



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday, 13 November 2019

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 13 November 2019

The PRESIDENT (The Hon. John George Ajaka) took the chair at 11:00.

The PRESIDENT read the prayers.

Visitors

VISITORS

The PRESIDENT: On behalf of all honourable members, I welcome into my gallery four staff members from the Parliament of Victoria, who are here this week on a staff attachment as part of the exchange program involving staff of both Houses of the New South Wales and Victorian parliaments, which has been in place for the past two years. They are most welcome and I trust that they find their time with us to be a very valuable and informative experience.

Business of the House

ORDER OF BUSINESS

The Hon. DON HARWIN: I move:

That on Wednesday 13 November 2019, proceedings be interrupted at approximately 6.00 p.m., but not so as to interrupt a member speaking, to enable the Hon. Sam Faraway to make his first speech without any question before the Chair.

Motion agreed to.

Motions

COMMITTEE FOR THE HUNTER

The Hon. TAYLOR MARTIN (11:02:35): I move:

1. That this House notes that:
 - (a) on 23 July 2019 the launch of the Committee for the Hunter was held at the University of Newcastle City Campus in Newcastle;
 - (b) the Committee for the Hunter aims to provide a unified voice to private and public interests beyond the Hunter region;
 - (c) the organisation's role to advise on metropolitan-scale collaboration between community, industry and government is recognised in the Greater Newcastle Metropolitan Plan 2036;
 - (d) the Committee for the Hunter will provide evidence-based advocacy and thought leadership focusing on social and economic capacity across the Hunter to strengthen the Hunter as a place to live, work, visit and invest; and
 - (e) members of the Committee for the Hunter include Newcastle Airport, The University of Newcastle, Compass Housing Services, the Hunter Business Chamber, the Hunter Medical Research Institute, Hunternet, Hunter Water, the Independent Creative Alliance Newcastle, the Property Council of Australia, the Samaritans, and the Urban Development Institute of Australia, New South Wales.
2. That this House congratulates the Committee for the Hunter on a successful launch event and wishes it every success in its work.

Motion agreed to.

Documents

MEMBER FOR DRUMMOYNE

Tabling of Report of Independent Legal Arbiter

The Hon. ADAM SEARLE: I move:

1. That the report of the Independent Legal Arbiter, the Hon. Joseph Campbell, QC, on the disputed claim of privilege on documents relating to an order for papers regarding disclosures of Minister Sidoti under the Ministerial Code of Conduct be laid on the table by the Clerk.
2. That, on tabling, the report is authorised to be published.

Motion agreed to.

*Motions***GURU NANAK 550TH ANNIVERSARY**

The Hon. DANIEL MOOKHEY (11:03:21): I move:

1. That this House notes that:
 - (a) 12 November 2019 marks the 550th birth anniversary of Guru Nanak, the first Sikh Guru and the founder of Sikhism;
 - (b) Guru Nanak was the first of 10 living gurus whose teachings became the basis of Sikhism now contained in the Guru Granth Sahib;
 - (c) his birth in 1469 signifies the beginning of Sikhism, a religion anchored in values of social justice and unity of all humankind;
 - (d) the day is honoured across the world with what is known as Guru Nanak Gurburab, one of the most sacred festivals of the Sikhism calendar; and
 - (e) more than 27 million Sikhs worldwide will be celebrating, including the 32,000 strong population in New South Wales.
2. That this House acknowledges Guru Nanak's 550th birthday and wishes all those celebrating a joyous occasion.

Motion agreed to.

*Committees***STANDING COMMITTEE ON STATE DEVELOPMENT****Reference**

The Hon. TAYLOR MARTIN: I move:

That the resolution of the House of Thursday 6 June 2019 referring the Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019 to the Standing Committee on State Development for inquiry and report be amended by omitting paragraphs 2 (b), (c) and 3.

Motion agreed to.

*Motions***NSW POLICE RSL SUB-BRANCH REMEMBRANCE DAY CEREMONY**

The Hon. LOU AMATO (11:04:17): I move:

1. That this House notes that:
 - (a) on Monday 11 November 2019 the NSW Police RSL sub-Branch, Goulburn Street, Sydney, held a wreath laying Remembrance Day ceremony at McQueen Auditorium, Goulburn Street, Sydney;
 - (b) the ceremony was to honour those who have fallen in service of their country, specifically mentioning the police officers involved in the Great War and the Second World War whose names are listed on the Honour Rolls in the foyer of the McQueen Auditorium;
 - (c) the following distinguished guests attended:
 - (i) Mervyn Morgan, President NSW Police RSL sub-Branch;
 - (ii) Father Paul O'Donoghue, Senior Police Chaplain;
 - (iii) Michael Willing, Assistant Commissioner of Police, representing Detective Superintendent Gary Merryweather, Commissioner of Police;
 - (iv) Sergeant Tony King, NSW Police Association;
 - (v) Mr Bruce Howe, Secretary Treasurer of the NSW Police RSL sub-Branch;
 - (vi) Mr Paul Biscoe, President Retired and Former Police Association;
 - (vii) Mr Mark Coles, representing NSW Police Bank Ltd; and
 - (viii) the Hon. Lou Amato, MLC, representing the Acting Minister for Veteran Affairs and the Hon. David Elliott, Minister for Police and Emergency Services.
 - (d) Mr Bruce Howe coordinated the proceedings with a welcome to all guests and invited Father Paul O'Donoghue, Senior Police Chaplain to deliver the Service Oration and prayer of thanksgiving;
 - (e) Father Paul O'Donoghue, Senior Police Chaplain recited the Theme of Remembrance and read a poem by John Bailey, *Taking a Stand*;
 - (f) wreaths were laid in remembrance and honour of the fallen; and

- (g) Mr Paul Biscoe, President Retired and Former Police Association, instructed all guests to reflect and remember the fallen in a minute's silence, and led the recitation of *The Ode*, the sounding of the Last Post, Rouse and the singing of the National Anthem.
2. That this House acknowledges:
- (a) our thanks to all those who bravely served our country and especially those who fell in battle;
 - (b) our thanks to the family and friends of the fallen who suffered the tragic loss of a loved one during the Great and Second World Wars; and
 - (c) the NSW Police RSL sub-Branch, Goulburn Street, Sydney, for honouring those who made the supreme sacrifice for our freedom.

Motion agreed to.

ST GERASIMOS DAY

The Hon. GREG DONNELLY (11:04:47): On behalf of the Hon. Courtney Houssos: I move:

1. That this House notes that:
- (a) St Gerasimos is the Patron Saint of Kefalonia Island; and
 - (b) Saint Gerasimos is celebrated on two special feast days, on 16 August, which is the anniversary of his death, and on 20 October which commemorates the day his bones were removed from his tomb.
2. That this House acknowledges that Saint Day celebrations for Saint Gerasimos were celebrated on Sunday 20 October 2019 at St Gerasimos Greek Orthodox Church, Leichardt by His Eminence Archbishop Makarios Griniezakis, Primate of the Greek Orthodox Church in Australia and Father Leslie Kostoglou, the local priest of the St Gerasimos Greek Orthodox Church.
3. That this House congratulates the St Gerasimos Greek Orthodox Church, its committee, His Eminence Archbishop Makarios Griniezakis, and Father Leslie Kostoglou for a wonderful celebration of Saint Gerasimos.

Motion agreed to.

GRAFFITI REMOVAL DAY

The Hon. NATALIE WARD (11:05:09): I move:

1. That this House notes that:
- (a) Graffiti Removal Day is a Government initiative that includes volunteers painting murals in public spaces to deter vandals from defacing them; and
 - (b) Graffiti Removal Day was held on 27 October 2019 and involved up to 3,000 volunteers across 550 sites.
2. That this House congratulates the 500 children who painted tiles to create a unique public artwork at Carss Bush Park on the Georges River.
3. That this House commends the many community groups and local councils who participated on the day to tackle vandalism in our local areas.

Motion agreed to.

MARGARET COURT

The Hon. MARK LATHAM (11:05:55): I move:

1. That this House celebrates:
- (a) the achievements of the great female tennis player Margaret Court, who grew up and learnt her tennis skills in Albury, New South Wales; and
 - (b) the impending fiftieth anniversary of Margaret Court's 1970 Grand Slam achievement.
2. That this House congratulates Mrs Court on her welfare and pastoral work caring for many thousands of needy people in her post-tennis career in Perth.

Motion agreed to.

Documents

UNPROCLAIMED LEGISLATION

The Hon. SCOTT FARLOW: According to standing order, I table a list of all legislation unproclaimed 90 calendar days after assent as at 12 November 2019.

*Committees***PUBLIC ACCOUNTABILITY COMMITTEE****Reports**

Mr DAVID SHOEBRIDGE: I table the report entitled *Regulation of building standards, building quality and building disputes*, dated November 2019. I move:

That the report be printed.

Motion agreed to.

Mr DAVID SHOEBRIDGE (11:07:00): I move:

That the House take note of the report.

The public's faith in building standards and quality in New South Wales is at an all-time low. The lack of standards in the industry has been highlighted in many reports previous to the one I present to the House today. It has been a two-decade-long experiment with privatisation, deregulation and industry self-regulation. It is unacceptable that to this day comprehensive reform has not been put in place. I hope and, indeed, the committee hopes that this report will help deliver that change. The Government's approach to tackling these longstanding issues within the building and construction industry will not fix the crisis. Piecemeal legislation and the limited progress in implementing reform is nowhere near enough to address the loss of confidence in the industry. Regulators have failed to regulate in New South Wales, and homeowners are paying the price.

The problems with the Government's approach are illustrated by the Building and Development Certifiers Act 2018, which is yet to be implemented almost two years after this House passed that legislation. The committee and stakeholders also critiqued the Government's Design and Building Practitioners Bill 2019, which was introduced in the midst of this inquiry's deliberations. It was therefore important for the committee to deliver the report in time for the findings to influence debate in this Chamber. We heard from many key industry stakeholders that there are deep structural failings in the New South Wales construction industry. Not all practitioners are required to be licensed or registered. There are two-dollar companies setting up and shutting down. Unqualified and unprincipled developers are building complex multistorey apartment blocks and there is a regulator whose performance is, to say the least, inadequate.

There is no transparency or visibility in what is being built and who is doing the building. The issues occurring within the industry are not only significant and complex, but have dire consequences if left unresolved, as we have seen with Opal Tower and Mascot Towers. We have seen the impact on ordinary people in this State. As a direct result of the lack of standards in the industry there is no functioning insurance market willing to take on the risk of covering residential building and construction. I say again, no insurer is willing to cover the risk because of the lack of standards. This comes down to a fundamental failure of building standards and the failure of successive governments, not just the present Government, to effectively regulate the industry.

The magnitude of defects we are seeing today is just the tip of the iceberg. The Government needs to urgently address the standard of building quality to ensure the insurance market is confident in underwriting that risk. You cannot legislate and create insurance, it requires a fundamental underpinning of standards. Many stakeholders welcomed the appointment of a building commissioner. However, they also advised the committee that it was unacceptable that the building commissioner, who is tasked with reforming the building and construction industry, has only a handful of staff and is not provided with the powers to even sign off on his own work plan.

The crisis in the industry needs to be addressed by a building commission that is sufficiently resourced and with the powers it needs to effectively regulate and oversight the industry. It is a central recommendation of this committee that this occur as a matter of priority. The committee has also made a number of other recommendations to improve the building and construction industry. These recommendations follow the blueprint laid down in the Shergold Weir and Lambert reports. We urge the Government to fully implement these recommendations to resolve the current crisis in the industry. The committee is yet to consider further issues that are plaguing the industry, in particular the significant issue of flammable cladding and detailed recommendations on private certification. These and other issues will be presented in the committee's final report.

I conclude my remarks by expressing my gratitude to all of the members on the committee across the political divide who engaged in constructive examination of the witnesses who gave detailed evidence of the problems in the industry. This should not be a partisan debate. Ensuring industry standards will allow people to buy a house or apartment knowing that the Government has regulated the industry and the house or apartment is safe and fit to live in. They can be comfortable in the knowledge that they will not be paying hundreds of thousands of dollars for defects. It is an issue that should unite us all.

I pass on my gratitude to the secretariat. This is a highly complex area with multiple complex issues. The secretariat produced a draft report that dealt with that complexity and allowed the committee members to give direction and, I hope, a blueprint for reform of the building and construction industry. Unlike the preceding 20 or 30 reports that have largely been ignored by prior governments, the committee strongly submits it is time to implement these recommendations.

Debate adjourned.

Petitions

PETITIONS RECEIVED

Sand Mining at Minnamurra River

Petition requesting that the Government oppose Boral's application to expand its Dunmore sand mining operation into environmentally sensitive areas along the Minnamurra River, received from **Mr Justin Field**.

Retired Companion Greyhounds

Petition requesting that the Government amend the Companion Animals Act 1998 to require councils to provide a dedicated off-leash space for retired companion greyhounds to exercise at least once a week, received from **Ms Abigail Boyd**.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. DON HARWIN: I move:

That Government business orders of the day Nos 1 to 6 be postponed until a later hour.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 4 - INDUSTRY

Membership

The PRESIDENT: I inform the House that on 12 November 2019 the Clerk received advice from the Leader of the Opposition of the following change to membership of the committee:

Mr Primrose in place of Mr Graham.

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND CUSTOMER SERVICE

Membership

The PRESIDENT: I inform the House that on 12 November 2019 the Clerk received advice from the Leader of the Opposition of the following change to membership of the committee:

Mr Graham in place of Mr Primrose.

Documents

MEMBER FOR DRUMMOYNE

Report of Independent Legal Arbiter

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Joseph Campbell, QC, dated 4 November 2019, on the disputed claim of privilege on papers relating to disclosures of Minister Sidoti under the Ministerial Code of Conduct.

Matter of Public Importance

MURRAY-DARLING BASIN PLAN

The Hon. MARK LATHAM (11:23:58): I move:

That the following matter of public importance should be discussed forthwith:

New South Wales' participation in the Murray-Darling Basin Plan.

The top priority of this Parliament should be to look after country New South Wales, which has been hit by a cruel double whammy: the long, lingering impact of the drought, now made worse by fire. It is important for the Parliament not only to wish everyone in the bush all the best in these difficult circumstances but also to take

decisive action. Thankfully, last night country New South Wales had good news with the passage of the Right to Farm Bill 2019, for which the Minister, the Government and large parts of the crossbench should be congratulated.

We can go a step further, and that is to support the Deputy Premier, the Leader of The Nationals, in his determination to improve water policy in New South Wales by getting rid of this wretched Murray-Darling Basin Plan. In fact, last week Mr John Barilaro said, "If we can't see a change in how the Murray-Darling Basin Plan is working for the people of New South Wales, forget pausing the plan, rip the bloody thing up and we will walk away." The reality here is water is running out. You've got to love Bara, haven't you? He is the Auntie Jack of the New South Wales Parliament—"Rip their bloody arms off!" In this case, rip up the Murray-Darling Basin Plan because it is working decisively against the interests of New South Wales, against the interests of irrigators, farmers and the rural economy.

Why is that happening? It is pretty clear the plan has failed because it was heavily politicised in the first place. It was developed in 2012, mainly for political reasons, to push as much water down to South Australia as possible. Adelaide has been running this fake argument they are running out of drinking water—that has never been sustained—but the major parties in Canberra collaborated in 2012 to say, essentially, they are worried about the rise of Nick Xenophon and about the marginal seats in South Australia. The enormous amount of water that has been pushed down the mouth of the Murray and wasted—flushed out to the ocean when it could have been used in New South Wales—is reprehensible. On one level Xenophon was a bit of a joke—dressing up in milk bottles and tampons and running around Rundle Mall in Adelaide—but he did pose a significant threat to the major parties that were worried this was an emerging third force in South Australia. The plan has always been designed around the politics of South Australia much more than the needs of New South Wales.

One of the surprising aspects is that in the determination to get so much water down to the mouth of the Murray, it has flooded the plain at the Barmah Choke on the Murray, just east of Moama. It is amazing that the environmentalists, who say they have a concern about the natural environment and effective water use, have not raised a single complaint about the extraordinary situation where the Murray narrows naturally and you cannot get all that water pushed through to Adelaide. It has spread and destroyed the Barmah Forest. I drove past it, just south of the river, during the election campaign in February. You have to stop and have a good look at it.

It is quite extraordinary that in a time of drought so much water could be wasted to kill off an entire forest for the simple, natural reason that there is a choke in the river, down which we are trying to get so much water to Adelaide under this plan. It is wasted—water that could have been used in New South Wales by farmers and rural economies. The environmental devastation is extraordinary. So where are The Greens and the environmental movement making the sensible point that you can push too much water down to South Australia and damage a large part of the Murray environment? They have not made that point but it is the decisive signal of how the plan has failed. The other failure in the plan, of course, is to look at the water allocations; that New South Wales, in this terrible drought, has zero water allocation for irrigators in the south of the State and South Australia has 100 per cent. How does that work out? How can we be in severe drought, South Australia not so much, and it has 100 per cent water allocation and we have zero?

The third problem I would highlight in the plan is not simply political. It is not simply the absurdity of the Barmah Choke. There is also the question of academic and research fraud because it was argued, as part of the plan, that Lake Alexandrina—one of the Lower Lakes near the mouth of the Murray—was a freshwater lake and needed the flushing of water out of the Murray to sustain its environmental integrity. However, Professor Peter Gell has highlighted that for thousands of years it has, in fact, been a seawater lake; that it relies on the ocean, not the flushing of fresh water coming down from the Murray. Effectively, you have a cross-subsidisation there at Lake Alexandrina because of that research fraud. Farmers and water users in New South Wales have lost the water that has gone down to the Murray—the fresh water they said was needed at Lake Alexandrina, the Coorong and the other Lower Lakes—and it turns out the only effective use of the water down there has been to sustain water sports and boating on the lake for the middle and upper classes of Adelaide.

Talk about a State that has milked and worked the system to its advantage. You have the problem of the politics of this basin plan, the waste at the Barmah Choke and the cross-subsidisation of water out of New South Wales to Adelaide for its boating and water sports recreation. Adelaide must be giggling to itself; they have got this extraordinary deal at the expense of New South Wales. This is not sustainable and it should be knocked over. We should be supporting the Leader of The Nationals, who occasionally talks a big game but in this case is addressing an issue that is vital to people in New South Wales. I do not know how it works in the Government, but I agree with his comments that we should "rip the bloody thing up" and get out of the basin plan. I think, finally, there is common sense inside the Government but then I look for the legislation and the Government taking action. I can only assume that there is not enough support inside the Government for Barilaro's commonsense approach.

So it is incumbent upon this Parliament, the Leader of the Liberal Party, the leadership of the Labor Party and maybe some of the crossbenchers to support the Deputy Premier. He is 100 per cent right. This is a rip-off of New South Wales' interests. The basin plan was never sustainable for the environment or for economic interests. When so many problems are multiplying it is essential for Parliament to have this debate, to back the Deputy Premier, the Leader of The Nationals, and to ensure that we are sending more good news to country New South Wales in these desperate circumstances. There is another problem with the plan the Federal Government effectively fessed up to earlier in the week. It announced an extraordinary deal to pay Adelaide to turn on its desalination plant and produce drinking water that was otherwise coming out of the basin plan to make some of that water belatedly available in New South Wales.

How does that work? For years we have been flushing water unnecessarily into the mouth of the Murray. It has gone out into the ocean, which is full of salt. Now it has to come back into the desalination plant, which will take out the salt to produce drinking water for Adelaide. It should never have happened this way. We should never have had this roundabout arrangement where we are now funding Adelaide to do what it should have been doing in the first place. Adelaide should turn on its own desalination plant to provide the drinking water it says it needs and make water available for farmers, irrigators and economies in country New South Wales. This ridiculous Federal Government announcement highlights how the plan has been wrong for seven years.

The Federal Government now knows it is unmanageable. I urge the Federal Minister to investigate seriously what happened with Lake Alexandrina and the false argument that it was freshwater, when it has been saltwater for thousands of years, and New South Wales did not need to have the basin plan in place. The Deputy Premier has asked the water Minister to seek advice on how we get out of the failed Murray-Darling Basin Plan. I sought some advice, and it is pretty simple. The 2019 South Australian Murray-Darling Basin Royal Commission report—the South Australians themselves—explored the legal and practical consequences of withdrawal from the basin plan. It identified three simple actions that New South Wales could take through the Parliament to get this done.

The first is to announce our withdrawal from the basin plan. Barilaro has effectively done that—rip the thing up. Secondly, we can withdraw from the intergovernmental agreements governing the basin management—that is a straightforward process. Finally, New South Wales can repeal through legislation the legislation that refers State powers to the Commonwealth. Back in the day, we foolishly sent State powers to the Commonwealth. That legislation needs to be repealed so that New South Wales can manage more of its own water, keep more of its own water resources for the benefit of our economy and deal with the multiple problems that make this basin plan completely unsustainable, ineffective and unfair on our State.

Parliament must stand up for New South Wales, first and foremost. If we are not going to back the Deputy Premier, and Leader of The Nationals it is a funny old day for country New South Wales. The Government is on a roll. It has done the right thing with the Right to Farm Bill 2019, and backed the Premier. We should have a full debate in this House, with the leaders of various parties declaring their support because I sense that inside the Government the Deputy Premier needs it. He should get it from this Chamber as part of a matter of public importance comprehensive debate, and I recommend that to the House.

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) (11:33:57): I thank the Hon. Mark Latham for drawing the House's attention to this matter of public importance. There is undoubtedly wide interest in this issue within New South Wales. The honourable member asks the House to consider suspending a large part of its business today to have a full discussion of that issue. He also raises a series of questions about the views of the Government following the Deputy Premier's comments. I am happy to respond to those. The Government does not support a full matter of public importance debate but it is glad that the honourable member has had the opportunity to put his views.

He should be reassured that, first, the Government shares the concerns that the Deputy Premier has made public. The Government has serious misgivings about the Murray-Darling Basin Authority. The honourable member referred to one issue that involved the Deputy Premier having discussions with the water Minister, but there are others. In September it was announced that the New South Wales Government and the Labor Government in Victoria would look closely at the proposed constraints measures suggested by the authority to see whether they are viable and deliverable. There is currently a review of that and we are expecting the results early in the new year. So the Government is certainly looking closely at the future of those arrangements. Our current circumstances have shone a spotlight on some of those difficulties.

However, after today there are only two scheduled days on which Government business can be debated prior to the end of the year. So it is the Government's preference that we get on with Government business today. In particular, one of the key items of business we will be discussing—and which we would prefer to conclude today—is the Water Supply (Critical Needs) Bill 2019. This bill is imperative to regional communities in western

New South Wales, particularly those who derive their occupations from agriculture but also residents of regional communities who are concerned about their water supply. That will take up today's business. I would prefer that as much of today as possible be allocated to Government business to ensure that we have a full debate and the bill is not rushed. The people of New South Wales expect this House to get on with debating the bill as quickly as possible.

There will be opportunities to have a fuller debate on the future of the Murray-Darling Basin Agreement, particularly when the current reviews to assist New South Wales in determining its final position report early in the new year. I thank the Hon. Mark Latham for his comments and I am sure that the Deputy Premier will be pleased to hear that he has the honourable member's full support for his views. Rest assured that the Government is looking at this issue.

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

The House divided.

Ayes5
Noes29
Majority.....24

AYES

Banasiak, Mr M
Latham, Mr M (teller)

Borsak, Mr R (teller)
Roberts, Mr R

Field, Mr J

NOES

Amato, Mr L
Cusack, Ms C
Faehrmann, Ms C
Graham, Mr J
Jackson, Ms R
Mallard, Mr S
Mitchell, Mrs
Moselmane, Mr S
Searle, Mr A
Tudehope, Mr D

Boyd, Ms A
D'Adam, Mr A
Farlow, Mr S
Harwin, Mr D
Khan, Mr T
Martin, Mr T
Mookhey, Mr D
Pearson, Mr M
Secord, Mr W
Veitch, Mr M

Buttigieg, Mr M (teller)
Donnelly, Mr G
Franklin, Mr B
Hurst, Ms E
Maclaren-Jones, Mrs (teller)
Mason-Cox, Mr M
Moriarty, Ms T
Primrose, Mr P
Taylor, Mrs

Motion negatived.

Bills

MUSIC FESTIVALS BILL 2019

Second Reading Speech

The Hon. CATHERINE CUSACK (11:47:27): On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

I rise today to introduce the Music Festivals Bill 2019 as part of this Government's commitment to supporting a vibrant and safe music festival industry.

As we enter the summer festival season, this Government wants to ensure it fulfils its commitment to the people of New South Wales to do everything we can to keep people safe at music festivals.

There are more than 90 music festivals run in our state every year, enjoyed by hundreds of thousands of people from NSW, other states and overseas who come to see a wide variety of acts and performers.

As well as enhancing the NSW cultural and social scene, music festivals make a significant economic contribution, especially in regional areas, through direct employment benefitting local caterers, accommodation providers and other small businesses and services across the state.

While the majority of festivals run with no significant drug or alcohol issues, there have unfortunately been a number of critical incidents which give rise to the need for a stronger legislative approach.

Last summer we lost five young people to drug overdoses at music festivals. A further 40 were evacuated from festivals, with 20 being admitted to intensive care.

In response to this, the Government introduced a regulatory scheme under the Liquor Act 2007 that was intended to support the Government's engagement with operators of higher risk music festivals that the community considered should be held to a higher standard to ensure they were taking all necessary steps to deal with alcohol and drug related issues at their events.

Unfortunately for festival patrons and the broader community, the other place made the irresponsible decision to disallow this regulation scheme and leave nothing in its place.

Today, this Government stands committed to do what is necessary to ensure that people are safe and that festivals can operate with the appropriate levels of support to minimise harm.

The Music Festivals Bill delivers on this commitment by remedying the reckless decision by the Opposition to remove a regulatory framework to support good event and medical management at higher risk music festivals.

The bill reinstates the policy intent of the Liquor Amendment (Music Festivals) Regulation 2019 to require all high-risk music festivals to put in place approved safety management plans to manage the risks associated with their events.

Under the proposed scheme, a music festival is an event, other than a concert, that—

- (a) is music-focused or dance-focused, and
- (b) has performances by a series of persons or groups that are engaged to play or perform to live or pre-recorded music, or to provide another form of musical or live entertainment, and
- (c) is held within a defined area, and
- (c) is attended by 2,000 or more people, and
- (d) is a ticketed event.

A high-risk music festival is a music festival the Independent Liquor & Gaming Authority decides would be more appropriately delivered with an approved safety management plan.

To be clear, the new scheme is limited to high-risk music festivals that the Independent Liquor & Gaming Authority has directed to prepare a safety management plan.

In exercising this discretion to direct a festival operator to prepare a plan, the Independent Liquor & Gaming Authority may have regard to: (a) any advice from the Health Secretary or the Commissioner of Police, (b) whether a death has occurred in the State on a previous occasion at the music festival or in connection with the music festival in the last 3 years, (c) whether a death or prescribed event occurred at a music festival, or an event related to a music festival, for which the music festival organiser was the organiser, in the 3 years immediately preceding the date on which the proposed music festival is to start, (d) any submission made to the Independent Liquor & Gaming Authority by the music festival organiser about the reasons the proposed music festival is not a high-risk festival.

Where the Independent Liquor & Gaming Authority has issued a direction to an operator of a high-risk music festival, the operator must prepare a safety management plan that includes the information prescribed under section 6 (1) of the bill. This information includes how the operator's health services and harm reduction initiatives will comply with the NSW Health music festival guidelines, the layout of the festival site and its points of ingress and egress for emergency vehicles, and where its harm reduction spaces will be located.

The Government is incredibly proud of these NSW Health guidelines, which are world's best practice for the provision of clinical and harm reduction services at music festivals. NSW Health has undertaken extensive consultation with clinicians, public health experts, private medical providers and festival operators to put together a "how to guide" for running a safe music festival. The Guidelines provide useful recommendations to festival operators on how to ensure they have adequate medical personnel and medical equipment on site to deal with risks such as drug overdoses.

Compliance with these guidelines will be critical to a safety management plan being approved, and the Independent Liquor & Gaming Authority will work with NSW Health and NSW Ambulance to ensure that they are satisfied that the operator's plans are appropriate for the event. Once the Authority is satisfied that the risks associated with the high-risk festival are suitably addressed by the plan, an operator of a high-risk festival must comply with that safety management plan, as well as keep a copy of that plan on the festival site. Section 10 provides that an operator of a high-risk music festival must, if requested, arrange for pre- and post-event briefings with relevant agencies. Pre-event briefings ensure that any outstanding issues are addressed before the event, as well as allow operators and government experts to identify ways that plans can be improved.

Changes to a safety management plan can be approved under section 9 of the bill. Post-event briefings allow operators and agencies to consider lessons learned from the event, including any incidents and the responses to them that are required to be recorded under section 11. The bill provides that the enforcement powers of the Independent Liquor & Gaming Authority under the Gaming and Liquor Administration Act 2007 will apply for enforcement action under the new regulatory scheme with section 13 creating a regulation making power to support the proposed Act. Part 5 of the bill provides that those festival operators required by the Independent Liquor & Gaming Authority to apply for a music festival licence under the Liquor Regulation prior to disallowance, will be required to have their safety management plan approved by the Independent Liquor & Gaming Authority.

Mr Speaker, if a festival has been directed to have its plans approved it does not mean that the organisers have not been trying to do the right thing. It does not mean that the festival operator is not a responsible operator. This new scheme is not about targeting certain festivals or trying to shut them down. Far from it. It is about ensuring that the New South Wales music festival scene is known not only for its wide range of offerings, exciting acts, and vibrant experiences, but for having a well-coordinated approach when planning these important events. The proposed scheme gives operators access to world's best practice advice from clinical, harm reduction and public safety experts at no cost.

The scheme ensures that the Government is able to allocate public resources effectively and without having to divert emergency services away from their normal duties because of under planning by individual operators.

It holds festival operators accountable for running safer events. It makes sure that there are adequate medical personnel on site so that we can avoid the tragedies experienced at some festivals last summer.

This bill gives festival patrons and their families the comfort that there are adequate measures in place to deal with possible risks associated with these events and that we as a Government have done all that is necessary to ensure people get home safely. I commend the bill to the House.

Second Reading Debate

The Hon. JOHN GRAHAM (11:48:04): I lead for the Opposition in debate on the Music Festivals Bill 2019. First, the Opposition welcomes the fact that the House can now debate the substance of this attempt at regulation rather than be in the position it was in last time we met to give it a green or a red light. The Opposition will seek to put the bill in place with amendments that I am hopeful the House will support. The Opposition seeks to have the bill in place over summer but it will do so on the basis that the Government does not attempt to regulate the industry by itself—as it had attempted previously—but work with the industry, hand in hand.

I will briefly recap some of the history of this for members. I know we have discussed the matter extensively in this place but part of the issue was the way in which it was introduced—it was the speed, the fact that festivals were notified by text message, or not at all, as this change was brought in and the fact that the regulations were delivered on a Friday, close to midnight, five days before they were implemented. This change was rushed through at the time, which is not fatal in itself but is a sign of why we have this problem.

Another issue at the time was the way the Government talked about the festivals. The Government said it was creating an extreme hit list of festivals that would be closed down. That was the media discussion around the time this change was introduced and that has caused part of the problem today. The Premier was brutal in discussing the issue. She attacked music festival operators directly and her first instinct was to shut down festivals. That was the discussion ahead of the election, and that is why we are having this debate in the House today. It had all the hallmarks of the greyhound industry ban, it had all the hallmarks of local council amalgamations and it had all the hallmarks of this Government's approach to industries: regulate without discussion, regulate without engagement. That is the problem here. That is what we will seek to amend and to fix when we deal with the bill today.

So that is the history. I foreshadow that the Opposition will move amendments to the bill, and I will skip briefly through them. First, we will seek to introduce a roundtable—a structured discussion with industry and government—to ensure this exchange happens. The Government says it is now committed to a roundtable, and I note that commitment by the Minister for Customer Service given late in his second reading speech in the other place. But there is no description about how that will happen and no commitment to how regular it will be, and it comes after a total lack of consultation along the way with the industry. The industry had its chance to sit down with the Minister the day before the bill was to be debated fully in the Legislative Assembly. That is a problem created by the way the Government has dealt with this issue. That might be impolite, but it is also dangerous.

The idea that government can regulate an industry without talking to that industry is absolutely the wrong way to go about things. In any regulatory scheme we rely on dealing with good operators to get evidence about what is going on at the bad end, or tail end, of the industry. That is what should happen here: We need a structured engagement with the good operators in the industry, using that to sensibly regulate all the elements of the industry. The idea that the good women and men at the Independent Liquor & Gaming Authority can do this by themselves—and I put on record that they are doing a good job—and are not allowed by this Government to have a structured engagement with the industry when elements of the festival industry are hard to find and might have been driven underground is laughable. The Government is setting them up to fail if it says those good women and men trying to regulate the industry are not allowed to engage in a structured way with the industry.

That is what the Opposition seeks to do in amending the bill to establish a roundtable. The Government says it is unprecedented, and I will address that issue further when I speak to the amendments. But I assure the House that it is not unprecedented for this Parliament or other Westminster parliaments to set up industry-government consultations and to do so in a great deal of detail. I will refer to some of that detail later. We seek to set up a serious roundtable and to give some detail. I assure the House that it is far less detail than this Parliament and other Westminster parliaments have often required of industries and of government. I will speak further to that issue when it comes time to address the actual amendments.

We will also move a number of other amendments. First, we will seek to amend the bill to move to more neutral language. I have said before in the House that we do not support the idea of an "extreme risk" hit list; we do not support the idea that festivals have to go and explain to councils, parents and audiences why an "extreme risk" event is being run in a local area. We want to move to more neutral language. I assure the House that that is

fundamental to the sustainability of festivals in the State of New South Wales. I refer to one other set of amendments in relation to music festival definitions, which have been circulated, but I indicate that we will withdraw them. One criticism of the definitions has been that they are different from the industry definitions and are deficient—and they are.

We had circulated an amendment that sought to provide other definitions but, after consideration, rather than legislate that now we will withdraw it and encourage the Government to consult further with industry on the definitions rather than do so in short order, given that was originally the problem. I inform the House that I will then move amendments at a later stage. I will give some background as to context. People feel that there has been a war on music in New South Wales. There has been a strong level of agitation about this issue because we have lost hundreds of venues. That is the truth: Hundreds of venues and thousands of jobs have been lost from the New South Wales music scene.

There is also heavy regulation of venues. Members will have heard me talk about the ban on disco balls and the insistence that country and western music is played in some venues. We say it is simply not the role of government to tell the citizens of New South Wales which music to listen to. That is the context: hundreds of venues closed, thousands of jobs lost and heavy regulation of venues. So the music had moved to festivals. New South Wales has a remarkable music festival culture, and that is where the music went. But that music is now under threat. As a Parliament, we have been told if it is under threat in Sydney, it is under threat in Melbourne and Adelaide and elsewhere around the country. If artists from overseas do not come to Sydney, forget about seeing them in Adelaide and forget about seeing them in Melbourne. This is the gateway for touring artists. If they do not come here, they are not coming. That is bad news for music fans in Melbourne, Adelaide and all around the country. That is the context: venues gone, venues overregulated and now festivals under threat.

The festivals have been upfront: They want to be here but they have said that if they do not have a serious place to sit down with the Government they do not think they can operate in New South Wales. They do not make that threat lightly. Even to raise that issue means it is a very serious concern for festivals. It is reasonable to ask to be able to sit down and discuss the operation of this regulation and other activities that are relevant to the sector. We support that, which is why we will move our amendments. The industry is not saying that it does not want to be regulated and the Opposition is not saying that either. I am confident that the end result of this debate will be regulation of the industry. But the industry wants to be at the table. That is a reasonable ask from any industry, which we accept. If it was mining, we would talk to the miners; if it was agriculture, we would talk to the farmers; if it was greyhounds—well, we know the history of that one. Let us not do that again.

How big is the problem in New South Wales at the moment? Startling new figures released by Live Performance Australia show that New South Wales has now slipped to second when it comes to ticket sales for contemporary music. That is actually quite hard to do in this State. The bulk of the music industry is headquartered in New South Wales, in Sydney—60 per cent or 70 per cent—and New South Wales has a much bigger population. For the first time since measurements have been taken we have slipped to second when it comes to contemporary music sales. The figures also underline just how big the festival sector is in this State. It is much bigger than the Victorian sector.

The data which was released by Live Performance Australia show that \$52 million was generated from more than 417,000 ticket sales in 2018. That vastly outstripped Victoria, which recorded only \$12 million from 148,000 sales. That just shows how much bigger the sector is in New South Wales and how much is at risk if we do not get this right and if we do not agree to this fundamentally reasonable demand, that an industry which accepts that it should be regulated wants to have some say in that regulation. Members who have followed this closely, and there are many such members on the other side of the House, know this is a regional issue.

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

Visitors

VISITORS

The PRESIDENT: On behalf of all members I welcome into the public gallery members of the Hon. Bronnie Taylor's family, including her mother, Mrs Shan Washington, and her aunt, Ms Colleen Stevens. The Minister has invited her mother and aunt into the House today to observe question time. I hope they both have a great day and an opportunity to witness their daughter and niece in action.

*Questions Without Notice***SCHOOLS DROUGHT ASSISTANCE PACKAGE**

The Hon. ADAM SEARLE (12:00:19): My question is directed to the Minister for Education and Early Childhood Learning. What representations has the Minister made to her Federal counterparts about the Morrison Government's \$10 million schools drought education package, which specifically excludes public schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:00:42): I thank the member for his question in relation to the drought package that was announced by the Federal Government last week and that has a number of elements to it. One of those elements was in relation to funding for schools to help students through tough times. I am aware of it and I had a phone call from the Federal Minister for Education, Dan Tehan, on the day to tell me about what the Federal Government was announcing. His indication to me was that the Federal Government wanted to provide support particularly to schools. This is in line with some of the representations I have had from the Isolated Children's Parents' Association. It talked to me about some farming families whose children attend boarding schools and some of the issues that they are facing in that regard. The Association of Independent Schools has also raised this issue with the Federal Government.

The Federal Minister for Education indicated to me that the Federal Government would introduce a package that provides support for families, particularly farming families whose children attend boarding schools. The Federal Government was going to give support to the early childhood sector as well. I was happy to tell him that that is something we are also doing in New South Wales and to talk about the three rounds of drought funding that we have given to early childhood services. The reality is that the Federal Government does provide support and it is majority funder to the non-government school system, to the Catholic and independent schools, as the member would well know. The Federal Government provides support there and we at the State level are responsible largely for our public schools. We have a range of measures in place which combat some of these issues related to drought.

I have spoken about this in the House before, particularly about our staffing maintenance. This Government is aware that areas of drought might have issues with enrolment decline due to population movement and that this may have implications for staffing entitlements. We made a decision that, to minimise disruption and prevent any unnecessary transfers, we will maintain staffing levels for both the 2019 and 2020 school years. My predecessor announced it for 2019 and I announced it for 2020. I announced it some time ago so that schools could plan for it. This is obviously an area that we are very aware of.

The support that the Federal Government has announced for that part of the education sector that it predominantly funds will be welcomed, I am sure, by those in that sector. When it comes to support for our public schools, this is an issue that we take very seriously. We know that some areas are going through issues with drought and we have spoken about this in the House before. A range of measures are in place; this is something we take seriously. I will continue to have conversations with my Federal colleagues about a range of issues related to support for our schools.

The Hon. ADAM SEARLE (12:03:29): I ask a supplementary question. Will the Minister elucidate on those parts of her answer where she talked about support for our public schools? She made mention of the Federal Government being the majority funder for the non-government schools sector and the New South Wales Government being primarily concerned with the State school sector. Will the Minister confirm that she has made no representations to include State public schools within the \$10 million Federal Government package?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:04:13): I refer to my previous answer. I said that I had a conversation with the Federal Minister on the day that the drought package was announced and that we did discuss these issues.

The Hon. MARK BANASIAK (12:04:19): I ask a second supplementary question. The Minister mentioned staffing freezes for drought-affected schools. I imagine that the Minister will have to take my question on notice. Will she provide a list of the schools which fit under that staffing freeze?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:04:39): I can give some general information to the member now. The department revised the list of drought-affected schools for 2020. Some 220 schools were automatically eligible for staffing entitlement maintenance. These schools were identified using the catalogues of four, six and eight transfer point schools and isolated and inland schools, and they were cross referenced against the combined drought indicator from the Department of Primary Industries. There was a second list of 36 schools in total which are on the border of drought-affected zones and have also been identified as eligible to apply for maintenance of staffing entitlements. I will take the rest of the question on notice and come back with a list of those specific schools.

BUSHFIRES

The Hon. LOU AMATO (12:05:55): My question is addressed to the Leader of the Government. Will the Minister update the House on the ongoing fire situation in New South Wales?

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:06:13): I am pleased to inform the House that the catastrophic effects of the fires have been largely avoided. However, we are not complacent. The fires have caused loss and serious danger to lives and properties. We owe a debt of gratitude to our Rural Fire Service volunteers and staff for their fast responses to fires as they arose and for their consistent and clear messaging throughout yesterday's catastrophic bushfire conditions. Across the State approximately 50 properties were lost or damaged in yesterday's fires. Thankfully, at this stage it appears that no further lives have been lost. However, members should remain aware that these figures may change as previously inaccessible areas are opened to the RFS.

By no means is the danger completely over. A number of fires continue to burn near Sydney and across the State's north coast and mid North Coast, and they need to be carefully monitored. I take this occasion to praise particularly the firefighters who responded to a fast-growing and dangerous blaze that began yesterday afternoon near South Turrumurra. This fire developed very quickly while we were here in question time yesterday and houses came under serious threat. The fast response of aerial bombing crews and ground crews quickly quelled the fire and prevented any serious damage.

While the vast majority of people in New South Wales heeded the warnings from our fire services to stay alert and be ready to move away from fires, it was particularly distressing to hear of accusations and investigations into deliberately lit fires starting around Sydney. It goes without saying that the irresponsibility and criminal behaviour of arsonists during a catastrophic fire danger is truly evil and shows no consideration of other people. Almost every Australian has grown up knowing the threat of bushfires and their impact on communities. While we are familiar with bushfire emergencies, we must never become complacent. Our message remains the same to people who are living in bushfire regions: Remain aware and prepared for renewed fires as the season continues.

SYDNEY OPERA HOUSE

The Hon. WALT SECORD (12:09:02): My question without notice is directed to the arts Minister. Given today's announcement of the exhibition of the State significant development application for the Sydney Opera House lower concourse redevelopment, why has the Government stated that there will be no public hearings into the project?

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:09:27): I will check a couple of those matters and get back to the honourable member at the end of question time with some further information.

BUSHFIRES AND WILDLIFE

The Hon. EMMA HURST (12:09:40): My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Energy and Environment. The high-intensity bushfires are causing a huge loss of life of native fauna. What actions will the Government take to help these populations recover?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:10:07): I thank the honourable member for her question and her concern for the wildlife in the horrendous bushfires that we have seen ravage our State. Fires are devastating much of the New South Wales mid North Coast, North Coast and New England. My thoughts are with all those communities affected. The NSW Rural Fire Brigade are the best in the world and they are working around the clock to protect lives, properties and wildlife.

The New South Wales Government has taken a critical step to protect the residents of the State from bushfires by declaring a state of emergency ahead of the catastrophic conditions that have been predicted for the week. The state of emergency will remain in place for seven days and gives the power to the RFS Commissioner to evacuate people and property. I acknowledge that the mid North Coast and North Coast, where many of the fires are burning, is home to many of Australia's unique species, including the koala. We know about the amazing work that is going on at the Koala Hospital in Port Macquarie. It is incredible work. We have seen footage of it.

We have seen the devastation that the bushfires have caused to the koala population. We all share that concern. The Government assures the honourable member that it will do everything that needs to be done in respect of protecting our wildlife at this time. I know that there have been many volunteers at the Koala Hospital.

I know also that they have taken in other animals to help and protect them. We look forward to that continuing. I congratulate all of the volunteers that work at the Koala Hospital and are protecting our wildlife in this very difficult time.

BUSHFIRES AND SCHOOL CLOSURES

The Hon. MATTHEW MASON-COX (12:12:02): My question without notice is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on arrangements for students and families affected by the current bushfires?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:12:24): I thank the honourable member for his question. Following on from the information that I gave to the House yesterday, I again acknowledge that it has been a particularly tough week for many students and teachers across the State. While conditions are better today, we still have areas that are going through significant periods of time with the catastrophic bushfires. As members will recall from yesterday, because of that catastrophic bushfire warning in place across much of New South Wales, approximately 600 schools and TAFEs were closed, in addition to hundreds of early childhood services.

I thank all principals and staff in those schools and centres who worked alongside the RFS to ensure that students have been kept safe. In particular, I acknowledge the principals and teachers of the schools in the mid North Coast, Northern Tablelands and Hunter regions who had to coordinate some emergency evacuations yesterday across primary schools and one high school. As I said, yesterday was a day that was a little unpredictable. We had prepared and planned as best as we could. Those staff particularly acted swiftly on advice from the RFS when it was deemed that it was better for students not to be present at those school locations.

I also acknowledge the early childhood services who took heed of the warnings from both the department and the RFS and closed their doors yesterday. As of close of business yesterday afternoon, the regulatory authority from the department had processed service closure notifications from over 380 services. This number is increasing, but it shows how seriously people took this warning. We are not out of the woods yet; we have to remain vigilant. Currently more than 200 schools and TAFE campuses remain closed today in the fire affected areas of northern New South Wales. Safety remains the number one priority. Obviously we will try to reopen as many schools as we can over the coming days, but we will do that on advice from RFS and other experts.

Two of the schools that have lost significant amounts of infrastructure are Wyaliba Public School and Bobin Public School. We know 12 homes have been lost at Bobin. My advice is that many families are not yet ready to return to school. However, Wingham Public School will be ready for students from Bobin Public School this week and into next week. We are looking at options to provide transport for those students. The frontline staff will work closely with our families to ensure that the transition is as seamless as it can be. For the students from Wyaliba, the road to the school is not yet open. However, both Red Range Public School and Glen Innes Public School will be ready to accommodate those students in the coming days and weeks. Thank you to the principals from neighbouring schools who have offered this support. It is a true testament to the strength of our regional communities that in times of adversity we come together and help those who need it most.

SCHOOL CURRICULUM

The Hon. MARK LATHAM (12:15:19): My question is directed to the Minister for Education and Early Childhood Learning. I thank the Minister for the way in which she has helped to keep school students safe during the fire emergency. My question is on another important subject. How is the Masters review decluttering the New South Wales school curriculum progressing? The only specific suggestions for change in the interim report involve introducing new classroom material—namely, adding a theory component, a vocational education, a major project in year 12, compulsory courses on Aboriginal language and culture, and adding a compulsory second language for students. Will the Minister urge Professor Masters to ensure his final report has clear recommendations for decluttering the curriculum and returning it to the basics of literacy, numeracy, history, science and the great works of our civilisation?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:16:14): I thank the honourable member for his question in relation to the curriculum review. The member's question touched on some of the areas that Professor Masters spoke about, including looking at things like a senior project and that theoretical and practical application, which really is focused on years 11 and 12, the senior years of school, as I am sure the member would know. I have no doubt that the member has read that interim report from cover to cover, probably more than once.

Obviously that is an area more specifically for those last two years at school. The areas around decluttering particularly in the report are very much focused on the early years—kindergarten, years 1 and 2—talking about getting that focus back to literacy and numeracy at the beginning of school. They are the foundational

years, as we all know, where you want to build that skillset and knowledge in children so they can take it with them throughout their school career.

As a government, we made it clear from day one of the interim report being released that decluttering is absolutely a priority. I have had the opportunity to speak to a range of individuals and organisations, including the Primary Principals Conference recently, about what we can do in terms of that space, where we can start to make that decluttering possible across the curriculum. As I have said in the House before, Professor Masters asked whether we look at 15 per cent to 20 per cent across the syllabuses of all subject areas. Are there some areas that will be able to be decluttered even further? Where do we go from here? The member is correct: Professor Masters does make other suggestions around languages and other learning areas that could potentially be included.

But this is an interim report; nothing has been committed to. The whole point is to let us have that conversation. Let us look at what needs to be in there. He certainly talks about learning a second language all the way through, from memory, primary school. It could be further on. A lot of schools already do that. But again, these are the kinds of conversations that we will be having in the coming weeks. The decluttering for us as a government was one of the first things that we spoke about in relation to the interim report when it was made public because it is important. It is in line with what parents, teachers and students are saying we need to do. That is an area that we will begin work on as soon as we can. It is imperative that we do it so we give teachers the time to focus in on the core disciplines of each subject, not to have too much breadth but the ability for depth, to ensure students understand the fundamentals of their subjects.

That is particularly the case in literacy and numeracy. We have to do better. This is a way that we can help improve those areas, particularly in the earlier years of school. I welcome conversations around this interim report. Now is the time to come in and say these are the things we want to do. I encourage the member to put in a submission, if he has not done so already. Any member of the Chamber who has a view on where we should go should put in a submission. This is the time that we can make real change. This is the time that we can have a decluttering of the curriculum and have that back-to-basics focus that we want in our schools.

SCHOOLS ASBESTOS MANAGEMENT PLAN

The Hon. ROSE JACKSON (12:19:14): My question without notice is directed to the Minister for Education and Early Childhood Learning. Given the Minister's previous answers in relation to asbestos in New South Wales public schools, is she satisfied that the State Government has taken all necessary steps to protect children exposed to dangerous asbestos?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:19:40): This also is a matter that has been canvassed in the House quite extensively. In relation to asbestos, I have said a number of times in the House and will repeat it: The Government has a very rigorous system of maintenance and monitoring at our schools across the State. Processes are in place to deal with the management of asbestos in our schools. As always the safety and wellbeing of our students is of paramount importance to me as the Minister and to the department.

BUSHFIRES AND MENTAL HEALTH SERVICES

The Hon. SAM FARRAWAY (12:20:07): My question is addressed to the Minister for Mental Health, Regional Youth and Women. How is the Government supporting the health and wellbeing of people in bushfire-affected communities?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:20:24): I thank the Hon. Sam Faraway for his question on what is a very big day for him. We all look forward to his inaugural speech this afternoon. The widespread loss and distress caused by major events such as a bushfire crisis affect everybody in our community. Our mental health services are working really hard to provide support to affected communities. I offer my respect and gratitude to clinicians on the ground who are working tirelessly to assist people in need during this difficult time. I am sure all members of the House join me in expressing that appreciation and respect.

All those affected need practical information and support. Some people experience increased vulnerability in addition to managing the losses they sustain. We have nearly 20 Rural Adversity Mental Health coordinators who connect people living in rural and remote communities in the State to services and resources. They are out there, they are on the ground and they are available to help in any way they are needed. Mental health services are on alert across the State and can be accessed through the NSW State Mental Health Telephone Access Line. The NSW Health system is ready to support the community during this state of emergency. All hospitals currently are operational. Plans are in place to manage the current and expected bushfires. All acute mental health services remain open.

Intensive care unit bed capacity and burns units' readiness currently are sufficient and are being monitored all the time. Additional ambulance crews will be deployed across the State to ensure further protection. St John Ambulance and the Commonwealth Department of Health have deployed liaison officers to the State Health Emergency Operations Centre. NSW Ambulance has accepted an offer of four incident management team personnel from Victoria, who are expected to arrive in Sydney this afternoon. NSW Ambulance is considering a further offer of assistance for additional resources from Victoria and will monitor this as the situation continues to develop. Over the weekend NSW Ambulance relocated a helicopter and medical team to the northern part of the State to provide rapid local coverage to the communities and emergency service personnel on the mid North Coast.

A number of NSW Health staff have been personally impacted by the crisis in their communities, with some losing their homes. School closures and road closures in affected areas also have impacted upon staffing levels in some places. NSW Health has activated the State Health Plan. I remind people that services remain available. If people need support, it is absolutely there. Obviously this is evolving still and we will need to assess again what additional resources will be required when this emergency has passed. However, if increased resources are required, the Government absolutely will provide them. As other members have said, on behalf of every member of this House I congratulate all of our emergency services personnel and commend the resilience of our communities who have gotten through this tough time.

FIRE HAZARD REDUCTION CONTRACTORS

Reverend the Hon. FRED NILE (12:23:32): My question without notice is directed to the Minister for Education and Early Childhood Learning representing the Minister for Police and Emergency Services. Will the Minister advise the House of any cooperation and assistance the fire service has been receiving from fire hazard reduction contractors to maximise control and fight the current spate of fires in New South Wales? Will the Minister confirm that some professional and experienced fire hazard reduction contractors have offered assistance but have been rejected? Is there a Government policy not to use hazard reduction contractors during an emergency?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:24:12): I thank Reverend the Hon. Fred Nile for his question about contractors that are used to do hazard reduction burning. It is a good question and it is a serious question, but it is not one on which I have information with me in the House. I will take the question on notice and get some advice from the relevant Minister and come back to Reverend the Hon. Fred Nile as soon as is possible.

SCHOOL AIR CONDITIONING

The Hon. SHAOQUETT MOSELMANE (12:24:42): My question without notice is directed to the Minister for Education and Early Childhood Learning. How many of the 714 schools on the waiting list for the Cooler Classroom Fund will not have air conditioning installed by the start of the new school year?

The Hon. Trevor Khan: Is the Hon. Courtney Houssos providing all the questions?

The Hon. Walt Secord: Yes. Even in her sickbed she is writing questions.

The Hon. Sarah Mitchell: She is not here but she is.

The Hon. Walt Secord: She is texting me right now.

The Hon. Sarah Mitchell: I know. She is probably watching at home. We should say hello. Yes, we will: Hi, Courtney!

The PRESIDENT: The Minister has the call.

The Hon. Sarah Mitchell: I apologise, Mr President. This is a serious question.

The Hon. Walt Secord: She didn't like the first one. She said it could have been sharper.

The Hon. Sarah Mitchell: I do hope the Hon. Courtney Houssos is feeling better. She did not sound well yesterday.

The PRESIDENT: Order! The Clerk will stop the clock.

The Hon. Sarah Mitchell: Honestly, she is not well.

The Hon. Walt Secord: She said to me the first question could have been sharper.

The PRESIDENT: I hate interrupting members when they are interjecting. I like them to finish so no-one thinks I am rude. I think it is all finished. As I said, the Minister has the call.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:26:01): This question relates to cooler classrooms, the rollout of cooler classrooms and the time frames. Again, this is a matter that has been discussed in the House on many previous occasions. The Government has made a commitment for \$500 million over five years. It is a five-year program to provide sustainable air conditioning and fresh air ventilation for New South Wales public schools. The Government is progressing with this program. I am proud of the rollout that is underway. A list of schools where improvements have been completed has been given to members of the Opposition and indeed more broadly. Many improvements have been delivered. Many currently are under construction. Many are in the design phase. Many have gone out to tender. There is a lot happening in this space.

Obviously as we come into the Christmas holidays, it is a very good time, because it is less disruptive, for us as a government and as a department to get into schools and build school infrastructure when students and teachers are not there. The advice I have been given is that many more projects will be progressed during the Christmas break, which is good. As I said, the lists of where we are up to—projects that are complete, those that are out for tender and those that are up for construction—are available. We are rolling through this program. The Government said it would be a five-year program. These are very sophisticated air conditioning, heating, cooling and air ventilation systems that are being installed. The Government is doing it to benefit our school students. It is a great program and the Government is proud of it.

STATE BUDGET AND EMERGENCY SERVICES

The Hon. TAYLOR MARTIN (12:27:22): My question is addressed to the Minister for Finance and Small Business. How is the Government supporting our frontline emergency service workers through this budget?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:27:41): I thank the Hon. Taylor Martin for his question. Minister Taylor tells me that her mother likes Taylor Martin. Is that right?

The PRESIDENT: It is time for the Minister to be directly relevant to the question.

The Hon. DAMIEN TUDEHOPE: I am sure I speak for everyone in this House when I say that we commend and say thank you to our Fire and Rescue teams on the front line who are putting themselves in harm's way for others. This financial year the NSW Rural Fire Service will be receiving \$541 million capital and recurrent funding, which is an increase of 12.9 per cent on the baseline budgeted numbers from the previous year. Fire and Rescue NSW will be receiving \$774.3 million in its expenses budget in 2019-20, as well as an additional \$51.9 million for capital expenditure, which is an almost 3 per cent increase on the baseline budgeted numbers from the previous year. In relation to claims from The Green yesterday that the RFS has received cuts, this is just plainly incorrect. In fact, if The Greens knew anything about running a budget they would know that good governments set budgets on what they expect to be spent in a financial year and, if more funding is required, then good governments provide exactly that.

For example, more expenditure was required in 2018-19 to cover the cost of the New South Wales Government's presumptive firefighter's legislation, which allows New South Wales firefighters access to compensation for 12 types of cancer without having to prove they acquired it on the job—good legislation. In addition, disaster relief spending increased in the 2018-19 year—again, we supplied that funding. Last year saw a number of significant one-off capital investments, including \$17.5 million for the completion of the New South Wales Rural Fire Service headquarters and \$26.3 million for the purchase of a 737 large air tanker and lead planes—in fact, three additional planes are on lease, the lease for one was signed yesterday—and a \$5 million upgrade to IT systems to better coordinate bushfire responses. Yesterday the Rural Fire Service Commissioner Shane Fitzsimmons said:

Not only has our budget not been cut, we are enjoying record budgets ... We are the only jurisdiction in this country that has got a dedicated large air tanker with a budget impact of something like \$26m to make that possible.

All members should be focused on commending and supporting our emergency services personnel. We on this side of the House are doing exactly that.

GREYHOUND RACING INDUSTRY

The Hon. MARK PEARSON (12:30:44): My question is directed to the Minister for Finance and Small Business, representing the Minister for Better Regulation and Innovation. Under Government reforms, greyhounds were to be registered and monitored for their "whole of life" and to not be killed as industry wastage. Under recent changes made by the Greyhound Welfare and Integrity Commission, retired greyhounds will be removed from the register when given to non-industry members. Instead, greyhounds will be registered under the Companion Animals Register and vanish from industry welfare reports. Does the Minister consider that this meets industry and accountability standards set by Government to ensure that healthy dogs do not become industry wastage?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:31:45): I thank the member for his question. The difficulty is that the manner in which this question is framed assumes that this is in fact occurring. I note that the Hon. Emma Hurst presented a petition on this issue earlier. I anticipate that she will seek to debate the manner in which greyhounds are treated. She has foreshadowed a regime for the tracking and monitoring of greyhounds once they finish their racing career. My initial reaction is to say that it appears to be appropriate that once a greyhound has finished its racing career it would hopefully become a companion animal under the protection of the Companion Animals Act. However, if there is any intention by the Government to have a different regime in respect of the treatment of greyhounds, I will undertake to get that additional information for the member. My first reaction is that in the current circumstance it probably is appropriate, but I am happy to see if there is additional information available.

PENRITH PUBLIC SCHOOL

The Hon. ANTHONY D'ADAM (12:33:16): My question is directed to the Minister for Education and Early Childhood Learning. Given the Minister's previous answers that schools often receive air conditioning when other capital works projects are occurring at the same time, why did Penrith Public School, a school with a mean temperature of more than 30 degrees, not receive air conditioners as part of its upgrade completed in April 2019?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:33:45): It is a good question; the answer is that they did. Air conditioning has already been installed in 12 permanent teaching spaces in the upgrade as part of the major works at Penrith Public School, which was delivered on day one, term two, 2019.

SYDNEY MODERN PROJECT

The Hon. SHAYNE MALLARD (12:34:20): My question is addressed to the arts Minister. Will the Minister update the House on progress of the Sydney Modern Project?

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:34:30): I am sure the whole House welcomes back the Hon. Shayne Mallard and is pleased that there was no damage to his house or his community. I noticed there was some fire around Cliff Drive but I do not think it got to where he is—

The Hon. Shayne Mallard: We were nearly evacuated.

The Hon. DON HARWIN: Good. Between the last and the current sitting periods, I am absolutely delighted to advise the House that work on the highly anticipated Sydney Modern Project began. On 7 November the Premier and I attended the groundbreaking ceremony, marking the start of construction. It was a wonderful ceremony attended by many in the community and, in particular, by the very generous donors who have contributed over \$100 million to the cost of the facility. Together with the Government's commitment of \$244 million, Sydney Modern is the largest public-private partnership of its kind in the history of the Australian arts. In its nearly 150 years of history, the gallery has exhibited many of the world's leading artists. It has hosted the most prominent and influential art prize, the Archibald, for almost 100 years, alongside the long-running Sulman and Wynne prizes.

The significance of the Art Gallery of NSW to the cultural life of Sydney and our nation cannot be understated. The Sydney Modern Project promises to extend the artistic and cultural influence of this institution well into the future. Sydney Modern will be built beside the current gallery, almost doubling its existing floor space and reinforcing its position as a world-class cultural institution. The gallery's new building, designed by the Pritzker prize-winning architects SANAA, will be an architectural and cultural landmark. The project will enable the gallery to show more of the State's outstanding art collection and allow New South Wales to host more of the best art exhibitions from around Australia and the world.

One of the highlights will be a prominent gallery at entrance level—in fact, the first area when patrons enter—for Aboriginal and Torres Strait Islander arts and culture. That is appropriate as it was the first gallery to collect Aboriginal and Torres Strait Islander art. Another striking feature will be an underground performance and exhibition space, repurposed from a decommissioned World War II naval oil tank, which will now fuel creativity into the future. I was delighted to have a look. It is going to be an extraordinary space when it is finished.

WAGE THEFT

The Hon. ROD ROBERTS (12:37:44): My question is directed to the Minister for Finance and Small Business representing the Treasurer. Is the Minister aware of evidence at Senate estimates and in the Hunter Valley media of wage theft at the expense of casual employees in the coal industry? Casual coalminers who work the same hours in the same mine as their full-time counterparts are being paid \$60,000 less. Will the Minister investigate if these companies have also cheated on their payroll tax obligations and report back to the House?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:38:31): I thought this question might have been asked by the Hon. Daniel Mookhey.

The Hon. Daniel Mookhey: I inspired it.

The Hon. DAMIEN TUDEHOPE: I am sure you did. This Government perceives wage theft as a very serious issue and so does the Federal Government. Earlier this week the Federal Attorney General foreshadowed legislation to increase criminal penalties for those companies found to be engaged in wage theft from their employees. The seriousness of this issue not only to this Government but also to our Federal counterparts will be considered when addressing the criminality of that behaviour.

The issue of mining companies and their potential wage theft—I was not aware of the evidence given by the Treasurer or Treasury officials in budget estimates—fits into the same category of wage theft which has previously been raised by the Hon. Daniel Mookhey in respect of a number of large companies where findings have been made against them. To his credit, the Hon. Daniel Mookhey has raised its potential impact on payroll tax revenue for this State. It deprives the citizens of this State of revenue to which they are entitled. It gives rise to the circumstance—the Hon. Rod Roberts also raised this—of the identifying of the taxpayer, identifying of the default and identifying of the amount recovered from that taxpayer in respect of that report. This issue has occupied the Hon. Daniel Mookhey for some time. He has even been to the NSW Civil and Administrative Tribunal to try to pursue this matter in a case of Mookhey versus whoever—

The Hon. Walt Secord: Everyone.

The Hon. DAMIEN TUDEHOPE: Everyone, trying to get details. He knows these are issues of privacy and we cannot disclose those details.

The Hon. ROD ROBERTS (12:41:35): I ask a supplementary question. Will the Minister inform the House if the Government has done any research in regards to the overall impact on the budget from the various types of wage theft about which we have heard and discussed?

The Hon. Trevor Khan: Point of order: One might describe that as a new question, rather than an elucidation.

The Hon. Mark Latham: To the point of order: The Minister has clearly identified his concern about the adverse impact on payroll tax. The Hon. Rod Roberts has gone to that question looking at the overall impact on the Government budget and to get an estimate on the downscaling of revenue opportunities for the Government. It is directly related and seeks to elicit further information.

The PRESIDENT: I indicate at the outset that I intend to allow the supplementary question. I also indicate the following. It assists the Chair enormously when a supplementary question is being asked if the member first indicates that he or she is seeking an elucidation of that part of the answer where the Minister said such and such. It automatically links that part of the answer and assists me enormously. That did not occur in this case. However, I will allow the question because it is seeking an elucidation of the Minister's answer. In future I will require members to present supplementary questions in that manner.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:44:36): I am happy to elucidate. Information from Revenue NSW as to whether information is broken up specifically in respect of how much is recovered by pursuing wage theft cases is not available to me. However, a worthwhile analysis is available. It states that during 2018-19 Revenue NSW undertook 7,091 payroll tax investigations and identified \$238.3 million in additional revenue that is due and recoverable arising from those investigations. In relation to the recovery of land tax and the like, Revenue NSW importantly now takes a very targeted and risk-based approach—and wage theft is potentially one of those areas where there is significant risk to the revenue—to its compliance activities. It focuses on activities of highest potential for non-compliance and, at the same time, seeks to minimise any disruption to business. Revenue NSW vigorously pursues payroll tax defalcations it identifies and targets them with a view to raising additional revenue for the State.

The Hon. MARK LATHAM (12:45:20): I ask a second supplementary question. Will the Minister elaborate on that part of his answer which spoke about cases investigated by Revenue NSW that did not include a rundown in payroll tax because of wage theft cases? Will the Minister now instruct Revenue NSW to investigate the cases that have been raised in the House?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:45:51): With all due respect to the honourable member, I said that material relating to investigations of wage theft cases was not necessarily available but would be within the targeted cases currently being investigated. In fact, the Hon. Daniel Mookhey knows that—

The Hon. Mark Latham: I do not know.

The Hon. DAMIEN TUDEHOPE: You do not know; I am telling you. In respect of a number of the cases that the Hon. Daniel Mookhey has identified, he is even able to identify the investigation and in some cases the amount recovered because of a convoluted code that has existed in respect of it.

The Hon. Daniel Mookhey: What are talking about? I am lost.

The Hon. DAMIEN TUDEHOPE: Revenue identifies potential taxpayers by a code, rather than the name of the taxpayer and it is within those particular investigations that it seeks to recover. I am confident that Revenue NSW is pursuing every wage theft defalcation with a view to recovering what it is owed and what is owing to the people of New South Wales, on top of expressing our view that wage theft is criminal behaviour.

REGIONAL EARLY CHILDHOOD EDUCATION

The Hon. MICK VEITCH (12:47:24): My question is directed to the Minister for Education and Early Childhood Learning. Given that five regional towns—Wanaaring, White Cliffs, Mara Creek, Tibooburra and Ivanhoe—have a local primary school but no early childhood learning facilities, what is the Government doing to respond to community concerns that children in those communities are missing out on important early childhood education?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:47:47): I thank the Hon. Mick Veitch for this important question about the smaller communities largely in the western parts of the State that do not have an early childhood service. I have discussed this matter at length with the Isolated Children's Parents' Association [ICPA], which was not mentioned in the question but I suspect he may have also had similar conversations with them—

The Hon. Mick Veitch: You are on to me.

The Hon. SARAH MITCHELL: —when they were recently at Parliament House. The ICPA is a fantastic organisation and they do an amazing job. When they visit Parliament House they meet with members from all sides of the House because they are very highly regarded and the communities that they represent are incredibly important. I have digressed. I have mentioned in the House before that we have been looking at ways to provide better early childhood services to those communities, particularly those that do have a preschool.

The Hon. Mick Veitch may recall that I have spoken about the recently opened Weilmoringle preschool—from memory, that was early this year or late last year—where we worked with the school and local communities. Community Connections Solutions Australia is one of the peak bodies that is doing some work in relation to that for the department. We say to communities: You have got a small number of children. You probably would not technically add up to be able to have a model going, but we want to work with you to make it happen. We have done it at Weilmoringle. I know there is work underway at Wanaaring, which is one community that the Hon. Mick Veitch mentioned, and from memory there is also work underway at Louth.

We had a list of other areas we were looking at to see where we could roll this out further because it is important. I would like to see us doing more of it because we have to understand that those communities have unique needs. It is very different out there, but that does not mean that they should not have the provision of an early childhood service. I am happy to look at the other locations the member mentioned in his question. One was Wanaaring, which we are looking at. Louth is another one, which I do not think is on his list. I will check where the other ones are up to and if there is any movement in that space, and I will come back to the member.

PREMIER'S SPELLING BEE

The Hon. WES FANG (12:50:00): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on the 2019 Premier's Spelling Bee?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:50:19): I thank the member for his question. I am happy to advise the House that the senior winner of the 2019 Premier's Spelling Bee, River Robinson, was from Yamba Public School in regional New South Wales. I know that his success is being shared proudly by the community.

The PRESIDENT: The Clerk will stop the clock. There are too many interjections. The Hon. Daniel Mookhey was mentioned by the Minister on numerous occasions during the previous answer, but he has not been mentioned by this Minister. He has not been invited to interject and I ask him to allow the Minister to answer the question.

The Hon. SARAH MITCHELL: A give a big congratulations to River on his superb win. He took the spelling crown by spelling the word "proscenium". Does anyone want to have a go or tell me what it means? It

means: the front part of the stage, especially the area in front of the curtain. I am sure the arts Minister was well aware of that. River said that his strategy for the unseen words was to go through all the combinations of how to spell the sounds, and he just thought in his head what looked right. It was River's fourth attempt at the State final, and he was very grateful for the support of his parents, teachers and school in the lead-up to the event. I also congratulate Hornsby South Public School year 4 student Hannah Moore, who was the winner of the junior event.

The Premier's Spelling Bee was introduced in 2004 as a way to not only support children to become better spellers and extend their vocabulary but also to encourage them out of their comfort zones. We know that literacy is a crucial part of a child's education and it is important that we incorporate fun and exciting ways of learning. Through the Premier's Spelling Bee there has been a lift in interest in spelling in our State. We have great spellers in New South Wales. This year our State was ranked first in Australia in spelling across all year groups in NAPLAN. The popularity of the competition continues to grow. This year we have seen the participation of almost 170,000 students from over 1,000 public schools across the State. To accommodate the growth in entrants, the department this year hosted 49 regional finals, of which 28 were in rural New South Wales and 21 in the Sydney metro area.

To reach the State final, students had to win their school, zone and regional finals. To reach that level they had to correctly spell words such as "perpetual" for the junior competition and "preposterous" for the senior competition. With Premier Gladys Berejiklian, I had the privilege of briefly watching some of the State final at the ABC Studios in Ultimo, with broadcaster Wendy Harmer acting as the emcee. While every school represented in the final should be proud of their students, for some schools it did have more significance.

I mention, for example, Hayley Hall, who travelled down from Warren Central School. She had the hopes of the school resting on her shoulders. School principal Duncan Lovelock pointed out that the majority of the school community is feeling the impacts of the drought, and in hard times every good news story matters. While Hayley did not win, it was a tremendous boost for her and her school community to support her by attending the final and cheering from the sidelines. The spelling bee encourages hundreds of thousands of students to become the best spellers they can be. I congratulate everybody who was involved and, of course, the winners.

ASHCROFT HIGH SCHOOL

The Hon. MARK LATHAM (12:54:01): The Greens have asked me to ask this question.

The PRESIDENT: The member will resume his seat. I am allowing a member of the same party to ask a question if the member from that party is not available—in particular, when I am first approached at question time and advised that this will occur. On occasion, I have also allowed members of the crossbench to, in effect, swap turns with each other because it still maintains the list. In my time as President, I have not permitted a member from one crossbench party to replace a member of another crossbench party, especially when I have not been given any advice in advance. I will not allow that. I was going through the list and seeing who was present to see who was next on the list, and that is the Hon. Mark Latham.

The Hon. MARK LATHAM: My question is directed to the Minister for Education and Early Childhood Learning. I draw the Minister's attention to the situation at Ashcroft High School in Green Valley, where 20 per cent of the school's staffing numbers are being used to employ allied health workers—including a school counsellor, nurse, speech pathologist, dietitian and occupational therapist—in an attempt to use school resources to overcome the youth health crisis in the local community. What is the Government doing to ensure that the Health department provides those vital services in Ashcroft and similar disadvantaged suburbs, so that school resources can be dedicated directly to lifting student results and career opportunities? What is the Minister doing to prevent cost-shifting by the Health department onto her department?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:56:09): I thank the member for his question. I think he also canvassed this issue in his adjournment speech last night. I agree with him that staff are doing a wonderful job at Ashcroft High School. The member has spoken about how some schools are using their Resource Allocation Model additionality money and staffing entitlements to hire health workers. I make the point that schools are able to use their needs-based funding to address educational issues specific to their student cohorts. In many cases, they use this to incorporate health professionals into the classroom. In his question, the member mentioned speech pathologists and occupational therapists—that sort of allied health professionals. When they do this, it does have a direct impact on student learning. These professionals are often in the classroom to assist students in their learning activities.

I have seen this in action at some schools that I have visited. When you go into the classroom, you can see them sitting at the desks with the students as they carry out their work. For example, young primary school students from disadvantaged backgrounds often lack the fine motor skills to hold a pencil or pen. An occupational therapist can often help to rectify this and work alongside teachers to ensure that a child is not disadvantaged at

the school. Similarly, speech pathologists can assist with children's literacy skills. I agree that in these sorts of areas, NSW Health should lead. Schools are not primary healthcare providers, nor would it be acceptable for other agencies to use money going into schools as a cost-saving measure for themselves. It is crucial that this responsibility is shared across government. Clearly, in some of the areas that the member has referred to, there is capacity to improve, particularly, the provision of paediatric services.

In February of this year, the health Minister announced an independent review of paediatric services, and part of that will be how we focus on the review of governance and strategic delivery of health services to children, young people and families from conception through to 24 years of age. NSW Health has a number of initiatives underway aimed at improving access to allied health professionals for children, particularly in south-western Sydney. For example, we are investing more than \$70 million over the next four years to provide new mobile dental clinics for primary school children to improve access to dental health and basic dental care in western Sydney, the mid North Coast and the Central Coast as areas of priority.

I was able to attend one of the schools in western Sydney with the health Minister and the Premier to see the mobile dental bus come. There are times when government agencies and departments work together and collaborate. We know that poor dental health can have an effect on students learning. We can be smart and work together. Children are at the school; if this is an opportunity to come in and do the dental checks while they are there, while they are young, this sort of collaboration should be encouraged. I agree that it should not be a cost-shifting exercise. Government departments need to work together to get the best outcomes, particularly when it comes to a child's health but more importantly, for me, their education.

The Hon. MARK LATHAM (12:59:13): I ask a supplementary question. Will the Minister elaborate on that part of her answer which identified additional efforts by NSW Health to provide allied healthcare services? Will the Minister speak directly to the Ashcroft High School principal, who is a wonderful community and school leader, about how that Government effort will assist with the problems identified by the principal? At the moment the principal is resolving those issues by using scarce school resources.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:59:37): I do have more information about the work being done by the South Western Sydney Paediatric Allied Health Unit. The work includes the provision of speech pathology for children up to the end of kindergarten, with a focus on early intervention; occupational therapy for children up to the age of 12 years; physiotherapy services; psychology services for children from birth to 12 years, prioritising children who have complex backgrounds and are at significant risk; and Youth Health, a service that provides counselling and early intervention health promotion activities for young people up to the age of 12 to 18 years. The member spoke of Ashcroft High School, where this would be applicable. I agree with the member that they are doing a wonderful job at that school. I am more than happy to reach out to the principal and have that conversation.

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

SYDNEY OPERA HOUSE

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (13:01:20): Earlier in question time the Hon. Walt Secord asked me about a State significant development application for the Opera House. First, I can inform the member that a State significant development application has been lodged for minor works including changes to the Opera Bar's glass line and the replacement of existing umbrellas with shade covers. Secondly, an existing back-of-house area will be refurbished to create a new office and cool room. Thirdly, all uses of the lower concourse will be consolidated within a single consent.

Key stakeholders have been consulted during the planning and development process for the new lower concourse development application [DA]. The Department of Planning, Industry and Environment will exhibit the DA from 14 November to 11 December 2019. The public can make a submission regarding the new DA for the lower concourse during this time. As is the standard practice, in its notices the department states that at the time of publication of the advertisement the Minister for Planning and Public Spaces had not directed that a public hearing should be held, but the process can happen after public exhibition of development applications. I hope that assists the Hon. Walt Secord.

*Supplementary Questions for Written Answers***SCHOOL AIR CONDITIONING****SCHOOLS ASBESTOS MANAGEMENT PLAN**

The Hon. WALT SECORD (13:02:33): My supplementary question for written answer relates to a question asked of the education Minister about the Cooler Classrooms Program. Of the 714 schools that are yet to receive air conditioners as part of the Cooler Classrooms Program, how many have vermiculite ceilings? Please provide a full list of those schools.

*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.

SCHOOLS DROUGHT ASSISTANCE PACKAGE**SCHOOL AIR CONDITIONING****NAPLAN TESTS**

The Hon. WALT SECORD (13:04:05): As shadow Treasurer and shadow Special Minister of State I will make observations and comments on behalf of the Opposition regarding a number of questions answered by the education Minister. I will start with comments relating to the Federal Government \$10 million drought package for drought-affected schools. The Minister referred to a conversation she had with Federal Minister Dan Tehan. However, it transpires that the package focuses on non-government schools and provides nothing for public schools and students in drought-affected areas.

There is no support for rural students who board at schools such as: Yanco Agricultural High School, Riverina; Farrer Memorial Agricultural High School, Tamworth; and, Hurlstone Agricultural High School, Western Sydney. There is no support for those who board at private facilities and attend government schools. Those students have been completely neglected and left out of this package—for example, students who board at private facilities at Hay War Memorial High School and Coomealla High School, Dareton.

Regarding a question asked by the Hon. Anthony D'Adam about Penrith Public School, I caution the Minister not to simply accept the note provided by her office. The material supplied to us under Standing Order 52 said that air conditioning was only provided in the new buildings, not the rest of the school. The documentation provided to the Opposition under Standing Order 52 stated that, at the earliest, air conditioning will be installed in mid 2020.

Finally, I make observations about the NAPLAN results and the spelling bee. The Opposition supports the spelling bee. When I worked for former Premier Bob Carr, I remember he blocked out the entire diary for the day to attend the spelling bee. As part of the NAPLAN results the Minister claimed that New South Wales is first in Australia in a number of categories. However, when put in context internationally, Australia has dropped from first and second 20 years ago to where it is now, which is in the teens. New South Wales trails Latvia, Bulgaria, Taiwan, and even the United States. I conclude my remarks.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:06:13): I will respond briefly. The Hon. Walt Secord stated that air conditioning is only present in the new building at Penrith Public School. I was asked by the Hon. Anthony D'Adam why air conditioning was not provided as part of the capital works major upgrade? It was. I have visited the school and I have seen it.

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

Motion agreed to.

*Deferred Answers***URBAN TASKFORCE AUSTRALIA**

In reply to **Reverend the Hon. FRED NILE** (23 October 2019).

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

I am advised:

1. Yes.
2. The Department of Planning, Industry and Environment is providing me with a brief on the issues raised in the Urban Taskforce Australia's report, and, following its receipt, I would be happy to arrange a meeting with Reverend Nile to discuss these issues with him.
3. The New South Wales Government is moving the planning system to a more strategic focus with the release of the Greater Sydney Region Plan, A Metropolis of Three Cities, the District Plans and the requirement for upfront Council-led strategic planning at the local level through Local Strategic Planning Statements. There is also alignment at the State level with the State Infrastructure Strategy and Future Transport 2056.

This strategic focus allows the Department of Planning, Industry and Environment [the Department], councils and communities to take a more holistic approach to placemaking, including job creation, parklands and infrastructure coordination. The Government is committed to delivering vital community and state infrastructure, including roads and public transport so that when people move into a new home they are also moving into a well-connected community.

Special Infrastructure Contributions [SICs] allow the Government to seek contributions from developers so that major infrastructure can be delivered in lockstep with building these communities in growth areas across New South Wales. SIC schemes are being explored for new developments across major urban renewal and land release areas.

Councils also collect about \$800 million of development contributions per year under section 7.11 (contributions towards provision or improvement of amenities or services) and section 7.12 (fixed development consent levies) of the Environmental Planning and Assessment Act 1979 to provide for local infrastructure.

Questions regarding road and transport infrastructure should be referred to the Minister for Transport and Roads.

SCHOOLS ASBESTOS MANAGEMENT PLAN

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

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

Twenty-nine (29) of the 713 schools containing vermiculite were identified as requiring remediation and these have been programed for remediation. Remediation has been completed at 18 schools and works are currently on track for the remediation of the 11 remaining schools. Works under the vermiculite asbestos remediation program of high risk schools will be completed within the 2019-20 financial year. Work is undertaken during school holiday periods.

As a precaution, air monitoring has been undertaken in all spaces by licenced asbestos assessors and they are deemed safe for occupation.

PFAS CHEMICAL CONTAMINATION

In reply to **Ms ABIGAIL BOYD** (23 October 2019).

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

The EPA is guided by the National Framework, including the PFAS Intergovernmental Agreement and PFAS National Environmental Management Plan. The EPA is systematically investigating potentially affected sites by industry sector and business type, targeting those industries that are known to have used PFAS in products or manufacturing processes. These target sectors have been identified by the PFAS National Environmental Management Plan and include amongst others, electricity. The EPA oversees each stage of these investigations. Details of the PFAS Investigation Program is available on the EPA website.

DEPARTMENT OF EDUCATION STAFF

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

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

The Department of Education values its employees and will continue to invest in initiatives that address areas of risk that impact staff wellbeing. That is why it has been committed to implementing staff wellbeing initiatives over the last 10 years designing specific programs to address areas of risk impacting staff wellbeing, whilst the wellbeing framework for schools is focussed on supporting student wellbeing.

Staff wellbeing initiatives have been designed in collaboration and consultation with staff and consultative reference groups and include post incident support, leadership support, new teacher support, professional development support, specialist education support, rural and remote support, personal support, tailored support for schools for special purposes including the STRETCH manual handling program, StartSmart, Fitness Passport and Get Healthy at Work.

These programs have been progressively rolling out across the organisation for a number of years targeting specific issues impacting staff wellbeing. The most recent wellbeing initiative, Being Well, now has almost 100 staff wellbeing services and resources which are available to staff into a centralised matrix for easy access to support staff in a self-service approach. In addition, an individual self-assessment tool has been incorporated in partnership with NSW Health. Further initiatives will continue to be incorporated

under the new staff wellbeing program to support our goals under the department's strategic priority of making education a great place to work.

The department does not record detailed reasons that staff leave, however, the single largest reason is retirement.

The number of permanent teaching staff who have left the Department of Education in a calendar year basis, is as follows:

Year	Number of teachers separated from the Department of Education
2015	2,295
2016	2,358
2017	2,614
2018	2,376
2019 as at 12/09/2019	1,692

Note: Separations are defined as a permanent staff member formally leaving the Department. Separation reasons captured by the Departmental Personnel system are: resignation, retirement, medical retirement, death, termination.

Note: teachers are defined as any person engaged at a school that is employed under the Teaching Services Act, including teachers, principals, and assistant and deputy principals.

TAXI INDUSTRY

In reply to **the Hon. ROBERT BORSACK** (23 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:

Please refer to the response, LA 0629.

SCHOOLS ASBESTOS MANAGEMENT PLAN

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

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

Schools or their local Asset Management team report asbestos concerns to the Department of Education's facilities maintenance contractor. As such, the department does not hold a central record of the number of reported asbestos concerns in the past 12 months.

The process flow for the management and reporting of asbestos on a school site is available on page 82 of the Department of Education's Asbestos Management Plan. This document can be accessed on line at <https://education.nsw.gov.au/media/asset-management/asbestos/asbestosmanplan.pdf>.

Each school also has a Hazardous Materials Register as part of the School Asset Maintenance records. This records hazardous materials that have been identified on school sites, helping ensure the safety of students, staff and contractors when works are required.

The PRESIDENT: I will now leave the chair. The House will resume at 2.45 p.m.

Bills

RIGHT TO FARM BILL 2019

Messages

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

MUSIC FESTIVALS BILL 2019

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. JOHN GRAHAM (14:46:34): I referred earlier to the fact that, as many members in this House know, but it is often overlooked in the discussion, many music festivals are in regional areas. In this State we are talking particularly about the North Coast. In my view, it is the festival capital of the country. Obviously places like Tamworth, which is the country music capital of country, are crucial. Some of the big festivals regulated by the Music Festivals Bill 2019 occur in the Hunter; the South Coast, which is very important for music festivals; and the Central Coast, which has one of the big festivals impacted by the bill. As is known to many of the music fans on the other side of the Chamber, and occasionally those behind me, every town in New South Wales has a festival. Those festivals are not directly impacted by the form of regulation in the bill but they are

impacted by this discussion. I will come back to that. The point I am making is simply that this is a regional issue, not a city issue.

I will make some specific comments about the roundtable. The idea of having a roundtable was not dreamt up by the industry or by the Opposition. When the parliamentary inquiry looked at this issue, the idea of having a regulatory roundtable for festivals was regarded simply as common sense. That was the view of the MPs who looked at it. Counsel assisting the Special Commission of Inquiry into the drug "ice" recommended that it be a finding of that commission. The Deputy Coroner made a finding in support of the establishment of a roundtable in New South Wales that it is simply common sense. It is no surprise that the Deputy Coroner made that finding because many submissions, including the police submission to the coronial inquiry, supported a regulatory roundtable. The New South Wales police commissioner was explicit in saying he supported it. He noted the bill and its passage through the legislative process but it was common sense from the point of view of the police. Representatives from Liquor & Gaming NSW and NSW Health gave evidence that those organisations would not only support but would also welcome having this sort of arrangement in place.

The short story is that everyone who has looked at the issue in detail supports the idea of getting the roundtable up and running but it has not happened to date, and that is the step we seek to pursue today. That is the step that will make this bill work; not in theory, not in the political debate, but in practice on the ground where it will make a difference. I will touch briefly on the idea that a roundtable is unprecedented, which is absolutely not the case, and will return to it in the discussion on amendments. I will refer to a range of boards and roundtables that have been established and to this Parliament's history of regulating in that area.

I refute the suggestion that the actions of this House in disallowing the guidelines came as a surprise. Apparently it came as a surprise to the Premier, but I do not think it came as a surprise to any member of this House. I place on record that during the election campaign Labor raised concerns about these guidelines. A 20,000-person rally in Hyde Park raised concerns about the regulations. Since the early eighties there has not been a rally when the music community in Sydney has come out in those numbers. It simply has not happened. It did happen at the start of this year concerning the Liquor Amendment (Music Festivals) Regulation 2019 and the Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019.

On 30 May this year I moved that the Regulation Committee inquire into and report on the regulations and later moved the disallowance of the regulations. The report was produced by a committee of this House. There was no surprise attack and it should not have come as a surprise to the Premier. The Regulation Committee had to report by 29 August 2019. The disallowance was not moved until 26 September 2019 and we are now at the end of the year. No surprise attack or legislative Pearl Harbor is happening here. I do not think any member who has observed this would feel that way but it is the conclusion the Premier came to. I place those facts on record so that it is clear that we have moved through this process in an orderly way. We have been privately talking to the Government, asking for a roundtable to be established and we were publicly advocating for it before and after the election.

I conclude with a couple of points. I will talk about what is at stake if we get this wrong. The Government has made the point strongly that a small number of festivals are regulated here. Currently there are 11 in New South Wales but the impact of this is far broader. Members will understand why I will not name the festivals in that category. I have had senior festival operators say when they have approached some of the major banks to refinance that the advice they are given is: Given the regulatory risk, we are not prepared to invest in this sector in New South Wales. Those festivals are run by good operators who are known to members of this Chamber. In fact, I know members of this Chamber have been to at least one of the festivals I am referring to. That is the advice that the banks are giving about the state of play, which reflects the uncertainty that has been caused in New South Wales as a result of this discussion. That is what is at stake. Festival operators have been upfront in saying that not only are festivals being pushed out of New South Wales but also they are considering leaving this State because of the approach.

The roundtable is fundamental to the industry having confidence that a path is open for it to raise concerns and that it can work with government. It will also enable parents to feel confident that a sensible discussion is going on between industry and government and so that fans know they can feel safe because they are going to a well-regulated festival. The Opposition's view is that the roundtable is absolutely fundamental. I will press that case further when the Opposition moves its amendments to the bill.

Ms CATE FAEHRMANN (14:53:47): On behalf of The Greens I speak in debate on the Music Festivals Bill 2019. In some ways the bill is the Government's response, finally, to the tragic, drug-related deaths of six young people at music festivals over the past couple of summers, including five during last summer. My colleague the Hon. John Graham talked about the history of that, particularly since September last year when two people died at Defqon.1.

The Greens will not be opposing the bill. We will be supporting it but only if the amendments that the Hon. John Graham has discussed are passed. The Greens will also be proposing some amendments which we believe are fundamentally important to improving this legislation. If the bill is not amended it is important to remember that it essentially legislates the regulations that the House disallowed only a month or two ago. After receiving a briefing on the bill a few weeks ago by the Minister, I was rather disappointed—incredulous really—that since those regulations were rejected during the debate in this House, the Minister has not consulted with the industry about the bill despite the inquiry's strong recommendations to do just that.

The Greens welcome Labor's amendments to ensure that the bill includes a provision for a roundtable. The regulation committee recommended that there be a regulatory roundtable which would include Liquor & Gaming NSW, the police and a range of other agencies such as health, but crucially members of the industry or those nominated festivals that the bill seeks to regulate. I hope Labor's amendment does pass because we support changing the language from "high-risk" to "nominated". I understand Labor also seeks to amend the definition of "music festival" in the bill. The current definition of "music festival" is laughable because it refers to:

an event, other than a concert, that—

- (a) is music-focused or dance-focused, and
- (b) has performances by a series of persons or groups ...
- (c) is held within a defined area, and
- (d) is attended by 2,000 or more people, and
- (e) is a ticketed event.

That definition implies there has been a gross lack of consultation with the industry because clearly that describes many events in New South Wales and not only the music festivals that the Government is so eager to regulate. This bill essentially requires high-risk festivals—let us call them that for now until this amendment hopefully passes—to prepare safety management plans including how the operators, health services and harm reduction initiatives will comply with NSW Health music festival guidelines.

I will talk about the Deputy State Coroner's findings into the music festival deaths. All members in this House recognise the importance of having safety management plans in place for music festivals and, indeed, many other similar events. The Deputy State Coroner's findings do not make light reading, particularly when describing the traumatic ways in which Nathan Tran, Diana Nguyen, Joseph Pham, Callum Brosnan, Joshua Tam and Alex Ross-King died. The Deputy State Coroner describes all six of those deaths but I will talk about a couple where it was clear that the medical services provided by the festival operators was grossly inadequate. It is important to recognise that since those deaths occurred over the summer which were a result of higher potency MDMA, hot weather and a range of different issues, NSW Health and the festival operators have addressed the lack of services.

While reading about those deaths I thought that most of those festivals would have had stricter guidelines and senior medical staff in place, which I have found to be the case at the music festivals I have attended. It is clear that some music festivals, particularly before this summer, did not have the necessary medical staff in place. Diana Nguyen and Joseph Pham died at Defqon.1. At that time that festival had no official guidelines in place requiring minimum medical staff levels, or mandated qualifications for contracted medical practitioners. The Deputy State Coroner requested that an emergency medical professional investigate each death and the care they were provided. Associate Professor Holdgate was extremely critical of aspects of the care provided to Diana and Joseph by medical staff contracted by Emergency Medical Services [EMS]. One criticism is that it failed to secure a timely transfer of both patients to hospital. I am extremely critical of the fact that the Government has not acted upon the many recommendations contained in the Deputy State Coroner's report and that is why The Greens will support the bill if it is amended.

The EMS medical team at Defqon.1 was not adequately resourced or skilled to provide simultaneous resuscitation of multiple critically ill patients. The team was faced with two critically ill patients both requiring significant resuscitation and an urgent hospital transfer. A decision was made to initiate many treatments on site which could have been satisfactorily performed en route to hospital by the intensive care paramedics who were present at the venue. Associate Professor Holdgate cites evidence from intensive care paramedics, one of whom told the Deputy State Coroner:

I found it extremely difficult to deliver care to this patient [Joseph] as there was no team leader established.

So there were not enough medical professionals present at Defqon.1 and there were no protocols in place to clearly delineate responsibilities as well identifying who would take leadership in a particular situation. The doctors were given the patients' medications during the arrest that paramedics were not aware of. One paramedic said:

I found the lack of leadership and crew resource management of the Event Medical Service crew to be completely abhorrent. The critical patients were managed very poorly, where there were not specific guidelines surrounding when NSW Paramedics were to take over care or provide clinical assistance to the event medical teams.

Another stated:

... the Defqon.1 paramedics reported a number of other concerns, including that EMS appeared to be overwhelmed by the situation of multiple critically ill patients presenting simultaneously, that EMS ran out of oxygen cylinders, and that they considered there was an excessive delay in getting Diana and Joseph to hospital. Associate Professor Holdgate gave significant evidence outlining the appalling lack of care given to those two patients who needed to be transferred to hospital immediately and who required critical care to avoid death. The Deputy State Coroner's report contains some criticism of one of the doctors related to Joseph and Diana's care. The report states:

- Diana had been critically ill in the treatment tent, with incomplete resuscitation, for approximately 70 minutes before being transported to hospital.

...

- The paralysing drug that was administered, suxamethonium, was contraindicated in this clinical situation as it may worsen hyperkalaemia and precipitate cardiac arrest.

...

- The requirement for Dr Wing—

one of the doctors that the Deputy State Coroner is referring to—

to supply his own drugs further undermined the coordination and leadership hierarchy.

- There was an ad hoc collection of medications provided by Dr Wing with a very limited number of doses of important resuscitation drugs ...

As I said, reading this report and knowing that perhaps the deaths of those two young people could have been avoided if medical services deployed at Defqon.1 were of a higher standard was incredibly disturbing. In relation to Joseph, the report states:

- EMS staff did not initiate a plan to transport Joseph to hospital until after he had progressed to cardiac arrest.

...

- Joseph's body temperature should have been re-checked.

...

- EMS staff were unable to effectively manage his airway and required assistance from NSW but did not actively seek this when it was first offered.

Honestly, it is a litany of disasters. I cannot imagine what the families of Joseph and Diana experienced while listening to this evidence in the coronial inquest. Their children might have been saved if a more appropriate safety management plan which included the NSW Health guidelines had been in place. Let us be clear: Regardless of this legislation, after these terrible stuff-ups and deaths—who knows whether it was too expensive for the festival organisers to get a better medical tent or more qualified medical staff—it is important to know that EMS and Defqon.1 made a lot of changes, as did NSW Health in putting in place the health guidelines that are the subject of the bill today. Mr Hammond, who is the operator of Defqon.1, told the Coroner's Court that EMS made a lot of changes. The Coroner's report says:

- EMS assisted with consultation for the new NSW Health Guidelines ...

...

- EMS changed procedure for early transport decisions, including clarifying their role as being to refer patients to NSW ...

...

- EMS has engaged an independent agency to locate suitable qualified doctors for EMS events.

EMS also did a range of different things such as engaging medical thermal imaging technology for events. The report adds:

- EMS has created a mobile phone application called "EMS Assist" which is provided to all patrons. With the push of a button a user's location is communicated to EMS within 1.5 square metres to permit easier dispatch of teams.

That is amazing and incredible. Reading the report makes it clear that it is not that nothing has happened after those really unfortunate, tragic deaths and that the reason the bill has been introduced is that, thank goodness, the New South Wales Government has stepped in and wants to legislate it. The festival operators have looked at their operations and NSW Health has produced the guidelines.

Before I talk about some of the proposed Greens amendments, I will touch on the circumstances surrounding each death. As I have said before, the one essentially similar thing in the deaths of all six of those young people was MDMA toxicity. The Deputy State Coroner's report says that the reason for their deaths was that they had way too much MDMA in their bodies. That is reflected in some of the evidence, particularly relating to Alex Ross-King, who ingested all her drugs—almost three MDMA pills—before she went into the festival because she wanted to avoid detection by police. The evidence in the Deputy State Coroner's report also talks about the strength of MDMA over the previous two summers. It is important for the Government to take note of it.

We know that the New South Wales Government has refused to respond to particular aspects of the Deputy State Coroner's report or at least respond to the evidence relating to pill testing contained in the report. Paragraph 308 of the report states, in part:

For example, we know from European intelligence that the average quantity of MDMA in ecstasy tablets in the 1990s and 2000s was approximately 50-80 mg, with the current average closer to 125 mg, and the recent emergence of "super pills" containing 270-340 mg, representing a substantial increase in tablet dose.

The report adds:

As outlined in evidence by Associate Professor Holdgate, "although higher blood levels of MDMA are associated with worse toxicity, deaths associated with MDMA have been reported in individuals with blood levels in the 'recreational' range and toxic effects are not necessarily directly related to the level of MDMA in the blood ..."

It states further:

While there is clear evidence that most MDMA deaths occur at higher doses, the effect of the environment in which the drug is taken is particularly important in relation to deaths at summer music festivals.

I am reading out these parts because I feel that in some ways they are missing from the safety plan. The Health guidelines talk about catering for the summer environment, ensuring that there are misting tents—which Defqon.1 is doing—and ensuring that people can calm down. The Deputy State Coroner's report talks about the distress of the individuals in the last hour or two before they unfortunately passed away and states that their bodies were overheating. Everything should be in place to ensure that people are able to chill and that there are spaces to get away from high-intensity dance floors. Alex Ross-King and her friends were dancing on hot, black plastic on a dance floor in the middle of summer at two o'clock in the afternoon. Her friends say that it was like they were baking on the dance floor. This is a good reason that the NSW Health guidelines, in consultation with some festival operators, will now be required to be put in place as a result of the bill. That is a good thing.

But what a shame that the Government is not looking at more drug education and harm reduction education. It is a shame that the Government is not recognising that people coming to the events will want to take MDMA—and they do take it—and that one of the ways of keeping them as safe as possible is knowing how much they are taking because, as I said, according to the Deputy State Coroner's findings, each of the six people who died had way too much MDMA in their system. That could have been as a result of purer pills.

What a shame that the Government is not considering pill testing so that these individuals who are thinking of taking MDMA can find out its strength so that potentially they do not take as much or potentially not take it at all. We know that trials in various countries that have drug-checking facilities report that almost one in three people choose not to take the drug once they have spoken with health professionals at music festivals. They are told that the safest thing to do is to not take the drug because taking it will always have some kind of risk. They are also told that if they must do it, here is how to stay safe. If those drug-checking facilities are not in place then people are going to do it, which is what has happened. They have no idea what they are taking and, importantly, they do not know what signs to look out for when their friends are getting into trouble.

Another excellent aspect of the bill, and that the NSW Health guidelines have championed, is the use of peer-based harm reduction services, such as DanceWize, ACON rovers and the Australian Red Cross program, save-a-mate. The Deputy State Coroner particularly had a lot of praise for those peer-based harm reduction programs. The NSW Health guidelines say that there needs to be more of them and that what is so important about those programs is that if young people feel they are in trouble or that their friend is in trouble, they are far more likely to approach one of those people walking around in a brightly coloured ACON or DanceWize vest because they look like someone they can relate to, as opposed to a police officer or a security guard. If their friend is in trouble or they are in trouble they can seek help and the evidence is in that that is what people do.

However, The Greens will move several amendments. Importantly, we will not move amendments that would implement other recommendations from the Deputy State Coroner's findings. It was tempting to do so; however, I know that they would not be supported this afternoon in this place. In fact, some of them require bills in themselves and others hopefully will be the subject of different recommendations. I note that the roundtable recommendations from the Labor Party will ensure that the roundtable must consider relevant reports and reviews.

I hope that one of those reports is the Deputy State Coroner's report because, as I have indicated for the past 10 or 15 minutes, it is incredibly powerful reading and has significant findings and recommendations, which I think have been too glossed over by the Government to date. It will be excellent to have a roundtable with all of the relevant stakeholders as well as industry responses to those recommendations to come up with a plan to implement some of them. I will also move an amendment to ensure that one of those reports that the roundtable must look into is the Deputy State Coroner's report.

The Greens will also move an amendment about the information needed to be provided to the Independent Liquor & Gaming Authority [ILGA] in the safety management plan. At the moment the safety management plan must be provided to ILGA at least 90 days before the event and requires the qualifications and work experience of the persons engaged by the health service be provided. It is impossible for health services to know exactly which health providers or health professionals will be working on any given day and to provide their work experience. It is ridiculous, so my amendment will require this 14 days beforehand and will instead look at the number of people working, which is sensible.

The Greens will also move amendments to the maximum penalty of 12 months imprisonment for the offence of failing to comply with the safety management plan. That penalty is ludicrous and hopefully the House will support that amendment. We will also move an amendment to the incredibly onerous and ridiculous incident register provisions. The bill expects a music festival organiser to be scanning a crowd of 20,000 at a music festival for potential antisocial behaviour and to keep that on an incident register, as well as potential persons suspected of possessing or using drugs. Can members imagine having to do that? Again, that is unworkable.

I certainly hope our amendments will be supported. While music festivals have put in place a lot of changes, which is what the Deputy State Coroner suggests, she also says that the NSW Health guidelines are a good piece of work, which I agree with. In fact, they are almost world class and we know some festivals in other States are looking at them. That was, in some ways, the type of consultation work that the Government should have done with the industry to begin with, instead of the heavy-handed music festival crackdown response of the Premier in the days after those tragic deaths. That was completely the wrong response and is in some ways why this matter has been such a headache for the Premier.

The recommendation in future is to talk to the industry that we are trying to regulate and at least understand where they are coming from and recognise that they are trying their best. They have responded after those terrible incidents. No-one wanted those tragic deaths to occur and they should not have occurred. Let us hope that the bill, when sensibly amended, can put some sense back into this debate. Importantly, the amendment that the Hon. John Graham will move should be supported too, knowing that this can be reviewed as well within a few short months after the summer festival season by the very industry that the Government failed to communicate with.

The Hon. ROD ROBERTS (15:21:28): One Nation supports the Music Festivals Bill 2019 in principle. One Nation supports a vibrant music scene. We see and support the need for a diverse cultural and social scene. We also recognise the significant economic contributions that festivals make. This is so important in our regional areas, particularly now. However, we wish to see festivals, and all events, held safely. We recognise that the vast majority of festivals run with no significant issues. However, it must be acknowledged that unfortunately last summer five young lives were lost due to the consumption of illegal drugs at music festivals. Many others were hospitalised and treated as a result of their drug use. The community looks to Parliament to provide guidance and solutions to address the causes of those deaths. We must provide the community with the comfort that all appropriate measures have been undertaken to ensure that the risks have been mitigated.

I am not going to provide a second reading debate contribution on behalf of the Government, but the key purpose and principle of the bill revolve around the safety of patrons, which all members in this House should applaud. The bill requires operators of high-risk festivals to prepare and lodge safety management plans. Those plans must outline the operator's health services and harm-reduction initiatives and how they comply with the NSW Health guidelines, along with plans for access for emergency services vehicles and such forth. The key focus is on ensuring that adequate medical personnel and appropriate equipment is onsite to deal with emergencies that occur, particularly relating to illegal drugs use. That makes perfect sense and revolves around best practice for harm reduction. However, we have some issues with certain parts of the bill and I am aware that certain amendments will be proposed by both the Opposition and The Greens. I will speak to those further when they are presented in the Committee of the Whole.

The Hon. MICK VEITCH (15:23:35): I make a brief contribution to the debate on the Music Festivals Bill 2019. Most of the sentiments eloquently presented by the Hon. John Graham are my views so I will not go over them again. As Chair of the Regulation Committee, I note that a couple of matters were raised that pertained to amendments that will be moved in the Committee stage. I think it is important to highlight and talk about why some of those things have come about. One of the things that was highlighted in the Regulation Committee was

the contrast between the communication styles. The Department of Health went about its process and was applauded by the sector and all involved. It was a model that everyone appreciated they had consulted quite well and widely about and there was support for it. This is as opposed to the consultation for the regulation itself. The sector was not happy about that.

The Regulation Committee explored the potential for a music festival industry roundtable. All of the industry representatives who presented at the Regulation Committee inquiry spoke of their support for such a mechanism, and that mechanism is clearly one of the things that the Opposition will be exploring further in the Committee stage. What was also interesting was that when the question was put to the public servants who attended, they supported the concept of a roundtable as well. It was not as if they were vehemently opposed to it. There was support for this roundtable. It is an eminently sensible approach that has the support of industry. The music festival industry is important to the New South Wales economy and particularly important to a lot of regional economies. We need to make sure we get this right. The roundtable mechanism will provide a support process for enhancing communication with the sector. With those few words, I will be supporting the legislation.

Reverend the Hon. FRED NILE (15:25:57): I am pleased to support the Music Festivals Bill 2019 on behalf of the Christian Democratic Party. The objects of the bill include:

- (a) to provide that the Independent Liquor and Gaming Authority (ILGA) may direct music festival organisers for high-risk festivals to prepare a safety management plan for the proposed festivals for approval by ILGA,
- (b) to make it an offence for music festival organisers for high-risk festivals to hold the festival unless there is an approved safety management plan for the festival,
- (c) to impose other obligations on music festival organisers for high-risk festivals, including to provide briefings for health service providers, to keep records relating to incidents that occur at festivals or in their vicinity and to make the approved safety management plan available to police officers and other persons if requested to do so,

The bill is very practical. It deals with these issues and we hope that through this legislation—which we hope will be passed—we will not have a repeat of the tragic deaths at previous music festivals. Young people go to a festival to enjoy themselves and not to become a fatality at the festival. On behalf of the community and as members of Parliament, we have to ensure that music festivals are as safe as can be humanly provided, with various checks and balances. I note that the bill has a second part which imposes obligations on music festival organisers. Organisers may feel that this puts a lot of weight on them, but I do not think we can avoid having all these safety measures to prevent a recurrence of tragic deaths at future music festivals in Sydney. If we cannot have legislation that prevents those deaths then I would support removing the approval for music festivals to be held in New South Wales. If we cannot guarantee the lives of young people and if music festivals hold people's lives at risk, we should not hold the music festivals.

I was also critical of the Deputy State Coroner's report and recommendations in response to the deaths. I feel that she went overboard in some ways in her recommendations and has lost touch, I think, with the real problems facing music festival organisers. If we were to literally follow the Deputy State Coroner's recommendations, I believe we would have more deaths in future. I know that she does not want more deaths, but she has to carefully weigh up her response to those deaths and her recommendations. We do not want to have a repeat of those deaths of outstanding young people in New South Wales. They should not only be able to have enjoyment, but also continue to live and enjoy their lives in the future. I thank the Government for producing the bill and I note that Government members were disappointed in the Opposition when it disallowed the earlier regulations which would have sped up the whole process. Nevertheless, we now have a bill and when the bill is passed—which I hope it will be—then these music festivals can continue to be held in New South Wales without any tragic deaths. I support the bill.

The Hon. ROBERT BORSACK (15:30:25): The Shooters, Fishers and Farmers Party supports the Music Festivals Bill 2019 in principle. It is important that music festivals continue and that they are conducted safely, profitably and in an atmosphere of trust and security. We also believe that proper consultation via a roundtable needs to be supported. We note that the Opposition has foreshadowed that it will move amendments to that effect. Unlike The Greens and some others in this place, the Shooters, Fishers and Farmers Party does not support pill testing. There is no safe level of MDMA, ice or any other drug that can be taken. People should know that and they should understand that. We are talking about adults, in the end. The Government should be doing more by way of education to instruct and inform younger adults as to why drugs should not be taken. You do not need to take drugs to enjoy music festivals. I know that; I have done it in the past as a young person—or as a younger person. These festivals are important for rural and regional areas. They need to proceed safely and in a proper, regulated way. We will be supporting the bill.

Debate adjourned.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2019**Second Reading Speech**

The Hon. NATALIE WARD (15:32:05): On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill (No 2) 2019 continues the statute law revision program that has been in place for more than 30 years. Statute law bills have featured in most sessions of Parliament since 1984. They are an effective method for making minor policy changes and maintaining the quality of the New South Wales statute book. Schedule 1 to the bill contains policy changes of a minor and uncontroversial nature. These changes are for proposals that are too inconsequential to warrant a separate amending bill. The schedule contains amendments to 25 Acts and includes related amendments to three instruments.

Schedule 1 includes an amendment to the Fair Trading Legislation Amendment (Reform) Act 2018. Currently, the commissioner for NSW Fair Trading approves the form of certificates of insurance and evidence of cover by alternative indemnity products. The amendment transfers that function to the State Insurance Regulatory Authority [SIRA]. As the regulator of the Home Building Compensation Scheme, SIRA is the most appropriate entity to approve forms relating to the certificates of insurance and evidence of cover under the Home Building Act 1989.

I seek leave to have the balance of my second reading speech incorporated in *Hansard*.

Leave granted.

Schedule 1 also includes amendments to remove limitations on access by individuals to their personal information.

An amendment to the Children and Young Persons (Care and Protection) Act 1998 clarifies that any person who has left statutory out-of-home care is entitled to access and possess personal information held by the responsible person or agency during the period of their care.

The proposed amendments to the Workers' Compensation (Dust Diseases) Act 1942 makes the amount of funeral expenses compensation payable consistent with the Workers Compensation Act 1987.

This change was recommended by the Legislative Council Standing Committee on Law and Justice's 2018 Review of the Dust Diseases Scheme.

The amendments increase the amount of funeral expenses compensation payable in respect of the death of a worker resulting from a dust disease from \$9,000 to \$15,000.

This is in line with funeral expenses compensation payable for workers generally.

Schedule 1 also amends the Ombudsman Act 1974 to remove the requirement for the Ombudsman to be under 65 years of age, and extend the effect of the amendment to any person currently appointed.

This is consistent with the general approach of removing age limits for statutory officers.

Schedule 1 contains amendments to a number of Acts in the portfolio of the Minister for Customer Service.

These include the Gaming and Liquor Administration Act 2007, the Gaming Machines Act 2001, the Public Lotteries Act 1996, the Registered Clubs Act 1976 and the Totalizator Act 1997.

The amendments modernise and achieve greater consistency in provisions relating to the service of documents.

For example, the amendments provide for service of particular documents by electronic communication in addition to existing methods of service.

Also included in Schedule 1 are amendments to the Betting and Racing Act 1988, the Public Lotteries Act 1996, the further changes to the Totalizator Act 1997.

The amendments allow the Secretary of the Department of Customer Service to delegate certain functions to appropriately qualified Public Service employees or other delegates authorised by regulations.

The Registered Clubs Act 1976 is amended by Schedule 1.

Currently, the Secretary of the Department of Customer Service may carry out investigations and inquiries to determine whether a complaint about the secretary, or a member of the governing body, of a registered club should be made to the Independent Liquor & Gaming Authority.

The amendments ensure those powers remain available in relation to a proposed complaint and after a complaint has been made, right up until the Authority determines the complaint.

The Road Transport Act 2013 is also amended by Schedule 1 to replace references in the Act to "former" written-off light and heavy vehicles with "inspected" written-off light and heavy vehicles.

This will make the language of the Act consistent with language used in the motor vehicle repair industry and other jurisdictions.

Schedule 2

Schedule 2 deals with purely statute law revision matters consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill.

Examples of amendments in those Schedules are corrections of cross-references, typographical errors and terminology.

It also includes amendments arising out of the enactment of other legislation.

Schedule 3

Schedule 3 contains general savings, transitional and other provisions.

This includes a provision that deals with the effect of amendments on amending provisions.

This schedule also includes a provision allowing for regulations to be made that are of a savings or transitional nature.

Each amendment included in the bill is explained in detail in explanatory notes included at the beginning of the bill or beneath the amendments.

I hope that members will appreciate the uncontroversial nature of the provisions contained in the bill.

If any amendment causes concern or requires clarification, it should be brought to my attention.

If necessary, I will arrange for Government staff to provide additional information on the matters raised.

If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the matter from the bill.

Withdrawn proposals can also be dealt with in a second bill—using the procedure for splitting bills in the Legislative Council—which can be dealt with in each of the Houses in the same way as an ordinary bill.

I commend the bill to the House.

Second Reading Debate

The Hon. ADAM SEARLE (15:33:57): I lead for the Opposition in debate on the Statute Law (Miscellaneous Provisions) Bill (No 2) 2019. The Opposition, perhaps unsurprisingly, does not oppose the bill. Schedule 1 of the bill makes what are said to be minor amendments to various Acts and instruments, as per usual. Schedule 2 seeks to amend various Acts and instruments in a way that is sometimes called pure statute law revision. Schedule 3 has consequential and ancillary provisions. The bill is a mechanism that avoids a multiplicity of bills, each making separate amendments; a mechanism that has been used by governments of all stripes over several decades. One curious feature of the current arrangement is the frequency of such bills coming before the House. In the comparatively limited sitting period since the election, we have had two miscellaneous provisions bills, plus the Justice Legislation Amendment Bill 2019. I think the latter approach might reflect a practice that I thought was emerging in government of, rather than having everything bundled into statute law revisions, each of the clusters might develop their own miscellaneous bills to clean up various Acts and instruments in those areas.

The Planning Legislation Amendment Bill 2019 passed the other House but we are still awaiting it in this place. It was to be the first iteration of that, but perhaps it has fallen into disrepair already. I note the amendment in schedule 1.14 to the Ombudsman Act, especially as it relates to the competence and compellability of the Ombudsman to give evidence or produce documents in legal proceedings relating to the unauthorised publication of evidence or prejudicial disclosure of information during investigation by the Ombudsman. In the debate in the other place the shadow Attorney General asked the Attorney General to clarify whether that particular proposal arose from the inquiry by the Ombudsman concerning Operation Prospect and whether he apprehends that those provisions might be relevant to any proceedings arising from aspects of Operation Prospect.

In reply, the first law officer of the State indicated that he might write directly to the shadow Attorney General about that matter. This is a matter that the Chair and I may have some knowledge of as it was touched on by the upper House inquiry into aspects of Operation Prospect. It led to the derailment of an earlier statute law bill concerning those provisions. It did later proceed, but nevertheless appears to have been revisited. I will leave my comments there, but I will watch this space with interest. The Opposition does not oppose the bill.

Mr DAVID SHOEBRIDGE (15:36:54): On behalf of The Greens, I indicate that we will be supporting the Statute Law (Miscellaneous Provisions) Bill (No 2) 2019. The bill makes a series of small and relatively non-controversial changes to a variety of Acts. One concern that was raised with The Greens was the change to the statutory retirement age for the Ombudsman. I note the contribution by the Hon. Adam Searle in that regard. We consulted on that and considered the current disparity between the retirement age for the Ombudsman as one statutory officer compared with all other statutory officers. We sought advice and received some clarification from the Attorney General in that regard, which we were grateful for. Noting the way in which that provision will come into effect—and not without some balancing of the pros and cons—we decided that it was supportable in its current form. We have not required the provision to be removed and put in a substantive bill because we understand the basis upon which it has been presented.

The bill also makes a series of other relatively non-controversial changes to an array of Acts, and I will touch briefly on one. Currently, the Standing Committee on Law and Justice is reviewing again the way in which dust diseases are compensated and how they are regulated in New South Wales. We have received some deeply troubling evidence about the return of silicosis, in particular, as an occupational disease. We have spoken about this in the Chamber at other times, so I will not go into it now in any detail. One of the most recent recommendations of the law and justice committee in its report last year into the Dust Diseases Scheme was an increase in the funeral benefits payable under the scheme. Currently, the funeral benefits payable under the Dust Diseases Scheme total \$9,000 whereas the funeral benefits paid under the substantive workers compensation scheme total \$15,000. There is no policy rationale for that distinction. It is self-evidently no cheaper to bury a loved one who dies from a dust disease than a loved one who dies from another occupational accident or illness.

I am glad to see that the Government has listened to that unanimous recommendation from the law and justice committee. The bill will increase the funeral benefits payable under the Dust Diseases Scheme from \$9,000 to \$15,000 and, as I understand it, peg it to the amount payable under the Workers Compensation Act going forward as a matter of policy. These are benefits that we hope never to see paid out but, tragically, they are paid out. When they are paid out, they should at least be sufficient to cover the funeral costs of a loved one. With this change, that will actually happen under the Dust Diseases Scheme. With those brief comments, I indicate that The Greens will support the Statute Law (Miscellaneous Provisions) Bill (No 2) 2019.

The Hon. NATALIE WARD (15:40:38): On behalf of the Hon. Sarah Mitchell: In reply: I thank honourable members for their contributions to debate on the Statute Law (Miscellaneous Provisions) Bill (No 2) 2019—the Leader of the Opposition, the Hon. Adam Searle, for his always insightful comments and the non-leader of The Greens, Mr David Shoebridge, for his quite accurate comments about the Standing Committee on Law and Justice. I agree with his comments about funeral costs. I think I may have chaired the committee at that time—two chairs ago. I acknowledge that he is correct and that it was a unanimous recommendation.

Schedule 1 to the bill contains policy changes of a minor and uncontroversial nature that do not warrant the introduction of a separate amending bill—although we look forward to working with the Opposition on that prospect. It contains amendments to 25 Acts and related amendments to three regulations. The bill also deals with matters of pure statute law revision and includes savings and transitional provisions. As part of the ongoing statute law revision program, the bill also enables matters of pure statute law revision to be enacted. Overall, it ensures that New South Wales legislation remains as up to date and effective as possible. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

The Hon. NATALIE WARD: On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a third time.

Motion agreed to.

CHILDREN'S GUARDIAN BILL 2019

Second Reading Speech

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:43:40): I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Government is pleased to introduce the Children's Guardian Bill 2019. This bill introduces important amendments aimed at protecting our children. It embodies the Government's ongoing commitment to protecting the safety and wellbeing of children in New South Wales. This bill will create a new Act for the Children's Guardian. It will create key powers, functions and responsibilities to ensure that we continue as a State government to implement responses to the Royal Commission into Institutional Responses to Child Sexual Abuse, to implement the Government's decision to transfer New South Wales reportable conduct framework and the Official Community Visitor scheme from the Ombudsman's office to the Office of the Children's Guardian, and to deliver improvements to the scheme providing independent oversight of responses to child abuse and neglect. These amendments seek to ensure that the child protection framework in New South Wales continues to evolve to address any gaps in protecting the safety and wellbeing of children in this State—to make sure that it has the most rigorous and most compelling set of rules in relation to protecting children.

It represents an important step in the Government's continuous improvement to the New South Wales framework protecting our children. The bill has five key elements. Firstly, it creates a new Act consolidating the Children's Guardian key powers, functions

and responsibilities in one Act. It extracts the Children's Guardian's adoption functions from the Adoption Act 2000, and the Children's Guardian's children employment functions and responsibilities regarding accreditation, monitoring and registration of out-of-home care from the Children and Young Persons (Care and Protection) Act 1998. It will establish the Children's Guardian's expanded regulatory role, provide clarity for the sector and clearly recognise the Children's Guardian's independent statutory office.

Secondly, the Children's Guardian is to oversee and coordinate official community visitors, being a function transferred from the responsibility of the Ombudsman under the Community Services (Complaints, Review and Monitoring) Act 1993. The Official Community Visitor scheme provides a framework for autonomous statutory appointees to visit accommodation services for children, young people, people with disabilities and people living in licensed boarding houses. Oversight of this scheme will be transferred to the Children's Guardian but only insofar as the program relates to children, noting that the equivalent function for adults with disability has already been transferred to the Ageing and Disability Commissioner through legislation I introduced into this House earlier in the year.

Thirdly, the bill implements the Government's decision to transfer functions for the reportable conduct scheme from the Ombudsman's office to the Office of the Children's Guardian. The Government announced the transfer of this scheme in October last year and this bill delivers on that commitment. The royal commission recognised the New South Wales reportable conduct scheme as the most robust across the country. That is why the royal commission recommended the New South Wales scheme be nationally adopted. The announcement to transfer the scheme was made following suggestions by the royal commission that the agency responsible for implementing the Child Safe Standards regulatory scheme should also have the responsibility for the reportable conduct scheme.

The royal commission further noted advantages in vesting the responsibility for the reportable conduct scheme with the same agency that administers the Working With Children Check. This Government closely considered each recommendation and observation by the royal commission. Bringing these functions under one roof will deliver a cohesive approach to auditing, researching, reviewing and capacity building with the many thousands of agencies operating in the child protection sphere, and provide stronger safeguards for children in this State. The reportable conduct scheme is an integral tool in the New South Wales child protection framework. Child mistreatment and abuse in any form is heinous, unacceptable and disgusting. New South Wales has led the development of schemes to uphold the safety of children, including through the establishment of the country's first reportable conduct scheme two decades ago.

This scheme provides for independent oversight of the handling of child abuse and neglect allegations against employees of certain government and non-government entities. There will be no diminution of existing powers exercised under the scheme with the transfer. The scheme currently obliges heads of entities to notify the Ombudsman of any reportable allegation or conviction involving its employees. The scheme also obliges the Ombudsman to monitor each agency's investigation and handling of those allegations. This provides independent oversight of institutional responses to complaints of child abuse and neglect across multiple sectors. The transfer of functions will result in greater integration and streamlining of oversight arrangements for safeguarding children in New South Wales.

Fourthly, the bill makes discrete changes to the reportable conduct scheme. These proposed changes draw on elements of the frameworks in comparable jurisdictions. This is consistent with the royal commission's recommendations, which noted the importance and benefits of national harmonisation of reportable conduct frameworks. The amendments also address gaps recognised by the royal commission and loopholes highlighted recently in the media to ensure that the scheme clearly applies to contractors and subcontractors delivering services to children. Members would recall the case that was cited in relation to a Mosman swimming coach.

This Government will continue to ensure that the scheme we have to oversight workplace child abuse allegations are as robust and responsive as they need to be. And, quite frankly, as they should be. Critical information about individuals and entities of concern cannot fall through the cracks. These amendments will extend the reportable conduct scheme to cover the outside work conduct of employees of public authorities, which includes local councils, who are required to, or do, hold a Working With Children Check. Volunteers in public authorities who deliver services to children will also have their outside work conduct covered. The amendments also extend the scheme to cover the inside and outside work of contractors and subcontractors of all entities if they hold or should hold a Working With Children Check.

That is, if a contracting dance instructor who holds or is required to hold a Working With Children Check working under a local council has committed offences against children outside work, that conduct comes within the scope of the scheme. It is not just the work of a contractor or subcontractor inside an organisation, it is also the work they may do outside. The bill will ensure that any actions against children that should be reported are captured, reported, investigated and dealt with. Significantly, the amendments will extend the scheme to consistently cover religious bodies, which will come within the scheme from 30 January 2020. Any person in a religious body who holds or is required to hold a Working With Children Check for the purposes of their engagement will come within the scheme's scope.

This means that ministers, priests, rabbis and muftis are covered, as are any other roles in the religious body involving activities primarily related to children, including youth groups, youth camps, teaching children and child care. New South Wales' existing reportable conduct scheme currently has an inconsistent approach regarding religious bodies, with some religious organisations coming within the jurisdiction for certain aspects of their work, and others falling outside of that jurisdiction. This bill will address this anomaly, as it should. The amendments will also make discrete changes including by imposing a statutory obligation on agencies to investigate allegations of reportable conduct—prescribing a notification time frame of seven days and 30 days—enabling administrative review of Children's Guardian initiated investigation decisions by the NSW Civil and Administrative Tribunal [NCAT], and clarifying the definition of reportable conduct.

These discrete changes will address gaps in protecting the safety and wellbeing of children and young people, and will ensure consistent coverage. Fifthly and finally, the bill will implement the royal commission's recommendations regarding mandatory reporting and protections for reporters. Although New South Wales already has a strong mandatory reporting scheme contained in section 27 of the Children and Young Persons (Care and Protection) Act 1998, the New South Wales Government is committed to making it stronger in compliance with recommendations made by the royal commission. This bill will also build on existing protections for people who make reports to the Department of Communities and Justice in good faith by providing these reporters with protection against all civil and criminal liability.

I now turn to the detail of the bill. Part 1 and part 2 set out the name of the Act, commencement dates and the Act's application and interpretation. Part 3 contains the objects and principles that inform and reinforce the purpose of the legislation. The simplicity and directness of the bill's objects are key. The Children's Guardian protects children by promoting and regulating the quality of organisations and the people providing services to children. This object is at the core of the Children's Guardian's work and this entire legislation. The paramount consideration and guiding principles recognise that in achieving this object, the safety, welfare and wellbeing of a child and children, including protection from child abuse, is to be the paramount consideration in decision-making, and the operation of the Act and its framework.

In undertaking decision-making, the rules of procedural fairness are to be taken into account, as is the requirement to consider the least intrusive intervention in the life of a child and the child's family, and to ensure that out-of-home care provides a safe, nurturing, stable and secure environment for each and every child. Part 4 transfers the reportable conduct scheme which is currently in part 3A of the Ombudsman's Act 1974. The transfer of functions will provide the Children's Guardian with the Ombudsman's existing powers to monitor and investigate a reportable conduct allegation. Powers in administering the scheme are set out at schedules 2 and 3 to the bill.

Proposed changes to the reportable conduct scheme draw on elements of the frameworks in comparable jurisdictions, as I mentioned earlier, such as Victoria and the Australian Capital Territory, to enhance and improve the New South Wales scheme. This is consistent with recommendations made by the royal commission, which noted the importance and benefits of national harmonisation of reportable conduct frameworks. The bill makes discrete changes to address gaps in protecting the safety and wellbeing of children and will ensure consistent coverage of reportable conduct requirements in relation to an employee's conduct inside and outside of work where those persons have contact with children in their employment.

This bill will clearly identify and clarify the definition of reportable conduct. To date, the legislation has not defined sub-elements of what comes within its scope. The Office of the Children's Guardian has worked closely with the NSW Ombudsman's office in developing the definitions under the scheme. The new reportable conduct definition will better clarify elements in the existing definition that have to date been undefined in the legislation. The new definition will also more transparently cover the elements of conduct that are interpreted as coming within the scope of the scheme. The definitions draw on the elements of existing offences. For example, neglect draws on the existing definition at section 228 of the Children and Young Persons (Care and Protection) Act 1998, but will not be held to the same criminal standard. This will assist in implementing the scheme in that there will be a body of existing case law to inform conduct that does or does not fall within scope.

Reportable conduct will cover conduct including: any sexual offence against, with or in the presence of a child, sexual misconduct with, towards or in the presence of a child, ill-treatment of a child, neglect of a child, an assault against a child, an offence under section 43B, which is the failure to reduce or remove risk of child becoming victim of child abuse or section 316A, concealing child abuse, of the Crimes Act 1900, and behaviour that causes significant emotional or psychological harm to a child. In addition to providing greater clarity by defining key terms, the bill also requires that heads of relevant entities or the Children's Guardian to consider whether the reportable allegation relates to conduct that is in breach of or contrary to professional standards, codes of conduct and accepted community standards. This requirement is to ensure an objective assessment of the conduct against established standards.

A key change to the scheme is to target its scope to the provision of children's services. The existing scheme under the Ombudsman applies to designated government agencies, designated non-government agencies and other public authorities. The heads of these entities are required to advise the Ombudsman where there is a reportable allegation against an employee. The scheme applies to any conduct, both inside and outside of work, of employees of designated government agencies and designated non-government agencies. The scheme also applies to conduct that arises inside work of employees of all public authorities. Maintaining the status quo, the bill continues to apply the scheme to any conduct, both inside and outside of work, of employees of designated government agencies and designated non-government agencies as currently defined under the Ombudsman Act.

These entities will now be referred to as schedule 1 entities. It will also continue to apply to inside work conduct of employees of public authorities as currently defined who do not hold or are not required to hold a Working With Children Check. An employee includes an individual employed by or in an entity whereby for example an employee of the Crown is employed in a relevant government sector agency. These amendments will make a targeted extension of the scheme to cover the outside work conduct of employees of public authorities, which includes local councils, who are required to or do hold a Working With Children Check for the purposes of their work with an entity. This is targeted to those employees in public authorities who have contact with children.

Public authorities such as local councils will be required to report in a number of areas including the inside work conduct relating to all of their employees and volunteers, which is currently the case, and, if they hold a Working With Children Check for the purposes of their work with the entity, the inside and outside work conduct relating to employees, volunteers and contractors. For example, if an employee of a local council provides dance lessons as part of his or her work and holds, or is required to hold, a Working With Children Check for the purposes of that work, and commits a sexual offence against a child outside of work hours, the local council will be under an obligation to inform the Children's Guardian if it is aware of the allegation. An employee's sexual offences, regardless of whether they are committed inside or outside the work context, is to be reportable conduct, given that it is directly relevant to that employee being engaged in child-related work.

The term "employee" will extend the scheme to cover the inside and outside work of contractors and subcontractors of all entities covered under the scheme if the contractor holds, or is required to hold, a Working With Children Check for the purposes of their work with an entity. This means that the head of the entity would be required to report to the Children's Guardian about reportable conduct occurring both in and out of work in relation to the conduct of those contractors of which the head of the entity is aware. Contractors who hold, or require, a Working With Children Check for the purposes of their work will now be treated consistently, regardless of whether the entity they work for under the Ombudsman's current scheme is a designated government agency, a designated non-government agency or a public authority.

The intention is that the scheme apply to any person working for, under the auspices of, or on behalf of an entity currently coming within the scheme, to the extent that person is required to, or does, hold a Working With Children Check for the purpose of that work. The scheme is intended to cover those contracted to provide a service within, on behalf of, or under a contract with an entity coming within the scheme. The rationale for including employees who hold a Working With Children Check for the purposes of their work with the entity, but who may not be required to hold the check by the Child Protection (Working with Children) Act

2012, is that if an employer requires an employee, volunteer or contractor to have a check then they must also be obliged to take on the reporting responsibilities in relation to those persons.

There are currently only a small number of religious bodies coming under the reportable conduct scheme. For example, agencies under the authority of a Catholic Bishop of New South Wales that provides substitute residential care for children are within the existing reportable conduct scheme, while other religious bodies are not. This scheme will now consistently cover religious bodies in relation to clergy and persons in any other role in the religious body who have, or need, a Working With Children Check. This includes roles in a religious body involving activities primarily related to children, including youth groups, youth camps, teaching children and child care. Religious bodies will come within the scheme from 30 January 2020 to enable further consultation and capacity building with the sector.

I note that religious bodies have supported these suggested changes. Under the amendments, religious bodies will be required to report to the Children's Guardian on any inside and outside work conduct of clergy and any other person including employees, volunteers and contractors who hold or are required to hold a Working With Children Check for the purposes of their work with the entity. Being so targeted, it will not extend to all members of the congregation, thereby avoiding undue regulatory burden on religious bodies and their members.

If a reportable conduct allegation is made against a priest, minister, rabbi, mufti or any other religious leader then the new law is clear. The entity in which that person operates will need to investigate the allegation and notify the Office of the Children's Guardian, which will oversee that investigation to ensure it is transparent and accountable. This is the same obligation as is held by any other organisation or entity. These amendments are a major step forward in protecting children who spend time in religious and faith-based institutions. In addition to these targeted expansions of the scheme to those delivering children's services, this bill also makes discrete changes to the scheme. This bill seeks to streamline reporting obligations and reducing regulatory burden on entities. This bill will be a single, simple entry point for most entities to reduce their reporting and administrative burdens.

The Child Protection (Working with Children) Act 2013 and the reportable conduct scheme currently create separate reporting requirements under each framework, potentially allowing gaps to occur. The working with children Act requires a reporting body to notify the Children's Guardian where its child-related worker has engaged in conduct referred to in clause 2 of schedule 1 to the Act. This includes any sexual offence committed against, with, or in the presence of a child. By January 2020 the majority of reporting bodies under the working with children Act are intended to come within the reportable conduct scheme, given they are religious bodies. To reduce duplicative reporting requirements, this bill will collapse reporting requirements into the reportable conduct scheme and remove the reporting requirements under the working with children Act once all entities from that framework come within the reportable conduct scheme.

Under the existing scheme, entities must notify the Ombudsman "as soon as practicable" of a reportable allegation or conviction and in any event within 30 days. This bill create a two-stage notification requirement. The head of an entity is to notify within seven working days of becoming aware of the allegation or conviction and to provide a 30-day report on the investigation or an interim report. This seeks to mitigate a risk that an employee will continue to have contact with children for up to a month, even though they may present an ongoing risk to children. The two-staged process provides the Children's Guardian with an update on the status of the investigation at 30 days. We are also strengthening the scheme by applying a 10 penalty unit penalty if entities do not notify or provide an update at the seven- and 30-day time frame without reasonable excuse.

It is not acceptable for the head of an entity to be aware of a risk to children and not advise the Children's Guardian. These provisions send an unequivocal message that this Government takes the safety of children incredibly seriously. Certain entities may have legitimate reasons for not commencing or reporting on conduct. For example, an employee may be associated with a number of entities and the relevant conduct may already be being investigated by another entity. The Children's Guardian may exempt the head of an entity in these circumstances from commencing or continuing an investigation and from the requirement to provide an entity report or interim report.

There will be a statutory obligation on agencies to investigate, make findings with reasons, and provide information about what action, if any, is to be taken with respect to an allegation that is brought before it. This scheme is an allegation-based risk-mitigation framework. This bill makes amendments to be very clear: An entity must notify reportable conduct, an entity must investigate reportable conduct and an entity must make findings and take action, such as remedial or disciplinary action, in relation to reportable conduct. The Children's Guardian will be able to monitor an entity's investigation and will also have the power to conduct an own-motion investigation if it is in the public interest to do so. If an entity is not doing a good job of investigating a case, the Children's Guardian can step in.

This scheme seeks to balance competing principles of procedural fairness for a person who is the subject of an allegation with ensuring the protection of children in our State. Under the existing framework, the Ombudsman may monitor an investigation or conduct an own-motion investigation, but reportable conduct findings are not reviewable by the NSW Civil and Administrative Tribunal. These amendments enable NCAT reviews of Children's Guardian-initiated investigation findings. Consistent with the Working With Children Check framework, a decision will not be subject to internal review prior to proceeding to NCAT. Further review mechanisms include the Children's Guardian review of an entity's investigation and complaints about the process of a Children's Guardian investigation, which may be made by any person with sufficient interest to the Ombudsman.

Part 5 of the bill extracts the Children's Guardian's existing powers, functions and responsibilities regarding out-of-home care from the Children and Young Persons (Care and Protection) Act 1998. This includes extracting the Children's Guardian's powers of accreditation, registration and monitoring of statutory, supported and voluntary out-of-home care. Part 6 of the bill extracts the Children's Guardian's existing powers, functions and responsibilities relating to children's employment from the Children and Young Persons (Care and Protection) Act 1998 into the new Children's Guardian Act. Part 7 of the bill extracts the Children's Guardian's existing powers, functions and responsibilities relating to adoption from the Adoption Act 2000 into the new Children's Guardian Act. Part 8 of the bill sets out the process of appointment, vacancy and removal from office of the Children's Guardian. This part largely replicates the Children's Guardian's key powers, functions and responsibilities as set out in the existing Children and Young Persons (Care and Protection) Act 1998.

Discrete changes will draw on elements of the Ombudsman Act 1974 regarding the Children's Guardian's removal from office and appointment of statutory officers. The Children's Guardian may now be removed from office by the Governor upon the address of both Houses of Parliament. The Children's Guardian can also appoint one or more statutory officers. Section 125 will set out the expanded regulatory role of the Children's Guardian to include reportable conduct, oversight and coordination of official

community visitors and, consistent with the royal commission's recommendations, the legislative lever to establish and maintain a register of residential care workers in out-of-home care. This register, which is anticipated to be operational in 2020, will provide a mechanism for out-of-home residential care providers to exchange information about the safety and suitability of residential care workers prior to making a decision whether to engage a person.

There will be parliamentary joint committee oversight of the Children's Guardian's functions in relation to reportable conduct, as is already the case for the Working With Children Check frameworks. This will ensure that the transfer of reportable conduct functions will not result in any diminution of current oversight. The bill will replicate the information exchange provision that currently applies to the secretary of the department under section 248 of the care Act. This will ensure that the Children's Guardian can share information with a relevant body, which includes prescribed bodies under the care framework. Noting that the guardian will now have an expanded regulatory role, this will enable information of concern to be provided to entities on the same basis as the secretary already does.

The bill also makes a discrete expansion to the Children's Guardian existing information exchange powers at section 186A of the care Act, which will be transferred into this legislation. The provision currently enables the Children's Guardian to share information with police and other investigative agencies. This legislation will clarify that the Children's Guardian can refer matters to interstate and to Commonwealth police and investigative agencies. This small change recognises the new regulatory environment with the commencement of the Commonwealth National Disability Insurance Scheme Quality and Safeguards Commission.

Part 9 will transfer the Official Community Visitor scheme from the Ombudsman to the Children's Guardian. The Official Community Visitor scheme under the Community Services (Complaints, Reviews and Monitoring) Act 1993 provides a framework for autonomous statutory appointees to visit accommodation services for children, young people, people with disabilities, and people living in licensed boarding houses. The bill enables the Minister to appoint, on the Children's Guardian's recommendation, official community visitors who have functions relating to children who reside in visitable services, which are an accommodation service where a child in care using the service is in the full-time care of the service provider. An official community visitor can enter and inspect a visitable service, confer alone with a child who is resident, or a person employed at the service, inspect relevant documents and provide the Minister and the Children's Guardian with advice or information relating to the conduct of the place.

Official community visitors can also provide information about independent advocacy services to help children in the presentation of a grievance or matter of concern, and encourage the promotion of legal and human rights of children using visitable services. The equivalent Official Community Visitor scheme in relation to adult disability services and assisted boarding houses has been transferred from the Ombudsman to the Ageing and Disability Services Commissioner, as per legislation I introduced into this House earlier this year. Official community visitors can consider matters raised by children themselves, or raised by staff or people having a genuine concern for their welfare, interests and conditions. They can provide information about, and assist, children to obtain advocacy services that can help them with grievances or concerns. Official community visitors can refer those grievances or concerns, if reasonable and practicable to do so, to the providers of the relevant services or to other appropriate bodies.

Part 10 replicates the existing administrative review functions that apply to decisions within the Children's Guardian's existing portfolio responsibility. One new decision to be included in the list of existing decisions that can be appealed to NCAT will be administrative review of Office of the Children's Guardian-initiated investigation findings. Part 11 sets out the offences regarding information protection, including under the reportable conduct scheme. Part 12 contains a range of operational and miscellaneous provisions such as delegation by the Minister and the regulation-making power. Under the schedules to the bill, amendments are made in relation to mandatory reporting. This strengthens the existing mandatory reporter scheme by expanding its application to people in religious ministry, people who provide religion-based activities to children and registered psychologists providing professional services as psychologists. People who fall within these categories will be required to make a report to the Department of Communities and Justice if they have reasonable grounds to suspect that a child is at risk of significant harm and those grounds arise during the course of, or from, their work or their duties.

The bill amends section 29 of the care Act to build on existing protections for people who make reports to the Department of Communities and Justice in good faith by providing these reporters with protection against all civil and criminal liability. The bill also inserts two new provisions into the care Act to provide new protections for people who make child protection reports. Proposed section 29AAA applies to reports made to institutions engaging in child-related work and protects reporters who make a report in good faith from liability in defamation and civil and criminal liability. It also provides that the report does not constitute a breach of professional etiquette or ethics, or amount to unprofessional conduct. The protections extend to people who provided information to the reporter or who were otherwise concerned in the making of the report. Proposed section 29AB applies to reports made to the Department of Communities and Justice and institutions engaging in child-related work and protects reporters against retribution for making, or proposing to make, a report.

Increasing the categories of mandatory reporter and providing greater protections for people making a report will result in increased reporting of child abuse and neglect, allowing the Department of Communities and Justice to prevent children from being abused, or put a stop to abuse that is already occurring. The royal commission highlighted the pervasiveness of child abuse through its work, the complex trauma and cumulative effects over the long term for individual victims, and the ripple effects on families and communities. This Government is currently engaged in important work to implement the commission's recommendations. The reportable conduct framework, and the transfer of functions to the Children's Guardian, is an integral piece in the puzzle.

While the reportable conduct scheme cannot protect against people who are yet to engage in child abuse and misconduct, it is one tool in a broader framework in New South Wales for responding to people who we know, or suspect, should not be working with children. The most effective approach must be multifaceted, with organisations adopting careful recruitment processes, appropriate training and supervision, robust processes for investigating complaints, a culture of valuing children and young people's participation, and risk management systems centred around children's rights. The reportable conduct scheme seeks to monitor and oversight those objectives. However, importantly, this must be a shared approach across the community. This is something in which every member of this House and this community should be invested.

This bill represents an important step, but there is always more to be done, and we will do that work together. The new Children's Guardian legislation increases clarity and visibility of the independence of the Children's Guardian's regulatory role. The protection of our children from abuse is of paramount importance to this Government. We will do whatever we reasonably can to keep our children safe. Through this bill, the Government is delivering on its commitment and seeking to ensure the child protection

framework in New South Wales continues to evolve to address any gaps in protecting the safety and wellbeing of children. I commend the bill to the House.

Second Reading Debate

The Hon. MICK VEITCH (15:44:00): I lead for the Opposition in debate on the Children's Guardian Bill 2019. The objects of the bill are to protect and promote the safety, welfare and wellbeing of children and to protect children from child abuse and exploitation. The bill continues the Office of the Children's Guardian and provides for the appointment and functions of the Children's Guardian. The bill provides for the Children's Guardian to administer a reportable conduct scheme to prevent, identify and respond to child abuse, regulate the provision of out-of-home care, regulate the employment of children and accredit providers of adoption services. The bill also provides that, to the extent the Official Community Visitor scheme relates to accommodation provided to children in care, the scheme is to be administered by the Children's Guardian instead of by the Ombudsman, as is currently the case.

The Minister for Families, Communities and Disability Services said in the other place that the Children's Guardian Bill 2019 has five key elements. The first element is that it brings the powers of the Children's Guardian into one consolidated Act. This makes sense and is uncontroversial. Uniting all functions of a statutory body in one Act ensures that everyone can be properly aware of their obligations. The other elements of the bill described by Minister Gareth Ward have been a cause for some concern among the sector of organisations working with children in New South Wales. Labor does not oppose the bill; although it is extraordinary how little the Minister has consulted with the sector of agencies, organisations and charities that could be greatly impacted by the changes.

Those organisations feel blindsided by the bill. They said as much at a roundtable co-convened by the Hon. Penny Sharpe in her capacity as the shadow Minister for Family and Community Services and Mr David Shoebridge. The roundtable was convened to listen to concerns expressed by organisations that highlighted a complete lack of consultation on changes the bill seeks to make as well as a lack of transparency regarding the drafting of the bill, which could have a fundamental impact on the way they do their work and whether they can continue doing their work. The Labor Opposition thanks the organisations that were able to come on short notice to share their concerns at the roundtable, and thanks the Children's Guardian and the NSW Ombudsman for attending, as well as Minister Gareth Ward for sending a representative from his office. It was an important roundtable.

The Office of the Children's Guardian provides essential oversight to ensure that children are kept safe. If we make changes to the functions of this office, we have to make sure it is done right. The Children's Guardian administers the Working With Children Check, ensuring that those who are not suitable to work with children are prevented from doing so. This office also accredits agencies that arrange statutory out-of-home care, maintains the NSW Carers Register, accredits non-government adoption service providers and authorises the employment of kids under 15 in the entertainment sector, and more. For all these critical functions in child protection, the office needs to be independent and properly resourced.

Importantly, one significant change that the bill seeks to make is moving the oversight of the reportable conduct scheme from the office of the NSW Ombudsman to the office of the Children's Guardian. The New South Wales reportable conduct scheme was the first of its kind in Australia. It was established in 1999 to ensure that the NSW Ombudsman could provide independent oversight of the handling of child abuse and neglect allegations against employees and to ensure that investigations were being conducted appropriately and kids were being kept safe. Our scheme operated for eight years before the Australian Capital Territory and Victoria introduced their versions in 2017. The scheme was used as an example of best practice in the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. It was recommended that all State and Territory governments establish nationally consistent schemes based on the New South Wales scheme.

Reportable conduct under the Ombudsman Act is defined as a list of sexual offences and misconduct committed against, with or in the presence of a child; assault, ill-treatment or neglect of a child; or any behaviour that causes psychological harm to a child. Reportable conduct also includes when an employee is convicted of an offence involving this kind of conduct outside of work. The scheme is separate to mandatory reporting obligations. Any employer who suspects harmful conduct against a child must report it to the Family and Community Services Child Protection Helpline directly and/or to police. The scheme is a separate mechanism that checks whether employers are doing the right thing and have put the right measures in place to ensure kids are kept safe from harm—a most critical element of the scheme.

Currently, any allegation of behaviour or an incident that falls under the reportable conduct scheme has to be notified to the Ombudsman as soon as possible or at least fully reported within 30 days. The first port of call should always be ensuring the child is kept safe and that the conduct is being investigated appropriately. Making

a quick notification would not be difficult for a massive statewide charity, which probably has dedicated mandatory reporting departments. However, we can imagine that, for a small organisation in rural New South Wales with a handful of staff, reporting to the Ombudsman will come after the proper protections have been put in place and that could take a little while. The full report the employer makes within 30 days should include details of the allegation or conviction, advice as to whether disciplinary or other action is proposed to be taken against the employee, reasons for not taking any action and any written submissions made by the employee about what action should be taken.

Under this bill, rather than having 30 days to report the conduct, the employer has a week to notify the Children's Guardian. If they do not do that, they will be up for a civil penalty unless they have a reasonable excuse. This is new and it is what is worrying the people in this sector. The problem this change seeks to solve has not been made clear. It is unclear how the current reporting time frames have led to children being worse off. The second major concern among the sector is how quickly this change may come about, potentially prejudicing sector organisations. A number of discrete changes to the scheme that come with the bill includes expanding the scope of those it covers—notably, including religious bodies from 30 January next year, as well as overnight accommodation and housing services that house children and young people; imposing a statutory obligation on agencies to investigate allegations; and clarifications to the definition of "reportable conduct".

To comply with these new and changed obligations, charities and other organisations that work with children need time and training to adapt, particularly those that are coming under the scheme for the first time. The sector has not even seen the regulations associated with the bill, nor is there any transitional period built into the bill to enable organisations to learn about the changes and adapt their processes. Again, we see concerns about regulations attached to the bill. This is an important matter. We really need to consult with everyone to ensure we get those regulations right. Organisations will need time and resources to ensure that their staff are trained and ready to fully understand their new and changed obligations under the Act. There are no measures in this bill to ensure that organisations will receive appropriate support to adapt. Quite simply, this bill is setting them up to fail.

The Opposition is concerned about those small rural organisations in the State that clearly will not have the capacity to implement the bill's changes without some type of grace period, without additional resourcing and without support from the Government to put in place the systems that will be necessary to enable them to comply with the new regime. Finally, the Labor Opposition wants to be reassured that the Office of the Children's Guardian will be appropriately resourced to undertake this work. It is one thing for organisations, particularly small organisations in rural areas of New South Wales, to get up to speed with this new regime but it is absolutely critical for the Government to adequately fund and resource the Office of the Children's Guardian so that it can undertake this work. If the Government does not resource the agency properly, this legislation will fail. If this legislation fails, it is failing the children of this State who are most at risk.

I urge the Government to take on board the concerns expressed by the sector and appropriately resource and fund the Office of the Children's Guardian to do this work. The Children's Guardian is not immune to the efficiency dividend. As I have said, the office undertakes highly significant work that ensures kids are kept safe from harm in this State. How will this office manage to keep on top of this additional work while being hit with an annual 3 per cent funding cut? The answer remains to be seen. Agencies that we should be supporting are being pressured to implement the efficiency dividends. If ever there was an agency that should be exempt from the efficiency dividend, it is the Office of the Children's Guardian. Why would a New South Wales government apply an efficiency dividend, which essentially is a reduction in funding, to the Office of the Children's Guardian, particularly when the office is about to step into a whole new regime that will be put in place by this bill? That does not make sense.

I urge the Government to give serious consideration to the manner in which efficiency dividends are being applied to the Children's Guardian. The Opposition suggests that efficiency dividends should not be applied to this particular agency. Although Labor does not oppose the Children's Guardian Bill 2019, we do want to see the concerns resolved and sector voices to be heard in this process. When we are making changes to the laws that keep kids safe, we have to do it right and we have to do it in partnership with the people on the ground who are doing this work. That includes small rural and regional organisations that need time to adapt to the new regime. They will struggle in doing that. I say to the Government: You have got to get this right. You have to engage with them. You have to give them time for their organisations to gear up to what will be a new regime. I reiterate that the Opposition will not oppose the bill.

Mr DAVID SHOEBRIDGE (15:55:00): I speak on behalf of The Greens in debate on the Children's Guardian Bill 2019. I say at the outset that The Greens do not oppose the thrust of the reforms outlined in this bill. Indeed, a number of them have come from elements of the Royal Commission into Institutional Responses to Child Sexual Abuse. While it is true that elements of the bill that respond to the royal commission's work do not

relate directly to recommendations, they do relate to concerns that the royal commission expressed about the fractured oversight of child protection matters. In many ways, the royal commission's observations were directed mostly to institutions outside New South Wales. It referred to the reportable conduct scheme that New South Wales has had in place for over a decade as being the scheme that should be replicated in jurisdictions across the country.

The bill takes the reportable conduct scheme in New South Wales from the Ombudsman's office and transitions it across to the Children's Guardian, consistent with commentary from the royal commission that having fractured oversight agencies when it comes to child protection matters can see children and issues fall between the cracks. The bill provides for the Children's Guardian to administer the reportable conduct scheme. The purpose of the reportable conduct scheme is to prevent, identify and respond to child abuse and to put in place the guidelines and regulations to make organisations child safe; to regulate the provision of out-of-home care; to have the Children's Guardian regulate the employment of children; and to be the body that accredits providers of adoption services.

The bill also provides for what is known as the Official Community Visitor scheme to the extent that it relates to accommodation provided to children in care. It provides that the scheme will henceforth be monitored by the Children's Guardian rather than by the Ombudsman. The bill otherwise continues the current functions of the Children's Guardian. The objects of the bill are to protect and promote the safety, welfare and wellbeing of children and to protect children from child abuse and exploitation. An array of very detailed concerns about the bill have been delivered to my office by agencies from across the sector. The concerns originally came as a trickle once the bill had been given its first reading but then became a far bigger stream of concerns from across the sector. Partly in response to those concerns, my office, together with the office of the Hon. Penny Sharpe, decided to pull together a roundtable of organisations in the past few weeks to see whether there was a common view about what, if any, amendments were needed to the bill and if that could be done in the time frame available to Parliament before the end of the parliamentary term.

We endeavoured to be cooperative in that regard. We both informed the Minister and invited the Minister's office to come to the roundtable. I am pleased to say that the Minister sent one of his representatives. Non-government organisations including Barnardos, Fams, the Association of Children's Welfare Agencies, the Public Service Association, Samaritans, the Australian Services Union, Youth Action and Grandmothers Against Removals all came and were extremely grateful for the opportunity to be heard. The first thing I would say about the feedback we got from the roundtable was that—and when I make observations about the feedback, I am excluding the Minister's office, the Children's Guardian and the Ombudsman, who all have their own positions—it was the unanimous opinion of all the non-government bodies and agencies that the bill cannot possibly commence in whole or in part on 30 January, let alone on the date of assent as is the current commencement provision.

The bulk of the bill commences on the date of assent, but a small subsection of the bill commences on 30 January next year—no organisation is ready. If the Parliament were to pass the bill as drafted, the sector would be utterly unable to comply. If it was simply a question of cutting and pasting the reportable conduct regime that currently applies and changing the name of the entity that administers it and to whom reports are made from the Ombudsman to the Children's Guardian, that may be one thing. But the bill makes significant structural changes to time lines for reporting and the details that are required to be provided when an agency reports under the reportable conduct regime, and then requires agencies to have internal checks, controls and investigative procedures in place to follow up on a reportable conduct report. Even the large agencies in New South Wales—the really big ones with quite deep pockets and real resources—are unable to comply with that, let alone myriad smaller agencies.

This Act cannot commence on the date proposed. Indeed, if Parliament were to pass the bill in its current form, we would be setting the entire sector up to fail. We cannot do that. Also, there was feedback that thus far there has been very, very little consultation with the sector regarding the specific provisions of the bill. The agencies said they wanted far deeper consultation with the Government to address some of the fine-grained elements of the bill. An agency said in the roundtable that it was surprised about the time line proposed for adoption of the scheme. In fact, we were advised in the roundtable that a fresh raft of reforms is coming sometime next year to implement other aspects of the reform arising from the royal commission, but no agency had been told that there was a second round of reforms coming.

Again, they asked, "Where is the engagement? Where is consultation if you want us to perform this work?" NGOs asked whether they were expected to be compliant straightaway or a transition period will apply. None of them understood the timetable that was being set up in Parliament for the second reading and the Committee stage of the bill. Each organisation said that it was uncertain about the nature of the new reporting obligations. The organisations said that there was no clear outline of what the reporting obligations would be.

They asked for something as simple as saying to the Children's Guardian, "If you have the proposed forms for the reporting, can you please share the forms that you are proposing with us? What are the forms for the seven-day and the 28-day reporting proposed in the bill?" They have not been provided to anybody. To its credit, the Children's Guardian undertook to engage and disclose those materials to the agencies as soon as possible.

A fundamental concern for non-government organisations is that a lot of new work is required of them in the child safety arena. To the extent that some of the very well-resourced and capable—in terms of scale of operations, not their core capacity to do their work as a non-government organisation—large organisations said that probably across the board they had the necessary internal resources to devise a new set of procedures, they acknowledge a lot of additional reporting and investigative requirements and additional responsibilities are placed on them. However, nobody from government has sat down with them and said that there is going to be any pathway to increased funding.

They made it clear that it is not a one-off cost and that once these arrangements are in place there will be ongoing structural costs for all non-government organisations to comply with the reporting obligations, but they do not have any spare funds. They also said that funds will have to be diverted from their current work for the reporting obligations under this bill which will take away from their frontline services. They ask the Government to give a commitment to increase the funding necessary to do this work, otherwise the work will come at the expense of face-to-face community work of non-government organisations in the sector.

Concerns were also raised about the pulling together of all of these powers into the Office of the Children's Guardian. The Children's Guardian will really be judge, jury and executioner or, in the language of this bill, it will set the rules, accredit the agencies, establish the guidelines and have royal commission like investigative powers that apply not just to government agencies but also to non-government organisations in the child protection sector. The sector quite rightly says that there are Chinese walls inside the organisation because these are quite discrete functions.

The sector refers to the kinds of investigative roles and functions that are being proposed to be given to the Children's Guardian in this bill. One of the key focus and goals of a statutory investigation into something like a child death, an allegation of systemic abuse or the like that tragically happens in this space, using royal commission powers, is to not just to critique the organisation that had the failings but also to critique the policy, regulation and oversight settings by the government agency that had responsibility for the area. If the same government agency that is holding the royal commission, if you like, into the incident also set the rules and guidelines, and did the accreditation and maybe failed, there is such an obvious conflict of interest. The sector asks: How is it proposed to be dealt with in the Office of the Children's Guardian? The Minister did not provide an answer, although the concern was taken on board, as to how those conflicts of interest will be dealt with in the Office of the Children's Guardian.

I will deal with some more finely grained concerns about the bill, one of which relates to the scope of the functions confirmed or imposed by the Act. In that regard, clause 3 of the bill identifies basically that the application of the Act covers children who presently live in New South Wales and an event or circumstance that occurs in New South Wales, except if the event or circumstance is a sexual offence committed outside of New South Wales. Some people have suggested that that application of the Act is too narrow. For example, what if a serious physical assault, an act of neglect or sexual misconduct occurs outside of New South Wales? That would prevent the Children's Guardian from investigating it; it would remove the capacity.

There seems to be no reason to have such a narrow application of the scheme in this way. Some organisations are concerned about the scope of the guiding principles and the objects of the Act, not least of which is that the Aboriginal placement principle is not included in the bill. There are other quite detailed concerns about the operation of, for example, clause 22, which has quite a complex definition of "sexual misconduct". There are concerns about clause 24 and that the definition of "neglect" in the bill does not align with the example provided in the bill. There needs to be a far broader definition of "neglect" to also include obvious things such as a failure to take reasonable steps to protect a child from abuse or neglect. Often, tragically, that is the cause of neglect but it is not picked up from the definition in this bill.

Similar concerns have been raised with the definition of "assault" in relation to causing another to apprehend violence as it does not actually reflect the state of the current law. The bill requires intention, for example, however the Judicial Commission of New South Wales makes it clear that the law in this area also includes recklessness which for some reason is not picked up in the definition in the bill. It is unclear why the bill contains that drafting error. There are a series of other detailed concerns about the drafting of this bill, all of which need to be addressed in detail. I foreshadow that they will be addressed in detail with amendments moved by my office and I am sure offices of other members during the Committee stage of this bill.

In summary, the idea of a single regulator—a single oversight agency—looking after the interests of children and preventing them from being abused, neglected or exploited has genuine merit. For that reason, The Greens do not oppose the thrust of the bill. We will continue to be open and work productively with the Government over the next week or three months to present a series of essential amendments to this bill so that the sector is brought along and the bill can be implemented. The Greens will oppose the bill if it is pushed forward in its current form without significant amendments and the sector would be damaged. I acknowledge that the Minister wants a bill that is supported by the sector. He has indicated a willingness to engage on some of these finely detailed amendments and consultation so that we get it right. It is far too important to legislate and get it wrong and abandon the sector in that process.

It is commendable that this bill will not proceed to the Committee stage today. Whether we are collectively in a position to deal with the Committee stage next week is open. A very strong argument exists to say that, as a result of the array of concerns that have been raised about this bill, the only sensible approach is to take a little bit more time and put it over to early next year. That being said, perhaps heroic efforts can be made in the next week—which I do not mean in a glib way. As the task is large, perhaps there is the capacity to deal with it next week. However, I think the better course of action may be to deal with this bill as one of the first items of business of next year and get the detail right. With those observations, I conclude my speech.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:14:23): In reply: I thank the Hon. Mick Veitch and Mr David Shoebridge for their contributions to the debate on the Children's Guardian Bill 2019. The spirit of the bill and of their approach to it is to seek to pass legislation that, at the end of the day and as Mr David Shoebridge said, not only the Parliament but also the sector is happy with. I acknowledge the concerns raised by the Hon. Mick Veitch and Mr David Shoebridge about ensuring that the industry is not put in a position where it cannot comply and that we are not setting up the industry for failure. I will deal with some of the issues that were raised. I do not mean this to be an exhaustive reply; I have not seen any proposed amendments to the bill. In view of the fact that we will adjourn proceedings on the bill at the conclusion of the second reading debate, it gives us an opportunity to consider some proposed amendments now and, going forward, if there are any additional amendments.

Firstly, I will talk about the scope of the powers of the bill, which have been carefully developed. I think it is acknowledged that we have sought to achieve a consolidation of the Children's Guardian's existing powers, functions and responsibility across consolidated pieces of legislation. It does not result in any of the powers falling away. It is also important to note that the powers of entry in relation to reportable conduct are limited to entities being investigated by the Children's Guardian, which is consistent with the existing scheme.

The number of own-motion investigations is anticipated to be very low. This is in relation to the concern raised by the Hon. Mick Veitch. The exercise of powers under the Act will continue to be used appropriately by staff of the Children's Guardian, in keeping with the wellbeing and safety of children and young people at the heart of the Office of the Children's Guardian's efforts. In relation to the nature of reportable incidents, which are covered by section 43B of the Crimes Act, the reasonable steps that are necessary to protect a child are covered by the definition of "reportable conduct" in section 43B and section 316A of the Crimes Act. The cross-fertilisation of those two concepts potentially deals with the issue raised by Mr David Shoebridge.

There is a suggestion that the powers sought to be included in the bill are potentially an overreach. To that I say—which is the point I have just been making—that the powers in the bill seek to replicate the existing powers contained in the Children and Young Persons (Care and Protection) Act, the Ombudsman Act, the Adoption Act and the equivalent Official Community Visitor powers under the Ageing and Disability Commissioner Act 2019. I recall that there was some discussion about the impact of that Act on the sector and about having people properly trained in relation to how their obligations to report in respect of disabilities was to be handled by the industry on commencement of the Act.

It is important that consolidation of these pieces of legislation does not result in any powers falling away, and that is exactly the point of making sure that people do not fall through the cracks. The key exercise of schedule 2 powers is at part 1 [2]: namely to facilitate the exercise of powers under the Act, to monitor and accredit agencies and persons providing out-of-home care, and to investigate and monitor compliance with the Act. There are some powers that are specific to particular functions: for example, the powers in relation to children's employment regarding entry without warrant into places of employment. This is a transfer of existing powers under the care Act to ensure that the requirements in relation to employment of children are complied with.

An issue that has been raised by all is adequate funding. The Children's Guardian has been given additional funding for the implementation of the royal commission's recommendations, including the residential workers register and the mandatory child safety standards. Staff and the funding that goes with the reportable conduct scheme are being transferred from the Ombudsman's office to the Office of the Children's Guardian. So there will be funding relating to this increased workload, which will be transferred to the Office of the Children's

Guardian. I agree with the Hon. Mick Veitch that it is important that that funding be there to make sure that the office can implement the intent of this Act effectively. I go further to say this ensures that staff with significant corporate knowledge and expertise in reportable conduct matters will continue to be involved to ensure seamless transition. In addition, to implement the royal commission's recommendations regarding expansion of reportable conduct to the religious sector, funding is being provided by the cluster.

The Children's Guardian is already an independent statutory authority. The level of independence is further enhanced in that the bill provides, at clause 125 (3), that the Children's Guardian is not subject to the direction or control of the Minister. The legislation makes clear that the appointment of the Children's Guardian to and removal from the office aligns with that of the Ombudsman. Further, the Children's Guardian will have the same powers as the Ombudsman in relation to part 4 reportable conduct matters. This includes the royal commission inquiry, the same protections in relation to secrecy and privileges, powers of entry without warrant, non-compellability in legal proceedings and the joint parliamentary committee review.

The Children's Guardian will also have access to the information the Ombudsman had access to. To provide for accountability in decision-making, decisions arising from Children's Guardian self-initiated investigations will be reviewable by the NSW Civil and Administrative Tribunal. That brings me to the issue of consultation. Mr David Shoebridge raised the question of whether the industry is ready for a scheme that commences at the end of January—

Mr David Shoebridge: Upon assent of the Act.

The Hon. DAMIEN TUDEHOPE: On the assent of the Act, but it is at least intended that it commence by the end of January. In many respects, this legislation should not have taken anyone by surprise. The expansion of the reportable conduct, the requirements and the recommendations of the royal commission relating to the expansion of that reportable conduct have been in the public arena certainly since the findings of the royal commission. We say this in respect of the consultation that has already occurred in relation to the bill, and it may not necessarily have included the wide range of organisations with which members had the opportunity to have a roundtable for the purpose of getting their input.

To make sure that it is on the record, the Office of the Children's Guardian consulted with the NSW Ombudsman's office, which was very closely involved in the development of the bill and attended drafting meetings with Parliamentary Counsel. In addition, the Department of Communities and Justice—both the Justice and Family and Community Services sides—which was provided a consultation paper and draft legislation, made suggestions to the bill that were incorporated. The Office of Local Government, which had no requested changes to the bill, was consulted. The Department of Education, which was provided a consultation paper and draft legislation, made suggestions.

The NSW Police Force made suggestions that were incorporated into the bill. The Ministry of Health provided consultation. The Office of the Children's Guardian also sought approval through the Department of Premier and Cabinet to consult on the bill with the Information Privacy Commission. The Information Privacy Commission made no comment in relation to the bill. The Advocate for Children and Young People provided comments through the Cabinet process and was consulted on the bill. Legal Aid was provided with a consultation paper and the draft legislation. It made submissions in relation to the bill. The Victorian Commission for Children and Young People was consulted together with the Australian Capital Territory Ombudsman's Office.

Prior to introduction of the bill on 20 August 2019, the CEO of the Association of Children's Welfare Agencies was consulted directly by the Children's Guardian. The Children's Guardian has also met with the NSW Child, Family and Community Peak Aboriginal Corporation and education sector stakeholders to discuss the proposed amendments. Since introduction of the bill consultation has continued with stakeholders, including the Association of Children's Welfare Agencies, Barnados, the Australian Services Union and education representatives. In addition, the royal commission undertook significant consultation in developing its recommendations, including the recommendation that the reportable conduct framework extend to contractors and religious bodies. That is an extension of the reportable conduct regime that this bill seeks to expand, and where there is potentially greater resourcing required.

The Government has resourced the Ombudsman to conduct capacity building to equip the religious sector to enter the scheme in January 2020 with a steering committee co-chaired by the Deputy Ombudsman. The NSW Ombudsman was funded to conduct capacity building and engage with religious bodies in relation to extension of the scheme to religious bodies. The Office of the Children's Guardian understands that this engagement has been undertaken by the former Deputy Ombudsman. The Children's Guardian has attended some of these meetings. Once the reportable conduct function transfers to the Children's Guardian, the Office of the Children's Guardian will continue this engagement with religious bodies.

Further consultation with the sector was not possible given definitions in the bill had to be settled with the Ombudsman's office. The Office of the Children's Guardian has developed information and fact sheets to provide to key stakeholders once the bill passes through the Legislative Council. Mr David Shoebridge referred to forms. I am advised that forms have been shared with key stakeholders from the roundtable and the seven-day reporting requirement relates to the provision of high-level information, not the final information.

Mr David Shoebridge: That has happened since then.

The Hon. DAMIEN TUDEHOPE: I understand. Another issue was raised with the concept of judge, jury and executioner. I will say that the Office of the Children's Guardian has clear and established protections for information. The Office of the Children's Guardian currently holds a large amount of sensitive information in relation to applicants and holders of a Working with Children Check, adoption service providers and out-of-home care providers. This amount of sensitive information will increase with the transfer of the reportable conduct scheme and official community visitor scheme from the Ombudsman's Office to the Office of the Children's Guardian. Part 11 of the bill creates strict liability offences for unauthorised access and disclosure of information stored by the Children's Guardian.

Noting the range of functions of the Children's Guardian and the various avenues for receiving information section 56 seeks to mitigate risk and create clear transparent parameters around intra-agency information sharing, as agreed by Cabinet. Section 56 (1) codifies and streamlines existing information exchange that occurs under schedule 1 (2) of the Child Protection (Working with Children) Act 2012—that is, sustained findings of sexual misconduct and serious physical assault as well as sexual offences. Section 56 (2) provides for the referral of unsustained findings of the above and any other types of reportable conduct if it meets the threshold of an interim bar for the purposes of the Working with Children Check.

In establishing guidelines under section 170 (2) (c) the Office of the Children's Guardian is seeking to have clear, transparent policies regarding internal information sharing while balancing this with the requirement to ensure that teams in the Office of the Children's Guardian are provided with information that is key to undertaking their functions. These guidelines will seek to establish that information sharing continues to occur as it always has between the Reportable Conduct Directorate and the rest of the Office of the Children's Guardian. While section 58 (1) (m) creates a lawful authorisation to avoid the restrictions on internal Office of the Children's Guardian disclosure, this must be clearly tied to the purpose of "discharging the Children's Guardian's functions". These guidelines will seek to clearly show how that threshold is met.

That is not an exhaustive reply to the very substantial contributions made by the Hon. Mick Veitch and Mr David Shoebridge. I am advised that at the conclusion of this debate the Minister's office will engage with the community sector and with members with a view to considering the proposed amendments for the purpose of improving the Act and improving community confidence in the administration of the Act. I know that the Minister is committed to ensuring that this is an Act which has the full support not only of the Parliament but also of the community. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that this bill be now read a second time.

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

That consideration of the bill in Committee of the Whole stand an order of the day for a later hour.

Motion agreed to.

WATER SUPPLY (CRITICAL NEEDS) BILL 2019

Second Reading Speech

The Hon. BEN FRANKLIN (16:31:46): On behalf of the Hon. Bronnie Taylor: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

New South Wales is currently experiencing unprecedented drought conditions. Around 98 per cent of the State is affected and forecasts indicate that hot and dry conditions are expected to extend through summer. Major regional centres such as Tamworth, Dubbo, Orange and Bathurst have less than 12 months of town water supply remaining. An increasing number of regional towns are facing even greater difficulties with indications that Cobar, Tenterfield, Nyngan and Bourke have less than six months of town water supply. In these cases, the time required for the assessment and approval of additional infrastructure that would secure the

water supply of these towns and surrounding localities, plus the time to then construct that infrastructure, is longer than the remaining supplies.

The Government stands ready, as it always has, to act in the interests of our regional centres and surrounding localities. Since 2015 the New South Wales Government has committed more than \$1.8 billion in drought assistance for primary producers and regional communities. In August of this year the Government announced an additional \$78.03 million for the delivery of emergency water projects to prolong water supply and protect over 180,000 residents of regional towns. But funding alone is not enough. Legislative action is required to accelerate the assessment and approval times for these emergency projects so that water can be delivered to these areas before town water supplies are exhausted. This is an urgent imperative for the residents of Tamworth, Orange and Dubbo and their localities.

The Water Supply (Critical Needs) Bill 2019 is this legislative action. The bill will declare certain regional towns and localities that are in critical need of water and specify the development required to bring an ongoing supply of water to these areas. Action is also required to support the historic partnership with the Commonwealth Government to co-fund construction of a \$650 million upgrade of Wyangala Dam in the State's Central West and a \$480 million new Dungowan Dam near Tamworth.

New South Wales is also making an initial co-investment in a proposed new dam on the Mole River. In partnership with the Commonwealth, we will build the first new dam in New South Wales for more than 30 years. The bill ensures that we honour the Premier's and the Government's commitment to work in lockstep with the Commonwealth to make certain these dams get built to enhance future water supply and security. The bill will do this by declaring these three dam projects to be critical State significant infrastructure for the purposes of the Environmental Planning and Assessment Act 1979.

I now turn to the substantive elements of the bill. Part 1 sets out the preliminary matters, including the name and definitions of terms used throughout the bill. Clause 2 provides that the bill commences on the date of assent. Part 1 also deals with the application of the bill. The focus of the bill is regional New South Wales. Importantly, clause 4 provides that the bill does not apply to land within the special areas of the Sydney catchment area as defined in the Water NSW Act 2014 or land within the Sydney metropolitan area. Part 2 of the bill declares certain towns and localities in regional New South Wales suffering from extremely low water supply levels to be critical town or locality water supplies. Paragraph 1 (a) of proposed section 5 lists these towns and localities to be: The locality that includes the towns of Dubbo, Wellington, Warren, Nyngan and Cobar; the locality that includes the towns of Tamworth, Moonbi and Kootingal; and the locality that includes the towns of Orange, Spring Hill, Lucknow, Molong and the area serviced by the Central Tablelands Water County Council water supply system.

Paragraph (2) of clause 5 allows regulations to be made by the Governor to declare additional towns or localities in schedule 1 as critical town or locality water supplies. This is needed to ensure that other towns or localities in regional New South Wales can have the benefit of this legislation if the drought worsens and water supply levels in other areas of the State reach critical levels. The concurrence of the Minister administering the Biodiversity Conservation Act 2016 is required before a regulation can be made to declare additional towns or localities. Part 3 of the bill deals with the development of the urgent infrastructure that is needed to bring water to the towns and localities that are declared as having critical supply levels. Clause 7 provides that this development will be described in schedule 2 and must only be carried out by or on behalf of a public authority, such as a council or WaterNSW.

Schedule 2 lists the following three emergency water development projects, and the towns and localities they will service: Burrendong Dam access point relocation project, for the locality that includes Dubbo, Wellington, Warren, Nyngan and Cobar; Chaffey Dam to Dungowan Village pipeline, for the locality that includes Tamworth, Moonbi and Kootingal; and Macquarie River to Orange pipeline, for the locality that includes Orange, Spring Hill, Lucknow, Molong and the area serviced by the Central Tablelands Water County Council water supply system. Other development can be included in schedule 2 by regulation or existing development can be altered or omitted. Importantly, before a regulation can be made to add or amend critical town or locality water supply development in schedule 2, the concurrence of the Ministers administering the Biodiversity Conversation Act 2016 is required, and consultation with the Ministers responsible for the Environmental Planning and Assessment Act 1979, the Fisheries Management Act 1994 and the Heritage Act 1977 must be undertaken.

Clause 7 also provides that any development listed in schedule 2 will be exempt from development control legislation. Development control legislation is defined in clause 6 to mean the provisions of or made under the Environmental Planning and Assessment Act 1979 or any other Act that would prohibit the carrying out of the development, or that would require the approval of any person or body before the development is carried out. An exception to this is the Water Management Act 2000, which is expressly excluded from the definition of development control legislation as the application of this legislation to critical town or locality water supply development is addressed independently in part 4 of the bill.

The exemption of development control legislation is an essential aspect of the bill that is needed to accelerate the assessment and approval time frames of these emergency projects. Look at the case of Dubbo and the other surrounding towns that rely on the Macquarie River and Burrendong Dam. As at the end of September, Burrendong Dam storages were at 4 per cent. In response, Dubbo Shire Council will implement level 4 restrictions from 1 November. Once the Macquarie ceases to flow—as anticipated by January 2020—if current inflow levels continue the remaining surface water for towns in this locality, including Dubbo, Warren, Wellington, Cobar and Nyngan, will be 21.5 gegalitres of water at the bottom of Burrendong Dam. This water is currently inaccessible without new works—the Burrendong Dam access point relocation project.

Without this bill, to access this storage WaterNSW needs to first obtain environment and planning and water approvals to increase the power supply, to install pumps and to take the water, given its potential impacts on aquatic fauna. Then WaterNSW needs to undertake the necessary construction and commissioning activities. The grim reality is that, based on current advice, Dubbo may need access to this deep water of Burrendong Dam as early as January 2020 and there is not enough time for a business-as-usual approach. There is a lot of water in 21.5 gegalitres. It is enough to give the Dubbo Regional Council, with the support of the Government, additional time in which to implement additional groundwater bores, increase its water savings program and explore additional water recycling to offset potable water usage. This bill's streamlined approval processes will reduce the planning and assessment process for the Burrendong Dam access point relocation and other projects listed in schedule 2 by an estimated six to nine months. The bill is an urgent priority for this Parliament.

While development described in schedule 2 is exempt from development control legislation as a starting point, it can only be carried out if the public authority responsible for it has applied for and received an authorisation to do this work. Clause 8 sets out the authorisation process. Paragraph (2) of clause 8 requires the public authority proposing to carry out the development, or a person on their behalf, to apply to the planning secretary for an authorisation. Paragraph (3) of clause 8 requires this application to be in

writing and to include: a description of the proposed development; a description of the land on which the proposed development is to be carried out; the date when any construction for the proposed development is to be commenced and the anticipated date of completion; the measures proposed to be taken to avoid, minimise or offset the environmental or other impacts of the proposed development; and any other information that either the regulations or the planning secretary require to be provided.

Paragraph (4) of clause 8 requires the planning secretary to consult with any other relevant public authorities regarding the proposed development once an application has been received and have regard to any issues raised during this consultation. After this process has been completed, the planning authority must forward the application to the Minister along with a report on the consultation undertaken. Only once these steps have been undertaken can the Minister authorise under paragraph (5) of clause 8 a public authority to carry out the development, subject to any conditions set out or referred to in the authorisation. The type of conditions that can be attached to an authorisation is not limited and could vary depending on the proposed development.

Paragraph (6) of clause 8 sets out some common conditions that could be included, such as the time within which the development must be completed by; the environmental assessment to be undertaken before the development is permitted to be carried out; hours and other conditions of operation; reporting requirements; and public notification requirements. Paragraph (7) of clause 8 allows the Minister to amend or revoke the conditions of an authorisation before it has been carried out. Part 2 contains some other provisions to help clarify the operation of development control legislation and the planning system generally to critical town or locality water supply development. Proposed section 9 makes it clear that an environmental planning instrument made under the Environmental Planning and Assessment Act 1979 cannot prohibit, require development consent for or otherwise restrict the carrying out of this development.

Similarly, paragraphs (3) and (4) of clause 9 confirm that division 5.2 of the Environmental Planning and Assessment Act 1979 regarding State significant infrastructure does not apply to the proposed development and neither does a development control order to the extent that it would prevent or interfere with the proposed development. Proposed section 10 provides that the Minister may give a copy of an authorisation to the council of the area where the proposed development will be carried out and, in that case, any planning certificate issued by the council is to include advice about the authorisation. Part 4 of the bill deals with the application of the Water Management Act 2000 to critical town or locality water supplies.

Proposed section 11 allows regulations to be made to disapply or modify the Water Management Act 2000 or any regulations and other instruments made under that Act, including water sharing plans with respect to those towns or localities that are declared to have critical water supplies. Such regulations can only be made with the concurrence of the Minister administering the Biodiversity Conservation Act 2016. For example, this enables regulations to be made to modify rules in a water sharing plan and the Water Management Act 2000 to enable and streamline the granting of any necessary water supply work approval or water licence. This will accelerate implementation of developments listed in schedule 2 where needed in the context of extreme drought.

The Government recognises that there are times when temporarily changing from normal water-sharing arrangements to reallocate water in favour of a town over other users or end-of-system flow requirements must occur if we are to secure water supply to a regional town. In extreme conditions, human health and town water supplies need to be the Government's priority. In these instances, the regulation may also temporarily modify the water-sharing principles set out in sections 5 and 9 of the Water Management Act 2000 to give priority to town water supply over the other users, including the environment, where critical. Part 5 of the bill sets out the obligations that a public authority has in respect of critical town or locality water supply development.

Proposed section 12 requires a public authority to cooperate with the public authority responsible for critical town or locality water supply development in the exercise of its functions such as by complying with any reasonable request for information to enable the responsible public authority to exercise its functions, or notify the responsible public authority of actions that may impact adversely on the exercise of its functions. Proposed section 13 further empowers a public authority to comply with the directions and requests of other public authorities and to enter into agreements, where necessary, for these purposes. Proposed section 14 enables the Minister, by notice in writing, to direct a public authority to comply with a request direction or decision of a public authority responsible for critical town or locality water supply development, provided that public authority is prescribed by regulation after the concurrence of the responsible Minister is obtained.

Proposed section 15 provides for the resolution of disputes between public authorities concerning the operation of any provision of the bill. Part 6 of the bill contains miscellaneous provisions. Proposed section 16 allows the Minister or Secretary of the Department of Planning, Industry and Environment to delegate the exercise of any function to any person employed in the Department of Planning, Industry and Environment, or any person or class of persons authorised by the regulations. The planning secretary may also sub-delegate any function delegated by the Minister if authorised to do so by the Minister in writing. Proposed section 17 provides that compensation is not payable by or on behalf of the State, a public authority or a local council for an act or omission carried out in good faith that is a critical water supply related matter, either directly or indirectly.

Proposed section 18 provides that anything done or omitted to be done by a person in the exercise of functions under the bill or regulations does not constitute a nuisance. Proposed section 19 protects persons acting under the direction of the Minister or planning secretary from any personal liability if the matter or thing was done or omitted to be done in good faith. That liability instead attaches to the Crown. Proposed section 20 allows the Governor to make regulations, including to restore the operation of the Environmental Planning and Assessment Act 1979 and any other Act in relation to development that would otherwise be exempt from those Acts. This means that regulations can be made at any stage to specify how the Environmental Planning and Assessment Act 1979 should apply to development on a case-by-case basis, including how it should be transitioned back into the planning system once built or when the bill expires.

This bill has a temporary life. Proposed section 21 ensures that the substantive provisions—being parts 2, 3, 4 and 5 and schedules 1 and 2—expire on the date that is two years after the date of assent. It can only be extended for a further period of 12 months if the Minister is satisfied that risks to declared towns or localities continue or new risks exist. This extension can only be done by regulation. The bill will also declare certain development relating to dams to be critical State significant infrastructure. Schedule 3 to the bill will do this work and list the following three projects that this Government will undertake in partnership with the Commonwealth Government: Wyangala Dam wall raising project, a new dam on Mole River and a new Dungowan Dam located at Ogunbil.

Regulations can be made to insert or alter a description of development that relates to the construction of a new dam on the increase in the storage capacity of an existing dam with the concurrence of the Minister administering the Biodiversity Conservation Act 2016. Finally, schedule 4 to the bill provides for the regulations to contain provisions of a savings or transitional nature. The

prospect of day zero water supply is a reality for too many regional towns across New South Wales. Some of our most significant regional centres—icons of Australian culture, tourism and quality food production, such as Tamworth, Dubbo and Orange—are quickly approaching dire situations. This is an extraordinary drought—31 months of record low rain—with potentially devastating impacts on lives, communities and on both regional and State economies.

This Parliament cannot in good conscience ignore this issue when the welfare of more than 180,000 regional town residents is at stake. The Parliament must take immediate action to ensure that regional towns do not run out of water by supporting this bill to allow urgently required infrastructure to be assessed and approved through streamlined processes so that it can be built in time to save these towns. I commend the bill to the House.

Second Reading Debate

The Hon. MICK VEITCH (16:32:31): I lead for the Opposition in debate on the Water Supply (Critical Needs) Bill 2019. The long title of the bill states:

An Act to facilitate the delivery of emergency water supplies to certain towns and localities; to declare certain development relating to dams to be critical State significant infrastructure; and for related purposes.

The Opposition will not oppose the bill, but has amendments to consider in the Committee stage. I refer honourable members to the eloquent contribution by the shadow Minister for Water in the other place, the member for Cessnock. His contribution outlines a fair bit of what we want to cover. The more important parts of this bill relate to the three water projects deemed critical water supply in New South Wales. I will spend a little time focusing on them.

During the budget estimates supplementary hearings I asked questions about communities running out of water, or that have run out of water, and what was being done to deliver that critical water supply to those communities. We explored several ideas, including trucking water, using trains and putting down bores or increasing the depth of current bores. Every member of Parliament would agree that communities must not run out of water. But, if they do, we have to find potable water for those communities. Members should be mindful of the fact that those communities are doing it tough.

One of the projects is the Burrendong Dam access point relocation project. Essentially, that project lowers the access point in the Burrendong Dam from which the water will be drawn. It sounds easy but it takes a fair bit of work. As I understand it, that project will ensure critical town water and locality water supplies for communities around Dubbo, Wellington, Warren, Nyngan and Cobar. It is an important project. Again, I am interested in how the hydrological and engineering capacity will be engaged to deliver these projects. A project of particular importance to you, Mr Deputy President, is the Chaffey Dam to Dungowan village pipeline.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Indeed.

The Hon. MICK VEITCH: That project is important to prevent losing water in transmission from Chaffey Dam to Dungowan. In the water Minister's contribution on the bill in the other place, I think she said that something like 70 per cent to 80 per cent of the water that is shifted from Chaffey Dam across to Dungowan is lost in that transmission process. So it is essential and critical that we fix that. I suggest some of it is lost through evaporation. After all these years, I still have not got my head around that weird and wonderful science of evaporative modelling. I understand that a fair bit of water is also lost through soakage in the process.

The other one is a bit closer to my part of the world. The Macquarie River to Orange pipeline is another project that is looking to ship water from one place to another, whilst losing none of it in the transmission process. Of course, the transmission process is essential but we have to make sure we are not losing water as we go along. That becomes so much more evident when there is less water to convey across that transmission process. The quicker we get these projects done, the better. That is the Opposition's view and it will support the Government in whatever measures are needed to make sure that these communities do not run out of water. We will extend the hand of bipartisanship in trying to resolve this as quickly as possible. These projects are critical. Other communities are also running out, or have already run out, of potable water. Although the bill talks about critical water supply needs, everyone must understand there are three projects. The bill does not cover everything so I am certain more work will need to be done.

The bill also refers to dams. I have observed some of the public commentary on this bill as it has travelled from the Legislative Assembly up to the Legislative Council. Two things are being conflated here. As I indicated earlier, the critical water supply needs of the communities is one issue, but the construction of dams is also an issue. The construction of dams is not about critical water supply right now to those communities. There has been some scurrilous commentary about what is really happening. The bill does not say that dams are being constructed to provide water right now. I think it is important to note the conflation of the two issues. We should keep the two issues separate. The bill is trying to do two things.

One of the projects listed in the bill is the Dungowan Dam. Of course, that dam already exists. As I understand it, this water storage is owned and operated by Tamworth Regional Council and provides water

to the people of Tamworth. This should be put in context. Compared with the Wyangala Dam—which I am quite conversant with—the Dungowan Dam project is not huge. Dungowan is a bit over six gigalitres or thereabouts. Wyangala is a rather large water storage in the Central West near Cowra. As I understand it, lifting the wall at Wyangala by about 10 metres will increase capacity by about 650 gigalitres. So when you compare that to the Dungowan project, that puts in context just how big the Wyangala Dam project is. The shadow Minister in the other place, who is quite good with a colloquial, colourful phrase, said, "It is a pretty big project." We should not understate it. It is a pretty big project.

The Hon. Matthew Mason-Cox: He is a master wordsmith.

The Hon. MICK VEITCH: He is a master wordsmith. You should spend some time with him. The other project is the proposal for Mole River. To be honest, I think there is a fair way to go with that project so I will not dwell on that one. The Opposition has some concerns about the bill. Opposition members looked at moving amendments in the other place. I know a number of amendments will be considered in Committee, including some proposed by Mr Justin Field. Before I get into those, I will put a few things on the record about water and critical water needs in regional New South Wales. I have salt-and-pepper hair. I have been around for a while now and have lived and worked through a few droughts.

Mr Justin Field: More salt than pepper.

The Hon. MICK VEITCH: More salt than pepper, thank you. Something that amazes me about this is we go through a drought or a dry event—whatever you want to call it these days—but we do not learn the lessons. It rains and there is an extended period of rain because the other thing is that drought does not break on a given day with one rain shower. The rule of thumb is: The time into a drought is the time out. If it takes two years or seven years to get into drought, it will take two years or seven years to recover. We do not learn the lessons. We do not go back and say, "Oh, that community ran out of water. What can we do to sort that out and ensure it does not happen again?" After the millennium drought a couple of communities did learn their lesson and went out of their way to ensure they had adequate potable water supply. I draw members' attention to Goulburn. Goulburn struggled during the millennium drought. That community took it on board and looked around to find a way to secure the town's water supply. It should be commended for doing that. I am surprised we have not done the same thing in a number of other places after each drought event.

I am also intrigued about the connectivity of our water supplies across the State. For example, the communities of Young and Harden draw their water out of the Murrumbidgee River, supplied by Goldenfields Water County Council, which is both a wholesaler and retailer. The pipeline for that goes to a little village called Monteagle. From the north, water comes out of Cowra from Central Tablelands Water and feeds down. A gap of about 10 kilometres exists. I do not know why they are not joined up so that a whole lot of communities there can draw water from either source—the Lachlan River or the Murrumbidgee River. The Central NSW Regional Organisation of Councils [Centroc] did a wonderful amount of work on water in that part of the State, driven, I think, by the millennium drought. We should all look at that document and draw upon its suggestions. It is probably three or four years old but it is still quite current.

One of the Opposition's concerns about the bill relates to compensation not payable in respect of critical water supply-related matters, dealt with in part 6, clause 17. I ask the Parliamentary Secretary to provide clarification about the limits on compensation, as expected or determined by the Government. The Opposition has some concern about a blanket limit or restriction on compensation because by pushing ahead with the bill—and rightly so—we can envisage that there could be some cases where the due diligence may not be as thorough as it would normally be. There may be some unintended consequence arising from damage to landholders or the like. The Opposition would appreciate clarification from the Parliamentary Secretary as to what the Government intends by "compensation not payable" and the limits on potential compensation.

I refer to the addition of the Western Weirs Program to schedule 3, which is essentially along the Barwon-Darling unregulated river system, from the Queensland border down to Menindee Lakes. As someone who has spent a bit of time standing beside weir 32 over the last four or five years, both with water running and not running through it—the water does not run over it, it goes through it, that is how old the weir is—I would like to understand what the Western Weirs program is about. Perhaps the Parliamentary Secretary could table that document or provide some direction as to that program and its time frame. This bill is about critical water supply and urgently putting in place potable water. The Western Weirs program having found its way into schedule 3 to the bill would indicate that it is going to be deemed a critical water supply project. We require more information about the time frame for implementing that and how it will come about.

Finally, I want to also talk about the unintended impact on the Native Title Act. I would ask the Parliamentary Secretary to address in his reply whether or not the bill allows for intended or unintended impact on the Native Title Act in New South Wales. If we have now included the Western Weirs program, the Barkindji

people will be keen to know about the impact on their claim. As I said, the Opposition will not be opposing the bill but we will be moving amendments in the Committee stage. We will also be considering the proposed amendments of the Shooters, Fishers and Farmers Party and Mr Justin Field.

The Hon. MARK BANASIAK (16:46:27): Don't it always seem to go, that you don't know what you've got till it's gone—or so the Coalition anthem goes. If it was all concrete they would have less of a problem on their hands, although concrete still needs water and we still do not have water. I will quote my colleague in the other place, the member for Barwon, Roy Butler, who so rightly said:

This drought has [thrown out in the open] decades of government negligence and underwhelming water infrastructure planning ...

It is not until it is all gone that this Government has considered water. They did not know what they had until it was well on its way down the environmental toilet. That is mind-blowing. In 2012 the newly established Infrastructure NSW specifically identified—in its first 20-year State Infrastructure Strategy—the need for dams and new dam augmentations to store more water to counter prolonged droughts. Again, as Mr Butler pointed out, the Broken Hill pipeline was the only infrastructure that was built. That was conducted in secrecy and against the community's wishes.

Now the Government is talking dams. Regrettably they will be filled with the tears of drought-impacted communities and not rain. We can be doing things right now. By continuing to fund drinking water delivery and having a mid-term look at water allocation and management, when it does rain, we can sustainably utilise that water. Walgett is in urgent need of a desalination plant to purify the bore water it is pumping. We are not a Third World country. Why are people in the west of this State not drinking water like we are?

The open cut channel in Nyngan—its current method of water delivery—loses 45 per cent to 50 per cent of its water. Half the water is not reaching them because the Government will not build a pipeline for that community. A pipeline in Nyngan would double the life of the remaining water and it needs to be built. I foreshadow that the Shooters, Fishers and Farmers Party will be moving amendments to strengthen this bill and to ensure that communities in critical need receive the required infrastructure. We will also be moving that there be further declared water supply development to Warren, Cobar, Walgett, Bourke and the Darling River.

Walgett needs a weir and a treatment plant project. Bourke needs the same with the added addition of a bore water supply. The Government will tell you those projects are on their way. They are not. On the Darling River, we need to see the re-establishment of natural rock weirs between Bourke and its junction with the Murray River. Warren needs the works. It needs town water supply, including bores, connecting piping and associated infrastructure for the Warren bore field. Cobar also needs town water supply, including piping of the Albert Priest Channel. The channel is over 100 kilometres away, supplying water to Nyngan from the Macquarie River. Once the water is at Nyngan, there is an existing pipe into Cobar. Our amendments are critical and need to be passed. It is unbelievable that they were not supported in the other place. The Water Supply (Critical Needs) Bill 2019 should be supplying water to towns that have critical needs. We will be supporting the bill but not at the cost of the Barwon electorate and 44 per cent of this State.

Mr JUSTIN FIELD (16:49:40): I speak in debate on the Water Supply (Critical Needs) Bill 2019. I start by recognising that New South Wales is currently facing the worst drought on record. The drought is impacting not only regional New South Wales but also towns right across the State, particularly those west of the divide. Its impact is extreme on those towns, their communities and the natural landscapes. It is also clear in many cases that even when the rain comes, as the Hon. Mick Veitch mentioned, it will be some time before those communities will return to normal. I cannot imagine that anyone in this House would do anything other than support actions to ensure that communities can meet critical water needs and that the Government can deliver those. But I cannot support the bill in its current form because it does not do that without giving tremendous additional powers to the water Minister in this State.

I will now outline why that is not in the interests of those communities or the State—and certainly not in the interests of long-term water security for New South Wales. Firstly, many of the actions that the bill is supposed to facilitate could already have been undertaken by the Government or could be done now without the bill. In fact, the Government could have started the planning process last month when the bill was first introduced or earlier this year or even last year when water authorities recognised the dramatic decline in inflows into storages around the State. But it did not do that. The Government could have started planning when Infrastructure NSW recommended many of those projects in 2012. While I do not agree with a number of recommendations in the report, nor with how the Government chooses to use much of the water in storages, one cannot turn around seven years later, claim an emergency, bring a bill like this into Parliament and pretend to have a plan for water security for this State.

It is hard to see the bill as anything other than a cover for failure. It is largely a public relations exercise. It allows the Government to suggest to the State and communities so terribly affected by drought that it is doing

something. The Government has not done anything, despite having been in power for a significant period. If it had used the existing laws to start this work, its failures would have been shown up. So it has not done, which is disgraceful in my view. Trying to do it now under the cover of an emergency with new legislation is not going to fool the communities that have been so terribly impacted not only by the drought but also by the failure of water management that has exacerbated the drought. It is hard not to see this as anything other than playing politics with water and with drought.

Secondly, I do not support this legislation because it extends the power of the water Minister in a way that is unnecessary to deliver those projects or an emergency response generally. I simply do not trust this Government on water; in particular, I do not trust The National Party. I do not trust them on water because we have seen clearly spelt out in the public debate around water, especially since the fish kills, that the decisions of The National Party in Government—as those who control water—have led to terrible outcomes. The Natural Resources Commission has put on the table that decisions around water management in the Barwon-Darling have led to drought conditions being brought forward by as much as three years in the southern Darling region.

We have seen the impacts of fish kills as a result of decisions to drain the Menindee Lakes system. We know that the 2014 amendments to the Water Management Act enabled this Government to pick and choose which worst-case drought scenario it would use to base its entire water-sharing arrangements on. The consequences of that are now being felt in western New South Wales—in communities, on the land and especially in the environment. So I do not trust The Nationals on water. I do not think that the water Minister should be given more unchecked power when the community has seen firsthand how the changes that The Nationals put in place to water management in this State are meant so often to benefit the irrigators first. Sometimes those irrigators are political donors. The Nationals do that over the interests of towns, communities, the living rivers in this State, the environment and our communities, including farming communities, that rely on those healthy rivers.

I will not go through the provisions of the bill in full detail. Essentially it is supposed to facilitate the more rapid delivery of water infrastructure in certain drought-affected communities and to designate certain dam proposals as State-critical infrastructure. Broadly, the mechanism for facilitating this more rapid delivery of infrastructure is the switching off of a number of planning laws, Water Management Act provisions and environmental protections in the State. I will give a couple of examples of how the bill is such a muddle. Part 3 turns off the normal approval process for certain developments that the Government has now deemed are required to secure water for certain towns.

Certain towns and localities are already listed in the bill and others can be added later. Specific projects have been identified, which has been the basis of substantial media coverage. It is a bit like a pork barrel exercise through legislation: The Government calls out a specific town and a specific project, puts it in a bill and suggests that it is doing something, then it goes to the media. Other projects will be added on. I am sure they will be subject to significant media coverage when they are, again to suggest that the Government has somehow recognised, seen and acted. Of course, all those proposals have been previously recommended by government agencies but nothing has happened.

Let us look at some of the projects. For the Burrendong Dam on the Macquarie River, the plan is to access the dead storage in the dam to supply more water to Dubbo, Wellington, Warren, Nyngan and Cobar. I do not have any dispute with that proposal but it seems more like a dam management issue than a water sharing issue. I do not understand how that could not have been done some time ago. But when one realises that the Dubbo golf course and the Cobar goldmine are considered critical industries that are still receiving significant water despite restrictions locally, one starts to ask exactly who will benefit from the changes.

It is worth remembering that in November 2016 the Burrendong Dam was 120 per cent full. Three years later it is at 3.6 per cent. Over-extraction was allowed with no plan for the drought. It is well known what caused the decisions around that: In 2014 amendments were made to the Water Management Act that meant that implications of the millennium drought on how much water was retained in storages for towns did not have to be considered. The Government has let too much water out for its irrigator mates. I acknowledge that some of that water has gone to the environment—no two ways about it. The Government changed the Act at the time so that it has not had to retain more water.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I note that the passing of the bill in 2014 was a decision of the House. I heard some reference to it before but the member is now cavilling with a decision of the House. I invite the member to be cognisant of that fact while making his contribution.

Mr JUSTIN FIELD: Thank you, Mr Deputy President. I will not cavil with your ruling, nor will I reflect on a decision of the House, other than to say that the House is now considering a bill that is trying to facilitate a development that is required in part because of a decision of the House. I have already spelt out that argument. Our decisions have consequences. That is why we are debating the bill. We made the wrong decision, given the

consequences that it has had and we are now coming back to fix it. When making a decision about supporting the amendments that I might move and supporting the bill in general, members should consider that Burrendong Dam went from 120 per cent full in November 2016 to 3.6 per cent now. That is not a lack of storage; that is mismanagement of water.

Chaffey Dam to Dungowan village pipeline is another proposal in the bill. At the moment Chaffey Dam is at 17.1 per cent. It is an 18-kilometre pipeline. Work has already started on it and it is to be completed in March. It is supposed to extend supply until June 2021 if there are not significant inflows into the storage system. I am not cavilling with the project or the need for it but it is being built now. The Government is pretending that this is a critical needs supply bill—"Look at what we are doing; we need it to deal with the drought"—but it is already building the project.

The Hon. Ben Franklin: It will not be able to be built fast enough. That is the point.

Mr JUSTIN FIELD: It is going to be finished in March.

The Hon. Ben Franklin: No, it is not.

Mr JUSTIN FIELD: I look forward to the Government presenting how the bill will help speed up that project because it is already being built. I cannot imagine what the Government will change to make it quicker. The bill also refers to the Macquarie River to Orange pipeline, which is an existing pipeline. The Government wants to modify the environmental controls that do not allow the pipeline to be used during low flows. The consequences of messing with low flows in the Barwon-Darling are well known but the mechanisms that are designed to keep the baseline, bare minimum requirements for a river to survive are being turned off. Cadia mine was getting eight megalitres of water a day. I think it has been reduced to a bit less than that during the drought conditions. That project is not about building infrastructure; it is about turning off an element of the Water Management Act, empowering the Minister to make decisions about the entire water management regime that remove some of the most critical provisions and up-end the fundamental basis on which the Water Management Act operates.

I have given three examples of the infrastructure referred to in the bill. It is clear that one project is necessary because of a failed management system, another one is underway and due to be completed within months, and the third seems to be less about infrastructure and more about turning off the rules and giving the Ministers new powers. All of that shows the bill is not about delivering critical needs that we have not been able to supply; it is about covering backsides for failures of management. I also put on record that I have concerns about the concurrence processes in the bill. To be honest, I have more confidence in the Liberals over The Nationals on water issues but it is not clear how the concurrence provisions will be exercised by the environment Minister, how the Minister will be informed on the issues or what considerations will inform those decisions.

It is all well and good to have concurrent powers but when the Government is turning off the things under which it normally makes decisions about concurrence—the planning Act provisions, the Water Management Act provisions and other environmental protections—on what basis will it make decisions about giving concurrence? I am worried that in effect an internal decision will be made about how to best use this Act to deliver a particular project or outcome. It does not have to be infrastructure. It can be a change in the Water Management Act or a regulation—you just switch bits off here and there. A single brief will come from the planning secretary. It will be a single consensus position delivered to the two Ministers. Ultimately they will not have their own independent advice that meets their own expectations as Ministers.

They have different obligations for the people of New South Wales in making decisions to exercise their functions as Ministers of the Crown. But a single brief will come from the planning secretary and it will be "take it or leave it". The consequences of turning off those basic planning rules—the basis for those decisions—is that they will then sit just in the hands of Ministers. It is about the internal squabbles between the Liberals and The Nationals, within The Nationals and within the Liberal Party, which are getting louder and louder. That stuff will ultimately determine how decisions are made about critical water infrastructure in New South Wales. I think that is wrong.

It was played out in the Natural Resources Commission report on the Barwon-Darling. We see it in the extreme land clearing and in fundamental disagreements about how we even talk about the land clearing happening in the State and the reporting on it. The Liberals and The Nationals will not even talk about it; they will just have fights internally. Nothing comes out publicly in forestry. We see how that plays out when the internal squabbles dictate the decisions that Ministers make. That is wrong. Those are statutory obligations. I flag that I will move an amendment to seek to address that issue. I am not surprised that the bill is being brought forward by the Government. It has been caught short in the drought. As I said before, the bill is about poor water management and covering failures. I will not give the Government a blank cheque and support legislation that

risks making the situation worse. To the Labor Opposition and the Shooters, Fishers and Farmers Party, which I know get these issues and care about them, I say: Do not let the emergency rhetoric mask the failure of the Government on this legislation.

This legislation should be considered on its merits. With the numbers we have in this House we can make meaningful changes to remove the worst aspects of the bill and still enable what needs to be done for communities suffering from drought in New South Wales. I do not support the bill and I do not support this Government's failure in its management of water. I recognise that communities should not pay for that failure so we need to ensure that they are being looked after. This House should not allow this Government to make matters worse in the long term. I am prepared to consider my position on the bill at the third reading stage if the Government is prepared to consider the amendments that seek to balance the needs of communities. There is a reasonable expectation that the Minister will be given limited powers and that we will ensure there is some basis to the decisions that will be made.

I will explain my amendments in more detail at the Committee stage. They are designed to ensure the concurrence provisions in the legislation are consistent and that there is an ongoing second check that has some basis on which it is made. The amendments will seek to ensure that decisions are transparent. Communities should not have to face the same situation that the Broken Hill community faced when dealing with the Broken Hill pipeline. Years and years were spent chasing the Government's justification for a project the community did not want. It found out later that it was about delivering more water to irrigators upstream in an entirely different region. That is specifically in the business case.

I will seek to move amendments that ensure that decisions will be required to be consistent with principles of ecologically sustainable development. This is not just a deep green, nature first concept. It is the basis of good planning that this State has enshrined in law, which is supported by all sides of politics. It is about good planning and recognises the need to balance social, economic and environmental considerations in the long term. How will the environment Minister provide concurrence without some sort of basis such as that?

I will also seek to completely remove part 4 of the bill, which gives totally unreasonable powers to the Government to up-end the basic foundations of the Water Management Act in New South Wales. It is supposed to put critical human needs first. The Water Management Act already gives the Minister substantial powers to do that. The Water Management Act indicates that environmental needs come second. Those needs should come before other users of and other priorities for water. Extending the Minister's powers in the bill is, at best, redundant and, at worst, suggests sinister motives to once again prioritise the interests of irrigators over sustainable and healthy rivers and communities across the State. If those amendments are passed I will consider supporting the bill because it will then focus on critical human needs while recognising that those needs can only be met within a sustainable system. Without those amendments the bill puts the future of water in this State even further at risk.

The Hon. ROD ROBERTS (17:07:33): On behalf of One Nation I speak in support of the Water Supply (Critical Needs) Bill 2019. The bill is a necessary step forward in ensuring that New South Wales country towns have an ongoing supply of desperately needed water. A number of major towns throughout New South Wales are perilously close to running out of water. They are not only small villages but also major regional centres such as Orange, Tamworth and Dubbo and their surrounding localities. Those three towns alone have a combined population in excess of 140,000 people, which does not include the surrounding villages. They are major arterial locations that support that population and they are centres for industry, commerce, manufacturing, education and other sectors. They are important centres for their residents and also for the economy of New South Wales. Everything within the Government's power must be done to support those towns and their inhabitants. No reasonably minded person could oppose those emergency responses. To do so would strangle the lifeblood of those towns and people.

The bill provides for an expedient and temporary pathway to facilitate the building of water infrastructure to those towns listed on the schedule, which are Tamworth, Dubbo, Orange and their surrounding localities. The bill also fast-tracks the approval process for three new dam projects. They are the raising of the Wyangala Dam wall, and the construction of new dams at Dungowan and on the Mole River. That is where the niceties finish. I am not going to pat the Government on the back and say, "Well done." The title of the bill says it all—Water Supply (Critical Needs) Bill. It is critical alright. It is critical because the Government has been asleep at the wheel during its tenure. Everyone knows that we are a dry continent. Our population keeps increasing, with an obvious load on resources. What has the Government done about keeping pace with water infrastructure? It has done bugger all.

All of a sudden there is a mad scramble for this legislation because the Government's inaction has allowed it to become critical. Although One Nation supports this legislation, it implores the Government to not stop there. It needs to be making hard decisions about water infrastructure in other locations before they too become critical. I will not hold my breath. This type and size of infrastructure takes a long time to plan and build. It is time that

rural New South Wales does not have. There has been a serious failure by this Government to plan. Minister Pavey is quick to blame bureaucrats for not wanting to build dams. I ask the Minister: Who is the elected representative of the people?

A comprehensive and thorough drought mitigation strategy is long overdue. The Government has been ill-prepared for this drought and it has been caught out. It is no good looking out the window every morning and hoping it that it will rain and the problem will go away. The head-in-the-sand attitude does not work. Immediate and urgent action is required to lessen the impact of this worsening drought and the others that will surely follow. Some members in this Chamber may be against the bill on environmental grounds and One Nation has some sympathy for that argument. Had there been proper and appropriate planning some time ago, the bill would not be necessary. However, the reality is that there was no foresight from the Government and the situation we find ourselves in at present is critical. The bill is the mechanism to allow much-needed work to take place to provide water to those towns. Those towns and the people who live in them are looking to us desperately for assistance in their time of need and we must support them. One Nation will therefore support the bill.

[Business interrupted.]

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Trevor Khan): During debate yesterday I received a text message from the Hon. Niall Blair, who, whilst in his new job, was apparently also watching a debate in this Chamber. I indicated to him that he needed to get a hobby. There is another blast from the past. I welcome to the Chamber the Hon. Duncan Gay, who has also chosen to revisit an old stomping ground.

Bills

WATER SUPPLY (CRITICAL NEEDS) BILL 2019

Second Reading Debate

[Business resumed.]

Ms CATE FAEHRMANN (17:12:25): What a coincidence that we are debating the Water Supply (Critical Needs) Bill 2019 while a former member of The Nationals, the Hon. Duncan Gay, is in the Chamber. On behalf of The Greens I speak in support of the bill but with quite a few reservations. We are supporting the bill because we know that many regional towns are approaching day zero. Tamworth, Dubbo, Orange and Bathurst have less than 12 months of town water supply and Cobar, Tenterfield, Nyngan and Bourke have less than six. The Greens appreciate that is the urgency behind the bill. Critical water infrastructure has to be fast-tracked, but it has to be fast-tracked because of mismanagement by the National Party, which I will come to. Despite having quite a few misgivings the urgent need for water is why we are supporting the bill.

The bill is split into three parts. Firstly, it introduces an entirely new and temporary authorisation process to allow the rapid development of infrastructure for towns that have a declaration of "critical town" or declared to be "locality water supplies". Schedule 1 to the bill treats "critical town or locality water supplies" as though they were State significant infrastructure for the purposes of a defence to offences. This means that an authorisation under the bill overwrites the usual development or approval processes under the Biodiversity Conservation Act, the Local Land Services Act and the Fisheries Management Act. The areas that have been deemed to be "critical town or locality water supplies" are towns that have distressed communities that are worried about what the next few months will look like. They are the locality that includes Dubbo, Wellington, Warren, Nyngan and Cobar; the locality that includes Tamworth, Moonbi and Kootingal; the locality that includes Orange, Spring Hill, Lucknow and Molong and the area serviced by the Central Tablelands Water County Council water supply system.

Schedule 2 introduces three declared water supply developments. They are the Burrendong Dam access point relocation project, the Chaffey Dam to Dungowan Village pipeline and the Macquarie River to Orange pipeline. The Burrendong Dam access point is vital for Dubbo and the surrounding towns. Unfortunately it has got to the point—again due to mismanagement—that the access point is now vital. Currently 21.5 gegalitres sits at the bottom of that dam, but it remains lower than the dam's current access point and has to be accessed somehow if we are to ensure that Dubbo does not run out of water. We are told that local communities could require access to this water as soon as January 2020.

The Chaffey Dam to Dungowan Village pipeline is required to preserve the 70 per cent to 80 per cent of water that is lost to evaporation and soaks into groundwater as it flows between Chaffey Dam and Dungowan Village. I acknowledge that this makes sense on the face of it. We have also been told that the Macquarie River to Orange pipeline development is required to provide water security to the nearly 40,000 people of Orange.

Orange is already on level 5 water restrictions, with water supply levels approaching 30 per cent as of 6 November. I acknowledge Mr Justin Field's contribution in which he mentioned other users of some of this water, in particular the Cadia goldmine. It is concerning that the bill would allow for regulations to add new developments to schedule 2, but I recognise that we are in a situation where many towns need those critical infrastructure projects. The Greens acknowledge that the Minister must consult with the Minister administering the Environmental Planning and Assessment Act, Fisheries Management Act and Heritage Act and obtain the concurrence of the Minister administering the Biodiversity Conservation Act before making such changes. That is some consolation.

Schedule 3 to the bill declares three dam infrastructure projects as critical State significant infrastructure. Those projects are the \$650 million upgrade of the Wyangala Dam in the State's central west, the new \$480 million Dungowan Dam near Tamworth and the proposed new dam on the Mole River. Part 4 of the bill sets out powers over the Water Management Act which would allow applications to disapply or modify the application of the Water Management Act and would allow for regulations to be made to modify water sharing plans. While this allows for priority to be given to town water over other uses, including environmental water, we know that those powers essentially already exist in the Water Management Act. It is unclear why the bill sets out those powers when such powers already exist. Sections 49A and 49B of the Water Management Act 2000 allow for the suspension of water sharing plans during severe water shortages and clear rules under section 60 prioritise human water needs at such times.

The bill specifically provides that division 5.2 of the Environmental Planning and Assessment Act relating to State significant infrastructure does not apply in respect to developments under this authorisation process. This is especially worrying given the current rhetoric of The Nationals Ministers John Barilaro and Melinda Pavey, who have frequently signalled in past weeks their disdain for the environment and their desire to drive government policy through media stunts. However, I note that this new authorisation process requires the concurrence of the environment Minister, who we hope will temper the worst instincts of The Nationals and its incompetence in managing a sustainable water supply for New South Wales.

We have also heard in recent weeks that Leader of The Nationals, John Barilaro, essentially would have preferred to have no environmental conditions imposed on the building of those dams that he says are so necessary for New South Wales. Once again we seem to have come full circle, despite thinking we should have learned from lessons of the past. We need to justify why environmental flows are so crucial to preventing the total ecological collapse of our rivers. As Mr Justin Field said, the priority of environmental water was hard-fought and hard-won as an objective within the Water Management Act. Yet it appears that some people, particularly the Leader of The Nationals, would like much of the State to conveniently forget that that objective is in the Water Management Act. Rivers without water are dead rivers. This is not rocket science. However, we are now having to prioritise town water supplies, which is already provided for in our laws.

The Government's response to the drought is to once again announce more dams. Yet if we look at the history of water storage within dams in this State, we see a litany of mismanagement. At the start of 2017 the total water storage of New South Wales was 76.7 per cent. It now sits at 28.5 per cent. At the beginning of 2017 Chaffey Dam was at 99.2 per cent. As at 11 November it sits at 17.1 per cent. That dam lost 82 per cent of its capacity over 2½ years. In 2017 Wyangala Dam was at 95.8 per cent but now sits at 17.2 per cent. Burrinjuck Dam was at 95.5 per cent and now sits at 33.2 per cent. At the beginning of 2017 Keepit Dam was 89.4 per cent full. It now sits at just 0.5 per cent. Those dams are not empty because of the drought. They are empty because the vast majority of the water they contained was over-allocated to big irrigators. Too much water was given over too short a time frame between 2017 and 2018. The Greens do not support new dams because we do not see the need for new dams. However, the bill is not needed to create new dams because the Minister would have been able to do that anyway.

In 2014 water Minister Kevin Humphries amended water sharing plans so that water allocations were based on the lowest inflows on record prior to 2004. This effectively removed the experience of the millennium drought and predictions of the impacts of climate change on future inflows to dams. That is important because we know that former water Ministers, including Minister for Primary Industries Katrina Hodgkinson, made changes to water sharing plans that essentially prioritised big irrigators at a time when they should have been factoring in climate change and prioritising flows and water supply for towns.

When we hear that those changes—particularly those made to the Barwon-Darling water sharing plan—were made in favour of irrigators, essentially allowing legal extractions up to 32 per cent greater than what was supposed to have been approved by the Minister for Primary Industries, it is no surprise that today we are debating this bill because Dubbo and Tamworth are running out of water. Towns along the Darling such as Walgett, Wilcannia and Menindee have already run out of water and Bourke is hot on their heels.

The Nationals have completely dropped the ball with our precious water resources. The development of those new dam projects will not make it rain, but they will make things more painful for downstream communities

and river systems. In the past few weeks the water Minister has sacked the drought coordinator without telling the Premier, called for the scrapping of the Murray-Darling Basin Plan which was backed in by her fearless leader, John Barilaro, and blasted a Federal agency for providing essential environmental flows even though they were signed off by her own department. This sort of thinking by the water Minister and The Nationals more broadly has led us to the ecological disaster that we now face, which includes towns running out of water.

The Federal Government has recently released its Drought Response, Resilience and Preparedness Plan and it paints a bleak future. It states that things are going to get worse because of climate change. Droughts are going to become more frequent, more intense, last longer and cover a larger area. I quote from the report:

Ultimately, the nation could see some areas of Australia become more marginal and unproductive.

But we cannot prepare for the impacts that climate change is having on our water resources because The Nationals continue to not accept the science of climate change and factor that into our water management planning. The Greens will ultimately support the bill because we have heard how dire the situation is for communities in rural New South Wales. Something has to be done because The Nationals have left it too late. It is because of the disgraceful mismanagement of our water sources by The Nationals and the grossly unequal distribution of our water sources that we are debating the bill today.

We are also reluctantly supporting it because of the two-year expiry date. This drought is not going to go on forever but who knows how long it will continue. When we look at the predictions of the Bureau of Meteorology, the very tragic situation is that there is no end in sight. We support the two-year expiry date because the bill is essential for some of those projects, particularly the infrastructure projects, to stop communities from reaching what is now being called Day Zero.

We should not be supporting a bill that has flawed environmental approval processes. The Greens will move amendments that seek to improve the bill in some way. It is also a shame that we are supporting projects such as a new Dungowan Dam for Tamworth, which is reportedly going to cost somewhere in the vicinity of half a billion dollars. Tamworth council was presented with a proposal for water recycling for its local government area at a cost of \$70 million. The council rejected that proposal because it was too expensive. It is unfortunate we are not talking about fast-tracking other solutions such as water recycling and stormwater harvesting which are rolled out across New South Wales at an appallingly low rate.

If the Government had some foresight to look at stormwater harvesting and water recycling for crops, irrigation and mines and potable water use for towns, we would not be debating this bill. We would not have communities that are running out of water. The fact is we are in this position now as a result of years of neglect. The Greens feel as though we are being backed into a corner to support the bill so that critical infrastructure will be built in those communities. For that reason we are reluctantly supporting the bill. It is a disgrace that we have to be here now.

Reverend the Hon. FRED NILE (17:27:46): On behalf of the Christian Democratic Party I am pleased to support the Water Supply (Critical Needs) Bill 2019. The bill will declare certain regional towns and localities that are in critical need of water supplies and specify the development required to bring water to those areas. The bill will also declare the three new dams—thank God for that! There has been such opposition to dams. We heard The Greens are totally opposing any dams. I do not know how we are supposed to conserve water without dams. The bill will declare three new dams announced to be co-funded by the New South Wales and Australian governments to be critical State significant infrastructure. This is an existing framework designed for the most significant projects that includes a robust environmental assessment and approval process with final approval by the Minister for Planning and Public Spaces.

Around 98 per cent of New South Wales is now in drought. The prolonged drought conditions being experienced across regional New South Wales are unprecedented and likely to extend throughout summer. Major regional centres such as Tamworth, Dubbo, Orange and Bathurst have less than 12 months of town water supply remaining. An increasing number of smaller towns have less than six months water supply. In some cases, the time required for the assessment and approval of additional infrastructure that would secure the town is longer than those remaining supplies. If we do not have this legislation and just rely on the existing procedures, while they are being ticked off by bureaucrats, those towns will run out of water. Urgent action is required to accelerate the assessment and approval times for certain development so that water can be delivered to those areas before town water supplies are exhausted.

The bill will not apply to land in the special areas of the Sydney catchment or the Sydney metropolitan area, which is temporary. The bill will expire two years after assent, unless the Minister is satisfied that risks to declared towns or localities continue or new risks exist. In this case, it can be extended by regulation for a further 12 months. The Government is very optimistic if it thinks it can solve all those problems in two years. Part 2 of the bill lists the towns and localities that are declared to have critical water supplies where the powers of the bill

are required. It allows future towns and localities to be declared in schedule 1 by regulation as needed with the concurrence of the environment Minister if the drought continues to worsen. Part 3 of the bill deals with development that is needed to bring water to declared towns and localities. It provides that the development of new infrastructure described in schedule 2 can only be carried out by or on behalf of a public authority, such as a council or WaterNSW.

Other development can be included in schedule 2 by regulation but it will require the concurrence of the environment Minister, as well as consultation with the Ministers responsible for planning, fisheries and heritage. In anticipation, I hope the Ministers in those portfolios of planning or environment will understand the urgency of this legislation and that there is a great deal of cooperation and initiative to get this legislation up and running for the benefit of the people of New South Wales. There is no time for bickering between Ministers or government departments. The bill also has other standard miscellaneous provisions to ensure that government agencies work together in cooperation. I noticed the bill states, "Schedule 1 Critical town or locality water supplies". I thought I should look at this and see which towns are listed. The wording of the bill states:

Note. At the enactment of this Act this Schedule was empty.

The Minister might let us know when the schedule will have some information. It is a bit unusual to have it announced in the bill that the schedule is empty. It has no detail. Let us hope there can be some detail. Schedule 2 does have a number of declared water supply developments—the Burrendong Dam access point relocation project, the Chaffey Dam to Dungowan Village pipeline and the Macquarie River to Orange pipeline. We will have to look at pipelines to provide abundant water. There is so much water in the north of Australia. We must build pipelines and pipe that water down to the desperate country towns in New South Wales that are running out of water. I do not understand why that has not happened already. I am very pleased to support the Water Supply (Critical Needs) Bill 2019.

The Hon. MARK PEARSON (17:33:50): I have read Minister Pavey's second reading speech for the Water Supply (Critical Needs) Bill 2019 and completely agree with the Minister's opening statement. She said:

New South Wales is currently experiencing unprecedented drought conditions. About 98 per cent of the State is affected and forecasts indicate that hot and dry conditions are expected to extend through summer. Major regional centres such as Tamworth, Dubbo, Orange and Bathurst have less than 12 months of town water supply remaining. An increasing number of regional towns are facing even greater difficulties with indications that Cobar, Tenterfield, Nyngan and Bourke have less than six months of town water supply.

After that point there is little if anything I agree with in the Minister's proposed solutions to this crisis. I certainly acknowledge and support the critical importance of ensuring that potable water supplies are deliverable to people living in our rural townships and communities. However, water must not be taken from environmental flow and allocations. Our rivers and the plants and animals that rely on them already are in desperate straits. The environmental crisis is every bit as real as is the impact of the drought on people and agricultural industries. Humanity cannot survive if the environment does not thrive. It is a false economy to say that a choice must be made between supplying the townships and keeping the rivers flowing.

Where will the water come from to fill the dams? Certainly not rain: nor do I accept that building more dams will somehow produce a drop of extra water for the competing interests of industry, residents and the environment. To believe otherwise is a product of magical thinking or a cynical calculation that building more dams will meet with the approval of *The Daily Telegraph* and the shock jocks of radio 2GB.

Reverend the Hon. Fred Nile: Hear, hear!

The Hon. MARK PEARSON: I thank Reverend the Hon. Fred Nile for his interjection. The Minister also gives her Government credit for pouring money into drought relief, citing more than \$1.8 billion since 2015. I would argue that the time has come to stop propping up agricultural practices that are not sustainable. It is actually cruel to extend loans to producers who are suffering from the permanent effects of climate change and it is not a wise spend of taxpayer dollars. There is surely no doubt now that New South Wales has become hotter and drier. We need to deal with that and plan for the new normal. This does not mean constructing new dams and extending existing dams. We are seeing the consequences of bad government policy. Farmers are going broke because they cannot service the loans that they have been encouraged to take out. They cannot service their loans because their animals and crops are not viable in ongoing drought conditions. Entire herds, including breeding animals, are being sent to slaughter.

Many agricultural producers are unable to pay the increased cost of irrigation. There is more money to be made from onselling irrigation licences than there is from traditional farming. At what point will the Government accept that water-hungry industries such as dairy, cotton and rice can no longer be justified in areas reliant on the Murray-Darling river system? The Animal Justice Party is implacably opposed to the bill,

particularly as it is now, but will review its position depending on how the amendments that will be moved by Mr Justin Field find passage through the Legislature.

The bill will set up the framework for the upgrade of the Wyangala Dam in the Central West, the proposed new Dungowan Dam near Tamworth and a dam on the Mole River, making them State significant infrastructure for the purposes of the Environmental Planning and Assessment Act. The Minister notes that we have not built any new dams in New South Wales in the last 30 years. There is a good reason for that. Many years ago her department's own bureaucrats accepted expert advice that new dams are not a solution to water shortages. Chris Gambian, CEO of the Nature Conservation Council, stated:

Governments stopped building dams 30 years ago for a very good reason. Dams fail to provide water security for local communities, they degrade river systems and cause a host of environmental problems.

Richard Kingsford, Professor of Environmental Science and Director of the Centre for Ecosystem Science at the University of New South Wales, stated:

The superficially easy response to drought is to "sort out" our environment – drought-proof it. That's code for building more dams to take more water out of rivers, often already reduced to a trickle. More dams don't make more water. It is easy to think of the environment as a magic pudding and develop more of our natural resource instead of doing better with what we have developed. Many politicians jump straight to developing more supply, instead of improved management of demand, including production efficiencies on the farm.

Removing trees to build a dam actually reduces the likelihood of increased rainfall. As stated on the department's own webpage:

Trees access water deep in the ground and hold the moisture in their canopies. They absorb sunlight and emit heat which creates thermal currents that take the moisture from the leaves up into the atmosphere, where it condenses as rain.

I suggest that the Minister would be better off protecting and expanding our existing forests than promoting dams which cause environmental damage. Time and again members of the National Party have shown that they do not have even a slight grasp of the basic science of water management. Federal Nationals leader Michael McCormack recently praised the Bradfield scheme, an 80-year-old pipedream to divert northern river flows inland. It has been so thoroughly debunked that one has to question whether the National Party has anyone capable of representing the interests of rural people as they negotiate a drier and hotter future.

Minister Pavey is promising hundreds of millions of dollars to expend on dams, with more promised by the Federal Government, and that is on top of the \$1.8 billion spent on drought relief to farmers. Are taxpayers getting the best value for their money? I would argue most definitely not. Instead I propose that we get smarter with our money and our water resources. A case in point is the Chaffey Dam near Tamworth that in late 2016 was at 95 per cent capacity. Three years later most of that water is gone. Where has it gone? Tamworth councillor Mark Rodda's motion was defeated when he called upon the council to ask Minister Pavey that very question. The population of Tamworth is not so great that it could in any way empty a dam and there is no environmental flow from the dam, so that leaves agricultural industries as the likely recipients. It just so happens that Tamworth has a thriving intensive poultry industry where millions of birds are bred each year for their eggs and meat.

Dams are attractive to industry. They are a public asset that is paid for by taxpayers but industry can draw the water at reasonable cost. As it is with highways, when construction of new roads leads quickly to more congestion as more cars venture out onto the new roads, so it is with dams. Dams encourage industry to increase production until the existing resource is once again depleted and the towns do not have the water to hydrate their populations. We need to go back to the drawing board and firstly acknowledge that climate change is real and is impacting on weather and water in New South Wales. We need to take a hard look at agricultural production in New South Wales. Where and what kind of farming is sustainable, given the new normal—lower rainfall and higher temperatures?

I propose that we use the money allocated for drought relief and dam building as follows. Firstly, assess which farms are no longer viable and buy out the landholders, rewilding that land for native vegetation, forests and animal habitat. Secondly, thirsty industries such as dairy, cotton and rice should be phased out of production along the Murray-Darling Basin. Research should be undertaken to invest in new and more sustainable crops. Thirdly, caps should be placed on the water drawn by intensive animal production facilities so that the "highway effect" does not result in a spiral of ever-increasing demands for water.

We should stop expecting the market to solve our water problems. Water is an essential ingredient of all life; it should not be traded by corporations on the stock market. Finally, we should acknowledge the wisdom of our First People who have a deep understanding of the connectedness between the rivers and waterways and the health and wellbeing of humans, animals and the land. In the words of Rhonda Ashby, born and raised on the banks of the Barwon River, now a teacher of the Gamilaraay language at the local school:

The river has a responsibility not just to us, but to plants and animals. It has a right to connect up to other waters. It's the bloodline of this country. It's like us: if our blood stops flowing, we get sick. The water, if that flow stops, we all become sick.

The Hon. LOU AMATO (17:45:48): I speak in support of the Water Supply (Critical Needs) Bill 2019. New South Wales is burning and it is facing unprecedented suffering and loss of property. The reason for all of this suffering is the worst drought in living memory. Many regional areas have escaped the destruction of raging bushfires. However, they have not escaped the rising fear that in a matter of months they may possibly run out of water. I cannot imagine the level of anxiety that many people are experiencing as they watch the most critical component of survival—water—dry up and disappear. Members stand here today faced with a critical emergency that requires us to act right now, not tomorrow.

Much of the present situation is largely beyond our control as we cannot control the weather. We cannot make it rain. However, we can take immediate action to commence public works to ensure that when it does rain, we have the means to store water when the drought breaks. There is no doubt the drought will break. However, we can be certain that future droughts will follow. We must be ready for those future droughts when they come. They will most certainly come again and again.

Why does the bill need to be passed with haste? The answer is obvious: We must immediately plan to ensure that after this drought passes the necessary infrastructure is in place to droughtproof areas of limited water storage capacity. Urgent action is required to accelerate approval times for the building of water supply infrastructure to ensure that future droughts do not have the same devastating effect on regional communities that is currently being experienced. The bill seeks to identify certain regional towns and areas where times of drought can adversely affect the supply of water. The bill excludes all areas in the Sydney water catchment as our current water storage capacity in conjunction with the desalination plant has somewhat reduced the impact of periods deficient in rainfall.

Part 2 of the bill sets out the criteria for a town or locality to be declared as a critical needs area. Clause 5 (1) of the bill declares the following locations to be a critical town or locality: Dubbo, Wellington, Warren, Nyngan, Cobar, Tamworth, Moonbi, Kootingal, Orange, Spring Hill, Lucknow, Molong and the area serviced by the Central Tablelands Water County Council water supply system. In simple terms, part 3 of the bill cuts the red tape that currently plagues the development of infrastructure. If we do not act now and push forward with the necessary infrastructure to ensure the most critical component of survival—water—we will not be ready to store, harvest and distribute adequate water supplies when the drought breaks. We cannot afford to have years of water-providing infrastructure held up in environmental debates with parties like The Greens whilst our people die of thirst; the consequences are just too great.

In essence, part 3 stipulates that new infrastructure for the storage and supply of water in a declared critical needs area cannot be circumvented or stalled by other Acts such as the Environmental Planning and Assessment Act 1979 as long as the infrastructure is carried out by or on behalf of a public authority. The bill also circumvents any other Act that would prevent lifesaving infrastructure from being carried out if the providing of critical water needs infrastructure is authorised by the Minister. The bill in its current form lists declared water supply developments in schedule 2 as follows: Burrendong Dam access point relocation project servicing localities that include Dubbo, Wellington, Warren, Nyngan and Cobar; Chaffey Dam to Dungowan Village pipeline servicing localities that include Tamworth, Moonbi and Kootingal; and Macquarie River to Orange pipeline servicing localities that include Orange, Spring Hill, Lucknow and Molong and the area serviced by the Central Tablelands Water County Council water supply system. The bill targets certain areas as described in the proposed schedule.

The bill gives the Minister the authority to direct public authorities to commence immediate works in the areas as described in schedule 2, exempting areas identified as a critical needs area from development control legislation. However, safeguards have been implemented under clause 7 of the bill relating to any recommendation to the Governor to amend schedule 2. Those safeguards include that before making a recommendation to the Governor for the making of a regulation of a kind referred to in subclause (2), the Minister is required to consult with the following Ministers: The Minister administering the Environmental Planning and Assessment Act 1979, the Minister administering the Fisheries Management Act 1994, the Minister administering the Heritage Act 1977, and obtain the concurrence of the Minister administering the Biodiversity Conservation Act 2016.

Many of us will remember the last drought when many towns watched as their water supplies slowly dwindled. The supply of water—the most precious of all resources—needs an immediate proactive approach from government. To ensure that people across the State have the same access to water as we currently enjoy, we cannot repeat the mistakes of the past. The last drought broke as the rains fell once again. The dams filled. Sadly, as we have often done, we waited for the next drought, which is now upon us. The Government is committed to fixing the problem now. The Water Supply (Critical Needs) Bill 2019 will cut through the red tape and start the immediate process of building the infrastructure that is needed to ensure all people across the State have access to

our most precious resource—water. When the rains come—and they will—we will be ready for the next drought that we all know too well is a certainty. After all, this is a country of drought and flood. I commend the bill to the House.

The Hon. BEN FRANKLIN (17:52:00): On behalf of the Hon. Bronnie Taylor: In reply: I thank all members for their contributions to the debate on the Water Supply (Critical Needs) Bill 2019: the Hon. Mick Veitch, the Hon. Mark Banasiak, Mr Justin Field, the Hon. Rod Roberts, Ms Cate Faehrmann, Reverend the Hon. Fred Nile, the Hon. Mark Pearson and the Hon. Lou Amato. As we have heard today, the devastating effects of this drought are being felt by over 98 per cent of the State. Regional New South Wales is suffering and what do we know? We know and have had agreement from all sides on the following: Major centres like Tamworth, Dubbo and Orange have less than 12 months of water supply remaining and smaller centres like Cobar, Tenterfield, Nyngan and Walgett now have less than six months of town water supply left. We know that action is needed now. I thank members from all sides who have agreed and understood that action is needed. We differ on some issues and on ways to deal with them, but everyone starts with that premise and that is important and an important matter of unity for this Chamber. The Government stands committed, as it always has, to protecting the people and the interests of regional New South Wales.

Ms Cate Faehrmann might try to criticise The Nationals and the party's response but to that I say: Since 2015, more than \$1.8 billion in drought assistance has been committed for primary producers and regional communities in this State. We cannot make it rain, but we can provide the resources that are required to assist as much as we possibly can. In August this year the Government announced another \$78 million for the delivery of emergency water projects to prolong the water supply in regional towns. The bill is another tool that the Government is using to tackle the drought and protect almost 200,000 residents of regional towns affected by these severe conditions. The bill provides for a streamlined alternative pathway to the normal assessment and approval process for development. This pathway will bring water to towns and localities that have a critical need for a quicker than a business-as-usual approach. The three specific critical town water supply development projects that are listed in schedule 1 are urgent imperatives for the residents of Dubbo, Tamworth and Orange and their surrounding localities. Those projects are needed now before the water supply of those towns and localities is exhausted.

The bill also aims to protect regional New South Wales from future drought, which is why this Government is entering into a new historic partnership with the Commonwealth Government. The New South Wales and Commonwealth governments have agreed to co-fund construction of a \$650 million upgrade of Wyangala Dam in the State's central west as well as a \$480 million new Dungowan Dam near Tamworth. We are also making an initial co-investment in a proposed new dam on the Mole River. The bill ensures that we honour the Premier's and the Government's commitment to work in lockstep with the Commonwealth to prioritise those dams to enhance future water supply and security by declaring those projects to be critical State significant infrastructure.

I now address some of the issues that have been raised in the debate today. First, the Hon. Mick Veitch, the shadow Minister, raised three issues which he asked me to address. The first was compensation and the limits to it. The bill limits compensation in three ways: compensation is not payable in relation to critical town water supply matters, where an act or omission was undertaken in good faith; the provision does not apply to any acts or omissions that cause personal injury to a person or to the death of a person; and it only applies to an act or omission that is a critical water supply-related matter, for example, works or other things done under an authorisation. The second issue raised by the Hon. Mick Veitch was native title. I confirm that the bill does not impact on the normal operations of the Native Title Act in any way. The third issue was with regard to the Western Weirs Program. He wanted a broader and generic understanding of the rationale behind it.

The Hon. Mick Veitch: A bit of colour in the picture.

The Hon. BEN FRANKLIN: I am happy to colour the picture. I can advise the honourable member that the Barwon-Darling is an unregulated river system, which means it does not have major storages or regulators to impound and control the release flows. As a result, unlike other catchments where dams can smooth out the impact of drought, there are fewer operational responses to deal with drought in the Barwon-Darling. There are over 29 fixed-crest weirs along the Barwon-Darling and adjoining tributaries. This infrastructure is known to have numerous deficiencies, including poor structural condition, a lack of system level functionality, deficiencies in water security for town water supplies, limited fish passage and unclear ownership and responsibility for structures that were built many decades ago.

The Western Weirs Program takes a holistic approach to the management of weirs in the Far West, and sees the resolution of infrastructure deficiencies and clarity of ownership and management. It would also see the upgrading of existing weirs to become gated structures—regulators—provide fish passages, assume common ownership and allow for the systemic operation and maintenance of the new regulators in the Far West of

New South Wales. It is about improving both the condition of the weirs and the capability of water infrastructure in the Barwon-Darling and lower Darling catchments, while enhancing water security for local water utilities, stock and domestic and agricultural users.

It was also asserted in this debate that the Walgett weir and treatment plant project is not underway. That is simply not the case. I confirm to the House that the council went to tender a few months ago, the successful tenderer has been advised and construction will begin shortly. Further, works to improve water quality from the Walgett treatment plant is also underway. The New South Wales Government is leading the project to add treatment capability to plant. This recently went out to tender with the project due to be constructed this summer. Mr Justin Field raised the Chaffey to Dungowan pipeline not being—

The Hon. Trevor Khan: He said it would be finished by March.

Mr Justin Field: That is what you say.

The Hon. BEN FRANKLIN: Indeed, that the Chaffey to Dungowan pipeline had already started and, therefore, there is no need for it to be included in this bill. That is absolutely not the case. This pipeline needs to be operational by March 2020. The way we are going, it is not going to be operational by then. The timetable will not be able to be met unless this bill is enacted through the existing assessment and approval processes. We need those new processes to ensure that it is done properly. We are glad that Mr Justin Field—

The PRESIDENT: Order! I am pleased that the Hon. Ben Franklin, the Parliamentary Secretary, is replying to matters raised by other members. The fact that he specified that he is replying to matters raised in the second reading debate by Mr Justin Field is in no way an open-door policy for Mr Justin Field to then enter into a debate with him.

The Hon. BEN FRANKLIN: We are delighted that Mr Justin Field so obviously strongly supports this project and we look forward to his support of the bill. Reverend the Hon. Fred Nile raised an issue about the slightly alarming prospect of schedule 1 being empty.

The Hon. Adam Searle: A blank cheque.

The Hon. BEN FRANKLIN: A blank cheque indeed. I can allay his concerns and fears immediately by saying that the bill refers to currently affected areas which are listed in schedule 3 to the bill. If the drought worsens, and we need to do more, they will go into schedule 1. That is exactly what is stated on page 3 of the bill in part 2, clause (5) (1) (a) (i), (ii) and (ii). It says that the following are declared to be critical town or locality water supplies, and under paragraph (b) it states "any water supply for a town or locality described in Schedule 1". This will allow us to deal with these matters, if necessary, if the drought worsens.

The bill is a major weapon in the Government's response to an unprecedented drought situation. It will help the people of regional New South Wales who need it the most and ensure that those towns do not run out of water. It is balanced and has appropriate checks and balances. It is temporary and requires the authorisation of the Minister for Water, plus the concurrence of the Minister for the Environment, before the listed development can be carried out. This concurrence is also required before a regulation can be made to include new development or new towns or localities as having a critical water supply. The bill is a necessity for the 180,000-plus residents of the regional towns and localities most affected by the current drought. I commend the bill to the House.

The PRESIDENT: The question is that this bill be now read a second time.

The House divided.

Ayes35
Noes3
Majority.....32

AYES

Amato, Mr L
Boyd, Ms A
D'Adam, Mr A
Fang, Mr W
Franklin, Mr B
Khan, Mr T
Mallard, Mr S
Mitchell, Mrs
Moselmane, Mr S
Roberts, Mr R

Banasiak, Mr M
Buttigieg, Mr M
Donnelly, Mr G
Farlow, Mr S
Graham, Mr J
Latham, Mr M
Martin, Mr T
Mookhey, Mr D
Nile, Revd Mr
Searle, Mr A

Borsak, Mr R
Cusack, Ms C
Faehrmann, Ms C
Farraway, Mr S.J. (teller)
Jackson, Ms R
Maclaren-Jones, Mrs (teller)
Mason-Cox, Mr M
Moriarty, Ms T
Primrose, Mr P
Secord, Mr W

AYES

Shoebridge, Mr D
Veitch, Mr M

Taylor, Mrs
Ward, Mrs N

Tudehope, Mr D

NOES

Field, Mr J (teller)

Hurst, Ms E

Pearson, Mr M (teller)

Motion agreed to.

The Hon. BEN FRANKLIN: I move:

That consideration of the bill in Committee of the Whole stand an order of the day for a later hour.

Motion agreed to.*Members***INAUGURAL SPEECH**

The PRESIDENT: Before calling the Hon. Sam Faraway, I remind members that he is about to make his first speech in this place. I ask members to extend to him the usual courtesy.

The Hon. SAM FARRAWAY (18:10:29): At the outset, it would be remiss of me, on this day in the midst of a week of unprecedented fire risks that our State has faced and continues to face, not to acknowledge the tremendous capacity of our great State to pull together and to stand up to the worst challenges. I speak with the certainty that all our thoughts and prayers are with those facing the fires and with all involved: from local service organisations, property owners and our very own RFS teams dropping all their own lives to serve, right through to the Premier and even members of Parliament who are absent today and in their electorates doing what they can to help their communities.

I acknowledge the Clerk of the Parliaments and the Deputy Clerk, along with the entire staff who work tirelessly behind the scenes to ensure that this place functions as it should, with the highest regard for the processes, transparency, traditions, practices and seriousness that comes with operating Australia's oldest Parliament. I have only been a member of this place for a short period of time, but I have already taken in a much higher regard and appreciation for the work that occurs behind the scenes. Many of these dedicated and passionate individuals do not seek gratitude or acknowledgement, but their contribution warrants appreciation. I also acknowledge those seated sort of opposite and behind me—it is a little bit difficult now; some of my colleagues are opposite me. I acknowledge the Opposition and those seated on the crossbench. We all have a job to do in this place and I look forward to working with all of you.

Particular mention must go to my fellow Nationals colleagues: the Hon. Sarah Mitchell, the Hon. Bronnie Taylor, the Hon. Ben Franklin, the Hon. Wes Fang and the Hon. Trevor Khan. On appointment to this place and the other place, most of us arrive as part of a class or a year at a general election. But some of us come by a different path, like the kid who starts school after the term has commenced. I suppose I am an addition to the class of 2019. I thank my Nationals colleagues for all their help, guidance and support transitioning into this place—especially as the new guy. It is with great pride and humility that I stand here in this Chamber as a member of the Legislative Council. They say you have two opportunities in your political career to have the floor to yourself: when you enter Parliament and when you leave. So here is my story.

Out our way, you are either from the Central West or you are from somewhere else. I am not saying we are parochial, but I grew up believing it was a place on the outside of Trunkey. Some of you may actually know where Trunkey is. Born in the Bathurst Base Hospital in 1986, I am the eldest of five children of Warren and Leanne Faraway, who both have long family ties to the Central West region of New South Wales. My father was heavily involved in the automotive trade. In 1988 my parents took the plunge and purchased their very own small business: a Hertz car rental franchise in Bathurst. Like all small businesses starting out, it was very modest and not the largest operation you have seen. Their first office was set up in the oil room in the back of my grandfather's Ampol service station on the main highway into town. With just eight cars and one Pantech truck, they were in business and ready to go.

It is important for me to highlight this as part of my family's journey, as it played such a significant role in shaping our family and our community, and in developing my keen interest in business. Growing up, I was very fortunate not only to be close to my immediate family but also to have an amazing network of extended family and friends. I had the immense privilege of growing up with my grandparents. We were close, and it was just like

having a second set of parents. Our family farm backed onto my grandparents' farm on the outskirts of Bathurst. This was so important to me, my siblings and my parents because mum and dad were tirelessly running the business in town. I remember with great affection my grandmother picking us up at school. She was a pretty cool gran. She would pull into the school carpark where my brothers and sister would pile into the car, all jostling for the front seat, and as we opened the front door she would have Bachman-Turner Overdrive or the Bee Gees blaring through the speakers. All the other kids would be looking, but not once were we ever embarrassed.

There were also the school projects we created with her assistance. She was very artistic. They were incredible. Mind you, we recycled those projects and they were handed down year after year. Thank goodness the school did not change the assignment brief too often. Having my grandparents play such an important part in our lives is something I will always cherish. I know nothing is more important than family. During my school years I worked in the family business. It is a familiar story, particularly for those on the land. On finishing my education at All Saints College, Bathurst, I joined our small family business in a junior role. It was a very junior role, yet I was keen and learnt fast by listening and doing. Unfortunately, as is often the case, it was not all smooth sailing. While I was finishing my schooling, my father became unwell and was forced to take extended time off work. My mother had to make a decision and at 18, armed only with a desire to succeed and enthusiasm, I was entrusted to step up and take over the business. It was a huge challenge and one that, thankfully, I was able to meet.

Looking back, this is when my passion and appreciation for small business and regional development began to take shape. I learnt to be tough earlier than most but also learnt the value of trust and leadership by example. Down the track, our business expanded, diversified and grew. With renewed vigour, I continued my late father's commitment and that is something I know he would be proud of. Through hard work and learning through adversity, I have, with the help of a great team and my family, built a successful business with hundreds of motor vehicles. It is a big leap from the eight cars and one truck that mum and dad started with in 1988. There are branches across New South Wales, in Orange, Bathurst, Mudgee, Lithgow and the Blue Mountains. In 2018, after celebrating 30 years as a family-owned business, my mother and I decided it was time for a change. We were lucky enough to sell our business to another family-owned operation, which has taken our 30-year legacy and continues our passion and commitment to serve regional communities.

My family have been involved with the land for generations and for the past 10 years I have continued that tradition through our family property and involvement with the Royal Bathurst Show as a councillor and president. The Bathurst Agricultural, Horticultural & Pastoral Association has conducted agricultural competitions for 161 years. In 2019 we conducted our 151st agricultural show and the twenty-sixth Royal Bathurst Show. It is the largest agricultural show west of the Blue Mountains and the largest annual community event in Bathurst. I am proud to be a part of the amazing team that continues to make this happen. As with the other 194 agricultural shows in New South Wales, the show is one of the most important community events in many regional towns. Once a year regional New South Wales communities come together at their local shows—in drought, in sleet and occasionally in good times.

Our showgrounds, reserved 141 years ago at the request of our association, are used and have been used in these past few days not just to conduct shows but also to help communities in times of dire need. Through the show and my community involvement, I have seen the work of other organisations that often come together to support their community: the Country Women's Association, the RSL sub-branch, Legacy, Lions, Rotary, Probud, the mighty RFS, NSW Farmers and many others. I will continue to stand up for our agricultural societies, our local shows and our local organisations that make such a tremendous and important contribution to the fabric of our regional communities. My interest in politics started in high school. There were some very heated debates in year 12 economics and business studies classes. It is fair to say that we always set out to challenge each other and we would agree to disagree most of the time—a sound preparation for this place perhaps.

By 2007 I had run the family business for three years and had learnt a great deal. I started to really engage with politics and set out to understand how it worked. Luckily for me, I met Kerry Bartlett, the then sitting Liberal MP for the Federal seat of Macquarie. A redistribution had occurred and the City of Bathurst had moved into the Blue Mountains and Hawkesbury electorate of Macquarie. It was a redistribution that created an electorate without a community of interest—one half of the electorate was the Blue Mountains and the other half was the Central Tablelands and Central West. Placing all that aside, Kerry set out to introduce himself to the new constituency areas of Lithgow, Bathurst, Oberon and surrounds.

I met Kerry when I decided to attend a lunch with then Prime Minister John Howard. Everyone was in town—even a few Labor supporters. After meeting Kerry, I thought to myself, "I want to help this guy". He was genuine and he had a real story to tell outside of politics and about how he ended up in politics. I offered to help wherever I could. I learnt a lot during the 2007 Federal election campaign. I became a booth captain very quickly. I drove around for five weeks with a picture of Kerry's face on my car. I packed booth kits, manned pre-poll for days and met some amazing people who shared the same passion and enthusiasm for the very same causes I did.

Whilst that election result was not what I had hoped for and was bruising to say the least, it ignited my interest and involvement in politics. Three years later another Federal redistribution occurred, and the City of Bathurst, Lithgow and Oberon were shifted back into the electorate of Calare.

A guy called John Cobb turned up. He was running for the newly shifted electorate of Calare for The Nationals. Despite the bruising result of 2007, I threw myself into the campaign. I was a booth captain and drove around with John's face on my car. I manned pre-poll for days and packed the booth kits. At the end of another busy campaign we had a win: John Cobb won the electorate of Calare comfortably at the 2010 election. The following 18 months included many discussions with John regarding small business, regional development, jobs, agriculture, regional communities and regional representation. After all these conversations John said, "It is time for you to join the National Party, son". And so I did. That began my involvement in and dedication to the Nats.

My involvement in the National Party has been extensive since joining—Bathurst branch chair, Bathurst State Electorate Council chair, Calare Federal Electorate Council chair, campaign manager for John Cobb in 2013, campaign manager for Paul Toole in 2019, central executive member, 2019 Senate candidate, and presently the senior vice chair of the NSW Nationals. Our party is truly a grassroots party, with a strong, open organisational wing that encourages all members to be active and engaged. It is the heart of our party and where our MPs are forged with a firm commitment to our objectives. First and foremost, it allows us to represent diverse communities across the whole State and allows someone like me to start as an ordinary member and in seven years arrive in this place.

It should never be a simple decision taken lightly to enter politics. After a great deal of contemplation and discussion with friends, family and mentors, I arrived at the conclusion that my genuine commitment to make a difference, to use my experience for the benefit of others and to serve the people of New South Wales was strong. I believe in our political system and I want to make a meaningful contribution that provides tangible benefits for all those who live in New South Wales, in particular regional New South Wales. I have a deep respect for our traditions and institutions; a respect, though, that is informed by modern views. I have a healthy regard for the past with a broad view of where we need to go in the future. It is clear that The Nationals are not, as some would paint us, just the voice of akubra and R.M. Williams wearers—although we do wear them far better than most. We are far more than that. We are the voice for regional workers, the voice for families, whether it is on the farm or in town. We are the voice for the family business.

For me, that means we should continue to build strong communities, providing the circumstances that allow our families and businesses to thrive through their own hard work and innovation. Small business is at the heart of our communities and our successes, and it is in my blood. I am not one to dwell on things. When my father passed away I was forced to make a choice: Go off to Sydney and university, like many of my mates, or, as the eldest of five children, grow up, get stuck in and work hard, running what was our family business. As I have said, I am passionate about small business. I know what it adds to families and regional communities. I know the importance of the jobs they create and I know how difficult they can be to manage and run. Providing full-time jobs has strengthened my community, kept families in regional New South Wales and supported many other local businesses.

Whilst there are sacrifices, knowing that people's ability to pay their mortgage, buy the groceries or put fuel in the car is reliant on you, it is a serious and very personal commitment but one that is enormously rewarding when you get it right. My experience tells me that, whilst university is important, it is not for everyone. You can build a successful career in the regions through hard work, motivation and determination. There are opportunities in small businesses, in trades and in apprenticeships. In fact, there are opportunities across all sectors in the regions, even in drought—through agriculture, education, manufacturing, mining, forestry and emerging technology. It does not matter whether they are small or large enterprises. It is through getting stuck in, adhering to your values and building relationships with people that the job will get done.

Bringing opportunity to country people is the reason The Nationals have existed for 100 years and it is the reason we will exist for another 100 years. Agriculture, small business, investment in critical regional infrastructure and water security are the vital policy issues right now and for the next decade. I believe that there are real opportunities to build on the hard work of the past eight years and to see the ambitions of regional New South Wales come to life. In my view, that means building dams now to improve our resilience, readiness and survival for the next drought. It means investing in the capacity of our towns to meet their water needs for families and business right now and into the future. It means making sure that the rules that our farmers operate under are fair—rightly prosecuting the few who give the many a bad name but not cruelly pursuing the others. It also means that those who provide advice on how our rivers run and how our environment is managed should live in the communities they are making those decisions about.

Regional communities want government to push ahead with this agenda and deliver better water security and a fairer system. I will push for shovels in the ground, for smarter systems and for more public service jobs in our towns. I believe in giving people a fair go. I believe in the value of hard work. I believe in the best possible opportunity for all people, no matter their postcode. The Nationals in government are, together, showing that we can tackle our big problems from all angles, which means listening to the community, making the hard decisions and delivering the resources needed. The \$4.1 billion that was quarantined by the NSW Nationals from the sale of Snowy Hydro was an outcome delivered by the Deputy Premier and his team and an outcome that has directly benefited regional communities.

I also take this opportunity to thank and acknowledge some people who have helped me along my political journey. Firstly, I thank the members of The Nationals Bathurst Branch and Bathurst State Electorate Council, some of whom are in the gallery today. I will not name everyone individually, as I could be here for a while, but there are a few who must be mentioned. I thank Brett Kenworthy, the current chairman of the electorate council, who has been, and continues to be, a very good friend. At the end of the day, he is always on the end of the phone to offer an opinion, advice or a good laugh. I also thank Lachlan Sullivan, the current secretary/treasurer—better known as the "Windradyne Whisperer" in my home town. Only a local newsagent could pull off that title. It is exciting to see him venturing into a new role with The Nationals, and I think he will do a fantastic job.

I thank Sheena Rigby; Rosaleen Sullivan; John and Judy Nicoll; Harvey and Cheryl Sherlock; Nino and Tracey Di Falco; Melissa Inwood; Peter Woodward; Jim and Liz Inwood; Col, Cathy and Kirby McPhee; Ean and Rhonda McMaster; and Sue and Bill Thompson. In fact, I thank the entire branch for all their support. I truly appreciate it. I thank the NSW Nationals Central Council, our party's governing body, including the past and present members who are the driving force behind our grassroots organisation. Without their passion and dedication we would not have the National Party. I would not be here today if it were not for these dedicated individuals and I acknowledge the trust they have placed in me to be their representative of our great party in this place.

To the former member for Coffs Harbour, a 28-year veteran of the other place, now turned party chairman, Andrew Fraser: It is an absolute pleasure to work with you as senior vice chairman. You are never dull and you are always willing to fight for and represent the interests of regional New South Wales. Thank you for your support and friendship. To the State director, Ross Cadell: Rosco, you lead a great team at our NSW Nationals head office and I acknowledge all the hard work that is done behind the scenes by you and your team for the entire membership of our party.

To my fellow Young Nationals, including current chairman Jock Sowter: The Young Nats are an important element of our party and have a significant role to play in progressing the agenda for young people in the regions. To Will Rollo, Alysia Smith, Nat Openshaw and Jess Coles: Thank you for all your support and friendship. I must also thank Rebecca Treloar for agreeing to work with me. You have been a huge help in the transition to this place and I am looking forward to all the fantastic things that, hopefully, we can achieve for rural and regional New South Wales.

I am fortunate to have had a number of political mentors. Kerry Bartlett showed me what a hardworking, genuine and passionate member of Parliament looks like. John Cobb got me involved in the National Party and encouraged me to put up my hand to serve the party as an electorate chairman after he became the Federal member for Calare. We have always had a fantastic working relationship. We know we can be frank with each other without ever affecting our friendship. His wise counsel is always welcomed. Paul Toole, who is my local member, would have to be one of the hardest-working MPs I have ever met. He never stops, he is driven to serve his community and he has earned a great deal of respect from the voters of his electorate of Bathurst. I have enjoyed playing a small part in his campaigns and successes. I appreciate all his advice, support and friendship and I am looking forward to being able to work alongside him in the Central West and western New South Wales.

Finally, I count myself lucky to include our former Federal leader and former Deputy Prime Minister, John Anderson, as a mentor and friend. I will always remember his line: You cannot get good public policy out of a bad public debate. He reminds me that The Nationals may represent rural and regional communities but we are the party that governs for all. To Michael McCormack, Deputy Prime Minister: I am looking forward to working with you and my Federal colleagues in partnership to continue to deliver for regional New South Wales. To my new boss and good friend, the Deputy Premier and Leader of The Nationals, John Barilaro: You are an excellent example of a Nationals leader—a chippie from Queanbeyan who brings real-life experience and leadership on the tough issues. I am excited to be entering Parliament and serving the regions with you as Leader of The Nationals in government.

It would be remiss of me not to thank my new colleagues whom I have not already mentioned. I include not only The Nats in the Legislative Council and the Legislative Assembly but also our Liberal partners in

coalition, as well as other members in this Chamber. I believe that, no matter what side of politics we are on, we all put ourselves forward to do this because we are all genuinely here to serve our communities and make a difference in society. I thank those members from all parties who have welcomed me and I look forward to working with all of them. To my close friends—and real mates—many of whom have made the journey to be here today: Alex Bland, Lachlan Bullock, David West, Nick Sharp, Jim Cooley, Matthew Press, Jeff McCormack and Emma Watts, you have all been so supportive and I am so lucky to have you all as friends.

It is often said that family is everything. I am so fortunate to have a supportive family that has been by my side from the beginning and been supportive of my political pursuits, even though they have called me mad several times. To my mother, Leanne, my brothers, Toby, Ben, Liam, and my one and only sister, Sarah, thank you so much. It is your support and love that has got me to this point today. To my grandfather Norm Sweetnam, who is here today, thank you for all you have done—not just for the unconditional support you have given me but because we have always been close. Having you here today means so much.

Finally, there are two people I want to particularly mention. Unfortunately both are no longer with us. It is truly a shame that my father, Warren Faraway, and grandmother Gwen Sweetnam are both not here today. They played such a significant role in my upbringing, life and education. They always kept me grounded and gave me the strength to always have a go. I am sure they are both looking down proudly today. I will always remember the journey and the people who got me here and will use their example to guide me in my role. The promise I make today is that I will do my best to deliver for the people of rural and regional New South Wales. I will play my part in representing the regions. I will fight to develop outcomes that have a real benefit for our communities. Thank you, Mr President, and fellow members.

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

Bills

ELECTORAL FUNDING AMENDMENT (LOCAL GOVERNMENT EXPENDITURE CAPS) BILL 2019

Returned

The DEPUTY PRESIDENT (The Hon. Taylor Martin): I report receipt of a message from the Legislative Assembly returning the bill without amendment.

Documents

BUILDING CLADDING REGISTER

Dispute of Claim of Privilege

The DEPUTY PRESIDENT (The Hon. Taylor Martin): I report to the House that on 11 November 2019 the Clerk received correspondence from Mr David Shoebridge disputing the validity of a claim of privilege on documents lodged with the Clerk on Thursday 31 October 2019 relating to the register of buildings with potentially combustible cladding. Pursuant to standing orders, a retired Supreme Court judge, the Hon. 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 the Hon. Keith Mason, AC, QC, for evaluation and report.

LANDCOM

Report of Independent Legal Arbiter

The CLERK: According to the resolution of the House of 17 October 2019, I announce receipt of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 13 November 2019, on the disputed claim of privilege on papers relating to the director and chair of Landcom. I advise that the report is available for inspection by members of the Legislative Council only.

Bills

WATER SUPPLY (CRITICAL NEEDS) BILL 2019

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. I have four sets of amendments: Government amendments appearing on sheet c2019-246A; Shooters, Fishers and Farmers Party amendments appearing on sheet c2019-207C; Mr Justin Field's amendments appearing on sheet c2019-239B; and Opposition amendments appearing on sheet c2019-199B.

The Hon. BEN FRANKLIN (20:07:26): By leave: I move Government amendments Nos 1 and 2 on sheet c2019-246A in globo:

No. 1 **Further declared water supply development—Cobar and Nyngan**

Page 3, proposed section 5 (1) (a). Insert after line 10—

(iv) the locality that includes Cobar and Nyngan,

No. 2 **Further declared water supply development—Cobar and Nyngan**

Page 13, proposed Schedule 2. Insert at the end of the Table in the Schedule—

Works to connect the Cobar and Nyngan town water supplies to alternative available groundwater sources the locality that includes Cobar and Nyngan

The amendments are about putting together Cobar and Nyngan in one district. Both those locations need a critical drought response but they are interlinked systems and must be considered together. It is important to support these amendments to have a locality that includes both of them into one constituency. The amendments are critical to ensure that the towns can be connected to the closest and most available groundwater source because from mid-2020 they will no longer have surface water supplies. They are minor amendments but important for the substance of the bill. I commend the amendments to the Committee.

The Hon. MICK VEITCH (20:08:36): Anyone who knows the geography of that part of the State would understand why the amendments are important. The Opposition sees them as a bit of a tidy-up of an unintended situation within the construct of the bill, and on that basis it supports the Government amendments.

The Hon. MARK BANASIAK (20:08:57): The Shooters, Fishers and Farmers Party supports the Government amendments. I referenced the interconnectivity in my contribution to the second reading debate.

Mr JUSTIN FIELD (20:09:17): My contribution to the second reading debate made clear that I do not support the bill, but I do not oppose the addition of these particular amendments. Although, it begs the question: How have those projects been chosen? Because quite a few others are going to be put up by the Shooters, Fishers and Farmers Party in a separate amendment. Obviously there is the ability for further projects to be added with the concurrence of the environment Minister, but it does beg the question about how those particular locations and particular projects have been chosen, when there are clearly a lot of different communities out there in pretty critical need. It goes to one of the issues I raised more broadly about this legislation, in that a lot of these powers and the ability to take action previously existed and now we are fiddling around and adding things that suit.

The CHAIR (The Hon. Trevor Khan): Again, taking into account what I said yesterday, I invite members to address the amendments. The Committee stage is not an opportunity for members to rehash components of the second reading debate. I ask members to consider the amendments before the Committee.

The Hon. ROD ROBERTS (20:10:29): I speak in support of the amendments on behalf of One Nation. We encourage and support the Government to look further afield for other areas that may well deserve it in a timely fashion.

Ms CATE FAEHRMANN (20:10:46): The Greens also support the Government amendments but we are supporting them because they have been given to us at the last moment. Yes, they are critical but it potentially suggests that the bill and these amendments may not have been needed if the Government had been planning more thoroughly for a longer period of time in terms of climate change and modelling. As Mr Justin Field said, who knows what else it will need to do in a couple of weeks' time.

Reverend the Hon. FRED NILE (20:11:24): For the record, the Christian Democratic Party supports these amendments for Cobar and Nyngan. Members may know that my younger son was the sole police officer in Nyngan for many years.

The CHAIR (The Hon. Trevor Khan): The Hon. Ben Franklin has moved Government amendments Nos 1 and 2 on sheet c2019-246A. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. MARK BANASIAK (20:12:33): By leave: I move Shooters, Fishers and Farmers Party amendments Nos 1 to 10 on sheet c2019-207C in globo:

No. 1 **Further declared water supply development—Walgett**

Page 3, proposed section 5(1)(a). Insert after line 10—

(iv) the locality that includes Walgett,

No. 2 **Further declared water supply development—Walgett**

Page 13, proposed Schedule 2. Insert at the end of the Table in the Schedule

Walgett weir and Walgett water treatment plant project	the locality that includes Walgett
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No. 3 **Further declared water supply development—Bourke**

Page 3, proposed section 5(1)(a). Insert after line 10—

(iv) the locality that includes Bourke,

No. 4 **Further declared water supply development—Bourke**

Page 13, proposed Schedule 2. Insert at the end of the Table in the Schedule—

Bourke weir, bore water supply and water treatment project	the locality that includes Bourke
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No. 5 **Further declared water supply development—Darling River**

Page 3, proposed section 5(1)(a). Insert after line 10—

(iv) the locality that includes Bourke and the Darling River between Bourke and its junction with the Murray River,

No. 6 **Further declared water supply development—Darling River**

Page 13, proposed Schedule 2. Insert at the end of the Table in the Schedule—

Re-establishment of natural rock weirs on the Darling River between Bourke and its junction with the Murray River	the locality that includes Bourke and the Darling River between Bourke and its junction with the Murray River
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No. 7 **Further declared water supply development—Warren**

Page 3, proposed section 5(1)(a). Insert after line 10—

(iv) the locality that includes Warren,

No. 8 **Further declared water supply development—Warren**

Page 13, proposed Schedule 2. Insert at the end of the Table in the Schedule—

Works for the Warren town water supply, including bores, connecting piping and associated infrastructure for the Warren bore field	the locality that includes Warren
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No. 9 **Further declared water supply development—Cobar**

Page 3, proposed section 5(1)(a). Insert after line 10—

(iv) the locality that includes Cobar,

No. 10 **Further declared water supply development—Cobar**

Page 13, proposed Schedule 2. Insert at the end of the Table in the Schedule—

Works for the Cobar town water supply, including piping of the Albert Priest channel	the locality that includes Cobar
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These amendments seek to include the towns of Walgett, Bourke, Darling River, Warren and Cobar in "critical needs". Before these amendments Barwon had been left out completely—our largest electorate smack bang in the middle of the worst impacted area appears to have had an exclusion zone drawn around it. It is clear that Barwon is in desperate need for water. The Nationals lost the Barwon electorate because of that serious lack of commitment to water infrastructure in those areas. Walgett will benefit from a raise in its weir wall to capture water when either the Barwon or Namoi rivers flow—whenever that will be. The water from the bore in Walgett is not palatable, so it needs a proper treatment plant to make it so. In my contribution to the second reading debate I said that Barwon is not a Third World country and it should not be drinking water that we would not drink in Sydney.

A third bore is required in Bourke and the State Government needs to commission that. Until there is a third bore, Bourke's water supply cannot be assured. Bores today are able to produce 1.6 megalitres to 1.8 megalitres of water per day and to meet the town's water supply they need to get that up to about 2.5 megalitres per day. That third bore will make that possible. The Albert Priest channel project for Cobar—although the channel is over 100 kilometres away—supplies Nyngan from the Macquarie River. We spoke about that need for connectivity. Rock weirs along the Darling River need to be re-established from Bourke through to Wentworth. They were broken upon in the past to allow for paddle-steamer passage when there was still river trade, but we have significantly moved past that history. The weir's re-establishment will assist in a quick restart of flow in the river and also allow for habitat for native fish when flows stop. We are simply seeking to see the re-establishment of those weirs and get some storage capacity there. I urge members to support the amendments.

The Hon. BEN FRANKLIN (20:14:54): I thank the honourable member for his interest in those regional towns experiencing significant drought, which I know is genuine and sincere. The Government supports amendments Nos 1 to 8, but I will need to seek advice on that.

The CHAIR (The Hon. Trevor Khan): I make clear that amendments Nos 1 to 10 have been moved in globo. They can easily be put seriatim. For example, amendments Nos 1 to 8 can be put as a group and amendment Nos 9 and 10 can be put separately. It is a matter for members as to how they wish to proceed.

The Hon. BEN FRANKLIN: I am delighted to confirm that amendments Nos 1 to 10 are being supported because we have absolute clarity on this side of the Chamber. I stress to the Committee that the Government does not believe that the amendments are critical to the integrity of the bill. That is so for the following reasons, which I will go through step-by-step for each amendment. The first regards amendments Nos 1 and 2. The Government agrees that the Walgett weir is a critical project for this community. The fully Government-funded Walgett weir project is already underway. This project is about raising the weir level by about one metre. The council went to tender a few months ago, the successful tender has been advised and construction will begin shortly. Further, works to improve water quality from the Walgett treatment plant is also underway. The New South Wales Government is leading the project to add treatment capability to the plant. This recently went out to tender with the project due to be constructed this summer.

I strongly appreciate the member's intent and recognition of Walgett's needs. It will be a matter for Walgett Shire Council if it chooses to use this authorisation pathway or if it stays the course on its current approach under the Environmental Protection and Assessment Act. A change to the applicable regulatory frameworks at this stage could create unanticipated headaches and delays to projects and initiatives already underway. Nonetheless, we will support the amendments. In terms of amendments Nos 3 to 6, a weir at Bourke is expected to be part of the western weirs program, which the Government has included at schedule 3. I make the point that we have included a range of issues in the Barwon electorate, which we are not ignoring. It is duplication to add one of many weirs here but I appreciate the member's desire to support Bourke through the drought as well. While this weir will be important for Bourke's longer term water needs, unfortunately it will not solve the current need. The Bourke weir is now full and recent rains have overflowed the weir for the first time since 18 August 2018, which is a record of 443 days.

Knowing that the weir may again be low in a few months, Bourke Shire Council is working to supplement its drinking water supplies with water sourced from bores. This source can be used more when water sourced from the river becomes less reliable or less usable. The Government is actively supporting Bourke. To date in this drought, the Government has allocated \$2.1 million to support Bourke and, in addition, a further \$10 million has been allocated to provide reverse osmosis treatment to drinking water for both Bourke and Walgett. We are working closely with Bourke Shire Council to ensure that we have a safe and secure supply of water for Bourke residents.

I advise the Committee that the new Stoney Rise artesian bore connecting pipeline is now operational in Bourke. Council also has funding available to install a duplicate pipeline from bores to town. Further, the successful tender to supply reverse osmosis treatment will be announced before the end of the year and the plant will be operational before the end of summer. It will be a matter for the Bourke Shire Council if it chooses to use this authorisation pathway for the treatment project or, indeed, once again if it stays the course on its current approach under the Environmental Planning and Assessment Act. It will also be a matter for Water NSW as to whether it will access the critical State significant infrastructure pathway for this weir as part of the Western Weirs program or if it will pursue authorisation of a single weir outside of that program.

I respond now to Shooters, Fishers and Farmers Party amendments Nos 7 and 8. As to Warren, the bill already declares Warren to have critical water supplies. Again, I understand, support and respect what the Hon. Mark Banasiak is trying to do here, whilst acknowledging its duplication. The proposed Warren bore field project is a relatively simple development. This project is about connecting existing and renewed bores to other council infrastructure. Simple developments such as the construction of piping to connecting groundwater bores

across council-owned land can be assessed and approved by councils under part 5 of the Environmental Planning and Assessment Act. For such straightforward developments, it is likely that this well-understood pathway will be preferable for councils. Again, it is a matter for council to exercise its judgement and choose between these approval pathways.

I will leave the question of whether the Shooters, Fishers and Farmers Party amendments Nos 9 and 10 will lapse due to the Government amendments that have now been passed in the Chair's estimable hands for consideration. If they do not lapse, the Government will support them. They declare Cobar and the works for the town of Cobar, including piping the Albert Priest Channel. I remind the House that the water supplies of Nyngan and Cobar must be considered in tandem—as we have done in the Government amendment that was just passed—as both are currently reliant on water from the Macquarie River transported through an open channel. If Cobar is added, so must Nyngan and both have been added at clause 5. However, the broad and overly general description of this development needs amendment. Piping the Albert Priest Channel is one option. However, the Government needs to look at the best available options in a situation where the Macquarie will be dry, as anticipated, by mid-2020. Other options include connecting Nyngan and Cobar to available groundwater supplies such as at Narromine.

If we are to resolve Nyngan and Cobar's water insecurity, we need to determine the right solution and, most importantly, to determine the most appropriate connection route any pipeline might have to provide benefits through this drought and for the longer term. Prescribing now that this pipeline follows the full length of the Albert Priest Channel is premature and unlikely to be successful as the Macquarie will be dry in late 2020. Right now there is further urgent planning work to be done to determine the exact development that would secure the water supply for Cobar and Nyngan. Until this is complete, flexibility rather than constraint is required. Let us focus on the objective, not the route. The objective is to connect these towns to alternative available water, and in this region once the Macquarie ceases to flow that is groundwater.

The Hon. MICK VEITCH (20:22:54): I speak for the Opposition to expand on our concerns, which were raised partially by the Parliamentary Secretary. The Government amendment No. 1 on sheet c2019-246A, which has now been adopted, reads:

No. 1 **Further declared water supply development—Cobar and Nyngan**

Page 3, proposed section 5(1)(a). Insert after line 10—

(iv) the locality that includes Cobar and Nyngan,

The Shooters, Fishers and Farmers Party amendment No. 9 on sheet c2019-207C reads:

No. 9 **Further declared water supply development—Cobar**

Page 3, proposed section 5(1)(a). Insert after line 10—

(iv) the locality that includes Cobar,

As I read it, they are the same, except that we have now adopted Cobar and Nyngan through the Government's amendment. So either the Shooters, Fishers and Farmers Party amendment No. 9 on sheet c2019-207C lapses or if it is adopted we are knocking Nyngan out of the decision of the House. I seek guidance with regard to that.

The Government's amendment No. 2 on sheet c2019-246A, which has been agreed to, and Shooters, Fishers and Farmers Party amendment No. 10 on sheet c2019-207C both have a similar rationale, except for the variation in that the Shooters, Fishers and Farmers Party's amendment talks about the Albert Priest Channel. The Opposition seeks clarification in a similar vein to the Government, but particularly in relation to Government amendment No. 1 and Shooters, Fishers and Farmers Party amendment No. 9. As I read it, if we adopt the Shooters, Fishers and Farmers Party amendment, we knock Nyngan out. I think amendment No. 9 would lapse or I suggest that the Shooters, Fishers and Farmers Party should withdraw it.

The CHAIR (The Hon. Trevor Khan): There is a view here that it is feasible for the Shooters, Fishers and Farmers Party amendment to remain in, but it would be a confusing duplication in the Act if it were to go in. It does not add anything by being there, in truth. I invite the Hon. Mark Banasiak to seek leave to withdraw.

The Hon. MARK BANASIAK (20:24:55): By leave: I withdraw amendments Nos 9 and 10 on sheet c2019-207C.

Amendments Nos 9 and 10 withdrawn.

The CHAIR (The Hon. Trevor Khan): I appreciate that. It will make it easier and will avoid any confusion that may arise.

The Hon. MICK VEITCH (20:25:35): The Opposition will be supporting the Shooters, Fishers and Farmers Party amendments Nos 1 to 8 on sheet c2019-207C for the reasons we canvassed in the second reading

debate and in debate on the Government's amendments. Clearly there is a bit of tidying up to be done. But I suggest that the Government has a blank schedule—schedule 1—and there is a heap of space on it for a lot of projects.

Ms CATE FAEHRMANN (20:25:55): The Greens will also be supporting these amendments. We note that they expand the towns and localities that are included in the bill as critical town or locality water supplies. Some of the towns included in these amendments were leaked in a report in *The Sydney Morning Herald* as towns at very high risk. One of the projects is the re-establishment of natural rock weirs on the Darling River between Bourke and its junction with the Murray. These weirs used to be a natural feature of the river that provide environmental benefits, including providing refuges for fish and other animals by keeping portions of the river wet during low flows.

Historically, in 1997 a State Weir Policy was established and it talked about the environmental impact of weirs. When the Southern Rivers Catchment Management Authority was around, it also talked about the environmental impacts of some weirs. This situation is possibly different because these are natural rock weirs that were already in those rivers. I note that they provide refuges for fish. On that basis, and given that we are not talking about more destructive weirs in terms of downstream river systems and downstream riverine communities, we will support these amendments.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Banasiak has moved Shooters, Fishers and Farmers Party amendments Nos 1 to 8 on sheet c2019-207C. The question is that the amendments be agreed to.

Amendments agreed to.

Mr JUSTIN FIELD (20:28:17): I move amendment No. 1 on sheet c2019-239B:

No. 1 Concurrence

Page 5, proposed section 8, line 16. Insert ", or amending or revoking the conditions of an authorisation," after "an authorisation". This amendment seeks to clarify a bit of an anomaly in the bill. I acknowledge that the drafting of this bill has been quite tight around ensuring there are concurrence requirements with nearly every element. We are investing a lot of power in the Minister to determine how a number of major projects and some significant amounts of money are going to be rolled out for critical water supply. There are concurrence provisions for most aspects of this but there appears to be an anomaly in this section of the bill. Part 3 proposed section 8, "Authorisation of Minister to carry out water supply development", describes how the approval process for these sorts of developments will happen. Proposed section 8 (7) states:

The Minister may, by notice in writing to the public authority carrying out the development, amend or revoke the conditions of an authorisation before the development has been carried out.

There is no clarification that that amendment or the revocation of conditions for the authorisation has to have concurrence from the other Minister, who would have had to have had concurrence on the original approval. My amendment simply seeks to make that clear. It will ensure that there would need to be concurrence for any amendments or alterations.

I acknowledge that the Government has been very responsive to my staff in putting together these amendments and seeking their advice. They have come back to me and said, "The Minister gave an assurance to me in the crossbench briefing that this concurrence would be obtained in relation to conditions of an authorisation if they were amended or revoked before the development was carried out." I appreciate that assurance. It does not hold a great deal of weight once we get passed this evening. I would prefer the Government support the amendment and we make it clear in law that that concurrence needs to be given. I commend the amendment to the Committee.

The Hon. BEN FRANKLIN (20:30:49): I oppose Mr Field's amendment No. 1 for two reasons. The amendment clarifies that the Minister must have the concurrence of the Minister for Energy and Environment for amending or revoking conditions of the authorisation. The first point is that the environment Minister has already provided concurrence to it. So if we go down this line, another level of bureaucracy gets added to this process before we can deliver water to the communities that need it most. I understand and respect the concerns of the member, as does the Minister, which is exactly why—and I am happy to state this in *Hansard*—she has given her assurance in a crossbench briefing, and I do so again today to this Committee, that this concurrence would be obtained if conditions for an authorisation were amended or revoked before development in schedule 2 had been carried out.

The Hon. MICK VEITCH (20:31:59): The Opposition supports this amendment. Concurrence is quite an important part of this process. I appreciate the Parliamentary Secretary's undertaking on behalf of the Minister. It is good to have that in *Hansard*—*Hansard* being a very important part of what we do in this Parliament; it is nice to have a transcript to read. It is important to enshrine that in the legislation so that once the Minister of the day has moved on and there is another Minister undertaking these duties it is very clear. The Parliamentary Secretary is giving an undertaking on behalf of the current Minister. This Act is going to be in place for a couple

of years. There is no guarantee that this Minister will be the Minister for the full two years. The Opposition would be comfortable to see this amendment for the duration of the life of this legislation.

Ms CATE FAEHRMANN (20:32:59): The Greens support the amendment of Mr Justin Field for the reasons that the Hon. Mick Veitch has provided. If the Government wanted to assure members that the water Minister was serious about seeking the concurrence of the environment Minister for any amendments to the conditions, then it would bring an amendment itself—as we saw before—and put that in legislation. Promises are fine but when you are making laws that is the time to get those promises into the legislation.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved amendment No. 1 on sheet c2019-239B. The question is that the amendment be agreed to.

Amendment negatived.

Mr JUSTIN FIELD (20:34:20): By leave: I move amendments Nos 2 and 3 on sheet c2019-239B in globo:

No. 2 **Minister must give copy of authorisation to relevant local council**

Page 6, proposed section 10, line 20. Omit "may". Insert instead "must".

No. 3 **Authorisations to be published on appropriate government website**

Page 6, proposed section 10. Insert the following after line 25—

(3) The Minister must also ensure an authorisation under this Part is published on an appropriate government website.

These amendments relate to transparency, which is why I sought to move them together. I do not want to labour the point too much but the bill states:

The Minister may provide a copy of an authorisation under this Part—

and this part relates to the authorisation of critical town or locality water supply development—

to the local council of the local government area in which any development to which the authorisation relates is to be carried out.

I suggest it is a good idea that we definitely provide that information to the local authority. Amendment No. 2 simply seeks to say that the Minister must provide that. Amendment No. 3 is an addition to section 10 around notification of exemptions and authorisations. The new subsection would read:

(3) The Minister must also ensure an authorisation under this Part is published on an appropriate government website.

We are dealing with matters of critical public interest. We are all agreed that there is an urgent need for these sorts of responses. We have had a different view around whether the bill is the right way to do it, but there is a need. A lot of money is going to be thrown around quickly. A lot of things are going to be happening on the ground that people may not be aware of. We need to be transparent about it all.

Let us make sure that councils know about it. Let us ensure there is a clear public register so that people can follow what is going on. When an authorisation is granted there will be a place for people to go to find out about what should happen on the ground. If disputes arise about what is happening on the ground, someone can see what the authorisation was and make their own judgment. That protects everybody. Both of these amendments seek to make this process more transparent. As I said, a lot of things will be going on quite quickly if the Government gets on with the job it has said it is going to. I commend the amendments to the Committee.

The Hon. BEN FRANKLIN (20:36:44): The clue to these two amendments is in the title of the bill—the word "critical". This is about the critical nature of what we need to do. It is about urgency. It is about needing to happen with speed. What those requirements necessarily provide is a degree of flexibility. While we do not in any way dispute the motivations of Mr Justin Field, the amendment requires the Minister to provide a copy of an authorisation to the relevant local council. Currently the Minister has discretion whether or not to do that. For the three particular localities we are discussing, these amendments provide an unnecessary level of prescription. The bill is dealing with a matter of urgency and it does require flexibility.

In dealing with amendment No. 2, the Minister has that power to provide the relevant council with a copy of the authorisation. I suspect that there would be no reason she would not do so if it was appropriate to do so. In respect of amendment No. 3, providing such an authorisation on a government website, the Minister is not limited in the type of conditions that can be attached to an authorisation. Clause (8) (e) already expressly provides that conditions may include public notification requirements in relation to the carrying out of the development. It is unnecessary to put it in again. The reason we do not need to do that is because these things are urgent. They are critical. There will need to be some flexibility. I ask the member to accept that there is goodwill from the

Government. Of course, we will do these things if appropriate to do so. I encourage the Committee to vote against these two amendments.

The Hon. MICK VEITCH (20:38:36): The Opposition supports these two amendments. The role of the council in this is important—I do not think anyone in the Chamber would in any way disagree with that—but it is about how that happens. The lawyers in the room will have a great time explaining to me later on the difference between the words "may" and "must" in a legal context. The Opposition will be supporting amendment No. 2. I recognise that we had the pesky concept of concurrence in discussing the previous amendment and in amendment No. 3 we have the pesky concept of communication and transparency with the community. The Opposition envisages that this amendment will ensure there will be public awareness around the process. Urgency does not mean the Government cannot be transparent with the community or cannot make the community aware. The bill needs strengthening in the areas of communication and transparency and in the view of the Opposition this amendment does that. The Opposition will support amendment Nos 2 and 3.

Ms CATE FAEHRMANN (20:39:25): The Greens also will support both amendments moved by Mr Justin Field. The Government's response to these amendments is not to support them because we are talking about urgency and critical infrastructure. It is not as though the Government has to perform super urgent cardiopulmonary resuscitation on a patient and that it has to do something within 10 seconds. We are not talking about days and weeks. The amendments contain an authorisation—for example, the Minister may provide a copy of an authorisation to a local council. What does that involve—sending something on email or putting something on a website? I do not think it takes very long these days for an officer or a public servant to put something on a website. The issue is transparency. We hear from the Parliamentary Secretary, the Hon. Ben Franklin, that the Government will be nice and we will try to notify local government, if the Government is able to do so, but these amendments are about making law today and putting promises into this legislation. This Committee should be supporting the amendments. It is a bit of a no-brainer. It should be very easy for members to support.

Mr JUSTIN FIELD (20:42:21): I could not fail to point out the irony of the Government saying it wants to be cautious about what not to include in the bill because the Government does not want to do anything that will slow down this legislation. The Government could have declared all the dam projects to be critical State infrastructure last week. The Government does not need legislation to do that.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved amendments Nos 2 and 3 on sheet c2019-239B. The question is that the amendments be agreed to.

Amendments negated.

Mr JUSTIN FIELD (20:42:21): I move amendment No. 4 on sheet c2019-239B:

No. 4 **Concurrence of Minister administering the Biodiversity Conservation Act 2016**

Page 6. Insert after line 25—

11 Concurrence of Minister administering the Biodiversity Conservation Act 2016

The Minister administering the *Biodiversity Conservation Act 2016* must not give concurrence to any action under this Part unless the Minister is satisfied that the action is consistent with the principles of ecologically sustainable development (described in section 6(2) of the *Protection of the Environment Administration Act 1991*).

The reason I separated this amendment from the first amendment is that the first amendment was about the function of the bill, whereas amendment No. 4 is about the principle of so much of this bill resting on concurrence, which involves a lot of power. The bill as it is will take out all the principles that have been developed over a long history of planning legislation in this State—for example, the way in which planning law interacts with environment law and other laws that relate to how we experience planning and the built environment. All of that power is being taken away and it is being vested in two Ministers. Some of us feel safe because there is a concurrence provision, but there is absolutely nothing in the bill stipulating the basis on which the Minister gives concurrence. What are the considerations of the environment Minister when it comes to giving concurrence? The bill is silent.

I ask the Government in response to the amendment to explain to me what considerations the concurrence Minister must take into account. What does a Minister have to weigh up? What does a Minister have to take into account? On what basis does a Minister make a determination? What will the process look like? Parliament is putting a lot of stock in this legislation and the basis for the exercise of the concurrence power is absolutely not clear. The suggestion underlying this amendment is that we go back to the fundamental principle of planning law. The amendment is not about the environment; rather, it is about the principles of ecologically sustainable development, which are well established in New South Wales law and well established in the planning Act.

Those laws seek to strike a balance between social, economic and environmental impacts or benefits of projects that will impact on communities. It seems to me that that is a good place to go back to. There must be some way to ensure the Minister has to have a basis for making a decision. I highlight that that would not be unusual in New South Wales law. We already know that that idea is embedded in other legislation. Section 60T (3) of the Local Land Services Act is a good example of that. It states:

When preparing or giving concurrence to a land management (native vegetation) code—
that is a reference to some controversial legislation—

the Minister ... is to have regard to the principles of ecologically sustainable development ...

The requirement is stated in the law and at least it gives some guidance about how a concurrence decision is made. Currently the bill gives no guidance at all. I am at a loss to understand that. I ask the Government to be very clear about how a Minister will make decisions.

During the second reading stage I indicated that my concern is, given the new cluster arrangements, that decisions will be made at the bureaucratic level. Concurrence will come up as a single brief and there will be a meeting where both Ministers will sign off. I do not think that is the expectation of Parliament or the public. The idea that two Ministers with different areas of responsibility and different approaches to managing natural resources would not be informed by their own advice, their own principles or their fundamental responsibilities that they have to the State is impossible to accept.

I propose to the Committee that we make the key priority ecologically sustainable development. That is grounded in our law and I think it is a good idea to give certainty to communities that the bill will not be a blank cheque for certain people in the Government to get what they want. It would be a disaster for the State for the divisive debate on natural resources in the Coalition to hold sway when ultimately a decision is made on who gets a project and who does not. I think that will rebound on the Government. Amendment No. 4 best protects the Government as much as it protects the rest of the State.

The Hon. BEN FRANKLIN (20:46:32): I am delighted to say that I absolutely 100 per cent agree with Mr Justin Field. He was right to split amendment No. 1 and amendment No. 4 for the intellectual justification he gave and I am pleased he did so. However, I am sorry to say that the Government will not support amendment No. 4 for the following reasons. This amendment would require the Minister administering the Biodiversity Conservation Act 2016 to be satisfied that actions undertaken by virtue of the bill are consistent with the principles of ecologically sustainable development in section 6 (2) of the Protection of the Environment Administration Act 1991. That sounds not unreasonable.

However, the bill—which I have laboured over on a number of occasions but would happily do so again—is about critical needs, urgency and three specific localities. Flexibility is required in the concurrence process to allow the Ministers to consider and balance all relevant factors on a case-by-case basis. Given the urgency with which works are required to bring water to towns and the nature of the streamlined pathway established by the bill, a prescriptive approach to concurrence is unnecessary. Flexibility must be maintained. The Government suggests that the Committee oppose the amendment.

The Hon. MICK VEITCH (20:48:03): The bonhomie in the Committee is overwhelming. The Opposition supports the eminently sensible arguments advanced by Mr Justin Field. The Opposition does not think the amendment will slow down the process. The Opposition understands the imperative around getting critical water to communities. The Parliamentary Secretary stated that there is a whole range of things that already take place. Most of those are already accommodated by the requirements under the Biodiversity Conservation Act provision anyway. The Opposition envisages the amendment as strengthening the Act and not adding another layer at all. According to the Parliamentary Secretary the amendment reflects things that Ministers are already doing. I am not sure why the Government is not supporting the amendment, if Ministers are already doing it.

Ms CATE FAEHRMANN (20:48:56): The Greens support amendment No. 4 moved by Mr Justin Field. The amendment requires the environment Minister to give concurrence just for part 3 projects, which right now are primarily pipelines, consistent with the principles of ecologically sustainable development as defined in section 6 (2) of the Protection of the Environment Administration Act 1991. A similar provision is contained in section 60T of the Local Land Services Act. Those principles are not just environmental. They require economic, social and environmental considerations to be integrated in decision-making processes. That should be expected given that pipelines and other projects listed will have significant impacts on the transfer of water between rivers and towns. They will also have massive implications for users and industries that will make future decisions based on the location of those pipelines and other critical infrastructure which is to be listed in schedule 2. Mr Justin Field put forward many other reasons to support ecologically sustainable development that is a part of the bill. The Greens urge members to support his amendment.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved amendment No. 4 on sheet c2019-239B. 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
 Field, Mr J (teller)
 Jackson, Ms R
 Moselmane, Mr S
 Searle, Mr A
 Veitch, Mr M

NOES

Ajaka, Mr
 Borsak, Mr R
 Faraway, Mr S.J. (teller)
 Maclaren-Jones, Mrs (teller)
 Mason-Cox, Mr M
 Roberts, Mr R
 Ward, Mrs N

Amato, Mr L
 Cusack, Ms C
 Franklin, Mr B
 Mallard, Mr S
 Mitchell, Mrs
 Taylor, Mrs

Banasiak, Mr M
 Fang, Mr W
 Latham, Mr M
 Martin, Mr T
 Nile, Revd Mr
 Tudehope, Mr D

PAIRS

Houssos, Mrs C
 Sharpe, Ms P

Farlow, Mr S
 Harwin, Mr D

Amendment negatived.

Mr JUSTIN FIELD (20:59:22): I move amendment No. 5 on sheet c2019-239B:

No. 5 **Application of Water Management Act 2000**

Page 7, proposed Part 4, lines 1–19. Omit all words on those lines.

This amendment seeks to remove all of part 4, which relates to the ability of the Minister by regulation to modify or simply disapply, which effectively means to nullify, aspects of the Water Management Act 2000 to be able to implement the infrastructure that is outlined in the bill, or might subsequently be added to the bill, in areas where there is a need to critical town or locality water supplies. I stand to be corrected by the Government but on my reading of the Water Management Act, section 49A and section 49B already provides the Minister with significant powers to suspend basin management plans during severe water shortages and extreme events. Yet the Government wants to give the Minister powers, with concurrence I note, to simply disapply or modify the Act. It is not clear to me why those additional powers are needed. I am also not clear which specific elements of how this infrastructure will be delivered require sections of the Water Management Act to be disappplied or amended, or modified, as it states in the bill.

I ask the Government to provide an example of which section of the Act would be modified or disappplied and how it better enables one of those pieces of infrastructure to be delivered. I have asked those questions of the Minister's office and I will read the answer I received onto the record:

At present, the water management framework prevents town water supplies from being prioritised above all else. The Water Management Act does not allow the Minister to prioritise town water supplies above the environment or basic landholder rights due to water sharing priorities at subsection 5 (3) of the Water Management Act.

I may have this wrong, but on my reading of the bill, the Minister already has the ability to suspend a basin management plan or a management plan. The specific purpose of those plans is to provide water to towns and people during severe shortages. When those suspensions are made, section 60 of the Water Management Act clearly states:

- (3) While an order under section 49A is in force, the following rules of distribution apply to the making of an available water determination—
- (a) first priority is to be given to—
- (i) the taking of water for domestic purposes by persons exercising basic landholder rights, and
 - (ii) the taking of water for domestic purposes or essential town services authorised by an access licence ...

That is utilities, which is town water supplies. It further states:

- (b) second priority is to be given to the needs of the environment.

I spoke strongly in my contribution to the second reading debate that I do not trust The Nationals on water. I do not trust this schedule because it is clear that there is already an ability to suspend parts of the plan and those suspensions enable utilities and domestic needs to be prioritised, and then the environment. If the Government wants more powers, it worries me that it wants to change the priority list. I know that because when the Government rejected Labor's amendments in the Legislative Assembly the Minister gave that suggestion in his response. The suggestion was that there is an issue with the prioritisation of how water is delivered. I hope the Parliamentary Secretary makes it clear in his reply which sections of the Act the Government wants to disapply or modify and for what purposes.

I am concerned that the Government wants to prioritise the delivery of water for stock and other rights for other users in the system above the environment and potentially even above town water supplies. We already know the Government has listed some golf courses in western New South Wales as critical needs but mines are getting water. What else will get water over the towns and the environment as is set out in the Act when we are in extreme shortages? I am concerned about how part 4 will be applied. I am prepared to concede before I hear from the Government that I may well have read the Act wrong, but it is not clear how it intends to use it. It is in the interests of the Committee and the public that the Parliamentary Secretary makes that clear in his response. I commend the amendment to the Committee.

The Hon. BEN FRANKLIN (21:05:10): This is an important amendment, not that the last four were not but they were about advice and we understand the motivation. This amendment removes the ability for any provisions of the Water Management Act to be amended or modified by regulation. We are removing the very flexibility that this legislation seeks to enact. Broad power to modify or disapply provisions of the Water Management Act is absolutely necessary to ensure that water can be supplied to the towns and localities that need it. I appreciate what Mr Justin Field said but it is absolutely clear that currently the framework does prevent town water supplies being priorities above all else. The Minister is not able to prioritise town water supplies above the environment or basic landholder rights due to subsection 5 of part 5 of the Water Management Act.

Without the regulation making power to disapply or modify provisions of the Water Management Act we cannot guarantee delivery of critical water to towns as a top priority, and it must be the top priority. A number of processes under the Water Management Act 2000 may prevent critical projects from being implemented now. The regulation-making power provides a mechanism to enable and fast-track those crucial processes. It is about the timing, the urgency, the critical nature of what we are doing. Let us be clear, if passed, this amendment puts the very delivery of those projects at risk. For example, without the regulation-making power rules for granting works approvals could not be modified. This will substantially increase the time needed for approval and may even prevent works approvals from being granted, which is time that is utterly critical in the current environment.

To supply water to some of the projects it may also include modification of the Water Management Act water sharing priorities to allow priority to be given to towns that are running out of water, and that is what the Government is seeking to do. But to allay the concerns of Mr Justin Field, the regulation-making power comes with appropriate checks and balances. First, the water legislation can only be modified in relation to critical town or locality water supplies that are identified in the bill or in subsequent regulations. This is intended to go beyond the development projects foreshadowed by the bill as those projects need more than just works to get the water where it needs to be. Second, the Minister for Energy and Environment must give his concurrence before regulations modifying the water legislation can be made. This is consistent with current arrangements under the Water Management Act. I strongly encourage the Committee to vote against this amendment.

The Hon. MICK VEITCH (21:08:10): To assist the Committee, the Opposition will not move amendments Nos 1 and 2 on c2019-199B essentially because they have been caught up by amendment No. 5 moved by Mr Justin Field. A lot of the argument about this amendment has been debated by the Opposition in the Legislative Assembly, so I will be brief. This issue foreshadows one of the concerns I have about the regulation-making provisions in legislation. The bill provides for the Government, by regulation, to identify critical water needs of communities not already contained in the bill, which is then covered by regulation to be

able to circumvent parts of the Act. We have to move a regulation that then gives effect to another regulation so it is getting a bit complicated.

Schedule 1 to the bill is blank and will be inserted at a later date. That bit worries me because it looks a bit tricky. I suspect the reason is because the Government may not be able to predict exactly which communities will reach critical need before other communities. I gather that is the flexibility that the Parliamentary Secretary talked about. There is a degree of concern that the Government has to identify those communities by regulation so that this regulation capacity can then be used. It is a double whammy of regulation, which takes it outside of the bill. That is like saying, "Trust us" twice. The Opposition is really concerned about what that means.

I understand the need for flexibility because we do not know which communities will come before others, but the capacity to use regulation to then effect another regulation in the same bill really worries me. It looks untidy and there would have been a much better way to present that in the legislation which would satisfy our concerns, particularly the concerns we have raised in the other Chamber. Labor will support Mr Justin Field's amendment, but I say to the Government members who will be responsible for this: It could have been a bit tidier and a bit tighter. The Opposition has grave concerns about the double whammy regulation arrangements. The Government should also not forget that regulations are disallowable instruments. If there is an urgency to get these matters through Parliament and the Government does not get it right, they could get held up in a process. It would have been better to be in the bill.

Ms CATE FAEHRMANN (21:11:30): On behalf of The Greens I support Mr Justin Field's amendment No. 5 on sheet c2019-239B. The amendment removes part 4. As we have heard, this will give the water Minister broad power to make regulations to disapply the Water Management Act relating to a critical town or water supply. In fact, The Greens have received legal advice that there is really no reason for part 4 to exist. It is either obsolete or it is subverting the Water Management Act to do something we are not aware of. We have received legal advice that suggests that section 49A and 49B of the Water Management Act already gives the Minister the power to suspend water management plans during severe water shortages. There is no reason that the water Act would ever provide a barrier to town water supply, given that those provisions are already contained in the Act.

What most concerns The Greens about part 4 is that water Minister Melinda Pavey, in her response to Labor's amendment in the lower House—which I understand was similar to the amendment that Labor has just withdrawn in this House—said that, specifically, this part will allow the Government to suspend water sharing plans in a way that would otherwise be inconsistent with the priorities in the water Act. The priorities are contained in section 63 of the water Act. They are firstly domestic use; secondly, needs of the environment; thirdly, stock purposes and high-security access licences. Of course, many of the high-security access licences are held by mining companies and other utility purposes. The Greens are concerned that part 4 of the bill might allow the water Minister to prioritise mining companies and other users with high-security licences over the needs of the environment. However, the bill expires in two years. As I said in my second reading debate contribution, this is one of the reasons The Greens ultimately decided to support the bill. Mr Justin Field's amendment goes some way to allaying some of the reservations I expressed during the second reading debate.

Mr JUSTIN FIELD (21:14:05): I appreciate the response from the Government, which was a reiteration of what I have received from the Minister. I put on record that I do not think the Government has made clear what parts of the Act it thinks it would need to disapply or modify, and for what specific actions it envisages it might take. The Government could have picked anything. Picking up on what the Hon. Mick Veitch said, there might be uncertainty about which projects, where and how. The Government could have given one example in its workshopping around how this is going to work. For instance, here is an example: We are not sure how it might work so we want to have the ability to do this. That would have given members some confidence.

Government members specifically mentioned granting works approvals. This part could have read, "Regulations to make provisions for, or in respect of, works approvals." I know Labor has withdrawn some of its amendments but the Government could have taken the same approach. It could have been very specific in its amendments to limit them to the specific schedules to the bill. There were a range of ways it could give certainty to the community about its intention. I do not think that has been answered in the Government's response to the debate on this amendment, which increases my concern about it. But I appreciate that is where we have landed tonight.

The Hon. BEN FRANKLIN (21:15:26): I will make a couple of points to clarify or reiterate previous issues. Firstly, the Hon. Mick Veitch raised ongoing concern about the application of this instrument. I reinforce Ms Cate Faehrmann's point that the bill will only apply for two years for critical projects. Therefore, it does not further affect the Water Management Act. That should give the Hon. Mick Veitch some solace. I appreciate Ms Cate Faehrmann's point about mining projects, but to give her some solace as well I am delighted to rule that out. Part 4, section 11 (1) of the bill states:

The regulations may make provision for or ... in relation to critical town or locality water supplies.

That specifically rules out the sort of concerns that Ms Cate Faehrmann raised previously.

The Hon. MICK VEITCH (21:16:22): I appreciate the Parliamentary Secretary's attempt to answer, in good faith, issues that have been raised as part of the Committee process. Mr Justin Field made a very good point. I used the phrase "a bit of colour in the picture", but if an example could be provided that gives an indication of how the Government envisages this to be applied or why it is required it might assist in satisfying the concerns, particularly those the Opposition has. A response to Mr Justin Field's request would be quite a valuable contribution to the debate to satisfy the concerns that some members have about this particular provision in the bill.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved amendment No. 5 on sheet c2019-239B. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. MICK VEITCH (21:17:42): Members will be delighted to know this is the last amendment on the schedule of amendments. I move Opposition amendment No. 3 on sheet c2019-199B:

No. 3 **Compensation not payable**

Page 10, proposed section 17, lines 13–35. Omit all words on those lines.

The amendment relates to compensation not payable. In my contribution to the second reading debate I asked the Parliamentary Secretary to clarify in his reply what are the compensation limits that apply as per clause 17 in part 6 of the bill, which is the "Miscellaneous" section. The Opposition is not satisfied that his statements went any way towards clarifying what that would be. We are seeking, via this amendment, to omit all words from lines 13 to 35, which relates to the compensation not payable in respect of critical water supply related matters.

Labor prosecuted this case in the other place. Most of my views would be replicated from the debate in that place, which the Parliamentary Secretary and government officials would be aware of. There is a real issue here about hurrying, rushing and expediting works for critical water needs. There is a range of situations where we appreciate it is required, but we do not think it is appropriate to trample on the rights of individuals who seek compensation in the event the need arises. Hence, we are moving this amendment.

The Hon. BEN FRANKLIN (21:19:36): I appreciate the remarks made by the shadow Minister in good faith. I note that these are standard provisions for special legislation of this kind and are intended to protect the Government only when it acts in good faith. They are necessary to ensure critical water supply projects in the bill can continue unimpeded. These exact provisions are found in similar legislation such as major events and nation building projects. Importantly, the provisions do not extend to contractors who carry out shonky or dodgy works or to entities other than the State Government or local government. I encourage the House to vote against the amendment.

Mr JUSTIN FIELD (21:20:24): I understand the points put both by the Opposition and the Government. I support the Opposition's position. The Government was not prepared to support the amendments around notification and transparency, which were entirely reasonable. This process is going to be rushed. Every effort made to provide more certainty within the process has been rebutted with, "No, we have to go fast." The Government is taking on risk by moving fast. Potentially the process will not be as transparent to local authorities, landholders, with notifications, and questions will be answered, "We can do it but we might not." In those circumstances I do not think it is reasonable to say compensation is not payable. It may be a standard clause in emergency provisions or special legislation but it is not standard in other planned legislation. In circumstances where a bill is planned we would expect that the need to pay compensation is less likely. This bill is high-risk and it is not fair to expect the community to take on that risk. I have made clear today that the Government has been well-informed for a long time about the challenges involved with the bill, but it has chosen not to act until now.

The CHAIR (The Hon. Trevor Khan): The Hon. Mick Veitch has moved Opposition amendment No. 3 on sheet c2019-199B. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. BEN FRANKLIN: 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. BEN FRANKLIN: On behalf of the Hon. Bronnie Taylor: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. BEN FRANKLIN (21:22:49): On behalf of the Hon. Bronnie Taylor: I move:

That this bill be now read a third time.

Mr JUSTIN FIELD (21:23:02): I made clear during the second reading debate that I had hoped to win the support of the Government on a number of amendments that would enable me to support the bill at the third reading. I thought I had made a reasonable case in a range of ways to improve transparency and certainty for the community regarding a basis for the concurrence provisions of the environment Minister around ecologically sustainable development. It is disappointing that that did not occur. In particular, the amendments would have ensured that the power of the water Minister did not extend so far as to basically give the Government carte blanche over water management in this State. It has failed in that area on so many grounds. The Government has seen fit to reject all of my amendments. I will not support the bill through the third reading.

The PRESIDENT: The question is that this bill be now read a third time.

Motion agreed to.

MUSIC FESTIVALS BILL 2019

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. CATHERINE CUSACK (21:24:38): In reply: The Music Festivals Bill 2019 creates a regulatory framework that will allow this Government to support a vibrant and safe music festival industry in New South Wales. This Government is passionate about music festivals. It is something that members from both sides of this Chamber and the other place have spoken of fondly. I would even say I have learnt a bit about some of my fellow members by listening to their war stories from music festivals. More than 90 festivals are run in New South Wales every year and they are enjoyed by hundreds of thousands of people from New South Wales, other States and overseas who come to see a wide variety of acts and performers.

As well as enhancing the New South Wales cultural and social scene, music festivals make a significant economic contribution—especially in regional areas—through direct employment benefiting local caterers, accommodation providers and other small businesses and services across the State. This Government wants to continue to support this vibrant sector. While the majority of festivals run with no significant drug or alcohol issues, there have unfortunately been a number of critical incidents which give rise to the need for a stronger legislative approach. Last summer we lost five young people to drug overdoses at music festivals. We cannot allow this to happen again. We must work closely with industry to lift safety standards at music festivals.

This bill delivers on this commitment. The bill ensures that high-risk music festivals are able to access the support they need to run safer events. There was unanimity throughout the Chamber regarding the remarks made by the Deputy State Coroner in her report. This includes accessing expert advice from Government agencies about what measures need to be put in place to manage the risks associated with the events, including what steps need to be taken if someone is suffering from a drug-related illness. We make no apologies for moving quickly to put in place the proposed framework. Following the irresponsible decision by this House to disallow the music festival licensing scheme the Government was left without a replacement that would ensure music festivals are run safely.

We know that the work done by the Government to date has established a world's best practice support framework for festivals, including the incredible work of NSW Health in developing new guidelines on how to provide medical and harm-reduction services at music festivals. It is because we know what best practice is and how to implement it that we owe it to festival patrons, their families and the broader community to do what is necessary to implement best practice industry-wide in readiness for the upcoming summer music festival season. I thank members for their contributions in the debate. I thank members for the interest and effort applied to this issue. In that sense it has brought members together. The issues raised by members are indicative of the importance of what is contained in the bill. I will now address these issues.

The development of a regulatory framework to oversee music festivals was undertaken to ensure an appropriate response to deaths occurring at music festivals. Yes, the initial framework was developed within four

months, following consultation with industry. Yes, there were some parts of the industry who felt that more time was needed to consult. We understand these concerns. However, the proposed approach was made because the previous system was not working. We make no apologies for moving quickly. I note that the Opposition will move amendments to the bill. I do not wish to spend too much time addressing these amendments at this stage but I will make a few brief points.

The designation of these events as "high-risk" is wholly appropriate. Due to the event itself these festivals have specific elements that make them a higher risk than other music festivals. The general features of the festival that affect this ranking include: How many people are attending; what time of year it is being held; the type of music being played; and, the demographics attending. We are not talking about country music, we are talking about high intensity dance music. The information is on the department's website. We do not seek to single out music festivals. However, we need to be up-front with the community that these events are high-risk events and that it is appropriate that the Government work with festival organisers to make them safer. If we had not moved as quickly as we did, we would not have been able to do all that work.

With respect to the proposed prescribed roundtable, the Government opposes the approach that has been adopted. We need to make sure that consultation with industry is genuine and able to adapt to the changing needs of the sector. The current approach does not give the flexibility we need to tackle the issues facing the sector. We support ongoing dialogue with industry and the community on this issue, which is something that the Minister has already committed to doing. We do not believe that the proposed approach is the best way to achieve that and we will oppose those amendments.

The bill does not detract from New South Wales' leadership of the music festival sector but, rather, it enhances it. Music festivals bring incredible vibrancy to the New South Wales cultural scene, employ thousands of people across the State and give young people, in particular, amazing opportunities. But it is critical that we not only encourage music festival operators to put on exciting new acts and offer different experiences but also that we ensure they run safe events so that everyone can get home safely.

People do not want to go to festivals that do not keep them safe. People will not pay festival ticket prices if they do not think they will be looked after while they are there. The bill addresses those concerns and ensures that people have confidence that the festival will not only be fun but will also be safe. The bill makes sure that an operator who runs a high-risk event has appropriate plans in place to address those risks. The bill will apply to only a small number of the over 90 music festivals that run in New South Wales every year but will make sure that appropriate medical and harm-reduction plans are in place at those festivals, that sufficient water, shade and chill-out spaces are available and that organisers are working with NSW Health, NSW Ambulance and the NSW Police Force before, during and after the event.

There is an urgent need for the bill to come into effect. The large number of events held during the summer music festival season—often in isolated areas and in high temperatures—brings risks. We need to be ready to work with industry to deal with those risks. We can only do this by having the music festival regulatory framework in place as soon as possible. The Minister for Customer Service has already committed to holding a roundtable with industry this year to continue the productive dialogue the Government has had in developing the licensing framework and NSW Health guidelines.

We want to continue to identify ways that industry and Government can work together to make music festivals safer. Legislating a roundtable is unnecessary and, as such, would be unprecedented. Rather, the Government will work with industry to settle a format that reflects its genuine desire for dialogue to ensure that we are well placed to work together for this summer festival season and beyond.

The PRESIDENT: The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. The Committee has three sets of amendments before it: Opposition amendments on sheet c2019-194D, The Greens amendments on sheet c2019-245A and The Greens amendments on sheet c2019-238A. I note that the Opposition will not move amendments Nos 1, 4 and 7 on sheet c2019-194D.

The Hon. JOHN GRAHAM (21:36:13): By leave: I move Opposition amendments Nos 2, 3, 6, 8, 9, 10, 12, 13, 14, 16, 18 to 26 and 30 on sheet c2019-194D in globo:

No. 2 **Nominated festival**

Page 2, proposed section 3, line 21. Omit "high-risk". Insert instead "nominated".

- No. 3 **Nominated festivals**
Page 2, proposed section 3, lines 23 and 24. Omit all words on those lines.
- No. 6 **Nominated festivals**
Page 2, proposed section 3. Insert after line 42—
nominated festival means a music festival that, under section 5, ILGA decides would be more appropriately delivered with an approved safety management plan.
- No. 8 **Nominated festivals**
Page 4, proposed section 5, line 3. Omit "high-risk". Insert instead "nominated".
- No. 9 **Nominated festivals**
Page 4, proposed section 5, line 4. Omit "is a high-risk festival". Insert instead "would be more appropriately delivered with a safety management plan under this Act".
- No. 10 **Nominated festivals**
Page 4, proposed section 5, line 7. Omit "is a high-risk festival". Insert instead "would be more appropriately delivered with a safety management plan under this Act".
- No. 12 **Nominated festivals**
Page 4, proposed section 5, line 16. Omit "is not a high-risk festival". Insert instead "would be more appropriately delivered without a safety management plan under this Act".
- No. 13 **Nominated festivals**
Page 4, proposed section 6, line 26. Omit "high-risk". Insert instead "nominated".
- No. 14 **Nominated festivals**
Page 5, proposed section 6, line 12. Omit "high-risk". Insert instead "nominated".
- No. 16 **Nominated festivals**
Page 5, proposed section 6, line 17. Omit "high-risk". Insert instead "nominated".
- No. 18 **Nominated festivals**
Page 5, proposed section 7, line 21. Omit "high-risk". Insert instead "nominated".
- No. 19 **Nominated festivals**
Page 5, proposed section 8, line 28. Omit "high-risk". Insert instead "nominated".
- No. 20 **Nominated festivals**
Page 5, proposed section 8, line 30. Omit "high-risk". Insert instead "nominated".
- No. 21 **Nominated festivals**
Page 5, proposed section 9, line 38. Omit "high-risk". Insert instead "nominated".
- No. 22 **Nominated festivals**
Page 6, proposed section 10, line 3. Omit "high-risk". Insert instead "nominated".
- No. 23 **Nominated festivals**
Page 6, proposed section 10, line 8. Omit "high-risk". Insert instead "nominated".
- No. 24 **Nominated festivals**
Page 6, proposed section 10, lines 23. Omit "high-risk". Insert instead "nominated".
- No. 25 **Nominated festivals**
Page 6, proposed section 11, line 25. Omit "high-risk". Insert instead "nominated".
- No. 26 **Nominated festivals**
Page 6, proposed section 11, line 30. Omit "high-risk". Insert instead "nominated".
- No. 30 **Long title**
Omit "high-risk". Insert instead "nominated".

These are important amendments to the Music Festivals Bill 2019. They address one of two crucial issues, which is that the bill adopts more neutral language and moves away from designating a music festival as high-risk to simply describing it as nominated. I want to be clear: The Opposition does not object to risk-based regulation. It does not object to the work that the Independent Liquor & Gaming Authority [ILGA] is doing to assess which

festivals should be regulated. I think the agencies are doing a good job, now that they have worked out a system to do this.

During the second reading debate I referred to a problem with the way the scheme was brought in, which is that the scheme was described as setting up an extreme-risk hit list of festivals that were going to be shut down. Members can understand why festivals that are prepared to be regulated do not want to be on an extreme-risk hit list. By moving to neutral language, these amendments avoid the problem created by the dialogue at the start of the year. It means that those festivals can happily be regulated by being described as nominated, without the high-risk designation. That is a crucial issue for festivals. Festival operators have indicated that it makes a real difference. For example, a festival operator that talks to a local council about setting up in its area can talk about the jobs that will be created there, jobs for local workers and opportunities for local suppliers of food and drink, but local council officers will, of course, say, "Hang on, is it right to have this extreme-risk event operating in our local area?"

That is the sort of issue that is creating problems on the ground with the existing scheme. In the Opposition's view, the language change proposed by the amendments is important and has a real-world effect when it comes to festivals setting up in communities and running safely. It also deals with another issue. I agree with statements made at the close of the second reading debate that there are risk elements to these festivals. That is correct. But when we pressed ILGA during the inquiry into these regulations, which was chaired by the Hon. Mick Veitch and contained many members of this Chamber, ILGA's advice for parents wondering about sending children to these festivals—and this was one of my questions—was that these are some of the safest festivals. Parents should be assured that these are the festivals with regulation in place. That is inconsistent with calling them high-risk festivals. It is consistent with calling them nominated festivals.

It is consistent with regulating on a risk basis. Both those things are true. But it was a very different message that we were getting from the agencies: Are these safe festivals? Is this a festival that, as a parent, you should be prepared to have your child attend? They are the reasons we support this amendment. I have addressed this at some length because this is one of the two sets of amendments that, if accepted, would enable us to have a bill and a scheme in place this summer that will not have the impact that some of the festival organisers have described where they feel they cannot operate in New South Wales.

The Hon. CATHERINE CUSACK (21:40:54): I oppose the Opposition's amendments to the Music Festivals Bill 2019. The Government understands the Opposition is concerned that saying an event has elevated risks associated with it—including an increased risk of drug- or alcohol-related incidents—might be construed as targeting festivals. We appreciate this concern but think it is wholly appropriate to identify these festivals as high-risk because that is exactly what they are. We are not saying that the operators are not responsible and that they are not working collaboratively with the Government to run a safer event.

We are saying that the inherent risks associated with the event, including the kind of music being played, how many people are attending, their demographics and even the time of year mean that it is high-risk and needs to have comprehensive plans in place to manage those risks. We want to work closely with operators to put good plans in place. If we see improvements from operators and that the risks associated with their events have changed, they will not be required to go through the new scheme.

Ms CATE FAEHRMANN (21:42:10): The Greens support Labor's amendments regarding the definition of festivals. I agree with the Hon. John Graham about the message this is sending to the community, to parents, to people looking at buying tickets to those festivals, to artists and the entire industry if those festivals continue to be called high-risk. We need to remember the history of this legislation and the week when *The Daily Telegraph* splashed the high-risk festival hit list and what happened as a result. Calling festivals high-risk is not working with them to encourage patrons to attend and to reassure people that they are safe.

Calling festivals high-risk is more about shutting festivals down and reflects the language and the irrational, hasty, ill-thought through and dangerous approach taken by the Premier immediately after the summer. The current wording essentially continues that. As the Parliamentary Secretary said in her second reading speech, work has been done by NSW Health following the Government's rash and hasty move in releasing that festival hit list. The Deputy State Coroner's report did not find certain festivals were high-risk. It is frustrating that we are debating this bill today when the Government has steadfastly refused to look at the Deputy State Coroner's recommendations and to respond to them.

The CHAIR (The Hon. Trevor Khan): Order! This is not an invitation to recite grievances with the bill. This is an amendment dealing with the change of a name from "high-risk" to "nominated".

Ms CATE FAEHRMANN: Absolutely. I acknowledge that and I was about to say that the high-risk elements identified by the Deputy State Coroner, which are the medical—

The CHAIR (The Hon. Trevor Khan): As long as you keep to that.

Ms CATE FAEHRMANN: I was literally about to go there but I appreciate your calling me up on it. I will get to it more quickly. We are here as a result of the deaths over the summer at music festivals. We are debating legislation that is designed to keep people safe. Last week the Deputy State Coroner handed down her findings, identifying what was risky at those festivals and how to keep people safe. I mentioned the medical tents and the police presence in my speech in the second reading debate. In relation to Alex Ross-King, the Deputy State Coroner made significant recommendations regarding police presence. She made a number of other recommendations around the way festivals are run as opposed to particular festivals being high-risk. That is incredibly important.

Festivals can have lots of dance, high-intensity dance music, techno, trance, a high number of people potentially taking drugs and alcohol and not have deaths. Those same festivals that took place in Sydney also occur in Melbourne and Brisbane. Where was it that we had the five or six deaths over two years? It was in Sydney. The Deputy State Coroner highlighted different things that happened particularly in New South Wales. It is not the festivals themselves, it is the regulatory environment that is the reason we are here. This is why "nominated" is so important in this instance because I agree—and I think the Hon. John Graham said—that we are here now, we have got the bill in front of us, it has been a long few months in relation to this issue, and the festivals want certainty before the end of the year. Why would we not just say "nominated"? Get everything in place and get rid of the "high-risk" tag which is completely ridiculous when we consider the same festivals operate safely in other States. It is not the festivals, it is the environment within which they have had to operate.

The Hon. ROD ROBERTS (21:47:57): One Nation does not support these particular amendments. I do not see any substance in it. It is semantics. We are talking about the words "high-risk" versus "nominated". The festivals are high-risk, as the Hon. Catherine Cusack said, for the reason that that is what they are. The Hon. John Graham said festival organisers do not want to go the council with the tag "high-risk" attached and would rather go as "nominated". Let us be honest. Councils will know what nominated means anyway. I cannot see any value in these amendments and we will not be supporting them.

The CHAIR (The Hon. Trevor Khan): The Hon. John Graham has moved Opposition amendments Nos 2, 3, 6, 8, 9, 10, 12, 13, 14, 16, 18 to 26 and 30 on sheet c2019-194D. The question is that the amendments be agreed to. I think the noes have it.

The Hon. John Graham: The ayes have it; there were two voices.

The CHAIR (The Hon. Trevor Khan): Actually, there were not. The voices must be in unison. If members want to participate in the discussion they must concentrate when a division is called. This happened last night as well because members were not concentrating. This is a reasonably serious matter and the Hon. John Graham considers it to be so. Opposition members must participate in the game as well.

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
Faraway, Mr S.J. (teller)
Maclaren-Jones, Mrs (teller)
Mason-Cox, Mr M
Roberts, Mr R
Ward, Mrs N

Amato, Mr L
Cusack, Ms C
Franklin, Mr B
Mallard, Mr S
Mitchell, Mrs
Taylor, Mrs

Banasiak, Mr M
Fang, Mr W
Latham, Mr M
Martin, Mr T
Nile, Revd Mr
Tudehope, Mr D

PAIRS

Houssos, Mrs C
Sharpe, Ms P

Farlow, Mr S
Harwin, Mr D

Amendments negatived.

The CHAIR (The Hon. Trevor Khan): Opposition amendment No. 5 on sheet c2019-194D deals with the amendment of the definition by the insertion of "music festival roundtable". Opposition amendments Nos 11 and 28 on sheet c2019-194D also deal with the music festival roundtable. I suggest that the Hon. John Graham move those three amendments in globo. I will put the question on them separately. Otherwise, for instance, if the amendment seeking to amend the definition is agreed to but the others are negatived it will create an odd situation.

The Hon. John Graham: I am happy to move them together.

The CHAIR (The Hon. Trevor Khan): I think that is one way of dealing with them. We can work out later whether to put the question on the amendments separately.

The Hon. JOHN GRAHAM (21:59:17): By leave: I move Opposition amendments Nos 5, 11 and 28 on sheet c2019-194D in globo:

No. 5 **Meaning of music festival organiser**

Page 2, proposed section 3, lines 41 and 42. Omit all words on those lines. Insert instead—

music festival organiser, for a music festival, means the person or other entity noted on the public liability insurance policy provided to—

- (a) the owner or other person in charge of the premises on which the festival is to be held, or
- (b) the local council for the area in which the festival is to be held.

music festival roundtable—see Part 4.

No. 11 **Consultation with music festival roundtable**

Page 4, proposed section 5. Insert after line 8—

- (b) any advice from the music festival roundtable,

No. 28 **Music festival roundtable**

Page 8. Insert after line 16—

Part 4 Music festival roundtable

Division 1 Establishment, functions and membership

13 Minister must establish music festival roundtable

The Minister must establish a music festival roundtable.

14 Functions of music festival roundtable

The functions of the music festival roundtable are—

- (a) to support the growth of the music festival industry in the State, and
- (b) to support the safety of patrons of music festivals by—
 - (i) conducting reviews of regulatory schemes that are relevant to music festivals, and
 - (ii) providing advice to government and industry about best practice in relation to the safe operation of music festivals, and
- (c) to conduct reviews of legislation, reports, advice and other matters that are relevant to the operation of music festivals, and
- (d) to address any unforeseen consequences from the enactment of this Act.

15 Membership of music festival roundtable

The members of the music festival roundtable are—

- (a) 10 members chosen by the Minister to represent the Government including, for example, members chosen to represent the following—
 - (i) the Department of Premier and Cabinet,

- (ii) the Ministry of Health,
- (iii) Ambulance Service of NSW,
- (iv) the NSW Police Force,
- (v) Liquor and Gaming NSW,
- (vi) the Department of Planning, Industry and Environment,
- (vii) Transport for NSW,
- (viii) Destination NSW,
- (ix) Create NSW, and
- (b) 10 industry representatives, being—
 - (i) 4 members nominated by the Australian Festival Association, and
 - (ii) 1 member nominated by APRA AMCOS, and
 - (iii) 1 member nominated by MusicNSW, and
 - (iv) 1 member nominated by Live Performance Australia, and
 - (v) 1 member nominated by Local Government NSW, and
 - (vi) 1 member nominated by the Australian Recording Industry Association (ARIA), and
 - (vii) 1 member nominated by Unions NSW.

Division 2 Operation of music festival roundtable

16 Co-chairs of music festival roundtable

The music festival roundtable is to be co-chaired by—

- (a) a member referred to in section 15(a) chosen by the Minister, and
- (b) a member referred to in section 15(b) chosen by the industry representatives referred to in that paragraph.

17 Meetings

- (1) The music festival roundtable is to meet—
 - (a) in March and August in each year, and
 - (b) on at least 2 other occasions in each year.
- (2) At least 1 meeting of the music festival roundtable in a year is to be held at a music festival site.

18 Reporting

- (1) The music festival roundtable must, within 4 months after 30 June in each year—
 - (a) prepare a report on the activities of the roundtable during the year ended on that 30 June, and
 - (b) give the report to the Minister.
- (2) The Minister must ensure a copy of the report is—
 - (a) published on an appropriate government website, and
 - (b) tabled in each House of Parliament within 1 month after receiving it.

19 Review of operation of Act

- (1) The music festival roundtable is to review the operation of this Act in relation to music festivals held between the commencement of this Act and 30 April 2020.
- (2) The review is to be undertaken as soon as practicable after 30 April 2020.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament by 30 June 2020.

I spoke to these amendments to some degree during the second reading debate so I will simply put the following point: Every person who has looked at this roundtable option in any sort of detail has signed up to it. The parliamentary inquiry was in favour of it; the counsel assisting the ice commissioner has recommended it; the Deputy Coroner has recommended it, which is no surprise because the police submission to the Deputy Coroner was in favour of it—the police commissioner himself supported it; and Liquor & Gaming NSW and NSW Health

recommended it. We regard this as a crucial step in order to make sure the bill works. It is about government and industry working together to make it work.

In the other place the Minister argued that this move is unprecedented. I totally reject that view. This Parliament and other parliaments have often legislated to create these types of consultative structures. Often they have not put them in regulation or in some sort of agreement with the Minister, but in New South Wales law. There are many examples, but I only refer to one: the Rice Marketing Board, which was set up in 1927. An Act of this Parliament went into far more detail than this Minister will have to deal with. It sets out exactly who is on the board, the elections, the fact that the Government will have to pay for those elections and the statistics that will be collected on behalf of the industry over time.

The idea that this Parliament or other Westminster parliaments have set out to deal with industries and give them a structure to work with is not unprecedented. The Opposition rejects that view. I make the point that we are not seeking to do this routinely, which is important. We see this as a one-off special case where we seek this intervention for this industry and this crisis. I put on record that we will not be back here creating roundtables every week. It is a specific problem that we have to get on top of. We believe it is safer for industry and government to work together. I commend the amendments to the Committee.

The CHAIR (The Hon. Trevor Khan): Ms Cate Faehrmann has an amendment to Opposition amendment No. 28, which is The Greens amendment No. 1 on sheet c2019-238A. It might be appropriate for Ms Cate Faehrmann to move that amendment now so we have all the cards on the table at once. This gives the Parliamentary Secretary something to respond to appropriately. The amendments do not have to be moved together but it is probably worthwhile.

Ms CATE FAEHRMANN (22:03:08): I will not be moving The Greens amendment No. 1 on sheet c2019-238A.

The Hon. CATHERINE CUSACK (22:03:35): The Government will oppose the Opposition amendments. It is concerned that the proposed definition is unnecessarily prescriptive. We do not believe the amendments are necessary and could hinder the application of the scheme as a whole. The amendments seek to do what the Government has already committed to do and all the sentiments expressed by the Hon. John Graham have already been laid out in the second reading speech. In his address in the other place the Minister committed to holding a music festival roundtable with industry.

The roundtable will provide a forum for industry and government to share information and experiences to deliver safer music festivals, including how we can continue to coordinate efforts across government and industry to provide effective medical and harm-reduction services at music festivals. This will include opportunities to improve the take-up and implementation of the NSW Health *Guidelines for Music Festival Event Organisers: Music Festival Harm Reduction*. I inform the Committee that the Minister has confirmed that this roundtable will be held during the first week of December and will be chaired by the Minister. This will allow the Government to help coordinate this process and ensure that the dialogue is well placed to inform future direction on this issue.

The Government does not support the proposed amendments as they will limit its ability to create a roundtable that is flexible to the needs of industry and government—clearly nothing like the rice industry. They would tie us to a specific model that may or may not work. That will require us to come back to the Parliament every time we need to change it. The Government wants to work with industry to make the New South Wales music festival sector stronger. The Minister has committed to including a broad representation from industry on the roundtable to ensure that all voices are heard. We look forward to those discussions occurring in the coming weeks but will not be supporting these amendments in regard to the mandatory roundtable approach that has been proposed by the Opposition.

The Hon. Walt Secord: Mr Chair—

Ms Cate Faehrmann: Mr Chair—

The CHAIR (The Hon. Trevor Khan): I call the Hon. Walt Secord because he sought the call first.

The Hon. WALT SECORD (22:06:10): I make a very brief contribution. I congratulate the Hon. John Graham on his work in this area, particularly on his development of the roundtable. Years from now PhD students will look at *Hansard* and point to this as an innovation similar to the time when the Hon. Duncan Gay inserted the very first illustration of an animal—a fish—into a piece of legislation. I put on record my words of support to the Hon. John Graham. Years from now people will refer back to this debate.

The CHAIR (The Hon. Trevor Khan): That is an example of not speaking to an amendment.

Ms CATE FAEHRMANN (22:07:04): That is an example of me being really glad I gave way to the Hon. Walt Secord. That was really worth it. On behalf of The Greens, I speak in support of the amendments moved by the Hon. John Graham on behalf of the Opposition. I refer particularly to the Parliamentary Secretary's contributions on the consultation that will occur. In the beginning of her contribution, the Hon. Catherine Cusack used the words "genuine consultation". In fact, it has not been genuine consultation—indeed, there has not been much consultation at all. It is now November. The expert panel was established by the Premier back in September last year, without representation from the industry. Since then, the music festival industry has been begging the Government for genuine consultation and it has not had it.

Following the Regulation Committee inquiry into music festivals, which looked into the regulations that this Parliament disallowed, core recommendations were consultation and a roundtable. The bill is now before the Committee without any mention of a roundtable. Yet again, we have a promise from the Government that it will establish a roundtable but it is not in the legislation. I note that the Hon. John Graham also mentioned that the Special Commission of Inquiry into the Drug 'Ice' discussed and recommended the importance of a roundtable.

I have before me the recommendations from the Coroner, including a recommendation that the New South Wales Department of Health establish and coordinate a group of key stakeholders—including State and local government and key industry stakeholders such as the Department of Health, private health providers such as EMS Event Medical, NSW Ambulance and police, the Australian Festival Association, harm minimisation experts and promoters—to allow for the annual review of NSW Health *Guidelines for Music Festival Event Organisers: Music Festival Harm Reduction*.

I acknowledge that this amendment goes much further than an annual review, but I think that is also warranted given there has been no regulatory impact statement. Given the severe lack of consultation with the industry, it is only fair that this is detailed so significantly in the amendments. I also note that there has been some consultation with industry—I give the Government that—around the health guidelines, and that music festival operators and medical services provided their input. That is fantastic, but now let us make sure that genuine consultation in the form of a roundtable is well and truly embedded in this bill. It has to be a fundamental part of the bill. I urge members to support the amendments.

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

The Hon. CATHERINE CUSACK: No.

The Committee continued to sit.

The Hon. ROD ROBERTS (22:11:05): I will make a short contribution. One Nation will support the three amendments moved by the Hon. John Graham. These amendments are common sense. A roundtable is a good idea; it enhances the spirit of cooperation. I have seen our Premier speak on many occasions in recent times about how she is going to lead a service-oriented and consumer-oriented government and how she wants to be open and transparent. I believe this is an opportunity for that to take place. By not consulting properly in the past, this Government has made a number of blunders in relation to various different industries, such as with greyhounds, lockout laws and council amalgamations. I could go on. This is an opportunity to actively engage stakeholders and it can only lead to positive outcomes.

In passing, most people will know my thoughts on music festivals. As I said, there is no way that we would concede anything in relation to labelling them "high-risk", because I believe these festivals are high risk. But I believe this makes common sense. All members read many reports and I cannot remember which particular one it was, but I note that in one of them the police commissioner indicated that he supports the idea of roundtable discussions. For that reason, One Nation will support the amendments moved by the Hon. John Graham.

The CHAIR (The Hon. Trevor Khan): The Hon. John Graham has moved Opposition amendments Nos 5, 11 and 28 on sheet c2019-194D. The question is that the amendments be agreed to.

Amendments agreed to.

Ms CATE FAEHRMANN (22:14:03): By leave: I move The Greens amendments Nos 1 and 2 on sheet c2019-245A in globo:

No. 1 **Contents of safety management plan**

Page 5, proposed section 6, lines 4 and 5. Omit all words on those lines. Insert instead—

- (h) information about the types of health services that will be provided at the festival and the number of persons who will be providing those health services,

No. 2 **Contents of safety management plan**

Page 5, proposed section 6. Insert after line 14—

- (3) The music festival organiser must also, at least 14 days before the festival is to be held, give ILGA an addendum to the safety management plan that includes information about—
 - (a) the persons that will provide health services at the festival, and
 - (b) the qualifications and work experience of the persons engaged to provide the health services.

Amendment No. 1 is in relation to the contents of the safety management plan, which I indicated in my contribution to the second reading debate is a good and detailed plan that many festivals are already putting in place. But there is a specific section in the safety management plan that requires information regarding health services. The safety management plan has to be given to the Independent Liquor & Gaming Authority [ILGA] 90 days beforehand for approval or refusal. Referring to The Greens amendment No. 2, the safety management plan requires information regarding the qualifications and the work experience of the persons engaged to provide the health services. If the Government thinks it is reasonable for health services or medical services to know 90 days out the particular medical personnel and their work experience and to be able to include that in the safety management plan, the Government clearly has not thought this through. The Australian Festival Association raised this issue with me and requested that I move this amendment. It said that this requirement is completely unworkable.

Amendment No. 1 would delete the lines about qualifications and work experience and instead require information about the types of health services that will be provided at the festival and the number of persons who will be providing those health services. This is a level of detail that medical services absolutely should be able to provide in terms of safety. Amendment No. 2 would require that all the requirements currently in the bill at 90 days be instead provided to ILGA 14 days before. These amendments are pretty straightforward and I urge the Committee to support them.

The Hon. CATHERINE CUSACK (22:17:00): The Government will not be supporting The Greens amendments. The proposed amendments seek to change the mandatory contents of safety management plans to provide that a festival operator is not required to provide the qualifications and work experience of the persons engaged to provide medical services until 14 days out from a festival. We all know that most operators would be providing this information well in advance. The Government will not be supporting the amendments as we believe it creates a risk that the Independent Liquor & Gaming Authority will be asked to make an assessment on safety management plans without complete information.

The ILGA has committed to determining safety management plans well in advance of festivals so that it can give operators sufficient time and feedback to start implementing those plans. Key to this is understanding how all elements of each plan will work together to create a holistic approach to risk management. If the authority only receives the qualifications and work experience of the persons engaged to provide health services 14 days out from the event, it will be difficult for it to make decisions sooner than 14 days out from the event because of the critical nature of this element of the safety management plan. The qualifications and experience of the medical personnel will give an insight into whether the operator has the right plans in place to respond to the events that may occur.

The deaths of five young people last summer show what can go wrong if we do not have the right mix of medical personnel on site. To ensure that this does not occur, we will be seeking to require complete plans to be lodged with the authority as early as possible.

The Hon. JOHN GRAHAM (22:18:53): I speak for the Opposition on The Greens amendments Nos 1 and 2 on sheet c2019-245A. I indicate that the Opposition will be supporting the amendments. These safety management plans are crucial. This is a crucial regulation for the health services that are providing them. This is where the problem often is. We think this is a pragmatic intervention though—to spell out the types of services 90 days out, but then the names of the individuals 14 days out. We have called for these health services to be regulated and licensed. We believe that is a better solution.

I indicate briefly that we have not sought to bring amendments to that effect, even though we consider it should be part of a licensing scheme for these festivals. We believe that it should be the subject of discussion between government and the industry before finally settling that. Rather than move amendments to that effect, we encourage the Government to act on that view. We consider that in combination with what I see as a pragmatic intervention to get the timing right, to spell out the types of services three months out, but to fill in the names of the individuals much closer to the time is sensible.

The Hon. ROD ROBERTS (22:20:31): On behalf of One Nation I support the amendments moved by The Greens. Again I refer to the term "common sense". I believe that the types of services should be spelt out 90 days before, but let us look at the practicalities of life. Yesterday we were scheduled to go to Government

House. I would like to think we are a fairly well organised group and highly competent people, yet plans change and that changed on us. I note that the Hon. Natalie Ward had to leave the Chamber yesterday in a degree of urgency due to fire issues near her home, which I have no issues with. Things can change.

I listened to the inaugural speech of the Hon. Sam Faraway this evening. He has run small businesses. I am sure that if I asked him to tell me the rostering of his staff exactly 90 days out, in all honesty, he would not be able to tell me. He would say, "Rod, I will have staff available and they will be qualified to do this particular job, but as to who it will be, I cannot tell you." It is not practical. I believe that the services should be nominated 90 days out. The exact details of the personnel are practicable only 14 days out. For that reason, One Nation will be supporting the amendments moved by The Greens.

The CHAIR (The Hon. Trevor Khan): Ms Cate Faehrmann has moved The Greens amendments Nos 1 and 2 on sheet c2019-245A. The question is that the amendments be agreed to.

Amendments agreed to.

The CHAIR (The Hon. Trevor Khan): I am going to be transparent. The points of engagement are becoming pretty clear and there is a swing vote here that is determining what happens. If the Hon. Rod Roberts indicates he is going to be supporting one of these amendments, I am going to be indicating that the ayes have it. Then it is going to be up to the Government to decide whether it wants a division. It can be as enthusiastic or unenthusiastic as it likes in opposing the amendment.

The Hon. Catherine Cusack: Thank you very much for that!

The Hon. JOHN GRAHAM (22:23:34): I move Opposition amendment No. 15 on sheet c2019-194D:

No. 15 **Timeliness of approval of safety management plans**

Page 5, proposed section 6, line 15. Insert ", at least 14 days before the festival is to be held," after "ILGA must".

The effect of this amendment is to ensure that the approval for the festival is given 14 days out. This is very important. The Independent Liquor & Gaming Authority recognises this is an issue, that approvals were happening far too close to the festivals. If you think about it, that is exactly what we want, that these things are dealt with about two weeks out; that you are not in the weeks, the days or the hours before putting on an event for tens of thousands of people, worrying about the paperwork rather than keeping people safe. That is what was happening up until now.

We are requiring the festivals to put their requirements in 90 days ahead; fair enough. That is how it should be. But ILGA should come back—it is safer if it does—two weeks ahead and say the festival has the green light or the red light. I will give two pieces of evidence on this. First, festivals were getting these approvals the day before the event. That is just not safe. Second, I came across a provider of mid-strength beer, a brewer on the other side of the continent, who had built a business model on festivals hearing a day or two before their festival that conditions were going to be changed. The business was flying mid-strength beer across the continent because conditions were being imposed on these festivals. That is what we were doing. This amendment is just a pragmatic, practical intervention in the bill that ensures that we are not dealing with the paperwork; we are dealing with keeping people safe.

The Hon. CATHERINE CUSACK (22:25:32): The Government will not be supporting this amendment. The amendment will require the Independent Liquor & Gaming Authority to make its decision not less than 14 days out from the festival start date. The authority has already committed to progressing plans as quickly as possible. But this will rely on applicants putting together its plans within the allocated time frames and ensuring that its plans are comprehensive when they are lodged. The amendment may limit the authority's ability to continue to work with operators to finalise plans if to do so would mean that it is making a decision within 14 days. In these circumstances, noting the risks associated with approving a plan that is not appropriately developed to deal with the risks associated with the event, the authority may be compelled to refuse the application out of an abundance of caution. The Government wants festivals to happen. It wants them to go ahead with well-developed plans. It does not want a situation where a process requirement hinders this happening.

The Hon. ROD ROBERTS (22:26:36): I note the time and how close we are getting to the finish of this. I am going to make this very short and say that One Nation supports the amendment proposed by the Hon. John Graham.

Ms CATE FAEHRMANN (22:26:52): The Greens support the amendment moved by the Hon. John Graham. This amendment goes to the fact that once again we are reminded that the Government has not consulted enough with industry. If there was consultation before the bill, one of the things that the festival industry would have said to the Government was the necessity to have certainty around approvals of safety management plans. If

the safety management plan has to go to ILGA 90 days before the festival, then surely for the festival to hear whether it has approval 14 days before the event is not too much to ask.

The CHAIR (The Hon. Trevor Khan): The Hon. John Graham has moved Opposition amendment No. 15 on sheet c2019-194D. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. JOHN GRAHAM (22:27:59): I move Opposition amendment No. 17 on sheet c2019-194D:

No. 17 **Delegation of ILGA's functions**

Page 5, proposed section 6. Insert after line 19—

Note. Under section 13 of the *Gaming and Liquor Administration Act 2007*, ILGA may delegate the exercise of any of its functions to a member of ILGA, certain Public Service employees, a committee of ILGA or a person of a class prescribed by the regulations.

This is a straightforward amendment. It simply makes the bill clearer. There were concerns raised about the timeliness of ILGA's functions. This just makes it clear that ILGA may delegate.

The Hon. CATHERINE CUSACK (22:28:31): The Government will not be supporting this amendment, as it is unnecessary. The amendment inserts a note into the proposed section 6. It does not have any substantive effect.

The Hon. ROD ROBERTS (22:28:46): One Nation will not be supporting this particular amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. John Graham has moved Opposition amendment No. 17 on sheet c2019-194D. The question is that the amendment be agreed to.

Amendment negatived.

Ms CATE FAEHRMANN (22:29:00): I move The Greens amendment No. 3 on sheet c2019-245A:

No. 3 **Penalty for failure to have and comply with approved safety management plan**

Page 5, proposed section 7, line 26. Omit "100 penalty units or imprisonment for 12 months, or both". Insert instead "500 penalty units".

This amendment seeks to amend the penalties imposed in relation to an offence for failure to have or comply with an approved safety management plan. The penalty in the bill is 120 penalty units or imprisonment for 12 months, or both. The Greens amendment proposes to remove imprisonment for 12 months or both and 100 penalty units and instead impose a simple penalty, which is larger than the existing penalties, for failure to have or comply with an approved safety management plan. Currently the bill provides for 100 penalty units. The Greens propose to increase that to 500 penalty units, which is roughly a \$55,000 maximum. At the moment the maximum is roughly \$15,000 or \$16,000.

A safety management plan has to have information about entry and exit points for patrons, including information about any fencing structures, and information about defining the area of the premises to limit people from entering or exiting the premises. The Greens believe that in some circumstances there may be genuine errors of compliance and in that instance a penalty of imprisonment for 12 months is incredibly harsh. I urge members to support the amendment.

The Hon. CATHERINE CUSACK (22:31:31): The proposed amendment to the penalty provision is not supported. Currently the bill proposes that the penalty for non-adherence to the safety management plan is consistent with a breach of condition under other regulatory frameworks that operators are required to abide by, including under the Liquor Act 2007. The current penalty provides an appropriate disincentive to festival organisers to breach their safety management plan. It is critical that penalties for not adhering to an approved plan are commensurate with the harms associated with that conduct. Last summer showed what can go wrong when good plans are not in place or when plans are not followed. The Government believes that it owes it to festival patrons and to the broader community to hold operators to account for keeping people safe at music festivals.

The Hon. ROD ROBERTS (22:32:29): I never thought I would hear myself say this—

The Hon. Mick Veitch: This will be good.

The Hon. ROD ROBERTS: I will say it because it will be recorded and I will be able to play it back to my grandchildren at some stage. The penalty proposed in the bill is too draconian.

The Hon. Mick Veitch: Oh!

The Hon. ROD ROBERTS: My friends in the NSW Police Force will excommunicate me for this, but I do not resile from what I have said. Let us be honest: No court will ever impose a sentence of 12 months imprisonment for non-compliance with a plan. I believe that The Greens amendment No. 3, which will increase the monetary penalty, is the most appropriate course of action. For that reason, One Nation will support The Greens amendment No. 3.

The Hon. JOHN GRAHAM (22:33:20): The Opposition considered this amendment carefully and believes it should be the subject of further consultation at the roundtable between the industry and the Government. The Opposition thinks that the penalties have to be appropriate. However, the Opposition is concerned that 12 months imprisonment is a very harsh penalty. The Opposition will support The Greens amendment.

The CHAIR (The Hon. Trevor Khan): Ms Cate Faehrmann has moved The Greens amendment No. 3 on sheet c2019-245A. The question is that the amendment be agreed to.

Amendment agreed to.

Ms CATE FAEHRMANN (22:34:38): I move The Greens amendment No. 4 on sheet c2019-245A:

No. 4 **Incident register**

Page 6, lines 35-43 and page 7, lines 1 and 2, proposed section 11. Omit all words on those lines.

This amendment relates to the incident register that must be kept. When I examined this provision I felt that the Government was shaping the register from licensed premises throughout the Sydney CBD, for example. Some of clause 11 does not fit a festival organiser who will have 20,000 patrons over a period of 12 hours or a couple of days throughout the life of a particular festival. The amendment seeks to remove paragraphs (c), (d) and (e) from clause 11 (2) from the incident register that must be kept. Subclause (2) states:

The incident register must record details of the following incidents that occur during the period beginning when the high-risk festival starts operating until 1 hour after the festival stops operating—

Paragraph (c) states that a festival organiser must record "an incident involving violence or anti-social behaviour occurring on the premises on which the festival is being held". It will be a pretty impossible ask for a music festival organiser to keep an incident register of antisocial behaviour at a music festival attended by 20,000 or 25,000 people over a period of a couple of days. I suggest that music festival organisers will not be recording all of the antisocial behaviour that occurs. Paragraph (d) includes recording in the incident register an incident that occurs "in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises". Paragraph (e) refers to recording of "an incident, on the premises, of which the music festival organiser is aware, that involves the possession or use of a substance that the organiser reasonably suspects as being a prohibited plant or a prohibited drug".

In discussions I was approached by music festival organisers, the Australian Festival Association and others about the unworkability of clause 11 (2). Members think that festivals already have a huge contingent of security guards and, as we have heard in this place and elsewhere, a huge contingent of police. They already have incident registers from the police perspective for recording possession of substances if they catch anybody with drugs and violent incidents. But legislation requiring a music festival organiser to record on an incident register every example of antisocial behaviour or possession or use of a substance potentially puts festival organisers at risk of breaking the law or not abiding by this legislation simply because they have not recorded antisocial behaviour that will happen at a music festival but is of no harm to others. Paragraphs (c), (d) and (e) of clause 11 (2) are unworkable. I urge members to support removal of those three unworkable subclauses.

The Hon. CATHERINE CUSACK (22:38:37): The Government will not support The Greens proposed amendment of clause 11 that seeks to limit the content included in the incident register maintained by a festival organiser. The amendment seeks to remove the bill's following content requirements:

- (c) an incident involving violence or anti-social behaviour occurring on the premises on which the festival is being held,
- (d) an incident of which the music festival organiser is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the [licensed] premises,
- (e) an incident, on the premises, of which the music festival organiser is aware, that involves the possession or use of a substance that the organiser reasonably suspects as being a prohibited plant or a prohibited drug, other than an incident that has been disclosed to a person engaged by the organiser to provide health services at the festival or to a health practitioner ... We are concerned that removing these reporting obligations will limit the ability for evaluations to occur on the effectiveness of the safety management plans to manage risks associated with the event. The Government is committed to requiring comprehensive incident registers to be maintained to ensure that it can continue to take an intelligence-led approach to working with music festival organisers to make music festivals safer. The proposed amendment hinders this and should not be supported.

The Hon. JOHN GRAHAM (22:40:23): The Opposition will not be supporting the amendment. I indicate that we have a great deal of sympathy for the argument that has been put by Ms Cate Faehrmann. We are less concerned by elements in paragraphs (c) and (d) which, on reflection and closer inspection, are similar to what is in place for a venue. These might be reasonably difficult to manage if you were a venue and you were responsible for what happens outside, but those are the restrictions which are in place for venues. The Opposition understands why the Government might make an argument that something similar be required in a festival.

I take the points that have just been raised very seriously. In relation to paragraph (e) we have serious concerns about how practical it is to conduct such activity; to monitor it and keep a record of it while a festival is going on. We urge the Government to immediately take this to a roundtable. We urge the Government to review this in April when the Opposition amendments call for a review of the entire scheme. There is a real risk that it is just not going to work on the ground. In fact, not just not work but make it harder to keep people safe—not easier. The Opposition will not oppose it because it is not going to stand in the way of keeping a record of data at these festivals. We want to know how things are working. We want the evidence on the table. We have serious concerns about the Government's approach and the way this has been drafted. This exemplifies why it would have been better to consult on this bill before, not after it was introduced.

The Hon. ROD ROBERTS (22:42:22): One Nation will not be supporting the amendment moved by The Greens. A register needs to be kept of violent offences. I echo the thoughts of the Hon. John Graham that paragraph (e) will be unworkable, but the merits of the roundtable that we approved earlier this evening will be able to sort that out in due course. For that reason, we will not be supporting the amendment.

The CHAIR (The Hon. Trevor Khan): Ms Cate Faehrmann has moved The Greens amendment No. 4 on sheet c2019-245A. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): We now move to The Greens amendments Nos 5 and 6.

Ms CATE FAEHRMANN: I will not be moving The Greens amendments Nos 5 and 6 on sheet c2019-245A.

The CHAIR (The Hon. Trevor Khan): Therefore, we move on to Opposition amendment No. 27 on sheet c2019-194D with regards to—

The Hon. JOHN GRAHAM: I will not be moving Opposition amendment No. 27 on sheet c2019-194D.

The CHAIR (The Hon. Trevor Khan): Therefore, we move on to Opposition amendment No. 29 regarding the review of objectives.

The Hon. JOHN GRAHAM (22:44:05): I move Opposition amendment No. 29 on sheet c2019-194D:

No. 29 **Review of objectives of Act**

Page 9. Insert before line 2—

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Review of objectives of Act

- (1) The Minister is to review this Act to determine whether—
 - (a) the policy objectives of the Act remain valid, and
 - (b) the terms of the Act remain appropriate for securing the objectives.
- (2) The review is to be undertaken as soon as practicable after the period of 5 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 within 12 months after the end of the period of 5 years.

This is the final Opposition amendment. It is an important place to finish. The object of this amendment is to review the Act. It would also require a report on the outcome of the review to be tabled in each House of Parliament within 12 months at the end of the period of five years. It is an important check and balance in the Act.

The Hon. CATHERINE CUSACK (22:45:05): The Government does not support the amendment. As explained earlier during the debate concerning the review processes, the Government does not consider the amendment necessary, nor does it enhance the Government's work to make music festivals safer.

The Hon. ROD ROBERTS (22:45:42): One Nation will be supporting Opposition amendment No. 29. It is a practical and sensible approach to be able to review this Act after that period of five years.

Ms CATE FAEHRMANN (22:46:58): The Greens will support the amendment moved by the Hon. John Graham.

The CHAIR (The Hon. Trevor Khan): The Hon. John Graham has moved Opposition amendment No. 29 on sheet c2019-194D. 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. CATHERINE CUSACK: 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. CATHERINE CUSACK: On behalf of the Hon. Damien Tudehope: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. CATHERINE CUSACK (22:48:08): On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a third time.

The Hon. JOHN GRAHAM (22:48:22): I thank members for their cooperation during this debate and earlier debate when we struck out the regulation. This set of issues has been on a passage through this House and I thank members for their cooperation. We will be supporting the bill at the third reading stage. The Opposition has been clear throughout that it wanted regulations in place over summer. This is a pragmatic landing where we will have regulation over summer. The Government will not be regulating alone; it will be doing it with the industry with a roundtable. The Opposition is happy with landing on that basis. We urge the Premier and the other place to accept this bill as amended.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The question is that this bill be now read a third time.

Motion agreed to.

Business of the House

SITTING DAYS 2020

The DEPUTY PRESIDENT (The Hon. Shayne Mallard) (22:49:34): On Tuesday the Leader of the Opposition gave notice of a motion which sought to amend the resolution agreed to by the House on 23 October regarding the sitting calendar for 2020. This was placed on the *Notice Paper* for today as private members' business item No. 333 outside the order of precedence, as was a related motion, item No. 335, which amends the dates for estimates hearings. However as the original motion on the sitting calendar was treated as an item of business of the House, the motion by the Hon. Adam Searle should also have been placed on the *Notice Paper* as business of the House. This will be rectified in tomorrow's *Notice Paper*. The other motion remains an item of private members' business.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

INDIGENOUS DEATHS IN CUSTODY

The Hon. SHAOQUETT MOSELMANE (22:50:26): I refer to the over-representation of Aboriginal and Torres Strait Islanders in our criminal justice system, as well as deaths in custody. This issue was first addressed by the Federal Government led by Bob Hawke in 1987 when it announced the Royal Commission into Aboriginal Deaths in Custody, in response to growing public concern that such deaths were too common and poorly explained. The royal commission handed down its final report in 1991, which made 339 recommendations and concluded that too many Aboriginal people are in custody too often. Despite the recommendations setting the direction for many Indigenous policies, 28 years on, Indigenous Australians are still disproportionately represented in custody and find themselves stuck in a vicious cycle of perpetual injustice and inequality.

One of the major causes of the rising rates of deaths in custody, particularly for Indigenous people, is the Government's failure to provide appropriate medical care. We saw this in the case of Rebecca Maher, 36-year-old mother of four, who was found dead in her holding cell in Maitland in 2016. Following the inquest into the tragic death of Rebecca Maher, the New South Wales Government implemented reforms—namely the expansion of the Custody Notification Scheme to provide 24-hour legal advice and an R U OK phone line for Aboriginal and Torres Strait Islander people taken into police custody.

Whilst the Government has taken some steps to safeguard Indigenous people in custody, Indigenous Australians remain over-represented in Australian jails. In New South Wales, Aboriginal and Torres Strait Islander people make up just 2.9 per cent of the State's population according to the 2016 census. Yet in last year's report by the New South Wales State Coroner into deaths in custody and police operations, more than 17 per cent of the total deaths recorded were Aboriginal. Another disturbing figure is the high level of involvement of Indigenous juveniles in the criminal justice system.

In the most recent Australian Institute of Health and Welfare youth justice report, it was found that only 5 per cent of people aged 10 to 17 are Aboriginal, yet they make up almost half of those in Australia's youth detention centres. The report also found 39 per cent of young Indigenous people were between 10 and 13 when they first came into the justice system, compared with only 15 per cent of non-Indigenous young people. This over-representation of Aboriginal youth in detention demonstrates serious flaws in a justice system that increases their likelihood of reoffending and re-entering the criminal justice system. In Australia, children as young as 10 are being arrested, charged and locked up behind bars. Legal Director Ruth Barson at the Human Rights Law Centre said it was common sense that children should be in playgrounds and classrooms, not prisons. She said:

Laws that see children as young as 10 behind bars are out of touch with common decency. Australia is lagging behind the rest of the world. Putting children as young as 10 in jail can never be the right solution. There is ample evidence from health and legal experts, social workers and human rights organisations which shows the harm prison does, particularly to young children who miss out on education and community support when they are behind bars, and the long-term detrimental effects this can have on their future. There is a need for the inclusion of an often absent Indigenous youth voice and perspective in matters concerning them. This sentiment is extremely potent, as New South Wales has a relatively young age profile for Indigenous populations. In New South Wales the Indigenous population's median age is 22 and over 80,000 Indigenous people are aged 10 to 24, making up 33.6 per cent of all young Indigenous people in Australia.

I conclude with a quote from Gerry Georgatos, a suicide prevention and poverty researcher and National Coordinator of the National Suicide Prevention and Trauma Recovery Project. He says, "Half the nation's First Nations peoples live below the poverty line, and a significant proportion in crushing poverty. Improving life circumstances is both this nation's moral and legal obligations and long overdue redress. That as a nation we haven't focused on First Nations poverty, incarceration and suicidality is an abomination, our most abysmal shame. It can't be allowed to continue in the next generation that one in six First Nations people in our nation have been to jail or that one in 18 deaths of a First Nations person is a suicide."

CLUB NORTH HAVEN

The Hon. ROD ROBERTS (22:55:40): During this terrible time of prolonged drought, now coupled with the extra tragedy of the New South Wales bushfires, unfortunately we do not get to hear many good news stories. This evening, though, I have what I believe to be a good news story—one of inspiration and community spirit, the old Australian way: lending a hand to someone in need. This story has its origins in a club located in a small coastal village on the mid North Coast of New South Wales. Club North Haven is that club. The club has only 5,226 members and it has responded to the drought with a brilliant initiative. Together with brewing giant Lion, the club is turning beer into water and providing immediate relief to our famers doing it more than tough.

Farmers in that area have said they have not had significant rain for nearly two years, with no advice and no assistance because nobody has seen it this dry. Everyone is in survival mode. The manager of Club North Haven, Mr Peter Negus—better known as "Nugget"—saw that a lot of people in the local area were suffering, with not enough water even to do the simple tasks in life such as have a shower. As well as having no water for their stock, their rivers have run dry. With the input of Mr Andrew Pratt, the club supervisor, a plan was formulated. The plan became known as the One Million Litre Promise. The concept is to deliver one million litres of water, which equates to 70 truckloads, to needy local farmers. The way the program works is that, for every Lion-branded schooner sold at Club North Haven, \$1 from the sale goes towards the One Million Litre Promise.

Once the idea was formulated, Nugget was on the phone the very next day, inquiring how much a tank of water would cost to purchase and then transport to those in need. It is a simple solution: The club takes 100 per cent of the donations to purchase and transport the water. The club charges no admin fees and the only cost is the club's valuable time. I believe we should acknowledge the valuable contribution of brewer Lion. At Club North Haven customers have been asking, "Which beer can I buy to help our farmers?" People have generously donated to the system. The reaction of local farmers has had a flow-on effect. Knowing that somebody is thinking of them and that somebody cares is phenomenal for mental health—local businesses looking after their

own community. This would not be possible without the energy and passion of people like Peter, Shane and the team at Club North Haven. The result is that Club North Haven has delivered in excess of 315,000 litres of water to date.

The media has become aware of the club's efforts. Ray Hadley at 2GB has now challenged every club in New South Wales to do exactly the same as Club North Haven has done, launching the campaign Litres for the Land. Team Rubicon Australia, a not-for-profit organisation made up of Australian Defence Force veterans who specialise in disaster relief, has taken responsibility for the planning, logistics and delivery of the program. If everyday citizens of New South Wales can respond with such generosity and problem-solving ability, what are we doing as leaders in this Chamber and in the other place about this historic drought? In closing, we hear stories and complaints from some members in this Chamber about the club industry. ClubsNSW is a community-minded organisation. They go about their charity work and support local communities without fanfare or publicity. Where would New South Wales local communities be if not for the generosity and community spirit of their local clubs?

BUY REGIONAL HUB

The Hon. WES FANG (22:59:41): The State's worst drought on record continues to take its toll. I am encouraging Sydneysiders and those in the metropolitan centres of Newcastle and Wollongong to help small businesses in regional and rural New South Wales by buying from the bush this Christmas. When I am in Sydney for Parliament, people often tell me about the scenes of devastation they have seen on the news and the stories they have heard about how the drought is affecting people in the bush. They want to do something but they are not sure of the best way to help. I tell those people to buy regional. Every dollar spent with a regional retailer or producer helps to keep that small business afloat. It supports jobs and keeps money flowing through the local economy, which is exactly what is needed while we wait for the drought to break.

I urge local retailers to list their details on the New South Wales Government's Buy Regional hub, which is connecting city shoppers with rural small businesses. Regional businesses can participate in the Buy Regional hub and social media network for free. People wanting to help can give retailers in drought-stricken areas the present they want most this Christmas—customers. The beauty about the Buy Regional hub is that it not only includes information to help local businesses create an online presence if they choose to, but also it provides flexibility for those businesses without a website or social media following to list their details and take orders over the phone or via email. This directory allows customers to easily browse six categories—wine, fashion, food, gifts for kids, art and design and Christmas hampers—to find gifts for their friends and family while supporting regional New South Wales towns.

Although only launched recently, the online platform is already gaining significant traction thanks to the success of #buyfromthebush and #onedayclosertorain, and the ambassadorship of celebrity chef Matt Moran. The co-founder of #buyfromthebush, Grace Brennan, said she turned to social media to help businesses find new customers outside of their drought-stricken communities and was amazed when the number of followers skyrocketed from zero to 26,000 in eight days. As of today, the hashtag is closing in on 100,000 followers. As Grace commented, this all started as a hashtag on social media but it has become so powerful because it is a simple way for people in the city, who want to spend their money in the bush, to see beautiful things they like and buy them. With no middleman, it gives city people a direct way to help an actual person living in the bush with a business.

Similarly, Facebook group #onedayclosertorain is connecting people on the land who are struggling with drought and provides a lifeline for those who need to share their stories. The group has launched a marketplace to help regional people create income streams by selling their locally produced arts and design work to city people keen to help. With the help of #thankful4farmers ambassador Matt Moran, we encourage those planning to have a Christmas feast this year to buy their meat and produce from regional New South Wales. While visiting Hillston, just north of Griffith, late last month to attend the annual general meeting of the local National Party branch, I popped into Peggy's Store and had a chat with owner Renay Gray. Her store was featured on #buyfromthebush. Renay commented on how much business had picked up since the social media platforms had started highlighting her store.

It is important to remember that those who buy online this Christmas will inevitably pay for postage. Instead, I encourage everyone to buy from a store in a drought-affected area. They will not only be helping that small business but also the entire community. I cannot emphasise enough just how much good will come from choosing to buy regionally this Christmas to support our local businesses and producers. For anyone buying gifts in the lead-up to December, I encourage them to visit the Buy Regional hub at www.nsw.gov.au/buyregional. Charities and volunteers are doing an incredible job helping our farming communities, but we will only get through this drought if we all work together and do our bit to help those who are doing it tough.

EDUCATION OUTCOMES

The Hon. ANTHONY D'ADAM (23:04:25): It is an old adage that measurement drives behaviour. "What gets measured gets done", so the saying goes. That is why getting the right measure is so important. In education we have a system that is increasingly driven by NAPLAN. It is a shallow measure of what schools teach and what we expect of the education system. The system appears to have a paucity of public measures. This is a problem if we hope to achieve a broad range of outcomes. If we are to move, as the Government has proposed, towards an outcomes-based focus for our budgeting, then we must have clarity with respect to the outcomes we are seeking. In this sense, outcomes-based budgeting may provide a useful tool for focusing the public debate on the purpose of the education system.

What outcomes are we seeking? What are the goals of our education system? Without some clarity here, establishing objectives such as the Premier's Priorities in education, which focus exclusively on NAPLAN results, creates a risk that we will limit the educational experience of our children when, as a society, we want and expect them to achieve so much more. We also risk that the measure of success will be limited by what we measure. It sounds like the story of the drunk looking for his keys under the lamp post. When asked where he dropped his keys, he says that he dropped them in the darkness, but the light is better under the lamp post. This is the so-called "street light effect". Relying on a single public measure like NAPLAN pushes the system to look only at what NAPLAN illuminates. The limits of our measurement tools start to become problematic. NAPLAN is a narrow measure. Are we content to have a specified number of children reach the top two bands in NAPLAN? What about those who do not meet that benchmark? By prioritising one view, do we obscure another? What do we stop seeing if we emphasise one measure of achievement?

A rich education exposes young people to all the good that can be enjoyed in life. It is so much more than preparing children to enter the labour market, as important as this may be to the prospects for a child to live a long and fulfilling life. Education must be about more than work. We also need to consider whether we are measuring a system or looking to measure school-based performance. What purpose is the data that this process produces designed to serve? Is it to assist parents to make informed school choices or to enable intervention to assist schools to improve? The current inquiry being undertaken by Portfolio Committee No. 3 - Education into measurement and outcomes-based funding is grappling with those complex questions. It is apparent that in driving performance, based on a narrow measure of academic achievement gauged through NAPLAN, we risk impoverishing the educational experience of a generation of children.

Treasury's role in the outcomes-based model also needs closer attention. Outcomes-based funding requires the identification of outcomes. The outcomes that Treasury has identified in the most recent budget papers are clearly inadequate for the task. We know that discussions are occurring, away from public scrutiny, between the Department of Education and Treasury to develop more specific outcomes. Unlike the State planning process that was undertaken by Labor when in government, wide public consultation does not appear to be taking place to support the development of the proposed system outcomes. The Premier's Priorities in education are thin and, as the name suggests, a captain's call developed without community input.

I highlight a further concern about the respective roles of Treasury and the Treasurer and of the portfolio Minister in setting the policy parameters for government. Outcomes-based budgeting is a power grab by the Treasury. It is an attempt to gain significant further influence on the policy agenda of the Government and usurps the role of the portfolio Minister. The use of outcomes linked to performance metrics that are contingent on funding is a classic form of managerial control that will leave Treasury with the whip hand in public administration in New South Wales.

Developing good and appropriate measures assumes the availability of data. On this front there is considerable bureaucratic resistance. This is evident from the approach of the department to the probing of the inquiry. The departmental culture is tainted by deep resistance to transparency and openness. Evasive answers appear to be the stock in trade of the Department of Education. An implicit presumption is embedded in the demeanour of the agency that the public cannot be trusted with information about the system charged with the care and education of their children. That approach inhibits an open and frank discussion of the system's true strengths and weaknesses.

My impression of the bureaucracy, particularly at its senior levels, is that it exhibits a professional arrogance that is disdainful towards the public and the Parliament. The department's view appears to be that it should be left to get on with the job without political interference and that it is accountable only to itself as a professional cohort. The irony is that individuals in the system repeatedly express feelings of powerlessness and frustration with the department as an entity. That should be of considerable concern to the Minister because, no doubt, this approach taints the advice that the department provides. [*Time expired.*]

CENTRAL COAST HEALTH INFRASTRUCTURE

The Hon. NATASHA MACLAREN-JONES (23:09:36): Earlier this month I joined the Hon. Taylor Martin at Wyong Hospital for the milestone sod turn to mark the start of construction on the \$200 million Wyong Hospital redevelopment. The Liberal-National Government is committed to ensuring that everyone in our State has access to world-class health care closer to home. Since 2011 more than \$10 billion has been invested to build, upgrade and redevelop hospitals and health facilities across the State. A further \$10.1 billion has been committed over the next four years to continue current projects and start the upgrade or building of a further 29 hospitals and health facilities across New South Wales.

It is expected the population of the Central Coast will grow by 75,000 people by 2036 and to meet the needs of the Central Coast community, we are investing a quarter of a billion dollars to ensure the region has the health infrastructure to deliver services that will meet the growing, ageing and diverse community. The demographics of the Central Coast are changing fast. While still a regional centre, it is becoming part of Greater Sydney's urban sprawl with a population boom and, with that, changing health needs. The Liberal-Nationals Government recognises those needs and is delivering the infrastructure to support the community well into the future. This includes investment that not only offers greater educational opportunities but also supports local jobs so people can live, study and work in their local community.

The Berejiklian-Barilaro Government has delivered new ambulance stations to rural and regional areas across our State as part of the \$122 million Rural Ambulance Infrastructure Reconfiguration Program. The Central Coast has two new stations, the \$4.9 million Hamlyn Terrace ambulance station at Wyong and the \$4.2 million Toukley Ambulance Station. Both stations are now fully operational having been completed earlier this year. Our Government has made the largest ever investment in health infrastructure throughout New South Wales and the Central Coast. In this year's budget, \$2 billion has been invested in health infrastructure across the State with a quarter of a billion dollars being spent on the Central Coast.

The soon-to-be completed \$348 million redevelopment of Gosford Hospital will deliver a state-of-the-art facility that will enable new treatments and enhance the capacity of Gosford Hospital for the people of the Central Coast. The new and upgraded facilities at Gosford Hospital include a new emergency department that will be more than double the current size; a psychiatric emergency care centre; expanded maternity services with more beds, birthing rooms and special care cots; a new women's health clinic; a new paediatric treatment unit; upgraded cardiac catheterisation labs and an integrated cardiovascular service; more medical imaging services, including a nuclear medicine department; new inpatient wards; a new rehabilitation unit; and expanded cancer treatment services with chemotherapy chairs.

To ensure patients can easily access the new facilities, the front entrance has been reconfigured with a new multistorey car park. With the Gosford Hospital redevelopment almost complete, the Government has commenced work on the \$200 million Wyong Hospital redevelopment. Once complete in early 2022, the redevelopment will deliver an increase in overall service capacity, with both the development of a new hospital building and the refurbishment of some areas of the existing hospital. The new six-storey building will include a new expanded emergency department, a medical imaging department, increased intensive care services, additional operating theatres and recovery bays, enhanced paediatric services and additional inpatient beds. The project will also include a refurbishment to create a new transit lounge and medical day unit.

To ensure people are able to use the new and upgraded facilities with ease, the redevelopment will include an additional 114 parking spaces. This comes on top of the 250 parking spaces delivered in November last year that were part of the \$10.2 million Wyong Hospital car park project. The Wyong Hospital redevelopment is part of the Government's commitment to deliver an enhanced network of healthcare services for the people of the Central Coast community. This Government has also committed \$20 million towards the redevelopment of the Central Coast Clinical School and Research Institute. The new research institute is a partnership between the Commonwealth Government, the University of Newcastle and the New South Wales Government.

The institute will play a key role in the economic future of the region, transforming the Central Coast into a world-class precinct for health, research and innovation. This partnership will drive the Central Coast's innovation economy, create high-skilled jobs, attract new talent and investment, improve health care and link the world's best medical education and research. Furthermore, the clinical school is based on the University of Newcastle's model and is situated adjacent to the new Gosford Hospital, which is a fantastic location. The New South Wales Liberal-Nationals Government has a proven track record of delivering on its commitments throughout the State and it will continue to deliver world-class facilities and services for the people of New South Wales.

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

Motion agreed to.

The House adjourned at 23:15 until Thursday 14 November at 10:00.