CSP. The budget allows for a \$700 million infrastructure upgrade. Because I am going to be responsible and there are lots of places asking for upgrades and refurbishments, we will work with Hunter New England, we will look at the clinical services plan, we will look for what they tell us is the best and optimal result for them and we look forward to those plans coming forward. But, yes, it is a priority for me and I do not walk away from that.

EDUCATIONAL FACILITIES STANDARDS AND GUIDELINES

The Hon. COURTNEY HOUSSOS (16:47:35): My question without notice is directed to the Minister for Education and Early Childhood Learning. Given the Minister's department stated during the budget estimates hearing that the Educational Facilities Standards and Guidelines [EFSG] sets out a whole range of parameters, including toilet requirements, floor space to teaching spaces, how many New South Wales public schools currently meet the minimum standard required under the Educational Facilities Standards and Guidelines as of 4 September 2019?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:48:11): I thank the honourable member for her very detailed question in relation to the EFSG and

the requirements for our over 2,200 public schools. I am very happy to take that on notice and come back to her with an answer.

BUSHFIRES AND HSC STUDENTS

The Hon. TREVOR KHAN (16:48:44): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on the HSC, which concluded yesterday, and how students impacted by the bushfires can ensure they are not disadvantaged?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:49:22): I thank the member for his question, his interest in the HSC and the bushfire-impacted students. As I alluded to earlier in question time, yesterday saw the conclusion of the 2019 Higher School Certificate with the design and technology and textiles and design exams finishing at 3.30 p.m. Yesterday I had the opportunity to visit Burwood Girls High School and meet some of the physics students there as they left their exam hall after finishing their final exam at about 1.30 p.m. I have to say they were very relieved and probably a little shell-shocked that it was all over, but I am sure that that relief was contagious for other students right across the State as they complete their final exams over the past week. I thank the Principal of Burwood Girls High School and the science teachers who took the opportunity to chat with me. I understand the year 12 girls have their formal tonight so I am sure they will be enjoying themselves and the relief of the HSC being finished.

From the 75,000 students who sat the exam to the 5,500 people who are now marking the papers I thank everybody involved in this year's HSC. Recently I met some of the markers at Homebush. Markers are working across New South Wales in nine different marking centres or from home. Interestingly, before marking from home they attend comprehensive briefings and practice marking sessions at a marking centre. Nowadays the process is to scan the exam pages into computer programs so that markers can mark from home—it makes it much simpler. The teachers I spoke to about that process said it is much better than the old system where they used to have to manually go through pages. In terms of professional development, being an HSC marker is an opportunity they relish.

Fun fact: The English exam alone requires 11 different markers for each paper to ensure continuity and over eight million exam pages were scanned in to be marked digitally during the HSC—a big effort there. As I said earlier in response to the Leader of the Opposition, of course we are relieved and one thing we are grateful for today is that the HSC concluded yesterday. Wildfires have intensified today. It has meant that more students were not disrupted during their exams because of these fires. As I said earlier, we have provisions in place to ensure that anyone who did not make it to the exam yesterday will be able to lodge an illness-misadventure appeal to ensure that they are not disadvantaged.

I have directed the NSW Education Standards Authority to actively work with schools to identify students who may have been impacted yesterday and make sure they have everything they need in that process, because obviously we do not want to make it difficult for them. We want that to be a smooth process given what has happened. Finally I commend the staff and students who in pretty trying circumstances in those areas over the weekend acted professionally and with maturity to meet the challenges of bushfire during a stressful time. [*Time expired.*]

BUS SERVICES PRIVATISATION

Ms ABIGAIL BOYD (16:52:22): My question is directed to the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts representing the Minister for Transport and Roads. Given that bus services in regions 7, 8 and 9 operated by the publicly owned State Transit Authority have, since 2017, seen a significant increase in on-time running compared to the privatised region 6 buses, with project upgrades to further improve on-time running, while still running at an operating profit to the Government, why would the Government seek to privatise regions 7, 8 and 9 buses against the interests and wishes of the community?

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (16:52:59): The answer is complex but I am very happy to take the honourable member through it. Bus customers will receive additional services and innovative on-demand options under new contracts to lift the standard of transport across Sydney. Bus patronage has increased by more than 50 per cent over the past six years. This rate of growth outstrips that of all other forms of public transport and we need to address this increasing demand as a matter of urgency. The Government will invite the world's leading public transport operators, Australian and international, to bid for contracts for 13 of Sydney's bus contract regions between 2020 and 2022—over the next three years. A competitive tender of all Sydney metropolitan bus contracts will enable the Government to reinvest more into delivering better bus services to commuters.

The Government will engage with the private sector to transform the current one-size-fits-all model of service delivery to one with multiple service types, including high capacity routes and local and on-demand travel. The Government will continue to own State Transit buses and all other assets such as depots; regulate timetables, safety and service priorities; and set fares, as they are under the Opal system. The reform will also see Sydney's aging diesel fleet replaced by electric vehicles to reduce the impact of buses on the health and environment of our city. As part of this process we will challenge the industry to begin an ambitious transformation of our bus fleet from particulate-emitting diesel to zero emission buses.

The honourable member asks why. Well, it is very clear the private sector has greater capacity for innovation to drive efficiencies and improvements in service delivery—and at a lower cost to taxpayers. Demand for bus services across metropolitan Sydney is growing, as I stated earlier in my answer, and the status quo is not an option if genuine service improvements are to be delivered to customers as our population grows. We need to address this increasing demand as a matter of urgency.

Ms ABIGAIL BOYD (16:55:57): I ask a supplementary question. Will the Minister elucidate his answer in relation to privatisation being required to ensure service improvements? The Minister mentioned multiple types of routes, innovation and electric buses. However, it was not clear from his answer as to why privatisation of bus services is required to achieve those things or why it is asserted that the private sector has a better ability to deliver those things despite all evidence to the contrary.

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (16:56:35): The honourable member might have that world view about evidence to the contrary but it flies in the face of the reality of the way this Government is transforming this State, in partnership with the private sector, over the past eight years. We make absolutely no apology for running an effective and efficient Government and working with the private sector to innovate. We would not have made the extraordinary progress that we have on a wide range of fronts if we had been trapped in the sort of ideological rut—

The PRESIDENT: Order! The Clerk will stop the clock. That is the third interjection by the Hon. Shaoquett Moselmane. I will call him to order if he interjects again.

The Hon. DON HARWIN: As I was saying, we would not have made the progress we have if we had been trapped in the sort of ideological rut that The Greens would have us fall into. I need to remind the House that Labor left us with a \$35 billion infrastructure black hole. We have transformed that with a range of projects in partnership with the private sector. Now we have the capacity through the reforms we have made, and by working with the private sector, to further transform the State with a \$90 billion infrastructure spend over the next four years, much of which is going into public transport. The Greens, who have been going on about public transport for years, have finally got a government that is making a real difference to public transport. We are not going to listen to them about how to deliver it because if it had not been for this Government there would not have been the enhancement to the capacity of public transport in this city and State.

PARRAMATTA LIGHT RAIL

The Hon. DANIEL MOOKHEY (16:58:50): My question is directed to the Minister for Finance and Small Business. Given the disruption caused to businesses along the Sydney light rail route in Sydney's east, has the Government begun work on assistance and compensation to retailers and small business owners disrupted and affected by the Parramatta Light Rail project, including stage one and stage two?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:59:24): I thank the member for his question. It is an important component of delivering infrastructure that we acknowledge that there is disruption associated with the delivery of that infrastructure. I take up the answer given by the Leader of the Government to the previous question about what this Government has done for the purposes of delivering infrastructure for this State.

The member would be aware that a significant inquiry was undertaken on the impact of light rail and that a number of submissions were made about the delivery of that project. There are lessons to be learned and, in fact, the office of the NSW Small Business Commissioner will engage with every single business along that route as part of assessing the potential impact on those businesses. In many respects it is equivalent to the delivery of a dilapidation report in relation to a building. In fact, it will deliver an economic report to the Government about those businesses that will include, for example, information about the nature of their leases.

We can also do secondary things, such as time the delivery of the infrastructure so as not to coincide with the Christmas period for eat street in Parramatta. In fact, as part of the delivery of that infrastructure, the Government will address those timing issues and, in many respects, the integration of the office of the NSW Small Business Commissioner and the business community. I say to the member and to businesses,

"Work with us." We want to make sure that this project is delivered and, in fact, will deliver positive results for the businesses along the Parramatta Light Rail route. It will be a significant contribution to the business community in Parramatta. I am reminded that we have moved the office of the NSW Small Business Commissioner to Parramatta.

The Hon. Daniel Mookhey: Point of order: While I appreciate the Minister might wish to talk about this, it is not directly relevant to my question, which was about what he is doing to assist and compensate affected retailers. The location of the NSW Small Business Commissioner's office is not directly relevant.

The PRESIDENT: I remind the Minister that he is required to be directly relevant.

The Hon. DAMIEN TUDEHOPE: I accept that the location of the office of the NSW Small Business Commissioner is not directly relevant but it is important to the manner in which the NSW Small Business Commissioner can liaise with those businesses.

The Hon. DANIEL MOOKHEY (17:02:59): I ask a supplementary question. Will the Minister elucidate that part of his answer in which he said that the NSW Small Business Commissioner will be visiting every business and every landlord on the route by informing the House when the NSW Small Business Commissioner will complete that consultation and whether it includes stage two?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (17:03:25): I thank the member for his supplementary question. I will have a lot more to say about this because it is important that the Government deliver infrastructure projects in a way that causes the least disruption to businesses and small businesses along the route. I leave the timing to the discretion of the office of the NSW Small Business Commissioner. It is a commitment that the commissioner will be making—

[An Opposition member interjected.]

The PRESIDENT: The Clerk will stop the clock. The Hon. John Graham interjected two or three times. I allowed the supplementary question from the Hon. Daniel Mookhey. At the very least, members should allow the Minister the opportunity to answer it.

The Hon. DAMIEN TUDEHOPE: The NSW Small Business Commissioner has given the commitment to liaise with those small businesses. The commissioner will prepare a health report in relation to those small businesses to make sure that we have a complete picture of the potential impact on those businesses. Potentially there is work to be done between the NSW Small Business Commissioner and those who are working to deliver the infrastructure. The Government is committed to making sure that the impact on small business is minimised. I do not say "eliminated". It would be a mistake to say it would be eliminated. There is impact on small businesses by the delivery of infrastructure but, as the Minister said before, the failure of previous governments to deliver infrastructure has left a black hole that we are now filling by delivering important new infrastructure for Sydney.

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

WATER SHARING PLANS

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (17:06:00): Earlier in question time Mr Justin Field asked me a question about water sharing plans. I have been provided with the following response:

Nine of the 13 regulated river water sharing plans share water, taking into account a repeat of the worst period of low inflows into the water source, based on historical flow information held by the department when the current plan commenced. For most of these, the millennium drought was not the worst drought on record, but, where it was, this is the benchmark. These nine plans are for the Border Rivers, Upper and Lower Namoi, Peel, Gwydir, Macquarie and Cudgegong, Belubula, Paterson, Bega/Brogo and Richmond regulated rivers.

For the New South Wales Murray Lower-Darling, Murrumbidgee, Lachlan and Hunter regulated river plans, the millennium drought was the worst drought on record and the design benchmark is the drought of record that occurred prior to the start of the first plan for the respective water source. The drought of record at the start of these first plans was not the millennium drought.

The decision for those plans to not refer to the new record was made in order to maintain the bulk water sharing outcomes that resulted from the first water sharing plan. These water sharing arrangements were the result of years of rule development, negotiation and agreement between the different types of water users and government agencies. To include a rule that automatically requires the water supply system to adjust to new record drought would potentially result in significant quantities of water being locked away from productive use, impacting on regional economies and the environment and requiring the complete renegotiation of bulk sharing arrangements.

This drought is unprecedented and we are taking action to reserve more water. The New South Wales Government is already investing in emergency infrastructure and new dams to deal with this issue now and into the future.

In the meantime there are provisions in the Water Management Act 2000; for example, under section 324, orders that allow us to take a more prudent approach, and reserve water for critical human needs for the future. This is what we are doing.

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. WALT SECORD: I move:

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

BUSHFIRES

The Hon. WALT SECORD (17:08:17): First, I extend the Opposition's support to the emergency workers, volunteers and families who are protecting the State in the face of worsening conditions and protracted drought. I have been advised that at least 12 fires have been upgraded to emergency level and that is expected to increase. The State Government and the thousands of emergency and volunteer workers have our full support. Secondly, I extend the Opposition's condolences to the families who have suffered personal losses, including the death of three loved ones on the weekend. Our thoughts and prayers are with those who are preparing their homes and property against conditions that are described as catastrophic.

I understand the catastrophic conditions are expected to be in place until later tonight. I also understand at least 150 homes have been destroyed so far and there are at least 50 evacuation centres to accommodate the displaced. Temperatures in Sydney are expected to hit 37 degrees today and conditions are expected to be exacerbated by high winds. Currently all efforts are to protect life and property from bushfires. We have a statewide fire ban. In Queensland the army has been put on stand-by. We heard from the education Minister that at least 600 government and non-government schools and Technical and Further Education colleges have been closed. As at 1.30 p.m. today, nine schools have been evacuated in the State's north-west and the Upper Hunter.

The State Opposition supports the "cautious approach" taken by the NSW Department of Education, based on advice from the NSW Rural Fire Service. I also note that many parliamentarians and staff have returned to their local communities, to be with loved ones and to help protect their communities. In relation to a question asked by The Greens MLC Mr David Shoebridge, in the coming days and weeks there will be an opportunity to reflect on the current situation. We are all in this together and the Government has our full support. We want to see the whole machinery of government focused on emergency efforts. When one part of the State hurts, we all feel it. It is humbling to see the community pull together. As I said earlier, our thoughts and prayers are with those bracing for the bushfires. Finally, it is going to be a long night. I thank the House for its consideration.

BUSHFIRES

Q FEVER

The Hon. MICK VEITCH (17:10:42): I take note, firstly, of answers provided by Ministers regarding the bushfires and I urge everybody to look at the Fires Near Me app. In the last hour, a number of new fires have broken out in and around Sydney—in particular, one at Pymble. People should keep checking Fires Near Me as it is important. Secondly, I wish to take note of the answer provided by the mental health Minister to my question on Q fever. I acknowledge the Minister's consideration of my privacy in not revealing that I am a long-term Q fever sufferer. Most members know that I have been living with this illness for many years, having contracted it as a shearer.

The basis for my question was this. It is not that I am concerned—or the Opposition is concerned—about the Government trying to raise awareness of the illness. It is about the appropriateness of using beer coasters—particularly if the funds are from the Department of Health—to do that. I am keen to see the evaluation of the program, to see if it has worked. It is critical that funds be used to raise awareness, but how we raise awareness is important. When I contracted Q fever there were no vaccinations. I have had this illness since 1983 and there are now vaccinations. One of the big mistakes government makes in our society—all sides of government—is treating this as a workplace illness when it has moved beyond shearers and abattoir workers.

Other people are now contracting the illness, including the partners of people working in these fields. One poor gentleman contracted the illness from kangaroo faeces while mowing grass. This is more than a workplace health and safety issue. It is a broader community issue. My question was about making sure that if these funds for increasing awareness could have been used elsewhere that would have been good. Let us evaluate the program to see if it was successful. In addition, the broader community needs to know that vaccinations are now available so they can protect themselves. That is what we are after.

WATER SHARING PLANS

Mr JUSTIN FIELD (17:13:22): I take note of answers to questions about the Water Management Amendment Bill 2014, water sharing plans in New South Wales and how drought is considered when allocating water in this State. This is an important issue and I thank the Minister for the answer. I have been trying to get to the bottom of these questions in budget estimates. It was raised on *Q&A*. It has been in the media quite a bit recently because we are in unprecedented circumstances. Most of the State is in drought. Most of our rivers are suffering and many towns are without water. Farmers are without water and our natural environment is without water. We should know why that is. One of the key reasons—confirmed here—is that the worst case drought circumstances, the millennium drought, have been explicitly and deliberately excluded from water sharing planning in New South Wales.

When Minister Humphries introduced that bill in 2014 the decision was taken to specifically exclude the millennium drought. He belled the cat. He said why the Government did that. He said it would avoid significant quantities of water being taken out of production and held in reserve in case an equally severe drought occurred. Well, what happened? Less than 20 years later, we had an even worse drought. Despite scientific warnings that climate change would create drier conditions, more frequent and more severe droughts, what did the Government do? It brought legislation into the Parliament ensuring more water could be delivered for production, as the Government calls it.

Let us call that out for what it is. Irrigation—largely for cotton when talking about the Northern Rivers in this State. This is why people say this drought is man made. It is a drought caused by mismanagement of our water as much as by lack of rain. That was spelt out by the Minister in his second reading speech when he brought that legislation to the Parliament. I remember Jeremy Buckingham, who was a member of this place at the time, predicting what was going to happen if we failed to take into account how climate change was going to impact rainfall patterns in this State. The consequences of The Nationals' water management legislation is that farmers in this State are without water, and our rivers and our towns are without water. It has been caused by this Government.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (17:16:13): I thank honourable members for their comments, particularly the Hon. Walt Secord for his best wishes to all at the coalface of this fire crisis. I thank him for his comments supporting the current efforts of all government agencies.

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

Motion agreed to.

Deferred Answers

KIDSTART FAMILY DAY CARE CENTRE

In reply to **the Hon. PENNY SHARPE** (15 October 2019).

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

I can advise that the Department of Education has cancelled the provider approval for Kidstart Family Day Care, and the relevant educator has been prohibited from providing care.

The matter will not be closed, or completed, until the police and Coroner conclude their inquiries into the death.

As to the Deputy Leader's question about the information to be released about the outcome of the investigation, information that may be published by the Regulatory Authority is subject to Section 270 of the Children (Education and Care Services) National Law.

In the event of completed prosecutions, information will be displayed on the Enforcement Actions list, maintained by the NSW Department of Education, after all court, tribunal or administrative action is finalised and any appeal processes have been concluded. No further information on time frame is currently available for release.

FISHING TRUSTS

In reply to **the Hon. MARK BANASIAK** (15 October 2019).

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women)—The Minister provided the following response:

The fisheries trust funds are established as accounts in a Special Deposit Account, as required under Section 232 and 233 of the Fisheries Management Act (1994).

The Property, Stock and Business Agents Act (2002) provides for the regulation of property, stock and business agents and the associated provisions of this Act would not apply to the fisheries trust funds.

Section 239 of the Fisheries Management Act (1994) prescribes that a report on the application of money in the trust funds during each reporting year must be included in the Department of Planning, Industry and Environment's Annual Report. These reports are subsequently published in the department's Annual Reports.

Each year, the department also prepares a special purpose financial report on the fisheries trust funds, which is provided to Treasury and audited by the Audit Office.

Summary information on the Recreational Fishing (Freshwater and Saltwater) Trust Funds is also published periodically on the Department of Primary Industries [DPI] — Fisheries website to make it easy for the public to access information on programs run using funds from the Freshwater and Saltwater Trusts. This may include relevant extracts of the Department of Planning, Industry and Environment's Annual Report.

MONARO YOUTH SERVICES

In reply to **the Hon. MARK BANASIAK** (15 October 2019).

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women)—The Minister provided the following response:

The Commissioner of Police is responsible for the allocation of police positions based on operational requirements and government commitments. All positions attached to Police Area Commands and Police Districts are supplemented by specialist police who work wherever they are needed across the State. In the financial year 2019-20, Monaro Police District will receive nine new police positions.

MUHAMMAD ZAHAB

In reply to **the Hon. WALT SECORD** (15 October 2019).

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

The Department of Education granted Mr Muhammad Zahab interim casual approval to teach on 22 May 2008, followed by permanent part time approval on 22 January 2009 to teach mathematics in New South Wales public schools.

The department confirms that since gaining approval to teach, Mr Zahab has not been employed in any capacity in New South Wales public schools.

On 3 March 2015, the former BOSTES, now the NSW Education Standards Authority [NESA], ceased Mr Zahab's teacher accreditation. The department subsequently withdrew his approval for employment.

NESA has advised that Mr Zahab was previously employed at Al Noori Muslim School.

NATIONAL DISABILITY INSURANCE SCHEME

In reply to **Ms ABIGAIL BOYD** (15 October 2019).

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business)—The Minister provided the following response:

I am advised the figure quoted does not align with any known New South Wales Government data. A response to the article and information about the Memorandum of Understanding [MOU] clarifying the roles and responsibilities agreed between New South Wales and Commonwealth government is available at <https://www.ndissiov.au/news/3809-media-statement>.

I am also advised it is not possible for parents to "relinquish" their child to statutory care in New South Wales, and it is incorrect to advise they must do so in order to get support for their complex disability support needs. Children and young people in these arrangements are not in statutory care, parents are actively involved in their lives and decisions relating to their care and support which can include restoration to the family where it is in the best interests of the child or young person. Children and young people enter statutory care only when there are care and protection concerns that meet the threshold for a statutory intervention.

SCHOOL AIR CONDITIONING

In reply to **the Hon. COURTNEY HOUSSOS** (15 October 2019).

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

Construction took place at 16 schools during the October 2019 school holidays.

SCHOOL AIR CONDITIONING

In reply to **the Hon. JOHN GRAHAM** (15 October 2019).

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

The Cooler Classrooms Program has not installed any faulty air conditioning systems in south-western Sydney or received any reports of faulty systems in south-western Sydney.

Bonnyrigg Heights Public School is not a part of the Cooler Classrooms Program.

FARM PRODUCE PRICING

In reply to **Reverend the Hon. FRED NILE** (16 October 2019).

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

Australia and New South Wales have very concentrated supermarket sectors. According to Roy Morgan, the top four supermarkets control 80 per cent of the grocery market, and supermarkets control over 70 per cent of the fresh food market. However this level of concentration is not unusual.

Comparing market shares across countries is difficult and has been considered by various inquiries into competition in the supermarket sector. The Harper *Competition Policy Review* (2015) concluded that "Australia's grocery market is concentrated, but not uniquely so". Smaller countries tend to have more concentrated supermarket sectors than larger countries. In New Zealand the top two supermarkets control 100 per cent of the market. Other countries such as Ireland, Canada, the United Kingdom, Austria and Switzerland have levels of market concentration similar to Australia. There have also been recent new entrants into the Australian market, notably Aldi and Costco, who are beginning to challenge the dominance of the two majors, Woolworths and Coles. Nevertheless the large supermarkets do wield significant market power.

As supermarkets operate nationally and as farmers supply supermarkets, processors and exporters across State boundaries, monitoring any misuse of market power is addressed at a Commonwealth level. The Commonwealth's Competition and Consumer Act 2010 [CCA] has a range of provisions designed to address anti-competitive conduct, in particular provisions that relate to the misuse of market power and unconscionable conduct. The CCA is administered by the Australian Competition and Consumer Commission [ACCC]. As part of this remit the ACCC monitors unconscionable conduct by the supermarkets and I note has previously launched legal proceedings against both Coles (in 2014) and Woolworths (in 2016) for unconscionable conduct against suppliers.

In 2015 the Food and Grocery Code of Conduct (the Code) was launched. The Code governs certain conduct by grocery retailers and wholesalers in their dealings with suppliers. It has rules relating to grocery supply agreements, payments, termination of agreements, dispute resolution and a range of other matters. The Code is voluntary however Woolworths, Coles and Aldi are signatories to the Code. The ACCC is responsible for enforcing the Code.

I also note that the majority of New South Wales farmers have access to other important sales channels apart from supermarkets, including food service, processing, direct sales and exports. Indeed, for many commodities, notably beef, lamb, sugar, rice, wine, wheat and other grains, export markets are the largest market for our farmers. Export markets are also significant for our fruit and nut industries.

Certain commodities are more exposed to domestic competition from supermarkets either because of low levels of exports (such as vegetables) or high levels of imports (such as dairy). The Commonwealth has implemented a mandatory code of conduct for horticulture to help ensure that producers are dealt with fairly. The ACCC is also currently in the process of implementing a code of conduct for dairy. The New South Wales Government has recently appointed Ian Zandstra as the NSW Fresh Milk and Dairy Advocate. Mr Zandstra will champion dairy in New South Wales by providing advice to both government and industry on how we can better support our producers and create more value across the entire supply chain.

KOALA HABITAT

In reply to **the Hon. EMMA HURST** (16 October 2019).

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

The requirements for retaining koala feed trees in timber harvesting operations in New South Wales native forests are detailed in the Integrated Forestry Operations Approvals or the Private Native Forestry Code.

Koalas are known to use numerous trees of various sizes across their home range and research has demonstrated that koalas occupy harvested forests at the same rate as unharvested forests.

BARMAH CHOKE OVERFLOW

In reply to **the Hon. ROD ROBERTS** (16 October 2019).

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women)—The Minister provided the following response:

I thank the honourable member for his question.

This water was specifically ordered by the owner, the Commonwealth Environmental Water Holder, for delivery to overbank assets.

SILICOSIS SCREENING

In reply to **Mr DAVID SHOEBRIDGE** (16 October 2019).

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business)—The Minister provided the following response:

As the representative for the Treasurer in the Legislative Council, I enclose the following advice received from the Treasurer in respect of the member's question without notice on silicosis screening:

There is no evidence that the concerns raised regarding x-rays missing 40 per cent of silicosis cases are valid in New South Wales. They are based on outcomes observed by other States that have not adopted the same screening process as icare has in New South Wales.

Under icare's specialised lung screening service, x-rays and high resolution computed tomography [CT] scans both play an important role in the screening of workers potentially exposed to an occupational dust disease, including silicosis.

icare's screening service includes a medical examination, capture of medical and occupational history, standardised respiratory questionnaire, standardised respiratory function tests and standardised full-size chest x-rays. All results are reviewed by an experienced registered senior respiratory physician who, on detection of any dust-related abnormalities, requests a follow up investigation which includes a CT scan. Any discrepancy in diagnosis is referred for a third level of review.

icare's robust and stringent review and report process is in place to help ensure dust diseases are detected early, and reduce the risk of misdiagnosis. Its screening service follows guidelines provided by Safe Work Australia, which recommend the use of chest x-rays as a screening tool and are endorsed by peak bodies both nationally and internationally.

It is understood Safe Work Australia is reviewing the national guides for health monitoring.

icare will follow this work closely, in addition to any other peak body findings, and adjust practices if there are recommendations from this research.

I also have received advice from the office of Minister for Health and Medical Research in respect of the member's question, and can confirm that questions about screening tests for silicosis are best addressed by icare.

PUBLIC SCHOOL INFRASTRUCTURE

In reply to **the Hon. MARK BUTTIGIEG** (16 October 2019).

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

While there may be an ongoing role for demountable classrooms at schools in the rapidly growing suburbs of north-western Sydney, the Department of Education is working hard to ensure that students are provided with the education facilities they need.

In 2017, the New South Wales Government announced a project to upgrade Riverbank Public School which will deliver an additional 15 new permanent flexible learning spaces when completed in early 2020.

Additionally, the department will also be reviewing local school catchment boundaries with John Palmer Public School and the new Alex Avenue Public School, due for completion in 2021 with a view to easing enrolment pressure on Riverbank Public School.

DEPARTMENT OF EDUCATION HEALTH AND SAFETY DIRECTORATE

In reply to **the Hon. MARK BANASIAK** (16 October 2019).

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

Under the department's Staff Complaint Procedure, formal complaints by a staff member about another staff member must be made in writing to an appropriate officer. Complaints are not always collected and stored centrally, nor are they generally accessible as they contain personal information of a sensitive nature. The State Records Act requires documents relating to staff grievances be retained for seven years before being destroyed.

Reasonable searches undertaken have identified eight written complaints alleging bullying or harassment by current or former executive staff of the Health and Safety Directorate since 2007.

Three complaints were investigated but not sustained. Three complaints were made by former employees, so were reviewed and responded to without a formal investigation. Two complainants ended their employment with the department before an outcome was reached.

As part of broader initiatives to enhance positivity, productivity and wellbeing in the workplace, in January 2019 PricewaterhouseCoopers were engaged to conduct a cultural health check of the Health and Safety Directorate.

A range of individual and group consultation sessions were held with staff resulting in a series of findings and recommendations to enhance the cultural environment, staff satisfaction levels and operational efficiency of the directorate. The majority of the recommendations have been implemented or are in the process of being implemented.

To clarify my previous answer, the annual report contains information about the department's Complaints Handling Policy and procedures and discloses the total number of complaints and other feedback received by the department throughout the year. I acknowledge it does not call out details of any specific complaint of the type referred to in your original question.

CAMPION COLLEGE AND THE LIBERAL PARTY

In reply to **the Hon. ROSE JACKSON** (16 October 2019).

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

I am advised by the Department of Education that no correspondence has been received relating to the recruitment of students at Campion College to join the Liberal Party and thus no investigation has taken place.

NORTHERN BEACHES SECONDARY COLLEGE BALGOWLAH BOYS CAMPUS

In reply to **the Hon. PENNY SHARPE** (17 October 2019).

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

In order to address the issues raised regarding the access to toilets at Balgowlah Boys High School, there is planned work on a toilet block that is due to be completed in February 2020. I am also advised that in the interim work is being undertaken to renovate an existing toilet block. The principal has advised that access to toilets is adequate while this construction takes place; however, an additional portable toilet block has been placed on the site to ensure that staff and students are best supported.

PROPERTY INDUSTRY

In reply to **Reverend the Hon. FRED NILE** (17 October 2019).

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council)—The Minister provided the following response:

The Government is aware of reasons provided by the Real Estate Institute of New South Wales for its resignation from the Real Estate Reference Group.

The Government is currently implementing a suite of major reforms to improve educational standards and conduct of agents working in the real estate and property services industry. It is currently proposed that the reforms will commence in the new year.

On 7 March 2018, the Property, Stock and Business Agents Amendment (Property Industry Reform) Act 2018 (the Amendment Act) was passed by NSW Parliament as the first step in implementing these reforms.

Between 4 September and 2 October 2019, the Government held public consultation on amending regulations, qualifications and continuing professional development requirements that are essential to support changes introduced in the Amendment Act.

The Government currently has no plans to establish a commission for property services or to alter the regulatory arrangements for conveyancers.

YOUTH JUSTICE NSW DETAINEES

In reply to **the Hon. ROD ROBERTS** (17 October 2019).

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business)—The Minister provided the following response:

I am advised that since July 2017, Youth Justice NSW records show as at 5 November 2019, 34 young people aged 18 years or older had been transferred permanently from Youth Justice NSW custody to adult custody.

This data covers all transfers of young people aged 18 years or older, including: young people aged 18 or over who offended while in Youth Justice NSW custody and were transferred into adult custody due to bail refusal; young people who were transferred to adult custody upon reaching 21 years of age; and young people who were transferred under Section 28 of the Act following a decision of the Secretary (or the Secretary's delegate).

LOCAL GOVERNMENT ELECTIONS

In reply to **Mr DAVID SHOEBRIDGE** (17 October 2019).

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council)—The Minister provided the following response:

I am advised:

The Government has announced that it will fund the NSW Electoral Commission's core costs for local government elections to reduce councils' election costs. We are committed to identifying further opportunities to reduce the cost of local government elections. The Government proposes to make amendments to the electoral provisions of the Local Government (General) Regulation 2005 to achieve further efficiencies in the administration of council elections.

The Government will also be consulting with the local government sector on the option of conducting local government elections by universal postal voting from the 2024 election. Councils are able to negotiate costs directly with the Electoral Commission and will have the option to share services between LGAs.

DEPARTMENT OF EDUCATION STAFF

In reply to **the Hon. MARK BANASIAK** (17 October 2019).

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

The Department of Education is insured by the Treasury Managed Fund [TMF]. The data requested is held by the insurance fund managers in accordance with the TMF scheme arrangements, not the Department of Education.

As noted in my previous response, all payments for workers compensation are determined by the department's fund manager, currently Allianz Australia, in accordance with the legislation. Any other liability claims made by employees or former employees are managed and paid by the department's fund manager, Gallagher Bassett.

ERARING POWER STATION

In reply to **Ms ABIGAIL BOYD** (22 October 2019).

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business)—The Minister provided the following response:

The State will reimburse Origin Energy half the incremental cost of implementing an alternative arrangement for ash disposal if the existing proposal (as at the time of the 2013 transaction) for further backfilling at the ash dam cannot be implemented.

LAND CLEARING

In reply to **Mr JUSTIN FIELD** (22 October 2019).

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council)—The Minister provided the following response:

These matters are before the NSW Land and Environment Court.

Any person with evidence of corruption or criminal activity should refer these matters to the appropriate authorities.

MENTAL HEALTH FACILITIES

In reply to **the Hon. TARA MORIARTY** (22 October 2019).

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women)—The Minister provided the following response:

Mental health beds in the Southern NSW Local Health District are located in Goulburn Base Hospital and South East Regional Hospital in Bega. A total of 46 available acute beds support the region.

Each unit is equipped to support the care of child and adolescent consumers as required. Child and adolescent psychiatrists provide regular clinics within the region.

All child and adolescent mental health inpatient units across the State are networked to ensure access to specialist care when required. As part of the \$700 million Mental Health Infrastructure Program planning for a 10 bed child and adolescent mental health inpatient unit is underway for the Nepean Blue Mountains Local Health District. This will expand the overall capacity across the State to provide specialist child and adolescent mental health beds.

MENTAL HEALTH FACILITIES

In reply to **the Hon. ROSE JACKSON** (22 October 2019).

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women)—The Minister provided the following response:

The Southern Local Health District has advised that they arranged for the patient to be transferred to Sydney Children's Hospital Randwick; a facility which catered for her specialist care needs.

Prior to her move, the patient was cared for in a safe, secure room area at the Chisholm Ross Centre [CRC] Goulburn, with two specialist clinicians caring for her.

Clinical decisions are a matter for the patient's treating clinicians, who take into account the patient's individual circumstances and needs.

BIRUNJI YOUTH MENTAL HEALTH UNIT

In reply to **the Hon. DANIEL MOOKHEY** (22 October 2019).

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women)—The Minister provided the following response:

There is no waiting list for consumers to see a clinical psychologist.

The clinical psychologist is part of a multidisciplinary team that assesses and identifies consumers for treatment on the same day or the next working day. The clinical psychologist offers three group sessions over the course of a week, that have space for up to six consumers to attend. Additionally, the clinical psychologist is available to work with up to five individual consumers per week.

RACEHORSE WELFARE

In reply to **the Hon. MARK PEARSON** (23 October 2019).

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business)—The Minister provided the following response:

As the representative for the Minister for Better Regulation and Innovation in the Legislative Council, I have been advised that:

- (a) During 2018/19, Racing NSW continued to expand its Equine Welfare Program including the rebranding of this program to Team Thoroughbred NSW [TTNSW]. TTNSW incorporates Racing NSW's rehoming operations as well as the key joint ventures and partnerships with community and charity groups.

Racing NSW undertook the direct retraining and rehoming of horses from their own properties at Castlereagh (Princes Farm), Capertee (Bandanora) and Oxley Island (The Grange) as well as facilities made available to us by our partners.
- (b) Racing NSW has continued to actively seize and rescue thoroughbred horses on welfare grounds, bringing them back to health and then placing them into suitable new homes.
- (c) Rehoming is governed by the Rules of Racing and not by legislation, as such this question should be directed to Racing NSW who are an independent Statutory body.

RACEHORSE WELFARE

In reply to **the Hon. MARK PEARSON** (24 October 2019).

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business)—The Minister provided the following response:

As the representative for the Minister for Better Regulation and Innovation in the Legislative Council, I have been advised that the matter is better directed to the Minister for Corrections. I have been advised by the Minister for Corrections that:

- (a) The claim that up to 40 horses at the gaol were killed and buried in a pit is false, and hence could not have been included in the Racing NSW figures for the rehoming of racehorses.
- (b) The program at St Heliers commenced in 2011. To date, 14 horses have died — 12 of which were euthanised by a qualified veterinarian due to serious health issues. The remaining two died from natural causes, again due to serious health conditions.
- (c) All corpses were buried individually with a contractor hired to dig a hole with the use of an excavator at a depth so that other animals, such as foxes or dogs, cannot access the corpse and the smell of decay is covered.

Written Answers to Supplementary Questions

SCHOOL AIR CONDITIONING

In reply to **the Hon. COURTNEY HOUSSOS** (24 October 2019).

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

New South Wales Government public schools on Cooler Classrooms delivery status report where due diligence has been completed with a mean maximum January temperature above 30 degrees:

Aberdeen Public School
 Abermain Public School
 Adelong Public School
 Albert Park Public School
 Albury High School
 Albury North Public School
 Albury Public School
 Albury West Public School
 Alma Public School
 Ardlethan Central School
 Arian Park Central School
 Ashford Central School
 Ashmont Public School
 Ashtonfield Public School
 Attunga Public School
 Ballimore Public School
 Balranald Central School
 Banks Public School
 Baradine Central School
 Barellan Central School
 Barham High School
 Barham Public School
 Barmedman Public School
 Barrooga Public School
 Barraba Central School
 Barwon Learning Centre
 Baryulgil Public School
 Beckom Public School

Bedgerabong Public School
Beelbangera Public School
Bellata Public School
Bellingen High School
Bellingen Public School
Belltrees Public School
Berinba Public School
Berrigan Public School
Billabong High School
Binalong Public School
Bingara Central School
Binnaway Central School
Binya Public School
Blackett Public School
Blackville Public School
Blakebrook Public School
Blandford Public School
Blaxland East Public School
Blaxland High School
Blaxland Public School
Bligh Park Public School
Blighty Public School
Bogan Gate Public School
Boggabilla Central School
Boggabri Public School
Bolwarra Public School
Bonalbo Central School
Bongongo Public School
Bonshaw Public School
Booligal Public School
Boomi Public School
Boorowa Central School
Boree Creek Public School
Bourke High School
Bourke Public School
Bourke-Walgett School of Distance Education
Bowning Public School
Bowraville Central School
Braddock Public School
Branxton Public School
Brewarrina Central School
Brewongle Environmental Education Centre
Bribbaree Public School
Brocklesby Public School
Broke Public School
Broken Hill High School
Broken Hill North Public School
Broken Hill Public School
Brungle Public School
Bullarah Public School
Bullimbal School
Bundarra Central School
Buninyong Public School
Bunnaloo Public School
Burke Ward Public School
Buronga Public School
Burren Junction Public School
Burrumbuttock Public School
Cambridge Gardens Public School
Cambridge Park High School
Cambridge Park Public School
Camden Public School
Camden South Public School
Caniaba Public School
Canowindra High School
Canowindra Public School
Caragabal Public School
Cargo Public School
Carinda Public School
Carrathool Public School
Carroll Public School
Casino High School
Casino Public School
Casino West Public School
Cassilis Public School

Castlereagh Public School
Casuarina School
Cattai Public School
Cessnock East Public School
Cessnock High School
Cessnock Public School
Cessnock West Public School
Chifley College Dunheved Campus
Chifley College Mount Druitt Campus
Chifley College Shalvey Campus
Clare Public School
Claremont Meadows Public School
Cobar High School
Cobar Public School
Coffee Camp Public School
Coleambally Central School
Collarenebri Central School
Colo Heights Public School
Colo High School
Comleroy Road Public School
Conargo Public School
Condobolin High School
Condobolin Public School
Coolah Central School
Coolamon Central School
Coomealla High School
Coonabarabran High School
Coonabarabran Public School
Coonamble High School
Coonamble Public School
Cootamundra High School
Cootamundra Public School
Copmanhurst Public School
Coraki Public School
Corowa High School
Corowa Public School
Corowa South Public School
Coutts Crossing Public School
Cowra High School
Cowra Public School
Cranebrook High School
Croppa Creek Public School
Cudal Public School
Cudgegong Valley Public School
Culcairn Public School
Cumnock Public School
Curlewis Public School
Currabubula Public School
Dalton Public School
Dareton Public School
Darlington Point Public School
Dawson Public School
Delungra Public School
Deniliquin High School
Deniliquin North Public School
Deniliquin South Public School
Denman Public School
Doubtful Creek Public School
Dubbo College Delroy Campus
Dubbo College Senior Campus
Dubbo College South Campus
Dubbo North Public School
Dubbo Public School
Dubbo School of Distance Education
Dubbo South Public School
Dubbo West Public School
Dunedoo Central School
Duri Public School
E A Southee Public School
Ebenezer Public School
Edward Public School
Elderslie High School
Elderslie Public School
Emerton Public School
Emu Heights Public School

Emu Plains Public School
Enngonia Public School
Euabalong West Public School
Euchareena Public School
Eugowra Public School
Eumungerie Public School
Eurongilly Public School
Euston Public School
Fairfax Public School
Farrer Memorial Agricultural High School
Fernhill High School
Finley High School
Finley Public School
Forbes High School
Forbes North Public School
Forbes Public School
Forest Hill Public School
Franklin Public School
Freemans Reach Public School
G S Kidd Memorial School
Gadara School
Ganmain Public School
Garah Public School
Gerogery Public School
Geurie Public School
Gilgai Public School
Gilgandra High School
Gilgandra Public School
Gillieston Public School
Gillwinga Public School
Girilambone Public School
Glen Alice Public School
Glenbrook Public School
Glenmore Park High School
Glenmore Park Public School
Glenroy Public School
Glossodia Public School
Gol Gol Public School
Goodooga Central School
Goolgowi Public School
Goolma Public School
Gooloogong Public School
Grafton High School
Grafton Public School
Gralee Public School
Gravesend Public School
Greenethorpe Public School
Grenfell Public School
Gresford Public School
Greta Public School
Griffith East Public School
Griffith High School
Griffith North Public School
Griffith Public School
Grose View Public School
Gulargambone Central School
Gulgong High School
Gulgong Public School
Gum Flat Public School
Gundagai High School
Gundagai Public School
Gundagai South Public School
Gunnedah High School
Gunnedah Public School
Gunnedah South Public School
Gwabegar Public School
Halinda SSP
Hanwood Public School
Hawkesbury High School
Hay Public School
Hay War Memorial High School
Hebersham Public School
Henry Fulton Public School
Henty Public School
Hermidale Public School

Hillston Central School
Hillvue Public School
Hinton Public School
Hobartville Public School
Holbrook Public School
Holman Place School
Holmwood Public School
Howlong Public School
Hume Public School
Humula Public School
Hunter River Community School
Illabo Public School
Inverell High School
Inverell Public School
Iona Public School
Ivanhoe Central School
James Fallon High School
Jamison High School
Jamisontown Public School
Jerilderie Public School
Jerrys Plains Public School
Jiggi Public School
Jindera Public School
Jugiong Public School
Junee High School
Junee North Public School
Junee Public School
Kalinda School
Kandeer School
Kapooka Public School
Kearsley Public School
Khancoban Public School
King Street Public School
Kingstown Public School
Kingswood High School
Kingswood Park Public School
Kingswood Public School
Kingswood South Public School
Kirkton Public School
Koorawatha Public School
Koorlingal High School
Koorlingal Public School
Kootingal Public School
Kurmond Public School
Kurrajong East Public School
Kurrambee School
Kurri Kurri High School
Kurri Kurri Public School
Kyogle High School
Kyogle Public School
Ladysmith Public School
Lake Albert Public School
Lake Cargelligo Central School
Lake Wyangan Public School
Lapstone Public School
Largs Public School
Lavington East Public School
Lavington Public School
Leeton High School
Leeton Public School
Leeville Public School
Leonay Public School
Lethbridge Park Public School
Lightning Ridge Central School
Lismore South Public School
Llandilo Public School
Lochinvar Public School
Lockhart Central School
Londonderry Public School
Longneck Lagoon Environmental Education Centre
Louth Public School
Lowesdale Public School
Lue Public School
Lyndhurst Public School
Macintyre High School

Madang Avenue Public School
Maimuru Public School
Maitland East Public School
Maitland Grossmann High School
Maitland High School
Maitland Public School
Mallawa Public School
Manifold Public School
Manildra Public School
Manilla Central School
Maraylya Public School
Marra Creek Public School
Marrar Public School
Marsden Park Public School
Martindale Public School
Martins Creek Public School
Mathoura Public School
Matong Public School
Mawarra Public School
Mayrung Public School
Mendooran Central School
Menindee Central School
Merriwa Central School
Metford Public School
Mian School
Middleton Public School
Milbrodale Public School
Mingoola Public School
Moama Public School
Molong Central School
Monteagle Public School
Moonbi Public School
Moree East Public School
Moree Public School
Moree Secondary College Albert Street Campus
Moree Secondary College Carol Avenue Campus
Morgan Street Public School
Morpeth Public School
Moulamein Public School
Mount Austin High School
Mount Austin Public School
Mount Druitt Public School
Mount Hunter Public School
Mount Pleasant Public School
Mount Riverview Public School
Mount View High School
Mudgee High School
Mudgee Public School
Mulgoa Public School
Mullaley Public School
Mulwala Public School
Mulyan Public School
Mumbil Public School
Mummulgum Public School
Mungindi Central School
Murray High School
Murringo Public School
Murrumburrah High School
Murrumburrah Public School
Muswellbrook High School
Muswellbrook Public School
Muswellbrook South Public School
Nangus Public School
Naradhan Public School
Narrabri High School
Narrabri Public School
Narrabri West Public School
Narrandera East Infants School
Narrandera High School
Narrandera Public School
Narromine High School
Narromine Public School
Nemingha Public School
Nepean Creative & Performing Art School
Niland School

Nillo Infants School
Nimbin Central School
North Star Public School
North Wagga Public School
Noumea Public School
Nulkaba Public School
Nyngan High School
Nyngan Public School
Oaklands Central School
Oakville Public School
Old Bonalbo Public School
Orama Public School
Orana Heights Public School
Orchard Hills Public School
Oxley High School
Oxley Park Public School
Oxley Vale Public School
Palinyewah Public School
Pallamallawa Public School
Parkes East Public School
Parkes High School
Parkes Public School
Parkview Public School
Parry School
Paterson Public School
Peak Hill Central School
Peel High School
Pelaw Main Public School
Penrith High School
Penrith Lakes Environmental Education Centre
Penrith Public School
Penrith South Public School
Penrith Valley School
Pilliga Public School
Pitt Town Public School
Pleasant Hills Public School
Pomona Public School
Pooncarie Public School
Premier Public School
Quambone Public School
Quandialla Public School
Quirindi High School
Quirindi Public School
Railway Town Public School
Rand Public School
Rankins Springs Public School
Rappville Public School
Red Hill Environmental Education Centre
Red Hill Public School
Regentville Public School
Richmond High School
Richmond North Public School
Richmond Public School
Riverina Environmental Education Centre
Riverstone High School
Riverstone Public School
Ropes Crossing Public School
Ross Hill Public School
Rowena Public School
Rukenvale Public School
Rutherford Public School
Rutherford Technology High School
Rye Park Public School
Samuel Terry Public School
Sandy Hollow Public School
Savernake Public School
School of the Air
Scone High School
Scone Public School
Shalvey Public School
Singleton Heights Public School
Singleton High School
Singleton Public School
Somerton Public School
South Grafton High School

South Grafton Public School
South Wagga Public School
Spring Farm Public School
Spring Ridge Public School
Springdale Heights Public School
St Marys North Public School
St Marys Public School
St Marys Senior High School
Stanford Merthyr Infants School
Stockinbingal Public School
Stratheden Public School
Stuart Town Public School
Sturt Public School
Surveyors Creek Public School
Table Top Public School
Tabulam Public School
Talbingo Public School
Tallimba Public School
Tambar Springs Public School
Tamworth High School
Tamworth Public School
Tamworth South Public School
Tamworth West Public School
Tarcutta Public School
Telarah Public School
Temora High School
Temora Public School
Temora West Public School
Tenambit Public School
Tharbogang Public School
The Bidgee School
The Henry Lawson High School
The Risk Public School
The Rock Central School
Thurgoona Public School
Tibooburra Outback Public School
Timbumburi Public School
Tintinhull Public School
Tocumwal Public School
Tooleybuc Central School
Toomelah Public School
Tooraweenah Public School
Tottenham Central School
Trangie Central School
Tregear Public School
Trundle Central School
Tullamore Central School
Tullibigeal Central School
Tulloona Public School
Tumut High School
Tumut Public School
Turvey Park Public School
Ulan Public School
Ulmarra Public School
Ungarie Central School
Urana Public School
Uranquinty Public School
Vacy Public School
Vineyard Public School
Wade High School
Wagga Wagga High School
Wagga Wagga Public School
Wakool Burraboi Public School
Walbundrie Public School
Walgett Community College - High School
Walgett Community College - Primary School
Walhallow Public School
Walla Walla Public School
Wallabadah Public School
Wallacia Public School
Wallendbeen Public School
Wambangalang Environmental Education Centre
Wamoon Public School
Wanaaring Public School
Warialda High School

Warialda Public School
Warragamba Public School
Warren Central School
Warrimoo Public School
Wee Waa High School
Wee Waa Public School
Weethalle Public School
Weilmoringle Public School
Wellington High School
Wellington Public School
Wentworth Public School
Werrington County Public School
Werrington Public School
Werris Creek Public School
West Wyalong High School
West Wyalong Public School
Westdale Public School
Westlawn Public School
Weston Public School
Wewak Street School
Whalan Public School
White Cliffs Public School
Whitton-Murrumbidgee Public School
Wiangaree Public School
Wilberforce Public School
Wilcannia Central School
Willans Hill School
Willmot Public School
Willow Tree Public School
Willyama High School
Windsor High School
Windsor Park Public School
Windsor Public School
Windsor South Public School
Wollar Public School
Wombat Public School
Wongarbon Public School
Woodburn Public School
Woodstock Public School
Woolomin Public School
Wyalong Public School
Wyrallah Public School
Yanco Agricultural High School
Yanco Public School
Yass High School
Yass Public School
Yenda Public School
Yeoval Central School
Yerong Creek Public School
Yetman Public School
Yoogali Public School
York Public School
Young High School
Young North Public School
Young Public School

New South Wales Government public schools on Cooler Classrooms delivery status report in the design phase with a mean maximum January temperature above 30 degrees:

Alma Public School
Ariah Park Central School
Broken Hill North Public School
Broken Hill Public School
Canowindra High School
Canowindra Public School
Condobolin Public School
Coonamble Public School
Dubbo School of Distance Education
Dubbo West Public School
Forbes North Public School
Forbes Public School
Gilgandra High School
Gilgandra Public School
Goolgowi Public School
Gooloogong Public School
Grenfell Public School

Griffith North Public School
Gulgambone Central School
Hanwood Public School
Junee High School
Lightning Ridge Central School
Menindee Central School
Mian School
Mungindi Central School
Nangus Public School
Narrabri West Public School
North Wagga Public School
Orana Heights Public School
Parkes East Public School
Parkes High School
Quandialla Public School
Rankins Springs Public School
Rowena Public School
Sturt Public School
Temora West Public School
The Henry Lawson High School
Tullibigeal Central School
Ungarie Central School
Wagga Wagga High School
Wee Waa High School
Wyalong Public School
Yenda Public School

New South Wales Government public schools on Cooler Classrooms delivery status report currently in the tender phase with a mean maximum January temperature above 30 degrees:

Ardlethan Central School
Balranald Central School
Barwon Learning Centre
Bellata Public School
Bourke High School
Bourke Public School
Brewarrina Central School
Buronga Public School
Caragabal Public School
Cobar High School
Collarenebri Central School
Coolamon Central School
Coonamble High School
Dalton Public School
Enngonia Public School
Forest Hill Public School
Ganmain Public School
Gralee Public School
Gundagai High School
Hillston Central School
Illabo Public School
Ivanhoe Central School
James Fallon High School
Koorlingal High School
Lake Cargelligo Central School
Mallawa Public School
Moree Secondary College Albert Street Campus
Narrabri High School
Narromine High School
Nyngan High School
Pilliga Public School
Quambone Public School
Tottenham Central School
Tumut Public School
Urana Public School
Wade High School
Weilmoringle Public School
Yass High School
Yass Public School

Senate

SENATE VACANCY

The PRESIDENT: I report receipt of the following message from the Legislative Assembly:

Mr PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

The Legislative Assembly having resolved to meet with the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Hon. Arthur Sinodinos, AO, requests the Legislative Council to fix a time and place for the joint sitting.

Legislative Assembly
12 November 2019

JONATHAN O'DEA
Speaker

The Hon. DON HARWIN: I move:

That this House agrees to meet the Legislative Assembly for the purpose of sitting and voting together to choose the person to hold the place in the Senate rendered vacant by the resignation of Senator the Hon. Arthur Sinodinos, AO, in the Legislative Council Chamber on Thursday 14 November 2019 at 3.45 p.m.

Motion agreed to.

The Hon. DON HARWIN: I move:

That a message be forwarded to the Legislative Assembly conveying the terms of the resolution of the House.

Motion agreed to.

Committees

STANDING COMMITTEE ON LAW AND JUSTICE

Report: 2018 Review of the Dust Diseases Scheme

Debate resumed from 8 May 2019.

The PRESIDENT: The question is that the House take note of the report.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: I move:

That committee reports order of the day Nos 2, 3, 10 and 13 to 15 be postponed until the next sitting day.

Motion agreed to.

The Hon. ROBERT BORSAK: I move:

That committee reports orders of the day Nos 4, 5 and 8 be postponed until the next sitting day.

Motion agreed to.

The Hon. ANTHONY D'ADAM: I move:

That committee reports order of the day Nos 6, 7 and 9 be postponed until the next sitting day.

Motion agreed to.

Committees

REGULATION COMMITTEE

Report: Liquor Amendment (Music Festivals) Regulation 2019 and Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019

Debate resumed from 17 September 2019.

The Hon. MICK VEITCH (17:24:24): This report has been dealt with extensively as part of the disallowance motion for these regulations that was moved by the Hon. John Graham. The Regulation Committee did not exist about 18 months ago. At my urging and that of a couple of others, this House conducted what became colloquially known as "the committee into committees", where we reviewed the upper House committee system. Emanating from that was the process of critiquing the regulations being moved by the Government. At the commencement of this term of Parliament that became formalised and now the Regulation Committee is in place.

That was done because the House of review requires a bit more time to give consideration to some of the regulations that have been put through by the Government, which has become a government of regulation. There is a propensity to include regulatory provisions in all legislation. There is a bit of a "trust me" approach: "Here is the bill. The rest of it is coming later. Trust us, it will all be okay." In essence, some of those "trust us" cases have turned out to be not quite okay at all.

The Regulation Committee conducted its inquiry in the framework of a number of issues that people, particularly those who work in the industry and run music festivals, had raised about the Government's approach to the music regulations. Those people were concerned about the lack of consultation from the Government. The biggest issue that the committee encountered was that the sector was unhappy with the consultation done by the Government in the development of the regulations. By way of contrast, the stakeholders were happy about, and quite complimentary of, the communication process by the Department of Health around its element in the regulations. The committee had a contrasting comparison of how the Government went about its work of not consulting for the regulations and how the Department of Health extensively consulted. The reality is that the industry was not happy.

The Regulation Committee has taken the quite unusual position to date of recommending disallowance of the regulations. That was a big step for the committee. Subsequently, in my view, the Regulation Committee report into music regulations informed the debate that took place in this Chamber. That is the benefit of the Regulation Committee doing this work: It better informed the debate and the process of the House that led to a decision to disallow those regulations. That has not always been the case in this Chamber. A good thing that we have put in place to complement the work of the House of review is the capacity for its members to conduct in-depth inquiries into regulations that are being put in place by this Government, which has the propensity to do a lot of things by way of regulation.

I conclude my remarks there. I acknowledge the secretariat, who did a fantastic job as usual. I commend the members of the committee who approached their work into this inquiry with a degree of preparedness to take on board what may not have been a position that they agreed with at the start. I also extend my appreciation to the Hansard staff, who as we in this place all know are currently under a bit of a threat in the other Chamber.

The Hon. Mark Latham: Shameful.

The Hon. MICK VEITCH: I will grant authorship to the quote that I am about to use. The Hon. Mark Latham said to me yesterday that if we are not careful we will turn this place into one big council chamber. I would suggest that services provided by Hansard, the attendants and the committee staff ensure that we produce the reports we produce. Those services and the research service of the library should not be taken away from our capacity to do our job as MPs.

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): The question is that the House take note of the report.

Motion agreed to.

STANDING COMMITTEE ON LAW AND JUSTICE

Report: Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2019

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): The question is that the House take note of the report.

Motion agreed to.

REGULATION COMMITTEE

Report: Local Land Services Amendment (Critically Endangered Ecological Communities) Regulation 2019

Report: Local Land Services Amendment (Allowable Activities) Regulation 2019

Debate resumed from 22 October 2019.

The Hon. MICK VEITCH (17:31:28): The Regulation Committee looked at the Local Land Services native vegetation regulations. Again, this inquiry supports the reason for having a regulation committee. When Mr Justin Field moved the disallowance motion, the committee decided to look at the regulations. Through the inquiry it became quite apparent that the issues and reasons Mr Justin Field had for moving the disallowance were, in essence, not warranted. These were catch-up type regulations because a gap was created by the move from one form of regulatory regime to the new regime, under the conservation Act brought in by the current Government. That gap needed to be filled and these regulations put in place what had already been in place, so that oversight was tidied up by this process with the regulation.

It also became quite apparent that, without knowing the subject matter, an initial read of the regulations and the phrase "allowable matters" was concerning. I can understand why Mr Justin Field was concerned about what this could mean, particularly when it came to the Cooma-Monaro grasslands and areas around Crookwell. What it actually means is that instead of a farmer clearing 30 metres easement to put up a fence, they will only be

able to clear six metres easement to put up a fence. In fact, the regulations are there to protect rather than to detract from the protections that were put in place. Allowable matters are things such as the collection of firewood. I grew up on a farm and know that usually people duck out to get a bit of firewood around the end of February or early March—the first cold night when people go looking for blankets—because winter is coming. The next morning they head out to the paddocks with chainsaws. A health professional will always say that chainsaw injuries come in around March because people often dust off the old chainsaw, throw it in the back of the ute to get some firewood but have forgotten how to use it.

Under the regulations harvesting firewood is an allowable matter, so disallowing it would prevent that from happening. There were also a range of other matters. Utilities use the regulations to clear around power poles, for example. That is an allowable matter. If we disallow the regulations they will not be able to do that work. The reality is that the Regulation Committee shone a light on that and there is now a greater appreciation for why the regulations were brought in. After the report was tabled Mr Justin Field accepted that was the case and he has now withdrawn his motion for disallowance. Again, that proves the benefit of this Regulation Committee to better inform the decisions of the members of the House and the decisions of the House. I also draw the House's attention to the fact that this particular inquiry was the last parliamentary inquiry of Professor the Hon. Niall Blair. It was great to sit in the hearing room with him and to see his Irish fieriness come out a couple of times. He got a bit feisty during the hearing and the Chair had to pull him into gear—in a nice way.

It was good to have the Hon. Niall Blair in that committee. He was the Minister at the time who drove those particular changes for the Government through this Chamber. To be involved in that inquiry and make sure that there was a semblance of common sense around the approach that the committee took to these two regulations was almost the exclamation mark to his parliamentary career. Again, I put on the record my appreciation for the committee secretariat, the attendants and Hansard, for the way in which they supported the committee in doing our work. I say to honourable members: This is why we have the committee system in the upper House. We do fantastic work in our committees. I say to the newer members: Take the time to learn how the committee system works because you will get to do a lot of committee work across a lot of issues that you would never have thought you would be involved in. It really does add to the House of review's role in New South Wales Parliament. I commend the report to the House.

The Hon. BEN FRANKLIN (17:36:33): I will not detain the House for long but I make a few remarks in line with those of the Hon. Mick Veitch. The first regards the genesis of this issue: An initial examination and analysis by a segment of this Chamber determined that environmental outcomes would be best served by the repeal of these regulations. In fact, through the inquiry process we found that the opposite was true. There would have been far greater substantial environmental degradation if these regulations were repealed. That is what was shown through the inquiry process and through the submissions we received, particularly the excellent submission from the Minister and the Department of Primary Industries. As the Hon. Mick Veitch said, that is exactly what this committee should do. The Regulation Committee is an excellent initiative of this Chamber and I have been proud to sit on it. Unfortunately, I will no longer be sitting on it because my colleague the Hon. Sam Faraway will have that wonderful opportunity.

The fact that this committee determined that it would not recommend the repeal of either of these regulations stands testament to the fact that the committee came in with an open mind and was prepared to look at the evidence on its weight and make a determination accordingly. I also echo the Hon. Mick Veitch's comments about the Hon. Niall Blair, who was the Minister at the time these regulations were implemented. It was delightful as his last formal act in this place that he was able not only to sit on the committee but also to move the adoption of the report, which recommended not repealing these regulations. I thought that was excellent. The final point I make is not only to thank the committee staff—as is usual and appropriate and done by the Chair—but also to thank the Chair. The way in which the Hon. Mick Veitch has handled the chairmanship of this committee is testament to the man he is and to the greatest traditions of this place.

The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane): The question is that the House take note of the report.

Motion agreed to.

Documents

MINISTERIAL CODE OF CONDUCT

Return to Order

The CLERK: According to resolution of the House of 17 October 2019, I table documents relating to an order for papers regarding the Premier's rulings in relation to disclosures under the ministerial code of conduct received this day from the General Counsel of the Department of Premier and Cabinet.

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.

Bills

RIGHT TO FARM BILL 2019

In Committee

Debate resumed from an earlier hour.

The CHAIR (The Hon. Trevor Khan): We will now move to Animal Justice Party amendment No. 1 on sheet c2019-178B. This amendment relates to the nuisance defence and associated provisions. The Shooters, Fishers and Farmers Party also has amendments that relate to these provisions. I will invite the Hon. Robert Borsak to move his amendments next.

The Hon. EMMA HURST (17:41:25): I move Animal Justice Party amendment No. 1 on sheet c2019-178B:

No. 1 **Nuisance defence and associated provisions**

Pages 2–4, proposed sections 3–6 and proposed Schedule 1, line 6 on page 2 to line 16 on page 4.

Omit all words on those lines.

This amendment would remove the entire nuisance shield section of the Right to Farm Bill. At the moment, all Australians enjoy the right to bring a nuisance case against a neighbour who is unreasonably interfering with one's enjoyment of one's property. This important right has been carefully developed by the courts through common law over a significant period of time. It contains a number of safeguards and defences to prevent frivolous claims or claims lacking merit from proceeding.

This legislation would effectively abolish this right for individuals who happen to live near agricultural operations. Given the serious nuisances that are known to be caused by farms, particularly by intensive animal agriculture operations, such as horrific odours and flies from mass amounts of animal waste and rotting carcasses, loud noises from animals screaming for their lives in abattoirs, soil erosion, spray drift, pollution and other toxic substances that cause serious risk to human health, one would think that the Government would look to protect and support individuals who live near farms or slaughterhouses. Instead, this Government wants to further punish them by taking away their common law right to sue when the most serious of these nuisances occur and when there is no other option but to take the matter to court.

There is no justification for this curtailment of private property rights. This law will not stop raising complaints about agricultural activity with council and there has been absolutely no floodgate of litigation. On the contrary, the fact that there are only three reported cases shows that the tort of nuisance is being appropriately used as a means of last resort and is not being abused or misused by farming neighbours. Still, this Government wants to take it away. Not only will this legislation harm private citizens living near farms, but it will also harm farmers—because farmers are often neighbours of other farmers. The NSW Bar Association raised this concern at the inquiry hearing. It said:

To take one example, imagine a situation where a flood of water from one farm caused a massive landslide on another farm, devastating crops and causing economic loss to the farmer. In the event that the flood was not caused through unlawful activity or negligence the affected farmer is without remedy. Indeed, it would seem that the proposed amendment is most likely to adversely affect other rural or semi-rural landowners more than anyone else.

This law is being promoted by the Government as protecting the rights of farmers, but it will most likely curtail the rights of farmers in inter-farmer nuisance disputes. That is not a good outcome for anyone. This is a badly drafted piece of legislation.

During the inquiry we heard that legal experts such as the NSW Bar Association and the Animal Defenders Office were unclear as to whether this part of the legislation creates a defence for the animal agriculture industry or is a complete bar to proceedings. They were also concerned that it would curtail the ability of courts to make appropriate orders in the event that a nuisance was found to be occurring on agricultural land. At the end of the day these nuisance shield provisions will not achieve what the Government says they will. They do not strike an appropriate balance for the competing rights and interests of those carrying out commercial agriculture activities and those affected by such activities. I urge all members to support this amendment and rid the bill of these provisions.

The CHAIR (The Hon. Trevor Khan): Just so that we get the full lines of battle drawn, I invite the Hon. Robert Borsak to move his amendments. If the Hon. Emma Hurst's amendment gets up, the Hon. Robert Borsak's amendments will lapse.

The Hon. ROBERT BORSAK (17:46:14): By leave: I move Shooters, Fishers and Farmers Party amendments Nos 1 and 2 on sheet c2019-201H in globo:

No. 1 **Meaning of commercial agricultural activity**

Page 2, proposed section 3(1), line 11. Omit "an agricultural activity". Insert instead "an activity".

No. 2 **Protection of activities associated with commercial agricultural activity**

Page 2, proposed section 4, lines 17–28. Omit all words on those lines. Insert instead—

4 Commercial agricultural activities do not constitute nuisance

No action lies in respect of nuisance by reason only of the carrying out of any of the following activities if the activity is carried out lawfully and not negligently and that type of activity has been carried out on the land for at least 12 months—

- (a) a commercial agricultural activity,
- (b) an activity carried out for the purposes of any of the following—
 - (i) any business or undertaking in which cattle, poultry, pigs, goats, horses, sheep or other livestock are kept or bred for commercial purposes (for example, a dairy, saleyard or feedlot),
 - (ii) a business or undertaking for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, including abattoirs, knackeries, tanneries, woolscours and rendering plants,
 - (iii) a business or undertaking for forestry (including timber mills) or aquaculture,
 - (iv) a show or competition involving livestock (including a rodeo).

It is important that there is clarity around the definitions of "agricultural practice" and that this legislation applies to all enterprises involved in the use of animals. There have been incidents around this State, and indeed Australia, where restaurants and butcheries have been stormed by vegan terrorists during business hours. In Melbourne a steak restaurant was stormed by over 30 vegan terrorists from the group that calls itself Direct Action Everywhere Melbourne. They invaded the restaurant while uniformed, masked and carrying placards and loudspeakers, and it became more akin to a battlefield than a business. They verbally abused the customers, staff and owners of the restaurant. They are vandalising and threatening businesses, scaring away customers and costing people their livelihoods—and even worse, they are getting away with it. It is important that "animal enterprise" is defined in this bill. We have done that through an amendment. It states:

animal enterprise ...

- (a) a commercial or academic enterprise that uses, sells, houses or stores animals or animal products for profit, food, fibre production, agriculture, education, research or testing, including a butcher shop or other enterprise that lawfully sells or supplies meat,
- (b) a zoo, aquarium, animal shelter, pet shop, animal breeding establishment or circus,
- (c) a rodeo or other lawful competitive animal event,
- (d) a farming business
- (e) a show or similar event intended to advance agricultural arts and sciences.

Let us not pretend that these vegan terrorists are not across every loophole and gap in legislation that they can exploit. Indeed, they now have representation in this Parliament. They have refined a business model around the harassment and intimidation—

Mr David Shoebridge: Point of order: The member cannot refer to members in the Chamber as terrorists—and that is what he just did. I ask him to withdraw the comment. It was directed at—

The Hon. ROBERT BORSAK: At who?

Mr David Shoebridge: —members of the Animal Justice Party. He indicated them.

The Hon. ROBERT BORSAK: It was directed at the party. That is right.

Mr David Shoebridge: It was directed at members. It is unparliamentary to refer to members of this House as terrorists.

The CHAIR (The Hon. Trevor Khan): I admit that I was assisting another member so I did not hear the comment. I am not trying to equivocate in that regard. The general position is that a member cannot refer in an unparliamentary way to a particular member. It is best that we keep this debate above a certain Plimsoll line. I also note that this was a matter of very considerable exchange during the second reading speech and it may have been terminology that was referred to outside this place. In fact, I remember the Hon. Emma Hurst had a particular exchange about it with various people in budget estimates. I am at a disadvantage because I did not hear it. I ask that members keep the debate at a good level. The member may proceed.

The Hon. ROBERT BORSAK: They have refined a business model around harassment and intimidation through threats and acts of violence. They are well funded, well organised and are now well versed in how to terrorise farmers, their families and animal enterprises. If we are serious about protecting our farmers and all animal-related enterprises from these people then we need to be one step ahead of them. This is organised criminal behaviour. They are a crime gang masquerading as a cultural movement. Human welfare always comes first over the concerns of elitist animal rights—

The Hon. Emma Hurst: Point of order: I fail to see how the argument and the amendments have anything to do with the nuisance section of the Act.

The Hon. ROBERT BORSAK: To the point of order: It is fundamentally an explanation of what this redefinition is all about. I do not see how it does not work in relation to these amendments.

Mr David Shoebridge: To the point of order: The nuisance provisions in the bill do not relate to people invading premises or trespassing upon premises. The nuisance provisions in the bill relate to tortious claims in nuisance, which are not being addressed by the member in his contribution.

The CHAIR (The Hon. Trevor Khan): At an early stage we set that we were going to keep this tight. In fact, the Hon. Emma Hurst was hoisted on that issue earlier. She is returning fire in that regard. Both she and Mr David Shoebridge are right: We are dealing with a particular amendment and the Hon. Robert Borsak's amendment seeks quite a discrete adjustment—not that he is limited to that discrete adjustment—to the existing clause. I invite the honourable member to consider the amendments before the Committee.

The Hon. ROBERT BORSAK: Further to the point of order: Amendment No. 1 talks about changing it from "an agricultural activity" to "an activity". I am simply explaining the difference. I am almost done.

The CHAIR (The Hon. Trevor Khan): Please continue.

The Hon. ROBERT BORSAK: Human welfare always comes first over the concerns of elitist animal rights protestors, who care more about the welfare of chooks than humans. I urge all members to support these sensible and much-needed amendments, which will improve, protect and tighten the bill. I commend the amendments to the Committee.

Mr DAVID SHOEBRIDGE (17:53:25): I move The Greens amendment No. 2 on sheet c2019-177A:

No. 2 **Activity must have been carried out for at least 12 months**

Page 2, proposed section 4(1)(d), lines 23 and 24. Omit all words on those lines. Insert instead—

- (d) that type of agricultural activity has been carried out on the agricultural land for a period of at least 12 months.

This amendment would limit the circumstances in which the bar to a nuisance claim could be raised. Currently section 4 (1) of schedule 1 to the bill provides:

- (1) No action lies in respect of nuisance by reason only of the carrying out of a commercial agricultural activity if—
- (a) the activity is carried out lawfully, and
 - (b) activity is not carried out negligently, and
 - (c) the activity is carried out on agricultural land, and
 - (d) the land on which the activity is carried out has been used for the purposes of agriculture for a period of at least 12 months.

The Greens are proposing to replace subparagraph (d) with:

- (d) that type of activity has been carried out on the agricultural land for a period of at least 12 months.

The rationale for this amendment is that the bill as drafted provides a nuisance shield for a landowner who has been carrying out any kind of agricultural activity on that land. An example would be longstanding pastoral land

converted to intensive animal husbandry such as a chicken facility, with all of the nuisance impacts including smells and noise, which might be overwhelming for adjoining owners. The bill as drafted says there can be no nuisance claim brought by any adjoining landowner or anybody in the township. The Greens do not believe that is a sensible principled change to the law.

The Greens understand the intent of the Government is to say to farmers that, if they have been carrying on this activity before the neighbours moved in or for a substantial period of time, it can continue. If someone moves next to a farm where there is an intensive chicken facility operating, they cannot use the nuisance laws to shut it down after they have moved in. The Greens can understand the rationale of that. It is a blunt instrument. It is not particularly well crafted and there are good reasons why that should not be part of the bill. But there is an arguable case. The idea that it would be said to neighbours that they had no nuisance claim even if the adjoining property owner fundamentally changes the use from something that had no impact to something that may have quite catastrophic impacts—think of a feedlot opening on adjoining land or an intensive chicken facility or an intensive piggery. They create extremely large impacts on adjoining properties.

The Greens say that if it has been operating for at least 12 months, there is no nuisance claim. If a property owner moves next to a facility that has been operating before their arrival, there is no nuisance claim. The idea that there should be a blanket prohibition even if there is a substantial change in use may come back and bite the Government. It is bad law. The Greens are proposing this amendment to focus the bill on at least the problem that the Government has identified. I commend the amendment to the Committee.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham is entitled to seek the call but it might be worthwhile if the Minister indicates now what the Government's position is. Labor can then seek the call and perhaps then we will go to the Hon. Mark Latham. We can do a round of where everyone stands on all the amendments.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (17:57:23): The Government opposes the Animal Justice Party's amendment No. 1 on sheet c2019-178B, which seeks to remove all provisions of the Right to Farm Bill 2019. It does not deliver the Government's objectives in providing lawful primary producers a bar against nuisance litigation and the nuisance shield does not protect farmers who are acting negligently or unlawfully. The Government is satisfied that the nuisance shield will not stop people raising nuisance complaint concerns about primary production operations through development approval processes and council.

As instructed, I refer now to amendment Nos 1 and 2 on c2019-201H by the Shooters, Fishers and Farmers Party. These amendments seek to expand the operations that can assess the nuisance shield. The Government accepts the amendments, which do not change the meaning or substance of the definition. The effect of the amendments would be to adopt a similar definition of agricultural land in both the nuisance shield and Inclosed Lands Protection Act 1901 with some small differences. Basing the nuisance shield definition of commercial agricultural activity on the proposed definition of agricultural land, the Inclosed Lands Protection Act will capture secondary primary production activities. Secondary primary production activities, such as those at abattoirs and saleyards, play important roles in the primary production supply chain. These are important businesses for the agricultural supply chain and may also be vulnerable to nuisance litigation.

The Government is of the view that the function of the nuisance shield will not change with these amendments and will still achieve the objective of the bill, which is to provide primary production-related activities a defence against nuisance claims. The proposed definition retains provisions regarding the need for primary production-related activities to be commercial in nature, such that hobby farms continue to remain outside the scope of the nuisance shield. The Government agrees that secondary and other primary industry-related activities should be able to avail themselves of the shield and accepts this amendment. The definition in the nuisance shield will also include competitions involving stock animals, like rodeos and agricultural shows. Those activities can be viewed as an extension of primary production activities involving stock animals and it is acceptable to offer them the same protections under the nuisance shield.

I refer to The Greens amendment No. 2 on sheet c2019-177A. This proposes to change the conditions under which farmers may avail themselves of a nuisance shield. The amendment suggests removing the defence in those cases where farmers have changed or adjusted their operations. The 12-month use condition has been designed to ensure that farmers can respond flexibly to changing markets in the environment and diversify their income when needed. It also enables farmers to adopt new technologies and practices that reflect industry or regulatory standards.

As part of the Tasmanian review of the Primary Industry Activities Protection Act 1995, feedback provided in submissions reiterated the importance of the legislation enabling innovation and diversification. Changes to farming operations will still need to be legal. The Government is of the view that there are sufficient

avenues to ensure that any change to operations would continue to be lawful and that there continue to be avenues to escalate complaints if necessary. Additionally, the nuisance shield does not stop people bringing forward nuisance claims. However, if the producer meets the requirements of the shield, they are protected against it. The Government does not support this amendment.

The Hon. MARK LATHAM (18:01:37): I have listened closely to the very good contribution by the leader of The Greens. I thought he made his best speech in this place because it was a compelling argument to support the amendment that has been moved by the Shooters, Fishers and Farmers Party. What it is putting forward basically is that if a farmer is acting lawfully, there is no negligent activity and if the type of farm activity has been in place on the land for at least 12 months, they are shielded from the tort of nuisance. I think that gets the balance right. The Hon. Robert Borsak has moved a very well-crafted amendment and it has a broad definition of agricultural activity. I think it supersedes the points made by the leader of The Greens, Mr David Shoebridge, and provides the sort of provision that Parliament can support. Indeed, it has my support.

The Hon. MICK VEITCH (18:02:36): I always find debates in Committee stage quite fascinating. We have before us three proposed amendments to the bill. It is handy to go to the bill to see what we are actually trying to amend. At the outset I say that the Opposition will be opposing the Animal Justice Party amendment. The Shooters, Fishers and Farmers Party has proposed quite an extensive amendment to this piece of legislation. I am always concerned when we move to providing a detailed list of what is to be included because there is always the risk that we are leaving something out—that is the problem. Measuring that risk against what the current legislation says, we would have to satisfy ourselves that the risk has been considered and nothing has been left out. There is quite an extensive list. I am not sure that those things are not already covered in the bill, accepting that there are some concerns about this clause in the bill, hence the three amendments.

Turning to The Greens amendment, as put forward by Mr David Shoebridge, if we look at what we are talking about, the 12-month mark is quite important because farming is not a stagnant operation. What farmers were doing 30 years ago is not what they are doing now. They will change the way in which they go about their farming, and in the main they will accommodate innovation in their industry and use different methods. Some may not, depending how old and stubborn they are, like some we know. The reality is that there will be an evolutionary approach to the way they undertake their farming enterprise. Trying to apply this to the myriad different agricultural pursuits in this State is difficult. I commend the respective proponents of these amendments because their work is quite valuable. Weighing all of this up, we will be opposing the three amendments, which obviously means that the clause in the bill will stand.

Reverend the Hon. FRED NILE (18:05:57): On behalf of the Christian Democratic Party, I support the amendments proposed by the Shooters, Fishers and Farmers Party. Amendment No. 1 expands the scope of the bill by expanding the scope of activity. Originally the phrase used in the bill was "agricultural activity", but the amendment we are now discussing would change that to just "activity", allowing the bill to operate in a broader variety of cases.

The second amendment introduces a new section 4, which stipulates that commercial activities are not to be understood as a nuisance. This means that, if a legitimate commercial agricultural activity is conducted, there can be no claim that it is a nuisance. A list of activities that are protected is contained in new section 4 (b). These include the commercial breeding of cattle, poultry, pigs, goats, horses, sheep and other livestock; a forestry or aquaculture business; and a show, competition or rodeo, which are also vital for the development of agriculture and related businesses. Amendments Nos 3 and 4 expand the operation of the bill by changing the phrase "or induce" to "commission or induce". This will enhance the ability of prosecuting authorities to take action against mischievous criminal elements who commit aggravated unlawful entry into a property.

Amendment No. 5 inserts a new section 7 (a), the purpose of which is to clarify that the bill does not prevent or hinder authorised union activities or industrial action. The new section cross-references the Industrial Relations Act 1996 and the Fair Work Act 2009. I think this addition to the bill makes it a fair and balanced piece of legislation while clarifying any uncertainties in its initial draft.

The Hon. MARK PEARSON (18:08:11): I support the amendment moved by the Animal Justice Party and the amendment moved by The Greens, and I oppose the amendments moved by the Shooters, Fishers and Farmers Party. The common law of nuisance was quite rightly developed to allow landholders to seek compensation from those adjacent landholders that interfere with the use or enjoyment of land to the point of causing injury to an ownership right in that land. The most common claims are where a neighbour sets a fire that escapes or conducts earthworks that result in flood damage to the adjacent landholdings. Legal action is not for the fainthearted. Costs are prohibitive and the legal test for nuisance is set at a high bar so that vexatious and frivolous claims do not succeed, and yet the Government feels the need to intervene in this established common law doctrine.

I have read the Minister's second reading speech and it has a very odd explanation for why Parliament needs to act in this way. Why is this "nuisance shield" required? The Hon. Adam Marshall said: Complaints about normal and legal farming practices against primary producers occur all over this State and threaten daily operations. Those complaints are commonly around the incidentals of accepted farming practices such as noise, dust or odour, among others. These are basic realities of farming and the basic realities of living near a primary production operation. The Minister is using the word "complaint" but I suspect not in the sense of commencing legal action in the tort of nuisance. I asked the Parliamentary Library to conduct research into how many such nuisance cases were adjudicated in the last 10 years in New South Wales and the library came up with a blank.

The Minister is actually referring to anything ranging from neighbourhood grumbling and gossip about Farmer Smith's smelly dungheap to actual complaints lodged with either the local council or the Environment Protection Authority [EPA] about the environmental impact of dust, noise and odour from facilities such as intensive poultry sheds or piggeries. An EPA or council complaint is most definitely not a nuisance action, so why the charade over needing to legislate for a nuisance shield? I have no answer to that question but I agree with my esteemed colleague the Hon. Emma Hurst that it is unnecessary and, more disturbingly, sets up obstacles for landholders who reasonably seek to obtain redress for nuisance when the circumstances warrant it. For the reasons I have stated I support the amendment.

Mr DAVID SHOEBRIDGE (18:11:13): For the reasons articulated by the Hon. Emma Hurst, the mover of the Animal Justice Party amendment, and the Hon. Mark Pearson, The Greens support the amendment which will remove the schedule to the bill. The reasons for the amendment are well made and I will not repeat them. Moreover they were addressed during the second reading stage. The Greens will not support the amendments moved by the Shooters, Fishers and Farmers Party. We do not support an explicit expansion of the definition of commercial agricultural activity to include the matters included in proposed new section 4 (b) (i) to (iv) of amendment No. 2.

It seems odd that the Shooters, Fishers and Farmers Party is proposing to give a specific nuisance shield to, for example, butchers, who are clearly captured by proposed new section 4 (b) (ii). By virtue of amendment No. 2 a butcher in the middle of Westfield would be protected from any nuisance laws but the greengrocer in the next shop would not be covered. It is a very strange approach and I do not quite know what the rationale is. I do not know why members of the Shooters, Fishers and Farmers Party so dislike people who sell vegetables. However, I must say that the Shooters, Fishers and Farmers Party amendment No. 2 picks up the concern raised by The Greens amendment. I must also say that the Shooters, Fishers and Farmers Party amendment No. 2 is well crafted relative to the issue—better crafted to the issue than is the Government's original bill—because the Shooters, Fishers and Farmers Party amendment No. 2 states in the introduction:

No action lies in respect of nuisance by reason only of the carrying out of any of the following activities if the activity is carried out lawfully and not negligently and that type of activity has been carried out on the land for at least 12 months—

The amendment refers to activities that are actually in place and have been in place for at least 12 months. That is where the amendment is directed to. The amendment is crafted to address the problem, which is people coming in and complaining post-facto about an activity that has been carried on already. Given the Government's objection to The Greens amendment, it is interesting to note that Government members have all charged on board to support the Shooters, Fishers and Farmers Party amendment No. 2, which essentially addressed the same point made by The Greens. Irrespective of how the improvement is achieved, I am pleased that the Government has realised that the Shooters, Fishers and Farmers Party amendment No. 2 is sensible. Although The Greens do not support the expansion of the shield, we acknowledge that the Shooters, Fishers and Farmers Party has come part of the way and done the job of government by drafting a better provision for the bill.

Mr JUSTIN FIELD (18:13:54): It is very important to reflect on why tension is building in our community. One of the reasons is that urban expansion is encroaching onto agricultural land. Communities are expanding for a whole range of reasons and conflict is occurring in the landscape. That is being exacerbated by the impact of drought as natural resource conditions make it more difficult to farm land in certain places and make it harder for people to live. The amendment before the Committee does not address that issue at all. In fact, it papers over it to some degree. During the inquiry into the bill and during the second reading stage of the bill, I raised concerns that this legislation probably will end up creating even more points of tension and conflict between landholders over how they interact.

As much as I know the public relations [PR] around this legislation is very much addressed at animal welfare campaigners, the real impact of this legislation in communities will be among landholders, or the legislation simply will not address the problem substantially. For the reasons I have stated I support the amendments. The Government should have pulled the whole bill and should have gone back through the public consultation on the bill to address the planning issues at the core of concerns. If the Government had done that, it could have introduced legislation that addresses those concerns. I will support the amendments.

The next best thing to the Government's acceptance of the amendments is to recognise that the bill must be reflective of the activity that is undertaken and not just general agricultural activities. If the terms are too wide, that will allow people who do not want to do the right thing by their neighbours to make a substantial change to their operations, which could have a very obvious impact. It will remove the legal rights of people to be protected from nuisance and that is entirely unreasonable.

The Hon. EMMA HURST (18:15:50): My comments will address the amendments moved by The Greens and the Shooters, Fishers and Farmers Party. I will begin by addressing the amendment moved by The Greens. The Animal Justice Party strongly supports this amendment. It is very concerning to my political party that under the draft bill a commercial agricultural operation could change its character from something completely inoffensive to neighbours to something highly intrusive, but still be immune from a nuisance lawsuit just because some form of agricultural activity has been undertaken on that land for 12 months. The change could be as drastic as going from a winery to a piggery, or a chickpea farm to a slaughterhouse, or an almond farm to a battery hen facility. It will not matter what the change is.

According to this Government, as long as there has been any type of agriculture on the property the next-door neighbours should just have to put up with that activity without any legal recourse in nuisance. Let me put that into context. Imagine buying a property next to a winery and living there for 13 years with your family. The place is picturesque and quiet with rolling hills and grapevines. But after 13 years your neighbours decide to build a broiler meat factory on the farm because it could bring them more money. They change everything about the property. Now when you step into your yard there is a strong odour of faecal build-up by tens of thousands of birds and a rotting corpse bin right near the borderline of your house. The rolling hills have become an eyesore of white sheds. Your children cannot safely go into the yard anymore. You cannot have friends over anymore because when you open a window the smell spreads throughout your house and you cannot even wash the smell out of your sheets and clothes. The stench seems to be everywhere. You think you must surely have some legal recourse for how much this broiler meat facility is affecting your life.

But the Government says: Too bad. A person's rights to run a nuisance lawsuit as a neighbour have been intentionally taken away by this legislation because that person's neighbours used to grow grapes. The Greens amendment would appropriately clarify and limit the bill so that that type of absurdity does not occur and agricultural operations are protected only if the commercial agricultural operation has been carrying on the same type of activity for the past 12 months. While the Animal Justice Party still does not support the creation of any nuisance shield for the agricultural industry, if our amendment does not pass, we will support The Greens amendment because it would be significantly more sensible and justifiable if the amendment proposed by The Greens was passed.

I move now to address the amendments moved by the Shooters, Fishers and Farmers Party. I oppose the amendments, which seek to replicate the already bad nuisance shield proposed by the Government in the existing bill and slightly expand upon it. The Government's nuisance shield applies to commercial agricultural activities, which are defined as any agricultural activity carried out for or in connection with primary production business within the meaning of the Commonwealth Income Tax Assessment Act 1997. The amendments moved by the Shooters, Fishers and Farmers Party would extend the shield to explicitly include, among other things, a show or competition involving livestock, such as a rodeo. Like the Government, the Shooters, Fishers and Farmers Party provided no evidence or statistics about why such a nuisance shield is required. The amendment puts the rights of the animal agricultural industry above the rights of private individuals to enjoy their own property, which the Animal Justice Party fundamentally does not support.

Again, this amendment is badly thought out and is likely to cause harm to the very people that it is allegedly meant to protect—farmers—because events such as rodeos and other agricultural activities often take place in farming areas. I will explain in detail. Imagine a situation where a rodeo causes damage to a neighbouring farm because the noise repeatedly scares livestock and thereby causes economic loss to the farmer. In the event that the damage was not caused through unlawful activity or negligence, the affected farmer is without remedy in nuisance.

The proposed amendments are most likely to adversely affect other rural or semirural landowners more than anyone else. It is bizarre that the Shooters, Fishers and Farmers Party would seek to endorse these amendments. It seems that it has already dropped the farmers off its representation list. The bigger question about the amendments is: Why do groups conducting rodeos need a nuisance shield? Are they receiving odour and noise complaints? How much litigation have those groups seen in the past 10 years that would suggest that this shield is actually needed?

The answer is that there is no evidence to suggest that it is needed. These are just more under-researched amendments, which have had no proper consultation process, research or evidence to back up why they are needed or why they would be helpful to anyone in New South Wales. In fact, all evidence suggests that the amendments

will be harmful. The Shooters, Fishers and Farmers Party should be well aware of evidence given that one of its members was the Chair of the inquiry into the bill, or perhaps they were not paying attention. These are simply more knee-jerk amendments from the Shooters, Fishers and Farmers Party, which is building a running record of proposed amendments that it cannot back up in this House. I urge all members to oppose the amendment.

The CHAIR (The Hon. Trevor Khan): I will put the questions on the amendments seriatim. First, I will put the question on the Animal Justice Party amendment. Assuming that the Animal Justice Party amendment does not get up, I will put the question on the Shooters, Fishers and Farmers Party amendments. If the Shooters, Fishers and Farmers Party amendments get up, that will render The Greens amendment a nullity. I will only put the question on The Greens amendment if the first two have failed. The Hon. Emma Hurst has moved Animal Justice Party amendment No.1 on sheet c2019-178B. The question is that the amendment be agreed to.

The Committee divided.

Ayes6
Noes30
Majority.....24

AYES

Boyd, Ms A
Hurst, Ms E (teller)

Faehrmann, Ms C
Pearson, Mr M

Field, Mr J (teller)
Shoebridge, Mr D

NOES

Ajaka, Mr
Borsak, Mr R
D'Adam, Mr A
Farlow, Mr S
Graham, Mr J
Latham, Mr M
Mason-Cox, Mr M
Moselmane, Mr S
Roberts, Mr R
Taylor, Mrs

Amato, Mr L
Buttigieg, Mr M
Donnelly, Mr G
Faraway, Mr S.J. (teller)
Harwin, Mr D
Maclaren-Jones, Mrs (teller)
Mitchell, Mrs
Nile, Revd Mr
Searle, Mr A
Tudehope, Mr D

Banasiak, Mr M
Cusack, Ms C
Fang, Mr W
Franklin, Mr B
Jackson, Ms R
Martin, Mr T
Mookhey, Mr D
Primrose, Mr P
Secord, Mr W
Veitch, Mr M

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): We will move to the next amendments. The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendments Nos 1 and 2 on sheet c2019-201H. The question is that the amendments be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes19
Noes17
Majority.....2

AYES

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

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

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

NOES

Boyd, Ms A (teller)
 Donnelly, Mr G
 Graham, Mr J
 Mookhey, Mr D
 Primrose, Mr P
 Shoebridge, Mr D (teller)

Buttigieg, Mr M
 Faehrmann, Ms C
 Hurst, Ms E
 Moselmane, Mr S
 Searle, Mr A
 Veitch, Mr M

D'Adam, Mr A
 Field, Mr J
 Jackson, Ms R
 Pearson, Mr M
 Secord, Mr W

PAIRS

Mallard, Mr S
 Ward, Mrs N

Houssos, Mrs C
 Moriarty, Ms T

Amendments agreed to.

The CHAIR (The Hon. Trevor Khan): Because the Shooters, Fishers and Farmers Party amendments were agreed to, The Greens amendment No. 2 on sheet c2019-177A lapses.

I will now leave the chair. The Committee will resume at 8.00 p.m.

The Hon. MICK VEITCH (20:01:19): I move Opposition amendment No. 1 on sheet c2019-206:

No. 1 **Review of Act**

Page 3. Insert after line 5—

7 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 2 years from the commencement of this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament by 30 June 2022.

Just before the dinner break three amendments were made to one part of the bill. By virtue of the number of amendments, the Committee is clearly saying—regardless of each member's position on the bill—there are some issues with it. The Opposition is saying that normally a bill of this type would have a statutory review. The amendment seeks to insert a provision to review the Act as soon as possible, two years after its commencement. A report on the outcome of the review is to be tabled in each House of Parliament by 30 June 2022. The Opposition believes this legislation is crudely crafted and an example of what happens when you legislate hubris in a rush. We suspect there was some other legislative imperative that prompted the Government to bring it in.

But regardless of each member's position, if people have concerns and we want to get this right, the implementation of legislation should be reviewed at some point in the future, allowing us to investigate any unintended implications of the legislation. This will show whether any further refinement of the legislation is required or there should be some improvement. Legislation of this type potentially needs some sort of review. The Opposition is saying that it would be prudent to do that in two years, before the next election. The report on the review would be tabled in Parliament in 2022, giving both Houses an opportunity to consider it and look at possibly amending the legislation. I commend this amendment to the Committee.

The Hon. EMMA HURST (20:03:46): The Animal Justice Party agrees in theory that, in the event of the bill being passed, it would be useful to have a mandatory review. However, we are concerned about the language in paragraph (1) of the amendment, which says the review will:

... determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

This language suggests that the policy objectives of the Act are valid now, at the time the bill is being introduced, which we fundamentally do not accept—quite the opposite. As I have said throughout this debate, the Right to Farm Bill 2019 has no valid basis, no valid objectives and is simply a superficial attempt by the Government to pander to farmers and powerful industry interests at the expense of the rights of everyday Australians. I also have serious concerns about how rigorous or effective a review will be. How do you determine success with a bill like this? How do you determine, for example, if the nuisance shield is operating effectively? After all, there have

been only three reported nuisance claims of the kind captured by this bill in New South Wales. So there is a good chance there will be no cases filed in the next two years. Is that a success or a failure under this bill?

Alternatively, what if there were a lot of nuisance law suits filed but they were all prevented from proceeding through the courts by operation of this bill? I would consider that scenario highly concerning but the Government review would probably treat it as a success, given it is exactly what it is setting out to do. This is the fundamental problem. The Animal Justice Party does not agree with the objectives of this bill, which are to stifle the ability of private individuals to bring nuisance claims that are substantiated against agriculture operations. So a review of whether the bill is meeting those objectives is, in theory, a waste of time. In light of those concerns, I will be opposing this amendment.

The Hon. ADAM SEARLE (20:05:55): I support the Opposition amendment. To pick up on the points raised by the Hon. Emma Hurst, she need not be concerned by the review. I understand the concerns that the Animal Justice Party—and other members in this House—have about the legislation in its current form. The phrasing of the review clauses are the standard clauses that apply when there are statutory reviews of legislation. The reason it uses the term "remain valid" is we cannot reflect on a ruling or a decision of the House unless there is further substantive debate. It is just a term of art. It does not represent any concession by any member of this House that the bill and its objectives are valid. It is simply a tried and true mechanism to provide a definite time horizon for a statutory review.

I share the concerns expressed by the Hon. Emma Hurst about a review by the Government, particularly as the Government initiated this legislation. I understand that one person's definition of success might be axiomatically another person's or party's definition of failure under the legislation. But that is the cut and thrust of our parliamentary democracy. It is important to have the discipline of a review mechanism, and I urge honourable members to put those concerns aside and to support this review proposal because it is the next milestone, if you will. If the legislation is passed or enacted without this amendment, there will be no review in a reasonable period. The Opposition thinks a review within two years of the commencement of the Act is a reasonable period, given the high level of concern on all sides of this debate around the contested space.

It is important that we have an early and rigorous review but, of course, it would be in the Government's hands as to how it determines, in its discretion, to conduct such a review and who it gets to do it. I accept that these are imperfect mechanisms but it is the standard mechanism that we apply to legislation. No-one should be fearful or frightened of the review clause that is proposed by the Opposition. Neither the Animal Justice Party nor the governing parties should be concerned by this. Persons who are convinced that the bill is terrible and will lead to terrible consequences should welcome an early review and the Government—which thinks it is a finely drafted and well-nuanced balancing of competing rights and interests—should revel in the opportunity for an early gold star for the mechanism it has chosen. Regardless of members' perspectives in this debate, everyone should come together to accept that there should be a statutory review and that it should come sooner rather than later.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (20:09:29): The Government does not support this amendment. Two years is not long enough to establish a strong evidence base to report on a bill's effectiveness. The Opposition has not offered a compelling reason that the bill should be reviewed in such a short time. Statutory reviews usually take place after five years. The Tasmanian review took place some 20 years after its nuisance shield came into effect. The review found that it had been successful. The Government does not see a two-year statutory review as necessary or effective.

Mr DAVID SHOEBRIDGE (20:10:05): The Greens support the amendment, which seeks a review of the bill. It is interesting that the Government says the two-year time frame is inadequate. This is the same Government that in just the past week instituted a review of the Independent Planning Commission after only 18 months of operation. It seems to me that the time frame adopted by the Government is determined more by the nature of the inquiry than by the principle as to what should be a reasonable time in which to consider a review. This is obviously one of those cases. The Greens support the Opposition's amendment. We think it is sensible and we honestly cannot understand why the Government would not want to review a law that has been so contentious within two years of operation.

The CHAIR (The Hon. Trevor Khan): The Hon. Mick Veitch has moved Opposition amendment No. 1 on sheet c2019-206. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): A late amendment has been received from the Opposition that seeks to amend the Shooters, Fishers and Farmers Party amendment No. 5 on sheet c2019-201H. I have given the matter some thought. The Opposition amendment seeks to amend an amendment that was filed on 23 October 2019. In normal circumstances, that is plenty of time for the Opposition to have lodged its amendment, as it has

done with a number of amendments. But taking into account that the Opposition amendment involves the insertion of fewer than half a dozen words and I believe is capable of due consideration by members now, on this occasion I will grant leave to move the amendment. However, that should not be seen in any way as an indicator that, for instance, what occurred during consideration of the abortion bill will now set the scene. Amendments should be filed prior to the Committee stage.

We will now move on to The Greens amendment No. 1 on sheet c2019-181A. A number of other amendments—the Animal Justice Party amendment No. 2 on sheet c2019-178B and the Opposition amendment No. 1 on sheet c2019-205—are identical. If The Greens amendment No. 1 on sheet c2019-181A is agreed to, the other amendments will lapse.

Mr DAVID SHOEBRIDGE (20:13:55): I move The Greens amendment No. 1 on sheet c2019-181A:

No. 1 **Removal of amendments to Inclosed Lands Protection Act 1901**

Pages 5 and 6, Schedule 2, line 1 on page 5 to line 25 on page 6. Omit all words on those lines.

If this amendment succeeds, it will mean the balance of The Greens amendments on that sheet need not be moved. But I do not want to get ahead of myself so I will confine my remarks to this amendment, which seeks to delete schedule 2 and deletes changes to the Inclosed Lands Protection Act from the bill. We established the rationale for this amendment in the second reading debate, during which each party gave its reasons—for and against—but I will make the case for it briefly. Schedule 2 provides a series of quite harsh penalties, ranging from 120 penalty units and 12 months in prison to 200 penalty units and three years' imprisonment for the offence of entering inclosed lands—effectively, the offence of trespass.

It does so in circumstances where, if a person enters the inclosed land or damages any property or releases any livestock, the penalty can be 12 months in jail. A person could face 12 months in jail for perhaps damaging a fence or for saving a hen from systemic cruelty after finding it in extraordinary distress. The Greens believe putting someone in jail for 12 months for those actions—for entering land perhaps to save a hen from systemic cruelty—is disproportionate. That will also apply to people who might enter a State forest where a sign states "Logging is in action", or there is a gate across the road saying "No entry. Logging in process." A member of the community might enter a State forest to protest the logging, perhaps because old-growth forests are being logged, because it is having a particular impact on an ecological community or because it is a precious part of the forest that they want to save. The thought of putting someone in jail for 12 months for that is offensive to The Greens and, we believe, contrary to a free and liberal democracy.

The aggravating offence is putting someone in jail for up to three years if three or more people enter a forest and commence a forestry blockade. The thought of passing a law that would allow a court to put someone in jail for up to three years for a forestry blockade is disturbing when one casts one's mind back in history and thinks about the precious parts of the State that have been saved by those very actions—forestry blockades to save the remnant rainforests that are now left on the coastal strip of New South Wales. If these laws were in place then, we would have lost that rainforest because the community could not have had those blockades. The thought of putting people in jail for three years because they are going onto inclosed land to protect something that is precious to them and to the rest of the community is deeply offensive to The Greens. The way in which schedule 2 has been drafted makes it vulnerable to a constitutional challenge based upon infringing the implied limitation on parliaments such as this to clamp down upon political communication. Almost certainly that matter will be tested in due course. The Greens do not believe this Parliament should pass laws that have such an obvious potential constitutional flaw in them.

The last point that I will address is the incitement provision. The idea of passing a law to put someone in jail for up to 12 months because they incite somebody to go onto inclosed lands is deeply troubling. I say that as somebody who has incited and encouraged people to go into State forests to blockade and stop forestry activity. I have done so when it was essential to save precious parts of the State. I think about those beautiful forests around Gulaga and Mumbulla on the South Coast and the work of those forestry campaigns to protect them. Now that forest is being protected in nature reserves because of the work of forestry campaigners. The thought that we would be potentially putting not only MPs in jail for up to 12 months for organising that but, more fundamentally and more problematic, those community campaigners who organise those types of activities. That is deeply offensive to The Greens and, I would hope, to a majority of members in this Chamber. That is why we are moving to delete schedule 2.

The CHAIR (The Hon. Trevor Khan): As I have indicated, the Animal Justice Party and the Opposition are seeking to move identical amendments. Because The Greens amendment was moved by Mr David Shoebridge first, the other two cannot be moved. I call on the Hon. Adam Searle and then the Hon. Emma Hurst to contribute now and then we will call on the Government to express a view.

The Hon. ADAM SEARLE (20:20:03): The Opposition of course supports this amendment wholeheartedly, not only because it mirrors its own amendment but also because it was only a few short years ago that we debated extensively in this place—and indeed in the other place—laws not entirely dissimilar to this. At that time it was essentially legislation, which was enacted, to constrain protesting against mining and against coal seam gas in particular. Its genesis was in an agreement reached between the then Premier and mines Minister and the mining industry, smarting as they were then from the lash of the community-based campaign against coal seam gas. There was a political accommodation to put forward laws, which became enacted, to try to prevent such an upswelling of community sentiment right across the State.

Fast-forward now to a few years later and we are facing measures in a similar vein, which go well beyond the legitimate objective of protecting family-owned farms from home invasion style scenarios, for which the Opposition has sympathy and has made certain statements. But this legislation fails on a number of fronts. Firstly, it is badly drafted, which I know has been well canvassed. Secondly, it goes beyond what we regard as the legitimate concerns that are said to have inspired this legislation. In particular, when you look at the definition of "agricultural land" in schedule 2, item [1], the inclusion of forestry—not merely timber mills, but forestry broadly—really gives the game away because we know through the budget estimates process and a call for papers in this place that prior to the election that Treasury had started to do some modelling about the privatisation of the government-owned softwood plantation. We know that privatisation of at least parts of the operation—

The Hon. Mick Veitch: It was never off the table.

The Hon. ADAM SEARLE: I acknowledge that interjection—it was never off the table. We know that the Government is at some level pursuing the privatisation of at least part of the Forestry Corporation's current operations. We know that there is widespread opposition in the community to privatisation, to say nothing of some forestry activities. It is not far-fetched to suggest that when or if the Government goes down that path, it will inspire some community resistance, which could lead to forms of protest. The bill in its current form would seek to stifle the articulation of those protests by including forestry within the definition of agricultural land.

As Mr David Shoebridge indicated, rather than giving farmers and farm communities the certainty they would like to have that they are protected from the forms of activity the legislation is designed to guard against, because of the overreach in the legislation and its fairly draconian nature, it raises a legal uncertainty of the kind Mr David Shoebridge indicated—that is, the implied limitation on political discourse. Parliaments are constrained from transgressing on that implied freedom or right, except to the extent necessary to support and reinforce the system of representative government. Of course, legitimate protest is the very essence of our system of government, whether you agree with the objectives of protestors or not.

Whether it is the suffragettes seeking votes for women, people protesting against the Vietnam War or in more recent times people seeking to preserve the rainforests, overreach of the kind represented by this legislation could well fall foul in the High Court. That would mean that this legislation would be utterly ineffective and would have given rise to false hopes. For all of those reasons, including its fairly poor drafting as well as the offences it contains, the Opposition feels very strongly that schedule 2 should be removed from the bill and urges honourable members to do that so that this House might consider some better crafted legislation that is more focused on those legitimate concerns that are said to have inspired the bill—that is, the concerns of family-owned farms from home invasion scenarios—rather than this much more extensive piece of legislation that goes well beyond those concerns and is not warranted. We on this side urge honourable members to support this amendment.

The Hon. EMMA HURST (20:25:34): The Animal Justice Party strongly supports this amendment. As the Chair mentioned, the same amendment has been put forward by the Animal Justice Party as well as the Labor Party. It is great to see cross-party support for this particular amendment and it is not hard to see why. The amendment would delete schedule 2 to the Right to Farm Bill, meaning that all amendments to the Inclosed Lands Protection Act would be omitted. As aforementioned, those amendments were universally slammed in the upper House inquiry by groups across the spectrum—from animal and environmental groups, to unions, to legal groups. Despite having diverse interests, all those groups recognised that the bill has the potential to have a chilling effect on protest activities in New South Wales and seriously curtail the civil liberties of individuals in this State without adequate justification.

The lone supporters of this section of the bill at the inquiry were those in the intensive animal agricultural industry, which is not surprising, given they are the group that is being propped up and shielded by the bill. But as we heard in the inquiry, even industry workers are at risk of finding themselves afoul of this draconian legislation if they are not careful about the place and manner in which they exercise their own right to protest. The inquiry also heard about a recent report commissioned by the Federal Department of Agriculture, which reveals what the Animal Justice Party has always known: that the majority of Australians care about animals.

The report found that 95 per cent of respondents viewed animal welfare with concern and 91 per cent wanted reform. What has created this concern amongst the community? We believe it is undercover exposés of animal abuse like we recently saw in the horseracing industry on ABC's 7.30 report. There has been a growing collective awareness of the mistreatment of animals, particularly in intensive animal agricultural systems, where animals are held in overcrowded cages or sheds, living miserable lives with severely compromised welfare, with the sole aim of increasing profit margins for industry. This section of the bill has been touted as a way to stop animal activists from protesting or gathering evidence of cruelty. The question is: Why are they protesting? Is it because the Government absolutely refuses to consider reform on animal protection issues?

One example is the use of cages in the egg industry, where a recent inquiry had 14,000 submissions. The research done by the Federal Department of Agriculture, which I mentioned earlier, found that the use of cages was the biggest priority area for reform of the 91 per cent of the country supporting farm animal reform. How does the Government respond to this? With legislation that seeks to reduce transparency to consumers and the general public and stop protesters from campaigning against cruel and often legalised practices to animals, such as the continued use of cages in the egg industry. Our laws in New South Wales are so weak that we see animals surgically mutilated without pain relief, hens in prison in battery cages without the space to even turn around and chickens grown so obese that their fragile legs break from underneath them. These are all legal practices and the public deserves to know about them. Sometimes obtaining undercover footage is the only way and that is why we support schedule 2 being removed.

But what happens when the Government refuses to take steps to end oppression of a group or species? You create an uprising, so do not be surprised when 14,000 members of the community go in to rescue those hens you have chosen not to protect with legislation or trespass to capture footage of their suffering so their deaths can mean something. Whether schedule 2 passes or not, people's concerns will not go away. If the Government continues to introduce legislation that fails to protect the most vulnerable members of society and entrenches their suffering, our community will not stand for it. Our community will continue to take action to protect the most vulnerable citizens, including animals. People are protesting because the Government is failing to protect animals through the legal system.

The Hon. Robert Borsak: Point of order: The member is well outside the standing orders in requiring and advocating for people to commit crimes outside of this place.

The Hon. Adam Searle: To the point of order: First of all, the only rule that applies in this situation is whether or not the honourable member is speaking to the leave or ambit of the amendment. The amendment is to take out the whole of schedule 2 to the bill so it is a fairly broad amendment. Nevertheless, all that the Hon. Emma Hurst is saying, whether you agree with it or not, is certainly within the ambit of the bill and protected by the rights and conventions of this House. She should be permitted to continue her contribution in the time allotted to her.

The Hon. EMMA HURST: To the point of order: I am talking about the underlying causes of the behaviour that is causing the reason for schedule 2. The Government has put forward an argument that the purpose of schedule 2 is to stop certain behaviours and I am giving our reasons as to why we support an amendment to remove schedule 2 because we do not think it will work.

The CHAIR (The Hon. Trevor Khan): The member may proceed.

The Hon. EMMA HURST: People are gathering evidence of cruelty because there is no transparency in the animal agribusiness industry and people are becoming angry because the primary enforcement agency does not have enough money, as a privately funded charity, to prosecute the majority of cases of animal cruelty.

The CHAIR (The Hon. Trevor Khan): I indicate that line is beyond the ambit of the amendment. This is not the second reading debate. That was material the Hon. Emma Hurst dealt with in the second reading debate.

The Hon. EMMA HURST: I spoke in detail of my concerns surrounding schedule 2 amendments during the second reading debate, so I will not go into detail about them again. To briefly restate our concerns, the Animal Justice Party is opposed to the Government's amendments to the Inclosed Lands Protection Act and supports the amendment to remove schedule 2 because its offences and penalties—not to mention the Minister's rhetoric around the bill—have inappropriately targeted animal activists despite there being absolutely no evidence that advocates have caused any increase in trespass in this State. This is not an evidence-based law; it is a pathetic attempt to appease powerful farming industry lobby groups and address an illusory problem that does not exist. Animal advocates in this State are not creating any problems that require them to be targeted with legislation, especially not through legislation which has been so poorly drafted and the consequences of which have been so poorly thought out.

The Hon. Robert Borsak: Point of order: We are obviously now back into the second reading debate. How long do we have to put up with this, honestly?

The Hon. EMMA HURST: To the point of order: I note that it is ironic that this bill is trying to silence people who want to protect animals and then in this House I am being silenced on speaking out.

The CHAIR (The Hon. Trevor Khan): I do not seek to silence the Hon. Emma Hurst. However, there is a discipline that applies in the House. Contributions are limited not only by time but also, as the Hon. Adam Searle has indicated, by the requirement that members speak to the leave of the amendment. This is not a criticism of the Hon. Emma Hurst, but at times she has strayed beyond the amendment and into wider areas. I ask that the member reflect upon what the amendment is. This debate is not about the motives of other political parties or governments; it is about why the amendment that the Animal Justice Party would have moved, and that The Greens have moved, should be supported. Again, I am not being critical and I am not trying to shut the Hon. Emma Hurst down, but there is a requirement that members speak within the standing orders.

The Hon. EMMA HURST: The amendments fail to address the number one cause of rural trespass in New South Wales—illegal hunting—in a targeted and evidence-based way. People in this place are probably sick of me bringing up illegal hunters, but I have to make up for the fact that the Minister—

The Hon. Robert Borsak: Point of order: The Hon. Emma Hurst is flouting the Chair's ruling, surely. What does illegal hunting have to do with this amendment? It is not even in the bill.

The Hon. EMMA HURST: To the point of order: As mentioned by the Hon. Adam Searle, this is about removing the entirety of schedule 2.

The Hon. Robert Borsak: Schedule 2 does not deal with illegal hunting or hunting at all.

The Hon. EMMA HURST: It does.

The Hon. Robert Borsak: It does not.

The Hon. EMMA HURST: It does.

The Hon. Robert Borsak: You can't read.

The Hon. EMMA HURST: It does.

The Hon. Mark Pearson: To the point of order—

The CHAIR (The Hon. Trevor Khan): Order! I am going to invite the Hon. Emma Hurst to proceed. The member is proceeding apace and I am sure she will continue.

The Hon. Mark Latham: Point of order—and it is a separate point of order: Mr Chair, you said that this is not the second reading debate, but the honourable member is reading a text word for word. Our standing orders make provision for members to make reference to notes. It is a longstanding tradition of Westminster parliaments to have a legitimate concern if members read notes word for word, particularly in Committee of the Whole, that they could be speaking the words of anyone, not necessarily those who are elected to this Chamber. It would be sound parliamentary practice for members to get into the practice of speaking extemporaneously to the matter and debating in this debating Chamber instead of reading a speech as if it is the Minister's second reading speech. And I think that is out of order.

Mr David Shoebridge: To the point of order: I can see good arguments for establishing that precedent, but it is not the established precedent. It would be a deviation from previous rulings which have allowed members to refer to and read from prepared notes. There is an argument that we go back to that kind of ruling, but it is not in the current rules. If the member wants to raise that, he should do so by referral to the Procedure Committee as opposed to trying to force you, Mr Chair, to make a change to precedent in rulings in this Committee.

The CHAIR (The Hon. Trevor Khan): I am not going to uphold the point of order. Members in this place have a variety of techniques in how they deal with matters before this Chamber. This is not a criticism of any member. Not all members have been as long in the Chamber—or indeed other Chambers—as others. It would be inappropriate for me to uphold the point of order. The member still has some time and I invite her to proceed.

The Hon. EMMA HURST: The bill will have a chilling effect on participation in and organisation of political protest activities due to its proposed draconian penalties and offences regarding incitement. The right to protest is particularly important to reflect on today, as this morning we saw thousands of protestors gathered outside Parliament. We cannot allow the people of New South Wales to be restricted in any aspect in their right to participate in peaceful political protest—on agricultural lands or otherwise. We need to be able to continue to hold the Government to account. I strongly urge everyone in this place to support this amendment.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (20:37:40): The Government opposes the amendments from The Greens, the Animal Justice Party and the Opposition which seek to remove all changes proposed to the Inclosed Lands Protection Act 1901. The proposed amendments remove the entirety of schedule 2, which would effectively gut the Right to Farm Bill and strip farmers of all the proposed protections in the Inclosed Lands Protection Act. Farmers really do suffer enough at the hands of Mother Nature. They are desperate to have their businesses protected from people who wish to illegally disrupt them.

The Government committed to reviewing the adequacy of trespass penalties in response to the 2018 parliamentary inquiry into landowner protection from unauthorised filming or surveillance. Members of this place served on that committee and they would be well aware of the struggles that many families have suffered and the inadequacy of the current penalty and offences structure which this bill seeks to address. Removing amendments to the Inclosed Lands Protection Act would totally ignore the issues raised in the parliamentary inquiry. The Government's amendments in the Right to Farm Bill 2019, which ensure that all amendments to the Inclosed Lands Protection Act apply to agricultural land only, have addressed many of the concerns raised by members. All amendments which propose to weaken or remove any part of schedule 2 to the bill, including this amendment, are therefore not supported by this Government.

The Hon. MARK LATHAM (20:39:15): One Nation believes quite strongly that if people go out of their way to damage the property of others, the State should lock them up and these are appropriate penalties subject to the wishes of the courts. Mr David Shoebridge was putting forward different scenarios. Ultimately these matters of penalty are determined in the court when the evidence is heard and we know that all these circumstances are different. I reflect on the changing nature of protests. I listened closely to the Leader of the Opposition who spoke quite accurately about the role of the suffragettes and the Vietnam moratorium—and mention was made of rainforest protests—but that was then and this is now, when politics has fundamentally changed and the nature of protest has changed.

Each of those protests mentioned from decades ago, sure, had something to say in the public arena, but ultimately had an intellectual content that relied on the Parliament trying to get a different result. If you examine the speeches made in Parliament about the Vietnam War and go back to the suffragettes, there was an attempt to use the public arena both inside and outside the Parliament to influence the opinion of others. But unfortunately protest today has changed. The Left has lost its powers of persuasion, its attempt to raise argument and put the intellectual case. One only had to listen to the Hon. Emma Hurst to hear what they are up to today. She basically said she has been elected to this Parliament—

Mr David Shoebridge: Point of order: A series of points of order were raised, directed at the Hon. Emma Hurst, alleging that what she was putting strayed beyond consideration and went to some philosophical second reading speech. That is exactly what this member is doing. Consistent with the your earlier rulings, I ask you to bring the member to order, Mr Chair.

The CHAIR (The Hon. Trevor Khan): Does the member want to say anything on the point of order?

The Hon. MARK LATHAM: No, I do not, because I am responding to things that have been said in the debate. I am not reading a prepared text that someone in the office wrote for me. I am responding to what has been said in debate. All the debating points about the nature of protest and about what they are doing now are fair game in a parliamentary forum where we actually debate things by responding rather than just scripting.

The CHAIR (The Hon. Trevor Khan): We are governed by a set of standing orders. Those standing orders provide that when we are in Committee we are not engaged in a second reading debate. Some of this has been wider than I would generally allow—certainly wider than I have allowed in the past. I have asked members to speak to the amendments. I have required members to speak to the amendments and not give broader ranging debates. This one has ended up being broader than I should have allowed. The Hon. Mark Latham is responding to points. I do not think that is necessarily an answer in itself but, the debate having strayed, the Hon. Mark Latham is entitled to have his two penneth worth. But I invite members to understand that there is a set of standing orders and people are going too wide.

The Hon. MARK LATHAM: I think the schedule should stand and the bill should not be amended as suggested by those opposite for the reason that the nature of protest has changed. We are in a very polarised political environment. It is not necessarily the best thing but it is a reality. The tactic that has been put to the House essentially is that you can be elected a member, you can have your extensive committee process about battery chooks, you can put your arguments, you can try to persuade, but if you miss out at stage one trying to get a parliamentary majority or you miss out at stage two and your committee wishes were not necessarily fulfilled, you go outside the Parliament onto private property and you harass, trespass, intimidate, destroy, wreck and try

to hurt other people in the name of your cause. I regard that as fundamentally anti-democratic and I think your average Australian thinks it is unfair.

I am surprised that the Labor Party would not be standing up for property rights because your average Aussie worker thinks, basically, "If I can work hard, acquire a few things and put food on the table for my kids and progress our cause, that is a good thing. My property rights should be respected and my home is my kingdom." I think your average Australian thinks, "Fair play. I do what I do on my property. I try to work hard and advance myself." And those who want to come and wreck, destroy and hurt will, of course, get a response. I think what we do here in locking up these trespassers and these wreckers is avoid a lot of conflict and ultimately violence on these sites. Going outside the democratic forum when you have been elected here is wrong. Your average Australian does not think that is a fair go. They do not think it is right and I will not be supporting it for a nanosecond.

The Hon. MARK PEARSON (20:44:11): The Stephen Bradshaw report that thoroughly investigated all of these concerns about rural properties and trespass came to the conclusion that the most fear, the most harm, the most destruction and the most disruption were caused by hunters who trespassed, broke fences, shot across properties, shot at animals during the night adjacent to the property. This was the finding—

The Hon. Robert Borsak: Point of order: The member is obviously not speaking to this amendment. What he is doing is pontificating about what he believes hunters may or may not be doing. It is not relevant to the discussion that we are having now in relation to the debate on this amendment. The amendment does not talk about hunting, breaking through fences or other things.

The Hon. MARK PEARSON: That is precisely the point.

The CHAIR (The Hon. Trevor Khan): This is a wide amendment because it seeks to remove schedule 2. It is not like the other amendments that we are coming to. But it is still an amendment that seeks to remove a schedule. I cannot see anything in the amendment that has been put that directly goes to the point that the Hon. Mark Pearson is now raising. I do not care if it is shooters or whatever else, this is an amendment that seeks to remove schedule 2 from the bill. Members should be speaking to whether schedule 2 should remain in the bill or not, not to something that may have something to do with some other point. I genuinely have difficulty understanding what this point about shooters is, to be frank. I invite the member to consider as he makes a further contribution precisely what the amendment is.

The Hon. MARK PEARSON: The reason I have stated what I have is that the Minister has couched the whole argument for the purpose of this schedule in relation to animal activists coming onto properties while in fact the former police commissioner, who was engaged by the Government to research this very issue, came to the conclusion that hunting was the main concern that farmers need to have about their privacy on their property. That is my point. Therefore the schedule is not focusing on what the harm is.

The Hon. ROBERT BORSAK (20:47:03): I was not going to make a contribution other than numerous points of order for all the things that have been said and I thank you, Mr Chair, for your rulings. The Shooters, Fishers and Farmers Party has been advocating for this sort of law for the best part of a decade. I chaired the inquiry into surveillance on farms and I saw and listened to in camera evidence of impassioned speeches—not even speeches but words from the heart—of farmers who have been victimised not once, not twice, not three times, but dozens of times with trespass. It was this fellow sitting there that did it, the Hon. Mark Pearson. The farmers were absolutely in tears. I could not in my heart of hearts have thought that I would see that in this place. Forget about illegal hunting. Forget about all sorts of other things that relate to—

The Hon. Mark Pearson: Forget about it.

The Hon. ROBERT BORSAK: I am responding to you. What I saw in that inquiry hurt me to the core. Responding to the Opposition's talk about farmers—and this should only be relating to farmers—there is a long, long history that goes back to Labor when it was in the process of taking advantage of the protesting and the destruction of people's businesses and assets in forests all over this State. That continues today. You do not have to own a farm to lose your assets or lose your business, especially if it is in a rural or regional area. That is why forestry is very relevant to these amendments.

If we do not protect the last of these remnant businesses in regional areas, if people do not continue to manage these forests sustainably—whether they are pine forests or what is left of the tiny residual hardwood forests that they have left to manage economically, which is almost impossible given what has been done to them—what can be seen now with fires in the long term is going to dwindle into irrelevance. This stuff has to stop or these industries will be gone, management will be gone and assets that are owned by people in these forests will be destroyed by marauding protesters who think they have an absolute right to tip sugar into people's diesel

tanks, to chain themselves to bulldozers and to put up tripods in the road of businesses that are trying to legitimately and legally make a living.

I believe that this House should be supporting this sort of legislation to make sure that we start to see some balance between what the green movement in the cities needs, or thinks it needs or wants, and what the people in the bush need in terms of the real conservation requirements, the real agricultural requirements and the real asset requirements. If the House does not support the bill there will be no bush population in this State—not to mention other parts of Australia—in the long term. Protesters like that are going to go backwards and forwards until they destroy absolutely everything. They will be sneaking into people's farms—forget about factory farming; it is all sorts of farming. It does not matter what it is, they will go out and try to destroy it. The Shooters, Fishers and Farmers Party will always oppose that because we are biased for the bush. That is the way it is going to be.

Mr JUSTIN FIELD (20:50:59): I support the amendment. I do so because this schedule to the bill is the anti-protest part of this bill. This is not about protecting farmers' rights. We have existing trespass laws; we have existing laws that prevent people from installing surveillance devices illegally on farms; we have existing laws that can be used to stop intimidation or threats; we have existing laws that prevent breaking and entering. Existing laws are available to the authorities to use in all of the instances that have been described here by those who are concerned—and I say legitimately concerned—about breaking and entering, trespassing and illegal hunting. Those are in the aggravated offences defined in the legislation, which is why it is being discussed. Those elements are part of the Act that this schedule is seeking to amend. All of those laws are already available to the authorities.

I support the removal of schedule 2 because there are a number of really significant problems with how it has been drafted, and its extent, its breadth, and its implications for protest activities. The issue of protest activities is raised because this is the very legislation, the Inclosed Lands Protection Act, and these are the very provisions—the aggravated offences—that were amended by the Baird Government to specifically go after protesters, many of whom were farmers, relating to coal seam gas and coal activities, including on public land. It is often forgotten that the definitions that are used in the provisions of schedule 2 incorporate not just private land, farming land, but also public land, and why that might be has been canvassed by other speakers. That is a legitimate concern.

Some members want to talk about the history of protests and how protest has changed. I do not think it was popular in the Parliament when some of the initial environment protests were happening. There were definitely supporters in the Parliament and there was activism in the community—and in fact that is what we have right now. We have people representing those interests in the Parliament—they were elected democratically—reflecting a legitimate public view that is out there, and that view is being reflected in actions on the ground.

As I said in my contribution to the second reading debate and as I say again now because it is particularly relevant to this schedule, we do farmers in this State a disservice to pretend that legitimate community movement around animal welfare is somehow illegitimate. It is not; it is real and all you do is exacerbate the divisions that lead to these sorts of debates, which do not help the problem; they create division in the community and mean that it is harder for farmers to find a market that is sustainable. I think that is the wrong approach for the Parliament to be taking and it was the wrong approach for the Government to use the Inclosed Lands Protection Act as the method of implementing so-called right to farm laws when that did not need to be the case.

I oppose this schedule and I support the amendment to remove it because the specific provisions that relate to agricultural land are so broad that they include public land. It is disproportionate in penalty to move to significant jail time for general trespass—and it can be general trespass if it involves two or more persons. We are moving to significant potential jail time as a result of trespass, whether or not any damage occurred, whether or not it involved illegal surveillance devices or intimidation—all of which are covered by laws available to the authorities. It is a significantly disproportionate penalty.

The provision around incitement has been raised by other speakers, but I think that has a huge chilling effect on the ability of parliamentarians and of interest groups out there advocating on behalf of their members, including potentially to change the way industries operate, to engage in public debate. I have encouraged people to do these sorts of activities as they relate to public land, not to private land, and I think it is wrong to suggest that, just because you do not support this particular schedule and these particular provisions of the bill, you somehow support the right of anyone to trespass on private land. That is just not true. Those other laws exist.

I do not support the right of people to trespass for the purpose of these sorts of activities, but they do not expect to be necessarily protected by the law. They are doing this because they are engaging in a public debate and discussion about why and how we could and should change society for the better—including got animals. They do not expect to be protected by the law, but they do not expect to have draconian laws like this that are entirely disproportionate passed by our Parliament.

I will address this in another amendment, but the other reason I support removing this particular schedule—and it would make my amendment potentially not valid if this is successful—is that there are constitutional issues here. There are concerns that this will encroach on the implied freedom of political communication, for a whole heap of reasons that have already been spelled out in case law that exists. I think there is an extremely coherent, logical, intellectual argument to make for the removal of this particular schedule—mostly that it does not do what the Minister is going to do. It certainly in no way, shape or form gives any rights to anyone to trespass on private land for any particular reason. To suggest that those who support this amendment and the removal of the schedule support trespass is just plain wrong.

Mr DAVID SHOEBRIDGE (20:56:59): I have listened carefully to the contributions and I thank members for them. I will address a number of matters. Some members have suggested that they are supporting this bill because they want to end the political division by locking up protesters. That confirms for The Greens why we oppose this bill because that is the intent—

The CHAIR (The Hon. Trevor Khan): I again remind the member that he should be speaking to the amendment, not the bill.

Mr DAVID SHOEBRIDGE: We support this amendment, which seeks to delete schedule 2 to the bill, the intent of which is to try to stop political division and political discord by locking up one side of the debate—and that is about as offensive as you can get. The contribution of the Hon. Mark Latham—who suggested that his party is supporting this bill because somehow protest has changed; he looked back at some mythical past where protests did not challenge, and seriously challenge, authority—was ignorant of the history of protests.

I will raise two historical incidents of protest which we are probably all familiar with. One is Emily Davison. Emily Davison is most famous for an extremely brave moment when she threw herself in front of a horse at the Epsom races for the right to vote for women. If you look at Emily Davison's history, you will see that she was a staunch protester, a staunch feminist, a socialist and indeed a Christian. However, in her campaigning she broke windows intentionally—she went through London and broke windows to get attention. She threw stones and she set fire to post boxes. Indeed, she trespassed in Westminster. She hid overnight in Westminster, deliberately trespassing in breach of the law, to raise the issue of women's votes. Eventually, brave women like Emily Davison—breaking laws, making noise, making a nuisance of themselves to authority—got the vote for women. Those who support schedule 2 would have put her in jail for three years or more if they could. To suggest that somehow protest in Australia always has been some type of polite engagement with authority, when people politely ask authority for permission to do things and people do not break laws, again displays an ignorance of history.

I cite the example of the Great Depression and the battle of Union Street in Erskineville where unionists and squatters took up residence in properties in Erskineville because they had no money, no job, no income and the Government was not helping them. They illegally occupied residences in Erskineville for month after month because that was the only way they could find somewhere to keep their families safe and sheltered. What was the Government's response? It would be the type of response that we have seen from supporters of schedule 2. The Government trucked in 40 police who shot those people.

The Hon. Taylor Martin: Point of order: Mr David Shoebridge has strayed well and truly from the leave of the amendment before the Committee. It is getting quite ridiculous. Many Government members have given Mr David Shoebridge wide latitude but his remarks have strayed far from the amendment.

Ms Abigail Boyd: To the point of order—

The CHAIR (The Hon. Trevor Khan): No. I am sorry: That is discourteous of me. The problem is that, firstly, the genie is out of the bottle and, secondly, the amendment essentially seeks to defeat the bill. It is very difficult to deal with this debate in the normal manner of dealing with amendments. It is hard to draw people back to the amendment since it is really about the whole bill.

Reverend the Hon. Fred Nile: To destroy the bill.

The CHAIR (The Hon. Trevor Khan): Indeed, Reverend the Hon. Fred Nile is right. That is the intent. I do not think there is any issue taken by the mover of the amendment in that regard. It is not possible to take a very strict view. Mr David Shoebridge is being quite rhetorical in his language. Mr David Shoebridge may proceed and we will get through this.

Mr DAVID SHOEBRIDGE: I will draw my remarks to conclusion. I think it is the mood of the Committee to draw debate to conclusion and move on. The battle of Union Street, as it has become known, eventually was ended by the State bussing in 40 police officers who turned up, pulled out their revolvers and shot at the people. They intended to seriously wound and indeed kill them. The people were breaking the law because

it was against the law—certainly it was a breach of the Inclosed Lands Protection Act—to be sitting in those properties when they did not have the money to pay the rent and they had no right to be there. But they had no other way of keeping their families safe and they were protesting the obscene inequality that they saw during the Great Depression in 1931. There is a proud history of protest. When we consider what protest has achieved in history, criminalising protest is offensive to The Greens. I am pleased that it is also offensive to the Opposition and to the Animal Justice Party. That is why The Greens have moved the amendment.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendment No. 1 on sheet c2019-181A. The question is that the amendment be agreed to.

The Committee divided.

Ayes 18

Noes 18

Majority.....0

AYES

Boyd, Ms A
Donnelly, Mr G
Graham, Mr J
Mookhey, Mr D
Pearson, Mr M
Secord, Mr W

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

D'Adam, Mr A
Field, Mr J
Jackson, Ms R
Moselmane, Mr S
Searle, Mr A
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

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

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

PAIRS

Houssos, Mrs C
Sharpe, Ms P

Mallard, Mr S
Ward, Mrs N

The CHAIR (The Hon. Trevor Khan): Order! There being 18 ayes and 18 noes, the matter therefore falls to me. Consistent with principle, I refer members to the ruling of President Johnson delivered on 30 May 1990 and, in similar vein, the ruling of President Burgmann delivered on 28 November 2001. The relevant part of President Johnson's ruling was that the Chair should always vote for further discussion where this is possible. Where no further discussion is possible the decision should be taken by the majority. The casting vote on an amendment to a bill should leave the bill in its existing form. I therefore cast my vote for the noes. I have to say that I vote with past rulings because I do not want to make the decision myself. I make the point that I do not think it should be my decision. The question is resolved in the negative.

Amendment negatived.

Mr JUSTIN FIELD (21:13:15): By leave: I move amendments Nos 1 and 2 on sheet c2019-193 in globo:

No. 1 **Agricultural land does not include Crown land**

Page 5, Schedule 2[1], line 5. Insert "(other than Crown land)" after "inclosed lands".

No. 2 **Agricultural land does not include Crown land**

Page 5, Schedule 2[1]. Insert after line 18—

Crown land means—

- (a) Crown land within the meaning of the *Crown Land Management Act 2016*, or
- (b) any other land owned by the State, the Commonwealth or a statutory body,

but does not include land leased to a person other than the State or the Commonwealth or a statutory body.

These are quite simple amendments. Largely, they seek to clarify that the bill relates only to private land in respect of the Inclosed Lands Protection Act. The amendments do that by simply limiting agricultural land to inclosed lands other than Crown land and then providing a definition of Crown land. The meaning of "Crown land"—as in amendment No. 2—within the meaning of the Crown Land Management Act is land owned by the State, the Commonwealth or a statutory body. It is clear it does not include land leased to a person other than the State, the Commonwealth or a statutory body. It does this because some concerns were raised with me about the idea of this amendment: What about those farmers who are leasing Crown land? It certainly does not apply to land that is currently being leased by private individuals or businesses for the purpose of agricultural activity; it relates only to Crown land.

As we have heard in the debate so far on the bill—both during the second reading debate and during debate on amendments—the definition of Crown land is particularly concerning for forestry. It is relevant to note that when the Commonwealth looked at this and made amendments relating to potentially inciting trespass using carriage services, it specifically had a section in the definitions of the bill that limited forestry as an agricultural activity to forestry on private land only. It had a different way of defining based on Commonwealth law but it made the specific exclusion of public land as it relates to forestry in the bill.

It is curious that the Government has taken a much broader approach. Tonight it has been canvassed that potentially the Government tried to specifically and deliberately capture public land that is forestry land because of some of the public debates that could occur in the near future around old-growth logging or potential privatisation. It is curious that the Commonwealth took one approach to specifically exclude public land and the State has taken the other. These amendments seek to clarify things—that this legislation is related to agricultural activities on private land. That is what the Government has said is the intention of the bill. It is about the right to farm; it should not encroach onto public land. Given the resistance of the Government to address the anti-protest elements of this bill, supporting these amendments would be a sign of good faith that it is going to do what it has said it is going to do, and that is to target this legislation at farmers.

The Hon. EMMA HURST (21:17:10): The Animal Justice Party supports the amendments moved by Mr Justin Field. We support the amendments because we think the amendments to the Inclosed Lands Protection Act are fundamentally bad and that the penalties imposed are supremely disproportionate. In these circumstances we believe that any attempt to restrict the operation of these laws is a good thing, including clarifying that they do not operate on Crown land. However, I want to be very clear that the Animal Justice Party does not support any suggestion that the protest and advocacy work done by animal activists, which more than often occurs on private land due to the nature of intensive animal agriculture industry, is any less valuable or important than protest that happens on Crown land.

A person who is protesting about the rights or protection of animals should not have any less rights than someone protesting about forestry; both are valuable pursuits and should be equally protected under civil liberties. When we work to protect only those who are working in the same space as our own and choose not to stick together we only create disharmony and division. These amendments unfortunately fall into that trap slightly. But, with that caveat, we still support these amendments.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (21:18:29): Amendments Nos 1 and 2 on sheet c2019-193 would exclude agricultural operations occurring on some types of Crown land from the protections offered by the amendments to the Inclosed Lands Protection Act 1901. The Inclosed Lands Protection Act does not currently distinguish between public, private and Crown land, nor the intentions of the person committing trespass. The amendments would exclude from the definition of agricultural land agricultural undertakings on government-owned research facilities as well as land owned by Forestry Corporation.

The risks associated with the trespass on inclosed lands used for those undertakings remain the same irrespective of the way in which they are owned or administered. The Government has amended the bill to make clear that higher penalties are available for aggravated offences committed on agricultural land. Whether or not a primary industry occurs on Crown land should not affect the level of protections offered against trespass. The amendments would mean that a court could not award the higher penalty and term of imprisonment if the undertaking was occurring on Crown land that is not leased to a private operator. The Government does not support the amendments.

The Hon. MICK VEITCH (21:19:33): Those who have been in the House for a while will recall that we had a very lengthy debate about being able to protest on Crown land when we debated the Crowns Lands Management Bill 2016. Another debate arose from the regulations that came from that piece of legislation and

again we supported the right of people to protest on Crown land. The insertion of the amendments moved by Mr Justin Field into the legislation we think is sensible and prudent. Amendment No. 2 also includes a caveat which states "but does not include land leased to a person other than the State or the Commonwealth or a statutory body".

I have been trying to think of an example of an entity on Crown land that is not leased from the State and that would be outside these amendments. As I understand it, for example, universities have leasing arrangements in place—whether they be for peppercorn rent or otherwise. I would be keen to hear from the Minister of an example of entities on Crown land that is not leased from the Government and that would therefore be impacted by these amendments. As it stands, the Labor Party's long-held position is that people should be allowed to protest on publicly owned land, or Crown land. These amendments will ensure that this legislation does not include Crown land and the capacity of people to be able to protest on public land. Unless the Minister can prove otherwise, we will support these amendments.

Ms ABIGAIL BOYD (21:21:32): The Greens support these amendments. We believe that Crown land—being the people's land or public land, rather than something that has been given to the Government to do what it likes with—should be able to be protested on. The Greens believes this is a sensible clarification to an incredibly draconian and broad bill. I am sure that there are plenty of other provisions in this bill that have unintended consequences. I will be disappointed if the Government does not support these amendments, which are in line with the stated intent of the bill.

Mr JUSTIN FIELD (21:22:39): I take this opportunity to respond to the Government's suggestion, which I think the Hon. Mick Veitch has called out, that some elements of trespass would be allowed if these amendments were to be supported. I do not think that is borne out at all. The way in which the Government has described agricultural land to capture public land means that the aggravated penalties are triggered. They are the ones that are particularly concerning as they relate to protest activities. The Minister's language was broad but I cannot envisage a site where these amendments would enable trespass in some of the places mentioned by her. I am quite sure that if they related to public land that was being used for private activities, research or otherwise, a lease arrangement would be in place. I do not think that stands up. If that is the argument the Government is relying on to oppose these amendments, it speaks volumes about its intention to make this bill as broad as possible to capture activities in the future.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved amendments Nos 1 and 2 on sheet c2019-193. The question is that the amendments be agreed to.

The Committee divided.

Ayes 18
Noes 19
Majority 1

AYES

Boyd, Ms A
Donnelly, Mr G
Graham, Mr J
Mookhey, Mr D
Pearson, Mr M
Secord, Mr W

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

D'Adam, Mr A
Field, Mr J (teller)
Jackson, Ms R
Moselmane, Mr S
Searle, Mr A
Veitch, Mr M

NOES

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

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

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

PAIRS

Houssos, Mrs C

Mallard, Mr S

PAIRS

Sharpe, Ms P

Ward, Mrs N

Amendments negatived.

The Hon. EMMA HURST (21:32:14): I move Animal Justice Party amendment No. 3 on sheet c2019-178B:

No. 3 **Circumstances of aggravation for unlawful entry on inclosed lands**

Page 5, proposed Schedule 2[2], lines 19–23. Omit all words on those lines.

I will speak briefly on this amendment because it is fairly straightforward. The amendment seeks to remove the two additional aggravating offences the Right to Farm Bill 2019 seeks to insert into the Inclosed Lands Protection Act 1901—namely, where a person enters onto inclosed land and either damages property on agricultural land or wilfully or negligently releases any livestock. It will come as no surprise to members that damaging someone else's property and stealing someone else's property are already offences under the Crimes Act 1900 and have been for a long time. The Minister has not provided any evidence that the existing offences are not working effectively or that there is some deficiency in the law that would require the new offences to be inserted into the Inclosed Lands Protection Act.

Specifically, with respect to the offence of wilfully or negligently releasing any livestock, I remind members of the cruel and bizarre fact that under Australian law, and in most of the world, animals are deemed to be property. This means that in the eyes of the law, taking an animal is treated the same as stealing someone's computer or television, despite the fact that these are sentient, living beings and, unlike a computer or television, there may be a good reason to take an animal that is suffering at the hands of a person. In the absence of any evidence, The Animal Justice Party sees no reason why the Committee should support expanding the bill to create duplicate laws. I encourage members to support the amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. Emma Hurst has moved Animal Justice Party amendment No. 3 on sheet c2019-178B. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. EMMA HURST (21:34:57): I move Animal Justice Party amendment No. 4 on sheet c2019-178B:

No. 4 **Maximum penalty for aggravated unlawful entry offence**

Page 5, proposed Schedule 2[3], lines 26–35. Omit all words on those lines. Insert instead—

Maximum penalty—

- (a) 50 penalty units, or
- (b) 120 penalty units or imprisonment for 12 months, or both if the aggravating circumstances are those set out in subsection (1)(b), (d)(ii) or (iii), (e), (f) or (g).

This amendment seeks to remove the increased penalties sought by the Government in the Right to Farm Bill 2019—penalties that seek to target people trying to protect animals and create a disproportionate penalty regime—and replace them with a fairer, evidence-based range of penalties that reflect the true causes of rural trespass in New South Wales. The Animal Justice Party amendment keeps the base penalty for aggravated offences under the Inclosed Lands Protection Act 1901 at 50 penalty units or \$5,500. At the same time it increases the penalties for selected aggravated offences under the Act to a maximum of 120 penalty units or \$13,200 and/or 12 months imprisonment.

The selected aggravated offences that already exist under the Inclosed Lands Protection Act are: doing anything that gives rise to a serious risk to the safety of a person or any other person; intending to commit on inclosed lands an offence of hunting without a licence or hunting on private land without permission; without reasonable excuse, possessing, placing or using any net, trap, snare, poison, explosive, ammunition, knife, hunting device or equipment; without reasonable excuse, possessing or discharging a firearm or prohibited weapon; and being accompanied by a dog of a breed ordinarily used for hunting.

It may come as a surprise to some that the Animal Justice Party supports aspects of the bill and the increase in penalties for some offences. The Animal Justice Party is 100 per cent opposed to any form of violence. In fact, nonviolence is one of our core values. Anyone who gives rise to a serious risk to the safety of a person should suffer serious consequences. The Animal Justice Party supports the right of everyone to be safe

in their own homes, regardless of the reason for trespass. Violence is violence and should not be tolerated in any situation.

Further, given the undisputed evidence of the NSW Police Force at the upper House inquiry that illegal hunting is the most common cause of rural trespass in New South Wales, the Animal Justice Party considers it appropriate that penalties be increased for the aggravated offences associated with hunting to act as a deterrent. It is a serious matter to sentence someone to 12 months imprisonment but to come onto someone's property with deadly weapons with the intent to kill a sentient, living creature for sport in breach of the law is also a serious matter.

The Hon. Robert Borsak: Point of order: The amendment is miles outside the remit of the bill and is not appropriate in this way at this time.

The CHAIR (The Hon. Trevor Khan): There is no point of order.

The Hon. EMMA HURST: It is a serious matter. For that reason, the Animal Justice Party considers that an increase in penalties for those specific offences is appropriate. In the course of debate on the bill during the last sitting week, members heard Mr Justin Field talk about hearing gunshots in the night on his rural property and the fear that created, not knowing who was out there and where the firing was coming from. Those people are fooling around irresponsibly with deadly weapons on someone else's land. Those are the people that rural families should, rightly, be terrified of. It is fair to say illegal hunters are the real vigilantes this Government should have focused on from the beginning. However, its near silence on the issue, especially after the NSW Police Force indicated it was the bigger area of concern, is astounding and shows that the bill is simply a political play.

In drafting our amendment, the Animal Justice Party has not limited the increase in penalties to offences that occur on agricultural land—as the agriculture Minister sought to do in his amendments to the bill in the lower House—nor have we adopted the entirely disproportionate penalty of a three-year prison sentence for those who commit an aggravated offence in the company of two or more people. Both these provisions are a clear attempt by the Minister to target protesters and activists, particularly animal activists. There was no evidence in the inquiry that this activism is leading to increased trespass levels. What we did hear was the problem of trespass associated with hunting. It does not matter whether you run an agriculture operation or just live on a rural property with wild animals. Having someone come onto your property with a firearm—or a snare—with the intent to kill animals is frightening.

The Minister has my support on this as it is the only decent part of the bill. As it is currently drafted, the bill should seek to impose a significantly higher penalty for an offence occurring on land of an agriculture business such as a piggery or slaughterhouse, than a family living on a rural property. This is an entirely unfair and inconsistent system. I encourage all members to support this amendment.

Mr DAVID SHOEBRIDGE (21:40:20): By leave: I move The Greens amendments Nos 2 and 3 on sheet c2019-181A in globo:

No. 2 Removal of penalty of imprisonment

Page 5, Schedule 2[3], proposed section 4B(1), line 28. Omit "or imprisonment for 12 months, or both".

No. 3 Removal of penalty of imprisonment

Page 5, Schedule 2[3], proposed section 4B(1), line 29. Omit "or imprisonment for 3 years, or both".

The Greens do not believe there should be a penalty of imprisonment for the breach of the Inclosed Lands Protection Act. We have been consistent about that from the outset. I have said before, I do not believe we should be sending people to jail for 12 months or three years for trespass, which is what this proposed bill does. We also do not believe that aggravated trespass is a sufficient basis. If somebody is prosecuted for breaching the Firearms Act, we think there are circumstances—if they are carrying a gun illegally on someone's property—which may compel a court to put someone into jail.

Where there is the crime of intimidation, if people go onto a property and intimidate somebody—within the definition of intimidation in the Crimes Act—then there are circumstances where people may rightly be put in jail by a court. We do not believe that the act of trespass is sufficient for somebody to be jailed. This debate has often been about conduct that is already a serious criminal offence under another Act, and roping in that conduct to justify this law change under the Inclosed Lands Protection Act. In that regard, much of the debate has misunderstood the existing legislative arrangements that already provide serious penalties. If you are found in company carrying firearms on someone else's property, it breaches the Firearms Act. If you are found intimidating somebody or intimidating a farmer, it is a breach of the Crimes Act.

The Hon. Robert Borsak: Point of order: Mr David Shoebridge was pointing at me when he said that I was in company with somebody—

Mr DAVID SHOEBRIDGE: No. I did not mean that. I was talking about the subject, not the conduct. There are existing laws for that, which is why we do not support the criminal penalties. We do not support the Animal Justice Party's amendment for the same reason, which seeks to retain criminal penalties for breaches of the Inclosed Lands Protection Act. It has identified elements of the aggravating offence in amendment No. 4 (b) that it particularly wants to highlight but—consistent with our position—The Greens do not support putting someone into jail for breaching the Inclosed Lands Protection Act. If the conduct complained of by the Hon. Emma Hurst was proven, it would be a breach of an array of other criminal Acts that would potentially see imprisonment under those Acts but not for trespass.

The Hon. ROBERT BORSAK (21:44:02): It has been suggested in the debate on these amendments that illegal hunting is condoned or promoted or not severely punished by existing laws.

Mr David Shoebridge: I did not say that.

The Hon. ROBERT BORSAK: I did not say that the honourable member said it. The point is that those illegal activities were rightly investigated—as the Hon. Mark Pearson said—in the Bradshaw report. They were dealt with properly and laws have been passed. For example, the Firearms Act deals severely with people who trespass with firearms. Members are entitled to express their views but the reality is, all of that is dealt with elsewhere. This specifically relates to the inclosed lands activities of people who do not carry firearms.

The CHAIR (The Hon. Trevor Khan): I call on the Minister to indicate what the Government's position is.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (21:45:18): The Government does not support the Animal Justice Party amendment No. 4. In this amendment the Animal Justice Party appears to have targeted the forms of aggravated trespass that it does not like and it has neglected to recognise the risks posed by other aggravating factors—interfering with the conduct of a business, committing Crimes Act 1900 offences related to stock theft and killing cattle, and increasing the risk of a biosecurity impact will remain unchanged. This will not achieve the Government's objectives of increasing penalties to be more proportionate to the risks caused by the activities. Therefore the Government will be opposing this amendment. We will also be opposing The Greens amendments Nos 2 and 3.

The Hon. MICK VEITCH (21:46:08): For reasons already canvassed by Mr David Shoebridge, the Opposition opposes the Animal Justice Party amendment but we will be supporting The Greens amendments.

The Hon. EMMA HURST (21:46:28): In response to the Hon. Robert Borsak's comments, our amendment does not propose to increase the current penalties under the Act. We are supporting what the Government has already put forward as increases. If the Shooters and Fishers support the bill as it is—

The Hon. Robert Borsak: Do not forget the farmers.

The Hon. EMMA HURST: If the Shooters, Fishers and Farmers Party support the bill as it is, it will actually be supporting these increased penalties for illegal hunting. The Animal Justice Party will support the amendments put forward by The Greens if our amendment is unsuccessful. I am concerned that the bill targets animal protection workers through tiered penalties, which will create serious problems and inconsistencies. Under the bill a person could commit an aggravated trespass offence—such as carrying a firearm into a school or a knife into someone's home—and be subject to a maximum penalty of 50 units, while a group of three community members who walk into a slaughterhouse to capture footage of animal cruelty without any weapons, which creates an offence to business operations, could face 200 penalty units or up to three years' imprisonment.

This is a ridiculous outcome. It is disproportionate and out of line with the values of the people of New South Wales. There is no evidence that such a substantial increase in penalty from no jail time to three years is warranted and will have any impact on reducing farm trespass of any kind in New South Wales. The bill is not evidence-based and does not support these draconian prison sentences of up to three years. As I said, I will support The Greens' amendments if the Animal Justice Party amendment is unsuccessful.

The CHAIR (The Hon. Trevor Khan): The Hon. Emma Hurst has moved Animal Justice Party amendment No. 4 on sheet c2019-178B. The question is that the amendment be agreed to.

Amendment negated.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendments Nos 2 and 3 on sheet c2019-181A. The question is that the amendments be agreed to.

The Committee divided.

Ayes 18

Noes 19

Majority..... 1

AYES

Boyd, Ms A (teller)
 Donnelly, Mr G
 Graham, Mr J
 Mookhey, Mr D
 Pearson, Mr M
 Secord, Mr W

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

D'Adam, Mr A
 Field, Mr J
 Jackson, Ms R
 Moselmane, Mr S
 Searle, Mr A
 Veitch, Mr M

NOES

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

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

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

PAIRS

Houssos, Mrs C
 Sharpe, Ms P

Mallard, Mr S
 Ward, Mrs N

Amendments negatived.

Mr JUSTIN FIELD (21:58:50): I move amendment No. 1 on sheet c2019-171D:

No. 1 **Recognition of constitutional doctrine of implied freedom of political communication**

Page 5. Insert after line 35—

[4] Section 4B, note

Insert after section 4B(3)— **Note.** Subsection (1)(a) does not apply to the extent (if any) that it would infringe any constitutional doctrine of implied freedom of political communication. This amendment is simple. It seeks to ensure that there is a clear statement in this legislation that it is not the intention of the Government to go after peaceful protests. It is a recognition of the constitutional freedom of political communication. It reflects what was passed in the Commonwealth bill earlier this year, where specific words included in the legislation made clear that the bill—and the words are exactly as reflected in the note in this amendment—does not apply to the extent that it would infringe any constitutional doctrine of implied freedom of political communication.

The CHAIR (The Hon. Trevor Khan): According to sessional order, it being 10.00 p.m., does the Minister require that I report progress to allow the motion for the adjournment to be moved?

The Hon. BRONNIE TAYLOR: No.

The Committee continued to sit.

Mr JUSTIN FIELD: It is important to draw one distinction in this debate. In public commentary and in the second reading debate, the Minister has continually suggested that when someone breaks the law their constitutional rights to peaceful protest under the doctrine of implied freedom of political communication are somehow expunged. That is not the case. We are allowed to engage in peaceful protest and break laws and those rights are still protected. Many cases have shown how that works in practice. The bill has constitutional issues and simply putting this note in the bill will not necessarily fix those issues. We will see it challenged, but it will be useful if the provisions state that charges can be laid, particularly relating to aggravation. This will give some guidance to the courts as to the intention of Parliament in passing the bill. Supporting this amendment will make it clear that in no way was it the intention of Parliament to infringe on the right of people to engage in peaceful protest, which is part of their implied freedom of political communication. That is an important right and we should take it seriously. This issue was taken seriously by the Commonwealth Parliament when it tried to address it. Why should there be a distinction in New South Wales? This amendment tries to fix that issue.

The Hon. ADAM SEARLE (22:02:20): The Labor Opposition will not support this amendment. We take the implied constitutional right of political communication and protest very seriously, but there are a number of problems with this approach. Firstly, a note in the bill does not form part of the legislation and therefore does not change the substance of the law. It does not assist on that level. Secondly, it was raised that it might provide guidance to the court in the case of a constitutional challenge. The High Court will work out for itself where the implied freedom is and whether the legislation impermissibly burdens that freedom, and the note will not assist. To the extent that the note would have any impact, it may do harm to the objective sought by the mover in that if we read the note with the legislation, it could represent that in the exercise of its legislative function this Parliament has enacted this law consistently with those rights that we think are being infringed by this legislation. To that extent this note, if it had any practical effect, would be contrary to the mover's intention and certainly to that of the Opposition. That is the reason we cannot support this note, although we know it comes from a good place.

Ms ABIGAIL BOYD (22:04:07): While noting the intent and being sympathetic with the objective of the amendment, The Greens will similarly not support the amendment. We have real concerns. Firstly, as the Hon. Adam Searle indicated, putting the note in is not necessarily going to make any difference. It is certainly not an operative term. However, we would not want to see it used in a way that would encourage the provisions to be read down to make them operative in circumstances where they would otherwise be struck down. The bill has constitutional issues but I do not think we should be seeking to fix them. It is for the High Court to strike the provisions out.

The Hon. MARK LATHAM (22:04:58): I am overwhelmed to be in esteemed legal company such as the Hon. Adam Searle and the Chair, who is an esteemed traffic lawyer, considering these matters that may well come before the High Court. It is a chilling a moment for a non-lawyer such as me to try to match the legal expertise that is being articulated, not to mention Ms Abigail Boyd and whatever legal qualifications she is giving us.

The Hon. Adam Searle: Sarcasm does not translate.

The Hon. MARK LATHAM: The bottom line is that it is only for the High Court of Australia to decide what is implied or what is not implied in the Australian Constitution. It is not for the New South Wales Legislative Council to do so, notwithstanding the legal expertise of members in this Chamber. Mr Justin Field said he wanted to protect peaceful protest but these are not peaceful protests. People are entering private property for a destructive process that is designed to hurt income, enterprise and livelihood. There cannot be any valid reason for this Parliament to put an implied right of political communication in this legislation. When we look at cases where the High Court has made these judgements such as the Lange and Theophanous cases, its members were talking about political speech, not protest or invading private property, so they do not apply.

One matter that could be relevant is the Levy case. The Victorian Government put an exclusion zone around the duck hunting season and duck hunters to stop protesters from being shot. Levy took this to the High Court. He said he had a right to invade the exclusion zone. The High Court found that while there could have been an implied right of political communication, the Victorian Government had made good law and imposed the exclusion zone for valid reasons and it upheld that zone for safety. I am confident that the New South Wales Government, based on the Levy principle and precedent, will put exactly the same argument.

I hope that implied rights of political communication exist because they encourage free speech in this country but you can bet your bottom dollar that the High Court would also say that there are implied rights about private property in Australia. The Constitution is based in large part on notions of private property. The High Court would be looking at the clash of those rights and I do not think it would be striking out this legislation. From my western Sydney legal background, which is minimal, and looking at these cases from a political perspective, the Government is on sound ground.

In terms of irony or sarcasm, it is quite extraordinary that people on the left of politics are promoting free speech when for 20 years under the banner of political correctness they have ruled out every decent, factual thing we can say that causes so-called offence. I do not think in terms of consistency, or the rulings of the High Court or whatever happened to Mr Levy and the duck hunters, this amendment will fly. The ducks flew for a little while, but not this one.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved amendment No. 1 on sheet c2019-171D. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. EMMA HURST (22:08:52): I move Animal Justice Party amendment No. 5 on sheet c2019-178B:

No. 5 **Directing, inciting, counselling, procuring or inducing offence**

Page 5, proposed Schedule 2[4], lines 36–42. Omit all words on those lines. In this amendment the Animal Justice Party seeks to delete the offence proposed to be inserted in section 4C of the Inclosed Lands Protection Act. If passed, this section would provide that a person must not direct, incite, counsel, procure or induce the commission on agricultural land of an aggravated offence. The maximum penalty for this offence would be 100 penalty units or 12 months imprisonment. Significant concern was raised at the inquiry about those provisions and it is not hard to see why.

Only a month or so ago, the Criminal Code Amendment (Agricultural Protection) Bill 2019 came into effect after a considerable period of inquiry and national media scrutiny about the chilling effect that this kind of ag gag legislation could have on the implied freedom of political communication between journalists and whistleblowers, and on transparency about animal welfare issues in the animal agriculture space. The Commonwealth bill passed in spite of those concerns and made it a criminal offence to use a carriage service with the intention of inciting another person to trespass on agricultural land. It was passed prior to the Minister's second reading speech on this bill and came into effect several days afterwards.

Despite the substantial overlap between the amendments proposed in this bill and in the Commonwealth law, the Government has not addressed why a second law is required in New South Wales. Indeed, it would seem almost impossible for the Government to know this, given that the effect of the Commonwealth law is not yet known. This is how we know the bill is a sham. It is a superficial attempt to pander to farmers without effecting any real change. If this Government was seriously concerned about incitement, it would be waiting and carefully monitoring the effect of the Commonwealth law and identifying the gaps. Instead, the Government is leaping ahead before the ink of the Commonwealth bill has even dried and replicating it purely to continue to spin rhetoric and score points in rural communities without delivering any real change.

At the end of the day, both incitement provisions are bad laws and this is recognised by groups across the spectrum. During the inquiry Unions NSW stated that the offence effectively criminalises the act of organising a peaceful protest. The wording is broad and has a potentially low threshold. The current wording makes it possible for an individual who invites their friends to a protest via social media to be committing a criminal offence. A union official or union communications officer who encourages attendance at a rally or union meeting may similarly find themselves to be committing a criminal offence. There are so many unintended consequences of this law and so many situations in which it could apply. Animal welfare organisations may find themselves at risk of inciting an offence simply for posting about animal cruelty at a certain facility or for encouraging people to take action to stop animal cruelty. This is a dangerous precedent for the State of New South Wales. I urge members to support the amendment, which would prevent the insertion of this offence.

Mr DAVID SHOEBRIDGE (22:12:17): By leave: I move The Greens amendments Nos 4, 5 and 6 on sheet c2019-181A in globo:

No. 4 Removal of offence of incitement

Page 5, Schedule 2[4], proposed section 4C, line 38. Omit "incite,".

No. 5 Removal of offence of incitement

Page 5, Schedule 2[4], proposed section 4C, line 39. Omit "incite,".

No. 6 Removal of penalty of imprisonment

Page 5, Schedule 2[4], proposed section 4C, lines 41 and 42. Omit "or imprisonment for 12 months, or both".

The first two of these three amendments deal with the removal of the offence of incitement contained in section 4C of the bill by omitting the word "incite" from proposed section 4C. As I indicated in my second reading contribution, which I will not canvass in detail, proposed new section 4C provides that:

A person must not direct, incite, counsel, procure or induce the commission, on agricultural land, of an offence against section 4B.

It provides a maximum penalty of 100 penalty units or 12 months in jail, or both. Whilst The Greens support the Animal Justice Party amendment, which would entirely delete section 4C from the bill, if that amendment does not get up, we seek to remove the word "incite" from the offence in section 4C. Amendments Nos 4 and 5 are technically separate amendments, but one deletes the word "incite" from the heading of proposed section 4C and the other deletes it from the body of that section. The reason we are particularly focused on the word "incite" is because of all those words—direct, incite, counsel, procure or induce—incite is the one which has far and away the broadest application.

The Hon. Adam Searle: And the least precision.

Mr DAVID SHOEBRIDGE: I note the interjection of the Leader of the Opposition. It has least precision and, on any view of it, incite has the broadest potential application. For example, it could apply to somebody who liked a Facebook post or shared a Facebook post with their friends. The example I have given before is of a Facebook post which encourages someone to go to a forestry blockade. If that post is shared by somebody on Facebook, they could easily fall within the definition of incitement. Words like "direct" implies a

clear action is required. To counsel means to give advice, to procure means to actively get something yourself and to induce requires a far greater degree of engagement than simple incitement.

I do not know what conduct the Government wants to prosecute as incitement, but I fear that it is a very broad degree of conduct. Something as simple as liking a Facebook post or sharing some social media could easily fall within the definition of incitement. That is why we are seeking to remove the word "incite" from section 4C. That is only in the circumstances that the Animal Justice Party amendment to delete the provision, which we support, does not get up. Amendment No. 6 on sheet c2019-181A simply seeks to remove the penalty of imprisonment from the new section 4C. I have said why we believe imprisonment is not appropriate for trespass and I refer back to those comments.

The Hon. ROBERT BORSACK (22:16:20): By leave: I move Shooters, Fishers and Farmers Party amendments Nos 3 and 4 on sheet c2019-201H in globo:

No. 3 Commissioning aggravated unlawful entry

Page 5, Schedule 2[4], line 38. Omit "**or induce**". Insert instead "**, commission or induce**".

No. 4 Commissioning aggravated unlawful entry

Page 5, Schedule 2[4], line 39. Omit "**or induce**". Insert instead "**, commission or induce**".

It is essential that the bill captures those people who commission or induce unlawful entries. That is illegal activity and if someone commissions an illegal activity, they are equally responsible for it and should be liable under legislation. Most of these so-called activists are not otherwise employed and would not be able to organise—much less afford—to travel and continuously protest. Just think of the costs involved. We know from past failed prosecutions that third-party funders commission subcontractors to engage in illegal invasions and other activities. They use professionally paid protesters. Large organisations with ideological agendas should not be allowed to commission illegal terrorist activities whilst bankrolling, organising and encouraging the breaking of the law. We should not allow it in any context, so why would we allow it in this context? I urge all members to support these sensible and much-needed amendments, which will improve and tighten the bill.

The Hon. MARK PEARSON (22:18:01): I received a phone call from a worker and his colleague at Hawkesbury Valley Meats abattoir, who said to me after the expose on *Four Corners* of the horrific abuse of cattle in Indonesian abattoirs, "Listen, mate. If you think things are bad in Indonesia, come and have a look at what's going on with animals at Hawkesbury Valley Meats, 45 kilometres from Sydney." Over two years all authorities had been called and nothing happened to improve the welfare and protection not only of those animals but also of the workers. This caller was concerned not only for the wellbeing of the workers but also for the wellbeing of the animals. One could say that he and his colleague, his friend, incited others to place cameras in the abattoir which caused the abattoir to be shut down by the food authority and the police after all authorities had been knocking on the door of the abattoir and nothing had happened for five years.

Is that innocent person concerned about his fellow workers' wellbeing and the welfare of the animals somebody who is committing a crime? That is what this legislation intends. That is totally against the spirit of looking after the people who are willing to risk their personal liberty and speak out on behalf of other workers who are oppressed and abused in this sort of system, as well as the animals. We must support the amendment that has been put forward by the Animal Justice Party.

The Hon. ADAM SEARLE (22:19:54): Consistent with the Opposition's position to delete schedule 2 in its entirety, we support the Animal Justice Party's amendment to remove proposed section 4C, which goes broader than capturing people who directly commit the offence the bill will create and extends it to those who, in various ways, encourage. We will also support The Greens amendments for the reasons outlined by Mr David Shoebridge should the Animal Justice Party amendment not succeed.

In relation to the Shooters, Fishers and Farmers Party amendments, I am not entirely sure about the differential it is seeking to achieve. At the moment, the bill provides for "induce the commission" or "induce the committing of the offence." It is separating it out into "commission" or "induce". "Commission", I guess, means authorise, pay for or induce. I am not entirely sure what differential meaning it is seeking to achieve or, to the extent it does achieve a differential meaning, it is useful or helpful.

Mr David Shoebridge: It is no different from "procure".

The Hon. ADAM SEARLE: Yes, it could be tautology. I am unclear about the objective sought to be achieved. Without that clarity at this stage, we will not support the Shooters, Fishers and Farmers Party amendments in the alternative at this point. But we may change our position if it is clarified.

Ms ABIGAIL BOYD (22:21:26): I echo the comments of my colleague Mr David Shoebridge in relation to both The Greens amendments and the Animal Justice Party amendment. In relation to the Shooters,

Fishers and Farmers Party amendments and the combination of words that we already have in this provision—"direct, incite, counsel, procure or induce"—it is difficult to think of another word that effectively means the same thing as what is already there. I do not think "commission" takes us any further. When we look at "direct", the ordinary meaning is being responsible for organising the people or activities involved. "Procure" means to obtain something. I will come back to "incite" because that is particularly problematic. "Induce" is to persuade or influence. "Commission" is more along the lines of formally arranging for someone to do a piece of work for you. If you are formally arranging for someone to do a piece of work for you, you are also directing, persuading and influencing.

I do not think it adds much. Given how all inclusive the remainder of the words are, I do not think it is particularly harmful either. It seems to be just as ridiculous as the other aspects of the bill. "Incite" is the word that bothers me particularly. Its ordinary meaning is to encourage or stir up. It normally has a meaning such as somebody has made someone excited or angry. You can imagine making somebody excited or angry about a particular issue because of what you are saying, not because you are inciting them to go off and do something. It is simply because of what you are telling them. For instance, if I found myself very upset about a particular issue and my story potentially incited someone else to go and take action in relation to that then blaming the person who shared the information would be an incredibly dangerous precedent to set. Using "incite" in this context is particularly dangerous. As for "the commission", it is caught already by "direct, counsel, procure or induce".

The Hon. EMMA HURST (22:24:21): I briefly address the amendments put forward by The Greens and the Shooters, Fishers and Farmers Party. In regard to The Greens amendments, the Animal Justice Party will support those amendments if our amendment fails. The use of the word "incite" in this legislation is highly concerning and has the potential to have a chilling effect on the organisation of protest activities in New South Wales, particularly those activities occurring on agriculture land where the penalties under the Inclosed Lands Protection Act have been so dramatically and unjustifiably increased under the bill.

As I have said, this provision—and, in particular, the use of the word "incite"—is an obvious attempt to stifle the work of organisations that aim to increase transparency. Other advocacy organisations may also feel at risk of being caught by the provisions when organising peaceful protest activities, particularly on social media. If they may be caught by the incitement provisions they therefore may be reluctant to organise political protests. This kind of stifling of protest activity is not something a progressive society should be supporting.

On behalf of the Animal Justice Party, I oppose the amendments put forward by the Shooters, Fishers and Farmers Party. I have already stated the reasons the Animal Justice Party opposes the insertion of these incitement provisions. The provisions are duplicative of Commonwealth offences and, given the serious penalties involved, may have a severe and chilling effect. The Shooters, Fishers and Farmers Party seems to be attempting to further expand these provisions by inserting the word "commission", which the Animal Justice Party does not support. I assume the term is designed to attack undercover investigators. Again, if animal agribusiness has nothing to hide when it comes to what is happening to the animals in those facilities and if an undercover investigator did find serious cruelty or breaches, why would we stop those investigations from taking place? We therefore oppose the amendments.

The CHAIR (The Hon. Trevor Khan): I will put the question on the Animal Justice Party amendment first. The Hon. Emma Hurst has moved Animal Justice Party amendment No. 5 on sheet c2019-178B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 18
 Noes 19
 Majority..... 1

AYES

Boyd, Ms A
 Donnelly, Mr G
 Graham, Mr J
 Mookhey, Mr D
 Pearson, Mr M
 Secord, Mr W

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

D'Adam, Mr A (teller)
 Field, Mr J
 Jackson, Ms R
 Moselmane, Mr S
 Searle, Mr A
 Veitch, Mr M

NOES

Ajaka, Mr

Amato, Mr L

Banasiak, Mr M

NOES

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

Cusack, Ms C
Faraway, Mr S.J. (teller)
Latham, Mr M
Mason-Cox, Mr M
Roberts, Mr R

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

PAIRS

Houssos, Mrs C
Sharpe, Ms P

Mallard, Mr S
Ward, Mrs N

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendments Nos 4 and 5 on sheet c2019-181A. The question is that the amendments be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.**The Committee divided.**

Ayes 18
Noes 19
Majority..... 1

AYES

Boyd, Ms A
Donnelly, Mr G
Graham, Mr J
Mookhey, Mr D
Pearson, Mr M
Secord, Mr W

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

D'Adam, Mr A (teller)
Field, Mr J
Jackson, Ms R
Moselmane, Mr S
Searle, Mr A
Veitch, Mr M

NOES

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

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

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

PAIRS

Houssos, Mrs C
Sharpe, Ms P

Mallard, Mr S
Ward, Mrs N

Amendments negatived.

The CHAIR (The Hon. Trevor Khan): Because the Shooters, Fishers and Farmers Party amendments deal with lines 38 and 39 and The Greens amendment No. 6 deals with line 42, I will put the question on the Shooters, Fishers and Farmers Party amendments first and then The Greens final amendment, No. 6. The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendments Nos 3 and 4 on sheet c2019-201H. The question is that the amendments be agreed to.

Amendments agreed to.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendment No. 6 on sheet c2019-181A. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. EMMA HURST (22:39:57): I move Animal Justice Party amendment No. 6 on sheet c2019-178B:

No. 6 **Whistleblower defence**

Page 5, proposed Schedule 2[4]. Insert after line 42—

- (2) A person (the *informant*) does not commit an offence against this section for doing either or both of the following—
 - (a) providing information (whether in the form of a document or not) to a person or body about the conduct of another person (the *alleged offender*), being conduct that the informant reasonably believes may be an offence,
 - (b) requesting the person or body to investigate the conduct of the alleged offender.
- (3) In this section—

offence includes an offence under a law of the Commonwealth that is committed in New South Wales.

The amendment seeks to provide protection for whistleblowers who report animal cruelty or any other offence to a third-party group, such as an animal advocacy organisation. Some years ago when I was in my previous role slaughterhouse workers broke into their own workplace and installed hidden cameras. They were not activists. They were not animal lovers. They were just two men who decided that the brutality that occurred every day at this New South Wales abattoir should be shown to the world. The footage they captured exposed the most shocking cases of animal cruelty that we have seen in this country. Hidden cameras at the facility caught over 200 counts of animal cruelty.

If those men had not risked their safety to obtain the footage they did, the cases of animal abuse would likely still be occurring. But before anyone asks why they did not just alert the authorities, the answer is that they did. The RSPCA told them that they would not take anonymous calls and the Department of Primary Industries [DPI] attended, but of course the beatings stopped once an inspector was present. When I worked at an animal charity we often received calls from people within the animal agribusiness and slaughterhouse industries claiming that animal abuse was occurring at their workplace and that the authorities either had failed to act or could not act as the overt abuse ceased the moment an inspector was on site.

Co-workers were too terrified of losing their jobs or were concerned for their own safety if they reported the abuse to the inspector. They therefore called an animal charity to say that they wanted help to gather evidence and expose the abuse. Those people were reaching out as whistleblowers in a last, desperate attempt to get justice for animals. They were not activists; they were workers who were forced to be faced with abuse on a daily basis. As a psychologist, I could tell members of the mental strain that that would put any worker under. When somebody is already in a stressful workplace, adding the stress of witnessing illegal animal abuse—and repeatedly so—is completely unacceptable in a modern and safe workplace situation. That is why we have the support of the meatworkers union for this amendment.

Under the current terms of the bill whistleblowers, just for making a phone call to an animal charity and encouraging them to come onto the property and see the cruelty for themselves, could be looking at up to 12 months imprisonment or \$11,000 for incitement. This is not the way we should be treating people who are already risking their jobs due to their concern for animals. As I have said repeatedly throughout this debate, it is a reality that animal cruelty is rarely exposed or addressed in this country without undercover footage obtained through some form of trespass. Whistleblowers play an important part in making the public aware of wrongdoers and animal cruelty. While I do not support the insertion of incitement offences, I think this amendment will go some way towards softening the chilling effect of proposed section 4C in item [4] of schedule 2.

To be clear, this amendment seeks only to protect whistleblowers who work within those facilities. We should not be discouraging those people from exposing animal cruelty or other wrongs that occur in the workplace. I understand that the proper authorities are the first port of call, but when this fails the authorities are not able to act or cannot act, and that is extremely important. I have heard from many slaughterhouse workers who have cried to me down the phone and who were desperate for another way. They told me that once the inspector left it was back to beating pigs heads in with metal pipes, raping sows, kicking calves or jumping on turkeys. This would happen over and over and over to each animal that was unfortunate enough to end up at that slaughterhouse.

If members find that hard to listen to, imagine how hard it is for that whistleblower to watch and to have no avenue through which to speak out to resolve the issue. Eventually whistleblowers usually lose their job or

leave their job and they do so in a state of distress, knowing that the abuse of the animals will continue to occur in their absence—not to mention the financial impacts that leaving their jobs may have on them and their families. To silence those workers and fail to recognise that the enforcement system as it stands fails animals in their situations, is an atrocity. This amendment will provide some comfort to whistleblowers and, hopefully, will continue to encourage them to come forward when they see that breaches of the law are occurring in their workplaces. I strongly urge all members to support the amendment.

Mr DAVID SHOEBRIDGE (22:44:46): The Greens support the Animal Justice Party's proposed whistleblower defence. Clearly there are people who feel very anxious about what is happening in their workplace, and often with extremely good reason. They may be working in an industry where they see repeated environmental breaches or they may see repeated animal cruelty practices. They may then be inciting or encouraging people to come onto the property and find out for themselves and take some evidence about what is happening because they are distressed about what is happening. I thought the Hon. Emma Hurst identified just how trapped some of those workers in that situation would feel if they could not reach out and get somebody to come in and try to help them.

If the authorities are failing to respond—and we know that funding for agencies that look after environmental protection or protect animals from cruelty is woefully inadequate—what else in good conscience can those people do other than try to get the issues addressed? The thought that we would be criminalising those people and not giving them a whistleblower defence is offensive to The Greens. That is why we support the Animal Justice Party amendment.

The Hon. MICK VEITCH (22:45:03): Usually the Government has a go at this before the Opposition. I will speak before the Minister although it is not the usual process. The Opposition will support the amendment moved by the Animal Justice Party. It is important to note that the meatworkers union representative is present in the gallery and is watching this debate. We should be mindful that it is not just the meatworkers who are interested in this debate. A number of animal cruelty cases have finished up in the public domain because workers were dissatisfied with what was happening in their workplace and took action to record and highlight animal welfare breaches. They are whistleblowers. The reason for taking that action is, if they had raised it through channels within their workplace, they would have been victimised. I do not think that is what we are trying to achieve. Even supporters of the bill would have to admit that we are not coming after the workers. The amendment moved by the Animal Justice Party is commendable, and the Opposition will support it.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (22:48:45): The Government opposes the Animal Justice Party amendment, which seeks to insert an exemption for informants. The amendment seeks to create an exemption for informants or those providing information about alleged offences or those requesting an investigation by a person or body. The Government does not support the amendment because it is unnecessary. Reporting concerns to the authorities does not trigger an offence under the Inclosed Lands Protection Act and requesting an investigation in itself is not an offence. For an offence to apply to someone reporting an incident, they would need to ask the person first to trespass and then to commit an aggravated offence. The Government will not support the amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. Emma Hurst has moved Animal Justice Party amendment No. 6 on sheet c2019-178B. The question is that the amendment be agreed to.

The Committee divided.

Ayes18
Noes19
Majority.....1

AYES

Boyd, Ms A
Donnelly, Mr G
Graham, Mr J
Mookhey, Mr D
Pearson, Mr M (teller)
Secord, Mr W

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

D'Adam, Mr A
Field, Mr J
Jackson, Ms R
Moselmane, Mr S
Searle, Mr A
Veitch, Mr M

NOES

Ajaka, Mr
Borsak, Mr R
Farlow, Mr S

Amato, Mr L
Cusack, Ms C
Farraway, Mr S.J. (teller)

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

NOES

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

Latham, Mr M
Mason-Cox, Mr M
Roberts, Mr R

Maclaren-Jones, Mrs (teller)
Mitchell, Mrs
Taylor, Mrs

PAIRS

Houssos, Mrs C
Sharpe, Ms P

Mallard, Mr S
Ward, Mrs N

Amendment negatived.

Mr DAVID SHOEBRIDGE (22:58:28): I move The Greens amendment No. 3 on sheet c2019-177A:

No. 3 **Defences to offences**

Page 6, Schedule 2 [5]. Insert after line 15—

5A Defences

A person does not commit an offence against this Act if the conduct of the person constituting the offence was for the purposes of identifying, investigating or preventing—

- (a) an offence involving animal cruelty, or
- (b) an environmental offence within the meaning of the *Crimes (Appeal and Review) Act 2001*. The Greens amendment seeks to insert a general defence for any offence against the Act if the conduct of the person constituting the offence was for the purpose of identifying, investigating or preventing either an offence involving animal cruelty or an environmental offence within the meaning of the *Crimes (Appeal and Review) Act 2001*. Mr Chair, I am sure you are concerned about the meaning of an environmental defence within the *Crimes (Appeal and Review) Act 2001* so I will tell you. An environmental defence is defined in that Act as an offence for which summary proceedings may be taken before the Land and Environment Court, whether or not summary proceedings for such an offence may also be taken before any other court, and includes any offence arising under the environment protection legislation within the meaning of the *Protection of the Environment Administration Act*. A series of environmental protection Acts are enumerated in the *Protection of the Environment Administration Act 1991*. I could go further down that channel but they are the environmental offences that are picked up by the amendment.

Why are The Greens moving this defence? We have not succeeded in these amendments in removing the offences. As we have made it clear from the outset, The Greens are particularly concerned about criminalising the conduct of people who are desperately concerned about offences involving animal cruelty or protecting the environment—that could be protecting essential parts of our natural world from logging, bulldozing or environmental destruction. If these offences are to be put in the Act then we believe it is essential that there be very clear defences that say that for people motivated by genuine concern for animal welfare or for the environment and motivated to identify, investigate or prevent offences of animal cruelty and offences against the environment as already laid down by this Parliament, that action should be protected from these new offences. That is why we commend these defences to the Committee.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (23:01:25): The Government opposes The Greens amendment. This amendment seeks to create a defence for someone committing an offence for the purposes of investigating animal cruelty or environmental offences. The Government does not support this amendment as it feels it is unnecessary. Those with animal welfare or environmental concerns should report their concerns to the authorities—for example, the *Prevention of Cruelty to Animals Act 1979* [POCTAA] inspectors such as RSPCA NSW. Inspectors have significant powers to address animal cruelty including prosecuting offenders for offences under the POCTAA and seizing an animal if the inspector suspects unreasonable grounds that the animal is in distress, or if an offence against the Act or regulation is being or is about to be committed.

The Hon. MICK VEITCH (23:02:14): Throughout this Committee stage a number of amendments have played around with the same part of the schedule in the bill. Labor's position on this amendment is the same as it has been for all the others and for those reasons we will support The Greens amendment.

The Hon. EMMA HURST (23:02:34): The Animal Justice Party strongly supports this amendment, which would provide a defence for anyone who finds themselves in breach of the *Inclosed Lands Protection Act*

if their conduct was for the purposes of identifying, investigating or preventing an offence involving animal cruelty or an environmental offence. The work of animal advocates is in the public interest and it is completely appropriate that they be afforded a defence under this Act to protect the work they do to improve transparency in animal agriculture and expose animal cruelty.

To give an explicit example that was mentioned during an opening statement to the inquiry in this bill, if it were not for activists the Australian Competition and Consumer Commission [ACCC] could not have done vital work exposing consumer labelling issues in respect to Pepe's Ducks and Luv-a-Duck. Footage filmed undercover showed ducks living inside dry sheds, with no outside access or water for swimming. All the while, Pepe's Ducks advertised its ducks as open range and Luv-a-Duck as range reared. Both of those claims were false and the ACCC was able to commence proceedings under the Australian consumer law for misleading and deceptive conduct. Both companies ultimately admitted contraventions of the consumer law and were fined hundreds of thousands of dollars. This important exercise in consumer education and holding wrongdoing companies to account would not have happened without undercover footage.

None of us want to see or hear about animal cruelty but exposing their suffering was the only way to ensure it did not continue to happen to other animals. The people who expose such footage should not be attacked or shutdown by government. They take a risk by breaking the law and, of course, risk punishment as is already part of our law and legislation. But that punishment should not be so disproportionate as that proposed under the amendment to the Inclosed Lands Protection Act today. Tonight members have heard me speak about many atrocities and they are just some of the few stories and acts of cruelty exposed by activists. It seems that every month there is another expose. How about we work to end animal cruelty rather than shutdown the people trying to work to expose it? Why would we not want to protect the important work that these people are doing? If members are opposed to animal cruelty and if they care about animals then they should support this amendment.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendment No. 3 on sheet c2019-177A. The question is that the amendment be agreed to.

The Committee divided.

Ayes 18
Noes 19
Majority..... 1

AYES

Boyd, Ms A
Donnelly, Mr G
Graham, Mr J
Mookhey, Mr D
Pearson, Mr M
Secord, Mr W

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

D'Adam, Mr A (teller)
Field, Mr J
Jackson, Ms R
Moselmane, Mr S
Searle, Mr A
Veitch, Mr M

NOES

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

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

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

PAIRS

Houssos, Mrs C
Sharpe, Ms P

Mallard, Mr S
Ward, Mrs N

Amendment negatived.

The Hon. ROBERT BORSAK (23:13:24): I move Shooters, Fishers and Farmers Party amendment No. 5 on sheet c2019-201H:

No. 5 **Industrial organisations and associated activities**

Page 6, schedule 2. Insert after line 15—

[6] Section 7A

Insert after section 7—

7A Act does not prevent permitted union activities or industrial action

- (1) Nothing in this Act makes it an offence for a person (including a representative of an industrial organisation) to enter or remain on inclosed land for the purposes of activities permitted under the *Industrial Relations Act 1996* or the *Fair Work Act 2009* of the Commonwealth.
- (2) In this section—
industrial organisation means—
 - (a) an industrial organisation of employees, or the State peak council for employees, within the meaning of the *Industrial Relations Act 1996*, or
 - (b) an employee organisation, or a peak council of employee organisations, within the meaning of the *Fair Work Act 2009* of the Commonwealth.

Industrial action is an integral part of a worker's rights. The Shooters, Fishers and Farmers Party recognises the good and necessary work that unions do in this State and would like to thank, in particular, the United Services Union and Graeme Kelly and Unions NSW and Mark Morey for their consultation throughout this process. Many meetings of unions and their members occur in inclosed lands or at least on land that can be interpreted as inclosed according to the proposed changes to the Act. This is of particular concern to unions. The Shooters, Fishers and Farmers Party seeks clarity as the Right to Farm Bill 2019 will apply to workplaces in public and private sectors.

Not all union workplaces are protected by Federal legislation. We were provided with some particular examples by Unions NSW where the lines are blurred. For example, a union is talking to undocumented migrant workers on a farm. Those workers do not have a legal right to work in the country and therefore are unlikely to be union members. In this scenario the union is not protected by the Federal right of entry legislation. Another example is a union official attending a forestry site to meet with independent contractors performing harvesting work. If anyone in the contracting chain were to ask the official to leave then they would have no protections under the Federal right of entry legislation. The Shooters, Fishers and Farmers Party amendment would see authorised union activities or industrial action exempt from this legislation. It specifically states:

Nothing in this Act makes it an offence for a person (including a representative of an industrial organisation) to enter or remain on inclosed land for the purposes of activities authorised under the *Industrial Relations Act 1996* or the *Fair Work Act 2009* of the Commonwealth.

We have defined "industrial organisation" so there can be no confusion. "Industrial organisation" means:

- (a) an industrial organisation of employees, or the State peak council for employees, within the meaning of the *Industrial Relations Act 1996*, or
- (b) an employee organisation or a peak council of employee organisations, within the meaning of the *Fair Work Act 2009* of the Commonwealth.

In saying that, I would like to thank the Minister, Adam Marshall, and his office for indicating the Government's support for this amendment and the amenable and reasonable approach they have taken in dealing with the Shooters, Fishers and Farmers Party on this very important bill. As the Minister noted in the other place, it was never his intention that the bill be an attack on industrial organisations and the right to protest. Legitimate legal dissension and protest is thus protected. Placing illegal cameras is no substitute for the legitimate right to protest or strike if it relates to the conditions or, indeed, work processes or animal cruelty. There is a right way to deal with cruelty if that is what you believe is happening in the workplace. Breaking the law is no answer. I urge all members to support the amendment.

The Hon. ADAM SEARLE (23:16:36): I move Opposition amendment No. 1 on sheet c2019-235:

No. 1 **Permitted union activities or industrial action**

In Shooters, Fishers and Farmers Party amendment No. 5 insert ", or that the person reasonably believes to be permitted," after "activities permitted".

On behalf of the Opposition, I support the Shooters, Fishers and Farmers Party amendment, for the reasons outlined by the Hon. Robert Borsak. In so doing, the Opposition proposes an amendment that makes a small addition to the Shooters, Fishers and Farmers Party amendment by inserting ", or that the person reasonably

believes to be permitted," after the phrase "activities permitted". The Opposition's amendment fulfils the promise offered by the Shooters, Fishers and Farmers Party amendment, which I note the Government is supporting. The Opposition thanks the Shooters, Fishers and Farmers Party for consulting with the United Services Union and Unions NSW and ourselves and for bringing forward its amendment.

The Opposition raises one issue. While the Industrial Relations Act in New South Wales is a simple and straightforward piece of legislation, the Fair Work Act is anything but. A number of the processes engaged in under the Fair Work Act can be quite technical in nature. Sometimes for a period after the activity has been engaged in, the legal authorisation may be found to have a technical defect and be set aside by a tribunal or a court afterwards. The implication of that in the context of this legislation is activities engaged in by unions and their officials, believed to be lawful at the time because they had gone through the processes mandated by the Fair Work Act, may be found to not have been legally engaged in due to some technical defect.

If that is the case, all of those protections that are contained in the Shooters, Fishers and Farmers Party amendment would be stripped away from those unions and those union officials. The Opposition thinks the best way to safeguard against that and to fulfil the promise offered by the Shooters, Fishers and Farmers Party amendment is the inclusion of the words offered by the Opposition in its amendment. I urge members who support the Shooters, Fishers and Farmers Party's amendment to also support the Opposition's amendment to ensure that the Shooters, Fishers and Farmers Party's amendment fully delivers on what it offers. I ask the Shooters, Fishers and Farmers Party, in particular, as well as every other member in this Chamber, to take the Opposition's amendment on board.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (23:19:26): Amendment No. 4 on sheet c2019-201D seeks to clarify that actions by representatives of industrial organisations within the authority of the Industrial Relations Act 1996 or the Commonwealth's Fair Work Act 2009 are exempt from the penalties in this bill. The Government would like to emphasise that these activities are already exempt from the Inclosed Lands Protection Act. The Government will be accepting amendment No. 5 on sheet c2019-201H from the Shooters, Fishers and Farmers Party. Regarding the Opposition amendment No. 1 on sheet c2019-235, this bill does not change the right or role of union officials so the Government is opposing the amendment.

There are defences for an offence under the Inclosed Lands Protection Act 1901 if the person is there with a lawful excuse. This would clearly extend to union officials acting lawfully in their official capacities. Even if a union official does trespass, they would need to commit an aggravated offence on agricultural land for any of the bill's penalties to apply. However, the Government accepts the Shooters, Fishers and Farmers Party amendment because it clarifies that actions by representatives of industrial organisations within the authority of the Industrial Relations Act 1996 or the Commonwealth's Fair Work Act 2009 are exempt from the penalties in this bill.

Mr DAVID SHOEBRIDGE (23:20:52): The Greens will be supporting amendment No. 5 on sheet c2019-201H moved by the Hon. Robert Borsak for the reasons articulated by the member in moving the amendment. We have also had engagement with unions who are troubled by this array of offences. They are most concerned about the incitement offence in section 4C. We have not been successful in narrowing that offence or putting other defences in. Therefore, we will be supporting this offence. I note—and this is why we are supporting the Opposition amendment No. 1 on sheet c2019-235—that not so much the Industrial Relations Act 1996, which is a coherent, short piece of legislation, but the deeply complex Fair Work Act 2009 and its array of regulations can trip up union officials, delegates or anybody trying to exercise powers under the Act.

People can in good faith think they have complied with every one of the Fair Work Act's Byzantine requirements and then when it is tested in the Federal Court find they were not there with legal authority because of some technical prerequisite that had not been met. This can mean they cannot avail themselves of their defence under section 7A as originally drafted by the Shooters, Fishers and Farmers Party. So including extending the scope of the defence to be whenever a person reasonably believes themselves to have permission under the Fair Work Act is essential. For those reasons, we are supporting both the initial amendment and Labor's additional words.

The Hon. EMMA HURST (23:23:08): The Animal Justice Party believes the protections for unions referred to in this amendment are already enshrined under Commonwealth laws which, to the extent they conflict with any amendments in the Inclosed Lands Protection Act will prevail over those amendments. The Animal Justice Party wholeheartedly supports the rights of unions. What unions in New South Wales really want is to have all of the Inclosed Lands Protection Act amendments thrown out. We are concerned about the chilling effects these amendments will have on the rights to protest and politically organise in New South Wales, which is a core union activity. If the Shooters, Fishers and Farmers Party really supported unions, it would—

The CHAIR (The Hon. Trevor Khan): Order! The member needs to speak to the amendment.

The Hon. EMMA HURST: I will change the way I have worded that. If this amendment was really about supporting unions—

The CHAIR (The Hon. Trevor Khan): Order! This is not an opportunity to have a shot at another party. The member either agrees to the amendment or not. If she does not agree to it, she can address why. But it is not an opportunity for her to have a speech in reply. The Committee stage is not for that purpose.

The Hon. EMMA HURST: I will leave my comments there.

The Hon. ROBERT BORSAK (23:24:32): The Shooters, Fishers and Farmers Party will not be supporting Labor's amendment to our amendment for the reasons the Government has elucidated. Our amendment does it properly and we will be voting against Labor's amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 5 on sheet c2019-201H, to which the Hon. Adam Searle has moved Opposition amendment No.1 on sheet c2019-235. The question is that the amendment moved by the Hon. Adam Searle to the amendment of the Hon. Robert Borsak be agreed to.

The Committee divided.

Ayes18

Noes19

Majority.....1

AYES

Boyd, Ms A
Donnelly, Mr G
Graham, Mr J
Mookhey, Mr D
Pearson, Mr M
Secord, Mr W

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

D'Adam, Mr A (teller)
Field, Mr J
Jackson, Ms R
Moselmane, Mr S
Searle, Mr A
Veitch, Mr M

NOES

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

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

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

PAIRS

Houssos, Mrs C
Sharpe, Ms P

Mallard, Mr S
Ward, Mrs N

Amendment to amendment negated.

The CHAIR (The Hon. Trevor Khan): The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 5 on sheet c2019-201H. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. BRONNIE TAYLOR: I move:

That the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.

Adoption of Report

The Hon. BRONNIE TAYLOR: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (23:34:25): I move:

That this bill be now read a third time.

The Hon. MICK VEITCH (23:34:39): At the conclusion of my contribution to the second reading debate, I said that the Opposition would reserve its position on the third read of the Right to Farm Bill 2019, depending on what transpired during the Committee stage. Despite the extensive Committee stage and even with the amendments that were made, the Opposition is not satisfied that this legislation meets the objective the Government said it is meant to meet. It is still a poorly crafted piece of legislation. The Opposition will oppose it on the third read.

Mr DAVID SHOEBRIDGE (23:35:12): The Greens will oppose the Right to Farm Bill 2019 on the third read. We acknowledge that there were some minor advances in the Committee, particularly relating to the protection for unions and others engaged in industrial action, but the amendments that have been secured have gone nowhere near addressing our very large principal concerns with the bill. The Greens will oppose it on the third read.

The Hon. ROBERT BORSAK (23:35:42): The Shooters, Fishers and Farmers Party will obviously support the Right to Farm Bill 2019 on the third read. We think this is groundbreaking legislation that is needed. It is timely and pre-emptive of all the problems that we will see in the bush with rural and regional areas and communities. We commend the bill to the House, and we thank the Minister for introducing it.

The Hon. MARK PEARSON (23:36:09): The Animal Justice Party clearly will oppose the Right to Farm Bill 2019 on the third read. It is a legislation that strikes down some of the very principles of protecting the most vulnerable in our community, not only animals but also workers and people who choose to take the risk to report what is completely offensive and criminal behaviour. That is punishing the whistleblower rather than upholding the principles of our society. Therefore, the Animal Justice Party opposes the bill on the third read.

The PRESIDENT: The question is that this bill be now read a third time. Is leave granted to ring the bells for one minute?

Leave not granted.

The House divided.

Ayes 19
Noes 18
Majority..... 1

AYES

Amato, Mr L
Cusack, Ms C
Faraway, Mr S.J. (teller)
Khan, Mr T
Martin, Mr T
Nile, Revd Mr
Tudehope, Mr D

Banasiak, Mr M
Fang, Mr W
Franklin, Mr B
Latham, Mr M
Mason-Cox, Mr M
Roberts, Mr R

Borsak, Mr R
Farlow, Mr S
Harwin, Mr D
Maclaren-Jones, Mrs (teller)
Mitchell, Mrs
Taylor, Mrs

NOES

Boyd, Ms A
Donnelly, Mr G
Graham, Mr J
Mookhey, Mr D
Pearson, Mr M

Buttigieg, Mr M (teller)
Faehrmann, Ms C
Hurst, Ms E
Moriarty, Ms T
Primrose, Mr P

D'Adam, Mr A (teller)
Field, Mr J
Jackson, Ms R
Moselmane, Mr S
Searle, Mr A

NOES

Secord, Mr W

Shoebridge, Mr D

Veitch, Mr M

PAIRS

Mallard, Mr S
Ward, Mrs NHoussos, Mrs C
Sharpe, Ms P**Motion agreed to.***Adjournment Debate***ADJOURNMENT****The Hon. DON HARWIN:** I move:

That this House do now adjourn.

SECULARISM AND MORAL RELATIVISM

The Hon. LOU AMATO (23:44:38): In October this year US Attorney General, William Barr, delivered a speech to the School of Law at the University of Notre Dame. According to the Attorney General, secularism and moral relativism have created a moral upheaval affecting all parts of Western democracies. He said: Along with the wreckage of the family, we are seeing record levels of depression and mental illness, dispirited young people, soaring suicide rates, increasing numbers of angry and alienated young males, an increase in senseless violence, and a deadly drug epidemic. According to Attorney General Barr, secularism and moral relativism are pushing religion and traditional values aside and are responsible for the moral destruction of our society. Morality has become relative to one's own particular circumstance, diluting the universal principles that unite humanity. In its place a plethora of moral interpretations are being embraced, creating a people bereft of the unifying guidance of the Christian-Judeo principles of the past. Maybe it was the similarities of the word relativism to relativity that prompted me to realise that for a society to flourish there must be a constant.

When Albert Einstein pondered the movement of matter in space, he realised that the key to unravelling the mysteries of the space-time continuum would require a value that remained constant. If a constant existed, the chaotic movement of matter in space could be measured against a fixed value and hopefully understood. Sure, the earth was moving in an elliptical path relative to the position of the sun. But what of the sun? The sun is moving in its own circular motion within our spiral galaxy, the Milky Way. But what then of our galaxy? It, too, is moving in its own particular path relative to other galaxies. But what of it? In the infinite vacuum of eternal space, the sum of all units of matter are moving where? Einstein pondered these questions and realised that the movement of objects relative to other objects in the infinite void of space is like a spinning madness with no constant point of reference.

The genius of Albert Einstein may never again be seen in a living person. The brilliance of Einstein lay in simplicity. If the chaos of space-time and the objects within are not constant, what is? It was the speed of light where the answer was to be found. The speed of light was a constant in the chaos unfolding in a universe beyond the scope of human reasoning. In the randomness and the unmeasurable, Albert Einstein discovered the theory of relativity. The theory of relativity made it possible for future scientists to calculate and understand the movement of objects in the space-time continuum. From one constant came understanding, which facilitated space exploration. From that one immutable constant, on 20 July 1969 Neil Armstrong walked upon an extraterrestrial body—the moon.

The advent of Christianity was the constant source of light for the advancement of modern civilisation. The moral precepts of Christianity provided the constant for the foundation of the principles to guide the people in a united morality. From that unified morality the greatness of our society was forged and within that greatness the stronghold of every nation emerged—the family. In these latter days, the light of Christianity is under threat from secularism and moral relativism. These two isms are powerful weapons of the cultural Marxists. Just as Einstein's constant, the speed of light, provided order in the midst of a chaotic universe, the light of Christianity provided the same order in our society. The present erosion of the universal morality, which sprang from the expansion of Christendom, has created disorder in our society. The sacredness of life, which is central to the family, has been replaced with on-demand abortion. Biological realities such as gender are now considered social constructs.

The cultural Marxist-inspired class structures of victim and oppressor have created wreckage of the family, soaring suicide rates, increased drug abuse and the angry dispirited young people that Attorney General Barr identified in his speech to the University of Notre Dame. Cultural Marxism is committed to the destruction of the light of Christianity. The constant that has brought meaning and guidance to generations is under attack. By creating chaos, the Marxists have exchanged the light of Christianity for increased legislation and control. The chaos created by the Marxists is deliberate. It is nothing more than an excuse to increase the State's control and fix the very problems that they have created.

THE LORD'S PRAYER

The Hon. WALT SECORD (23:48:48): Some in this Chamber would want you to believe that The Lord's Prayer is an encroachment on democracy in this place. But reciting prayers has occurred in the United Kingdom Parliament since 1567 and in the American and Canadian equivalents since 1789 and 1877, respectively. I do not believe that we should scrap this longstanding and valued tradition in Australia's oldest Chamber. To this end, on 26 September I became the first Labor upper House MLC in more than 10 years to read the prayer in the New South Wales Legislative Council. Usually the protocol is that the prayer is read by the President and if the President for some reason objects, it is read by the Clerk. It was an honour and a privilege to recite the prayer. I say this to highlight the false premise of those who see this as a simple the Left versus the Right or the conservative versus the progressive equation. But we are all are complex.

I support retaining The Lord's Prayer, but I do not subscribe to a conservative social agenda. I support a woman's right to choice. I oppose the death penalty and gay conversion therapy. Equally, I oppose euthanasia laws, as I believe it is difficult to codify this area of law. What the recent prayer debate has revealed—and former United States President Barack Obama has only recently pointed this out—is that there is a genuine lack of empathy in public debate on sensitive matters. He encouraged the audience to understand the complexity of human beings: those whom you oppose still love their children. Unfortunately, there seems to be a trend in so-called progressive circles in which some believe that simply telling others what think they are doing is wrong, is enough. I think for President Obama's remarks on political correctness are relevant to what we debate today.

Matters of conscience are deeply held and those who engage with them should not be flippant. That is why I am critical of those who have taken a controversial position and only given a glib explanation as to why they have taken this stand. It was the equivalent of putting a stick into a beehive, shaking it up and then walking away. We are a Parliament and not a student council. Our offices were inundated with calls and hundreds of emails opposing the motion. Surprisingly adherents to non-Christian faiths, including Hindus and Muslims, saw it as an attack on all people of faith, not just The Lord's Prayer. That is interesting, because if there was a widespread belief across New South Wales' multicultural communities that using a Christian prayer at the start of the day represented the imposition of Christian faith on this Parliament, then I would expect to see strong representation from different faith groups to challenge that situation. But I do not see that.

I have not received a single representation from a non-Christian faith person wanting to see references to Christianity scrubbed out of public life. This somewhat contradicts The Greens, that insist change is needed because the State's multicultural society "must be reflected in an inclusive Parliament". It says, "in no other workplace are you required to participate in The Lord's Prayer before working." That is true, but we have a very different perspective on achieving the goal of an inclusive Parliament. I respectfully point out that this is no ordinary workplace. There is no other workplace where we are afforded total legal privilege because this is a Parliament; one modelled on the Westminster system, incorporating rights, responsibilities, privileges and traditions that have developed over centuries.

I see the use of The Lord's Prayer to start the day, as being one of the many traditions inherited from the founders of this Parliament and, in turn, the Parliament of Westminster. Yes, those founders were, by today's standards, mono-cultural and, yes, Australia has changed, but the prayer today represents the faith of those founders and also their hope that this Parliament would continue to act wisely. While The Lord's Prayer does not personally represent everyone, its ethos and the ability to recite it represents the aspirations and core, inclusive values of all those for whom this Parliament strives. I believe that is how the majority of members here and the majority of communities of all faiths would see our daily prayer—as a symbolic commitment to wisdom and consideration in our work here. The Lord's Prayer is a traditional and inspiring expression that The Greens might do well to understand before seeking to remove it. I thank the House for its consideration.

HEALTH BUDGET

The Hon. MARK LATHAM (23:52:48): We hear a lot about cost shifting in the healthcare debate, especially when the Federal Government dries up general practitioner bulk billing to push the costs of patient care onto the public hospital system and State governments. In New South Wales the Berejiklian Government has a cost shifting trick of its own—pushing essential community and allied health costs onto the private sector and

even its own education department. I give two examples of this process in south-west Sydney. Two weeks ago I met with specialists and surgeons at Oran Park, a fast growing new housing estate halfway towards a population of 25,000 in a healthcare catchment of 150,000 people.

The Government has released land for the youth capital of Australia, yet with sub-standard State healthcare provision. Disgracefully, the South Western Sydney Local Health District has gone on strike in Oran Park. A GP clinic has been established by the private sector, which is par for the course. In a strategic plan, the local health district promised the next stage of service delivery, including community and allied health care, pathology, medical imaging and child and family nursing. Nothing has happened. Even worse, the local health district put out a tender for radiology services designed only to fail. The tender was for a feeble 100 metre square space and no-one applied. The health district sabotaged its own plan—100 square metres was never feasible. It was never going to be established; at least 500 square metres was needed. This has only occurred in recent times because of a community-minded developer who organised their own consultant, their own tender and a successful applicant. That is what south-west Sydney has come to under this Government. Government health services are on strike, housing developers are filling the gap—a cost-shifting on to the private sector.

The medical professionals I spoke to are very pessimistic about future stages of the Oran Park plan—certain that the area will miss out on day surgery, advanced diagnostics, dentistry, paediatrics, oncology and other specialist services. Outpatient care remains a dream. Why has south-west Sydney been so badly served by this Government? It has a Premier and a health Minister from the North Shore. It has Ministers holding the seats of Parramatta and Penrith who seem to get everything they want. The north west is getting a new hospital at Rouse Hill. In south-west Sydney; however, the fastest-growing part of New South Wales, we are getting nothing—not even land allocated in the original aerotropolis plan for a public hospital site. Never before have I seen the health care needs of so many people ignored so comprehensively by a government that, quite plainly, just does not seem to care.

The second example I cite is at Ashcroft, in the heavily disadvantaged district of Green Valley, where the neglect is just as bad. I visited Ashcroft High School last week and the school principal said he has no chance of providing decent learning opportunities for the students without allied health care to get them into good shape for learning. Again, the health department has gone missing—it has done nothing. The closest comprehensive community health care centre is at Hoxton Park, or secondary care at the very crowded Liverpool Hospital. Ashcroft High School has had no option but to use its education funding to provide health care. It has 50 teaching staff and 10 health workers on payroll and on site, including a school counsellor, a psychologist, nurse, speech pathologist, occupational therapist, a dietitian and a public health coordinator.

I am quite disgusted by what is happening at Oran Park and Ashcroft High School, the new and the old of our region. How many times can these mistakes be made? How many times in our region are we going to hear the promise of better planning and service provision, only to end up with another service delivery vacuum? I have been hearing it for close to 50 years; it has to come to an end. I urge the Government to take seriously the funding challenge in Health. I think this was a missing element of the paper that was produced about Federal-State financial relations. The pressing need is to get it right in health care. We have secondary care, we have primary care provided by the different tiers of government, but the missing middle where demand has ballooned in recent decades is community and allied health care. This needs to be addressed. There is a huge gap in supply and demand in the community. I think the biggest gap now of any sector of any service is the ballooning demand, almost growing exponentially, for community and allied health services, yet there is paltry provision by all levels of government, particularly this Government in south-west Sydney.

TECBER AHMED SALEH

The Hon. MARK BUTTIGIEG (23:57:53): Today I bring to the attention of the House a human rights advocate from Western Sahara, whom I recently met when she visited our Parliament. Her name is Tecber Ahmed Saleh. Tecber recently travelled to Australia and New Zealand to advocate for the recognition of Western Sahara and to highlight the plight of her refugee community. Tecber is urging the international community to remember that there are 170,000 Saharawi refugees living in the south-western corner of Algeria. The human rights advocate lives in the Saharawi refugee camp in Algeria where she was born and raised.

Tecber says there is a lack of awareness around her homeland's history. Western Sahara was a Spanish colony until 1975. When Spain withdrew from the region, a conflict followed between Moroccan and Mauritanian forces, resulting in Morocco annexing the region. The Saharawi people who fled to Algeria established camps and have a Western Sahara government in exile. The camps are dependent upon United Nations aid to exist in brutal desert conditions. Tecber has dedicated her life to helping her people in the refugee community, working for the Ministry of Health within the camps. Tecber won a coveted scholarship to a college in Norway administered by United World Colleges. The human rights advocate's hard work and dedication resulted in her later gaining

successful entry to study biology at the Westminster College in Missouri and subsequently completing her master's degree in clinical laboratory science at the Pompeu Fabra University in Barcelona.

Instead of relocating overseas, Tecber returned home and is putting her education and experience to use in trying to improve the lives of her people. She has conducted research into the issues caused from the high amount of iodine in the water supply, which has resulted in thyroid problems for the people in the camps. Tecber led the way in instituting a cancer register in the camps and additionally researched the long-term health consequences of eating a refugee diet. Not only does Tecber raise awareness of the welfare of her people in refugee camps and the human rights issues regarding the Saharawi residents in the occupied territory but she travels the world to ensure that the quest for her people's independence is not forgotten.

Tecber urges the international community to remember that her people await a vote for independence. A referendum was promised to the people of Western Sahara. A ceasefire in the region was negotiated in 1991 on the basis that a referendum would be coordinated by the United Nations. However, the vote has not occurred as Morocco has continued to block attempts for the referendum to take place. Tecber has stated that, devastatingly, her grandmother died holding the radio, thinking that the next day they would call a referendum. The Labor Party expresses deep concern for human rights in the region. Labor urges the United Nations to proceed without further delay with the organisation of the referendum of self-determination and to press Morocco to implement all UN resolutions pertaining to Western Sahara.

Tecber often reminds audiences around the world that her people are supported by international law. In 1975 the International Court of Justice held that the Saharawis had the right to self-determination. Western Sahara is rich in mineral resources, particularly phosphate, and Morocco has been exploiting those natural resources. In December 2016 and February and July 2018, the European Court of Justice affirmed that Morocco has no sovereignty over Western Sahara and its maritime space. Since 2017 Australian companies have rightfully refused to import the phosphate. Tecber is advocating for New Zealand and other nations around the world to do the same and stop the illegal trade.

The Labor Party has justly called on the Australian Government to extend all due assistance to the UN in its endeavours in pursuit of an enduring political solution. The UN needs to provide for the self-determination of the people of Western Sahara in an approach that is aligned with the *Charter of the United Nations* and to sustain a continued dialogue with the Polisario Front as the representative of the people of Western Sahara. I thank the Australia Western Sahara Association and my good friend Paul Reid from the United Services Union for ensuring that I heard Tecber's story and for continuing to raise awareness about the Saharawi people.

EUTHANASIA

Reverend the Hon. FRED NILE (00:03:01): Tonight I wish to speak on the latest euthanasia push. There seems to be a renewed push towards legalising euthanasia under the guise of legalising suicide in some States of Australia. This has come on the tail end of the recent liberalisation of abortion laws in New South Wales. The latest proposal to legalise euthanasia in Queensland represents what I call the death creep in our legislative and legal culture. No civilisation, culture or people can survive if its moral framework is not focused on life—its preservation, maintenance and promotion as a gift of almighty God. Unfortunately there are mischievous groups in our society who seem fixated on the opposite.

A recent article by Jamie Walker on doctors confronting clerics on the right to die is emblematic of this trend. The report outlines the latest push in Queensland that claims death is somehow a right that should be enshrined in law. It is ironic that just this year we passed legislation that what is indeed alive—and yet unborn—has not been afforded the same right in law. But the article is notable for a number of reasons, none of which has anything to do with the merit of what these doctors are arguing for. What strikes me in particular is the old argument of pitting science against religion in this debate.

The question of life, what it means and when it starts were vigorously debated in this Chamber this year. In my contribution to those debates I made it very clear that while my belief is shaped by my Christian faith, science indeed supports my pro-life position as well. That pro-life position is no less relevant in the euthanasia debate as it is in other debates concerning bioethics. I will not rehash the details here because members can read the September *Hansard* for all the abortion debate details.

This death creep seems to be insatiable—always hungry, never satisfied. Thankfully in Western Australia, a group of doctors called Health Professionals Say No have been brave enough to take a stand in defence of the vulnerable, which is their duty as medical practitioners. The group, which numbers over 770 medical professionals, has written to all members of the Western Australian Parliament opposing the latest push to legalise euthanasia in the State. The letter warned political representatives not to be persuaded by misleading research that favoured euthanasia which is based on the Victorian State Coroner's study of just 118 cancer patients. The medical

practitioners state that the Victorian research has been intentionally or recklessly misinterpreted by radical activists. These activists suggest that euthanasia laws would reduce self-harm and suicide among the terminally ill.

That is their claim, but a representative of the group, Professor Michael Quinlan, has responded that almost half of those cases in the Victorian report claimed that it was the burden of care, not the illness itself that was the issue that vexed them. It was also noted that only 14 per cent of those cases received palliative care. It is obvious to those who have taken the care to investigate the study that the real issue is the provision of palliative care to those who suffer terminal illness. Instead of directing resources to where they are needed, policy setters are choosing to allow the vulnerable to simply die by killing themselves. The Christian Democratic Party will continue to oppose these draconian, inhuman and barbaric laws. Here we have a group of doctors—men and women of science—who seem to agree with religious leaders. This debate is not a debate between people of religious persuasion and secular types. It is a debate between people who can honestly and sincerely approach this difficult question without allowing their views to be tainted by ideology or, on the other hand, people who are infatuated by the death creep.

As I noted earlier, no civilisation can survive the drive to its own self-extinction. That drive is a suicidal reflex of a people who have lost faith in a higher law. I would understand that as a divine law, but some of my colleagues might be more persuaded by interpreting that as a natural law, or a law of the universe. Either way, it indicates that there is some authority above us and we should be careful not to be so arrogant as to think that we are gods ourselves. A responsible policy of a healthy State is one that focuses on constructive reform, not destructive and lazy ways to avoid social problems. The Christian Democratic Party will continue to oppose any proposals to introduce euthanasia laws in New South Wales. I thank the House.

BUSHFIRES

The Hon. SCOTT FARLOW (00:07:55): Last night after leaving Parliament I went home and packed my bags because I live at the back of the bush. I had to go through the confronting exercise of gathering our valuables together, putting them in the car and warning my children that they may not be returning home the next day. Thankfully, that was not the case. But many fires have devastated our communities across Sydney and New South Wales. Some 3,000 firefighters have been putting their lives on the line for our communities, our homes and our safety and we thank every one of those firefighters. At 9.00 p.m. tonight the latest update was that 74 fires were still alight throughout the State, 34 were yet to be controlled and nine were still on emergency warning. Communities across New South Wales have been devastated by fires. We have seen the loss of life. Today we saw the loss of a dozen properties. We have seen the best in our community come together to serve, volunteer and lend a hand.

Unfortunately during this time we have seen a dreadful bout of politicking. Some members have sought to use the fires to drive their agenda, whether it be climate change or purely base politics. Today in this Chamber we have even heard the Government Ministers being asked questions about budget cuts to Fire and Rescue NSW and the Rural Fire Service. It is important that I correct the record because it is simply not true. I will start with our great Rural Fire Service Commissioner Shane Fitzsimmons. About one month ago I had the pleasure of being in his company while watching young cadets in the Rural Fire Services were doing their fire training. His recent statements pretty much echo the statements that he made on that day. The commissioner said:

Not only has our budget not been cut, we are enjoying record budgets. We have got more money today than we have ever had before in the history of the organisation.

He also said the Rural Fire Service has record funding in particular programs and that it is the only jurisdiction in the country with a dedicated Large Air Tanker which has had a budget impact of \$26.3 million to make that possible. Today that dedicated Large Air Tanker came to the rescue of those in South Turrumurra who live only two kilometres from the same bushland in which I live. People living in South Turrumurra will be very thankful for that Large Air Tanker and many others in New South Wales will be very thankful for the air tanker which the Government leased today. This Government is committed to funding the Rural Fire Service and Fire and Rescue NSW.

Importantly, I will cite some numbers because those opposite, particularly The Greens, try to criticise the Government for supporting Fire and Rescue NSW and they have tried to characterise what they believe to be some cuts. In the 2018-19 budget, the allocation to Fire and Rescue NSW was \$729,047 million. The allocation in the 2019-20 budget is \$774,256 million. The budget allocation to the Rural Fire Service in 2018-19 was \$444,492 million and this year it is \$524,306 million. I hate the term "record" but I will use it in this instance. This Government is committing a record \$1.7 billion to help combat emergencies and disasters. It is committing an unprecedented \$105 million in extra funding to enhance rescue capabilities across the State. The New South Wales Rural Fire Service will receive a record \$541 million.

Some members have tried to pick apart capital expenditure. The Minister said that the figure last year involved \$15,867 million for the relocation of headquarters. A home cannot be built twice and that figure is a clear part of what was included in last year's capital budget. Last year the capital budget also included buying life-saving equipment such as the aircraft I am talking about today. Thankfully this Government has invested in Fire and Rescue NSW and the Rural Fire Service to give us the best chance of survival as these catastrophic fires continue to devastate New South Wales.

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

Motion agreed to.

The House adjourned at 00:13 until Wednesday 13 November 2019 at 11:00.